

# Planning and Rights of Way Panel

Tuesday, 12th July, 2022  
at 4.00 pm

**PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

## **Members**

Councillor Coombs (Chair)  
Councillor Savage (Vice-Chair)  
Councillor Blatchford  
Councillor Magee  
Councillor J Payne  
Councillor Prior  
Councillor Windle

## **Contacts**

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## **PUBLIC INFORMATION**

### **ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL**

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

### **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 2022/2023**

<b>2022</b>	
24 May	20 September
21 June	11 October
12 July	1 November
2 August	22 November
23 August	13 December

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

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

<b>2023</b>	
24 January	18 April 29
21 February	
14 March	

## 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 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 on 24 May 2022 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### 5 **22/00540/FUL ST JUDE'S CHURCH** (Pages 7 - 30)

Report of the Head of Green City & Infrastructure recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

### 6 **22/00193/FUL 1A BUGLE STREET** (Pages 31 - 76)

Report of the Head of Green City & Infrastructure recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

### 7 **20/00495/FUL SPITFIRE QUAY & 19/01702/FUL SPITFIRE QUAY** (Pages 77 - 124)

Report of the Head of Green City & Infrastructure recommending delegated authority be granted in respect of the applications for the proposed developments at the above address, attached.

### 8 **22/00125/FUL 93-99 BELGRAVE RD** (Pages 125 - 158)

Report of the Head of Green City & Infrastructure recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

### 9 **21/00574/FUL - 126 HILLSIDE AVENUE** (Pages 159 - 172)

Report of the Head of Green City & Infrastructure recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

Monday, 4 July 2022

Director – Legal and Business Services

# Public Document Pack Agenda Item 4

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## PLANNING AND RIGHTS OF WAY PANEL MINUTES OF THE MEETING HELD ON 24 MAY 2022

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Present: Councillors Blatchford, Coombs, Magee, J Payne, Savage, Windle and Laurent (Substitute).

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

Apologies were noted from Cllr Prior. Cllr Laurent represented Cllr Prior for the purposes of the meeting.

2. **ELECTION OF CHAIR AND VICE-CHAIR**

It was noted that Councillor Coombs had been appointed Chair for the Municipal Year 2022/23 at the Council's Annual General Meeting on 18 May 2022.

**RESOLVED** that Councillor Savage be elected as Vice-Chair for the Municipal Year 2022/23.

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

**RESOLVED:** that the minutes for the meeting on 29<sup>th</sup> March 2022, be approved and signed as a correct record.

4. **PLANNING APPLICATION - 21/01370/FUL - BROOKVALE ROAD SOUTHAMPTON SO17 1QN**

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, subject to criteria listed in the report.

Alterations and extensions to form 3-storey building comprising 4 flats (2 x1-bed and 2 x 2-bed) with rear balcony.

Mrs James Jameson (local resident), Mr Rob Sellen (Agent) were present and with the consent of the Chair, addressed the meeting. The Panel noted the circulated statements from Councillor Mitchell in support of the application, and Mrs Hebbes (local resident).

The presenting officer reported a number of amended conditions, as set out in the report.

**RESOLVED** Upon being put to the vote the Panel confirmed the Habitats Regulations Assessment.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant 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 the additional or amended conditions as set out below:

#### **09. Cycle storage facilities (Pre-Occupation)**

Notwithstanding the approved plans, before the development hereby approved first comes into occupation, secure and covered storage for **6** bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved for the lifetime of the development.

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

#### **13. Landscaping (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; hard surfacing materials to include a ~~non~~-permeable surfacing to prevent surface water run off onto the adjoining highway.
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant sizes and proposed numbers/planting densities where appropriate.
- iii. details of any proposed boundary treatment and.
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme 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. This is with exception to the other works approved to be carried out prior to occupation of the dwelling. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision and the other works shall be retained as approved for the lifetime of the development.

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

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

#### **14. Obscure Glazing (Performance)**



**With the exception to the windows serving bedroom 2 of flat 4 and the bedroom of flat 2**, the side facing windows and rooflights of the hereby approved development, shall be obscurely glazed and fixed shut up to 1.7m above the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner for the lifetime of the development.

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

**15. Privacy Screen (Pre-occupation)**

The development hereby approved shall not be first occupied until a privacy screen on the **eastern and** western elevation is installed in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall thereafter retained as approved for the lifetime of the development.

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

**Condition 17 - DELETED**

5. **PLANNING APPLICATION - 22/00383/FUL - 34 CROFTON CLOSE SOUTHAMPTON SO17 1XB**

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, subject to criteria listed in the report.

Erection of a single storey rear extension (retrospective).

Jerry Gillen (Highfield Residents Association), Nadine Johnson (Local resident, Highfield Residents Association ), Mr Lakhani (Applicant ) were present and with the consent of the Chair, addressed the meeting. Councillor Cooper (Ward Councillor) also addressed the Panel.

Officers provided information about historical planning permission granted for the property.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant 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.

6. **PLANNING APPLICATION - 21/01769/FUL - 3 RAYMOND ROAD SOUTHAMPTON SO15 5AG**

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, subject to criteria listed in the report.

Erection of part two-storey, part single-storey front and rear extensions, a single storey side extension; and roof alterations including increased ridge height, roof lights and side facing dormer window.

Steve Lawrence (Agent for Mr and Mrs Gault, local residents), John Gault (local resident), Mark Sennitt (Agent) were present and with the consent of the Chair,

addressed the meeting. The Panel noted the circulated statement from B J Carter (local resident).

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant 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.

7. **PLANNING APPLICATION - 22/00448/FUL - 18 MILTON ROAD SOUTHAMPTON CITY OF SOUTHAMPTON SO15 2HR**

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, subject to criteria listed in the report.

Change of use from a dwelling house (class C3) to flexible dwelling house (class C3) or a house in multiple occupation (HMO, class C4).

Gary Bradford (Agent) was present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant 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 the amended informative as set out below.

**3. Additional Informative**

The Officer reported that an additional informative was recommended as follows:

Note to Applicant

The residents of the approved development will not be entitled to any additional parking permits over the existing allocation for the previous C3 dwelling use.

8. **PLANNING APPLICATION - 22/00403/FUL - 11 RUSSELL PLACE SOUTHAMPTON CITY OF SOUTHAMPTON SO17 1NU**

The Panel considered the report of the Head of Planning and Economic 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, subject to criteria listed in the report.

Erection of a rear roof extension (amendment to 19/01447/FUL).

Mr Duke (local resident), Mrs Jameson (local resident), Ken Lakh (Applicant) were present and with the consent of the Chair, addressed the meeting. Objectors to the application called for a deferral of the decision. Councillor Blatchford saw no reason to defer and was happy to support the application.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant 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.

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**Planning and Rights of Way Panel 12<sup>th</sup> July 2022**  
**Planning Application Report of the Head of Green City & Infrastructure**

<b>Application address:</b> St Jude's Church, Warren Avenue, Southampton			
<b>Proposed development:</b> Change of Use from place of worship (Class F1(f)) to day nursery (Class E(f)) with external alterations including changes to fenestration, recladding and associated means of enclosure to form outdoor play space.			
<b>Application number:</b>	22/00540/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Rob Sims	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	02.06.2022	<b>Ward:</b>	Shirley
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr H Coombs Cllr S Kaur Cllr A Winning
<b>Applicant:</b> Tiny Toes (Southampton) Ltd		<b>Agent:</b> Graham Pretty	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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 (2021).

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

**Recommendation in Full**

Conditionally approve

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

1.1 The application site comprises of a non-listed church building and church hall (to the rear), with a hardstanding area to the front and access gates on to Warren Avenue. The predominant character is formed by 2 storey semi-detached housing.

1.2 In support of the application the applicant has provided information from the church who have confirmed that the church has been used as ‘chapel of ease’ since 2014 and congregation numbers have been low since then. The church are currently undergoing a separate public consultation exercise conducted by the Commissioners under the Mission and Pastoral Measure 2011 process regarding the sale of the premises to its preferred bidder.

## **2. Proposal**

2.1 The application proposes the Change of Use from place of worship (Class F1(f)) to day nursery (Class E(f)) with external alterations including changes to fenestration, recladding and associated means of enclosure to form outdoor playspace. The proposal would offer 120 places and operate between 7am and 6:30pm (Monday to Friday).

2.2 The main church building would be internally altered and subdivided in to separate rooms required for the nursery. These rooms include different rooms for pre-school, toddler, parent rooms, kitchen, laundry and offices. At first floor, a room for ‘babies’ would be created, as well as a club room and staff room. According to the applicant the Church Hall would not require any internal alterations but would be used for ‘as a specialist unit for Pre-School children with Special Educational Needs.’

2.3 The external layout comprises of a playarea to the front on the site, 8 parking spaces including two disabled spaces, a congregation area for parents between the playarea and the front of the building. The main entrance is the (northern) side of the building.

2.4 The external alterations to the building include changes to the fenestration, recladding and provision of new fencing and enclosure to form outdoor playspace to the front of the site. No further detail has been provided of the proposed outdoor playspace as these are still at design stage and the applicant has not purchased the site. Bin and cycle stores are provided at the rear of the site with visitor spaces on the northern side elevation.

## **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 2021. Paragraph 219 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.

#### 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, erecting a site notice 22/04/2022. At the time of writing the report **65 representations** have been received from surrounding residents, including 13 letters of support and 52 letters of objection. Also included within the letters of objection are two petitions signed by 1420 and 205 signatories respectively. A generic letter has also been signed by several members of the public. The following is a summary of the points raised:

##### **Letters of OBJECTION:**

#### 5.2 **Inadequate Parking and Increased Traffic:**

- Not enough parking space at St. Jude's itself especially as the limited parking there is at the moment is intended to be turned into a play area.
- Only 8 car parking spaces available for 20+ staff, with the remaining number of staff expected to either walk or cycle to work. Is this really realistic or is more likely that at least 3-4 parking spaces will be taken up on the road from travelling staff?
- There is only one space on site for dropping off pupils where will the other 119 pupils that arrive be dropped off if that one drop off point is in use?

##### **Response:**

*Impact on traffic generation and local parking will be considered in Section 6 below, which includes an assessment of on and off site parking availability and impact on the local highway network.*

#### 5.3 **Loss of community space:**

- The Hall at St. Jude's is our only local community space. This is used by the community for children's parties and play groups plus other community events, also as a meeting place to discuss issues

affecting the area. The hall is also used as our Polling Station. It is a well used community space and has always been so with pensioners clubs and youth clubs using it as well as the Police for community liaison.

- The facility was shut by the local priest in charge due to Covid and the gates locked with all keys of users taken back. Users have never been allowed back in despite requests for use of the hall or church.
- There was thriving Romanian Church using St. Jude's until the lock down with a congregation of over 300 people attending regularly every Sunday.

**Response**

*The loss of a community facility will be considered in the principle of development section below. Policy CS3 of the Core Strategy requires appropriate criteria to be met before allowing the loss of a community facility in principle.*

5.4 **Need / Noise:**

- There are already numerous nurseries in the immediate area so the need for any further provision is not necessary.
- Has Tiny Toes given evidenced projections for the demand for nursery places in the area? What is to prevent them from going on to develop the land for profit, as their skill sets enable, or to sell on to another company which will do so, to the detriment of the community?
- Noise and traffic issues during the school run hours.

**Response**

*The Council's Early Years Learning team have confirmed that there is a need for a new nursery in the locality. The future intentions of the Nursery are not a material consideration as any future use of the building is likely to require planning permission, which would assess the appropriateness of the proposed land use. Impact on noise and traffic from the nursery use will be considered in Section 6 below.*

5.5 **Design / Character:**

- By transforming this place of worship into a location of public interest, the building loses its architectural value, through the inevitable transformations that will occur.
- Is there enough outdoor space for young children to play? I would have serious concerns about the security of young children at the front of the church, next to a busy road and in view of passers by. If the front is boarded up for privacy and protection, how will that affect the appearance of the area?

**Response**

*Impact on the character and visual amenities of the area, will be considered in Section 6 below, including the impact of the play area enclosure.*



5.6 Restrictive Covenant:

- There are two covenants on the grounds of St. Jude’s which state that the land was to be used for religious purposes.

**Response**

*Covenants are not a material planning consideration and can be dealt with through other means.*

**Letters of SUPPORT:**

- 5.7
- Re-purposing St Jude's into a day nursery will benefit both local residents and employees of the local hospital requiring childcare.
  - The church looks run down and badly in need of maintenance / renovation. The church doesn't appear to have been used for any services or worship for a long time.
  - The design is excellent as it keeps the existing building...we desperately need decent quality childcare in this area. It would be wonderful to have such a positive, community type facility here, which I know would be supported whole heartedly by many of us working families in the community. There are plenty of other churches in the area which can be frequented by worshippers, and I know this one wasn't really used by local residents.

**Response**

*Comments in support above are noted.*

**Consultation Responses**

5.8

<b>Consultee</b>	<b>Comments</b>
Built Heritage	<p>No objection - subject to confirmation of the type of cladding to be employed, and that the religious details most affected (the stained-glass windows and the cruciform wall pattern) shall be retained and relocated within accordingly.</p> <p>Background</p> <p>St Jude`s Church is a large rectangular building set back from the road frontage behind a parking apron mid-way along Warren Avenue. It displays a simple and modern architectural aesthetic prevalent in the mid-C20 and was designed by architects Gutteridge &amp; Gutteridge and opened in 1956. A church hall built in 1963 sits to the far west of the plot. The property is redundant, and proposals seek to convert the structure to accommodate a nursery facility.</p> <p>Assessment and advice</p>

	<p>St Jude`s Church is not a listed, or locally listed building and it is not located within a conservation area. That said, the church, with its slender tower, positively contributes to the local character of the area, and whilst the continued use of the building as a church facility would be preferred from a conservation perspective, the retention of the redundant building and converting it to provide a viable community use, such as a nursery, would be broadly supported. For instance, the large open-plan interior would allow the space to be re-ordered without enlarging its footprint. The internal works would all be entirely reversible whereas the impact on the external elevations would be relatively modest and would mainly affect the windows at ground floor level. No details of the external cladding system to the main façade have been provided so this would need to be confirmed to ensure its appearance and finish would respect the character of the host building. Similarly, I see no reason why the small square stained-glass windows to be removed to create the fire doors could not be relocated within the interior, or that the concave crucifix wall pattern exposed above the porch on the inside face at first floor level needs to be removed, as the retention of these details would ensure that the religious iconography of the church would be retained on-site. In terms of the wider plot, the existing railings would be retained whereas introducing an inner timber fence and hedge to the front apron would soften the building frontage (which is currently an unused parking apron) whilst still allowing the building to project well above these features hence preserving the positive contribution that the building affords the local character of the area. For these reasons, no objections to the proposals would be raised from a conservation perspective on this occasion.</p>
CIL Officer	<p>The proposed development to create a Day Nursery is not liable for a CIL charge.</p>
Environmental Health	<p>Environmental Health has no objection to this application based on the information provided. This does not take account of any covenant that exists as highlighted by residents indicating that use cannot change from religious use.</p> <p>The noise assessment shows that the background level is relatively high and as the number of children outside at any one time and the amount of time they are outside</p>

	<p>is limited there will not be a major change in noise levels. Thought should be given to the types of toys, for example if trundle toys are used where possible there should be a soft surface as to minimise noise. Also the use of makeshift instruments such as pans and spoons should be limited again as to minimise noise that may adversely affect residents.</p> <p>It is assumed that vehicles will not idle in the parking spaces as to minimise exhaust fumes close to the play area, particularly if the vehicles reverse into the spaces.</p>
<p>Highways Development Management</p>	<p>No objection.</p> <p>The main highway impact relating to the proposed change of use from a church to a nursery would be from the drop off and pick up times where vehicular (and non-vehicular) trips occur within concentrated time frames.</p> <p>Firstly, it is noted that the Transport Technical Note (TN) cites a previous planning application on No. 3 Shaftsbury Avenue for a (50 children) nursery which the highways concerns were dismissed by the planning inspector at appeal. Although some elements re similar and principles can be used as reference for this application, the nature of the roads are considered to be different. Enough so that the appeal decision will hold less weight in terms of setting any precedent over this application. Main reason being that Shaftsbury Road is a predominantly an unclassified residential road which links up with a few residential street. Warren Avenue on the other hand is a classified road which can act as a distributor road linking through traffic between Shirley, Lordshill and Hospital traffic via Winchester Rd, Aldermoor Rd and Coxford Rd.</p> <p>Much of Warren Avenue contain on-street parking bays which are residential permit bays and allows for temporary parking (up to 2 hours). These would naturally provide spaces for parents to park and drop off pick up children although it is envisaged that morning peak might have slightly less as it is reasonable to assume not all residents would have vacated their parking space by the time children are being dropped off.</p> <p>The on site parking does provide some parking which seems to suggest is sufficient for staff but not sure if it would be used by parents much as it would be much easier and convenient for them to park on the street then compete for the limited spaces within the site.</p>

Warren Avenue has a relatively wide carriageway excluding the parking bays and the local junctions in the area do contain double yellow lines which protect sightlines and any parking which would have created obstructions to turning traffic. Therefore the impact from overspill parking would be more of an amenity issue rather highway safety.

It would be good to have some space provided on site to allow for the congregation of parents who are waiting to pick up their child. With the nursery accommodating 120 children, this congregation can be fairly large even when considering the different session patterns etc. the footways along here are not the widest and with parking bays adjacent (likely occupied during pick up times), any congregating could cause problems with obstructions to other footway users. Therefore it is requested that some space is provided to mitigate this concern.

Overall, the proposed development is considered acceptable subject to the following conditions:

- o Congregation space. Details to be provided to provide waiting/congregation space of parents to avoid obstructions to the public highway.
- o Cycle parking. Long term cycle spaces to be provided with the quantum and design in accordance with Parking SPD, 2011.

28/06/2022 – Follow up comment:

As a way forward (for the above), could we secure a management plan of some sort which has the arrangements as suggested with some commitment to provide any mitigation or further arrangements as and when needed to avoid obstruction to the footway on Warren Avenue? If so, I would be able to support the scheme based on securing that as well as a condition that restricts the use to Class E (f) only (and not other Class E uses).

01/07/2022 – Follow up comment:

The submitted documents are fine and would suggest the impact would be low. However, I guess it is a case of assessing the land use rather than operator I have carried site visits in the past (to other nurseries), which shows a different management of parent congregation.

I think a management plan would be good so that it can secure the arrangements which we are being asked to assess which seems to address the impact of highway

	obstruction. Furthermore, the plan could allow for further review and mitigation should any unforeseen issues arise. – and should operator change hands.
Southern Water	The developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
Darrin Hunter - Early Years Learning	Support Southampton City Councils Early Years and Childcare Service fully supports this application to develop new early years education and childcare places within the local area. Following the pandemic the City has seen a reduction in the number of providers operating within the City and further development of places has been identified as a priority with Southampton's Childcare Sufficiency Plans.
Electoral Services	The last time it was used as a Polling station was in 2019 for the UKPGE. When we were looking to provide polling stations for the postponed PCC and local elections in May 2021, the Church of St Jude in Warren Avenue had been closed and put up for sale. However, we moved the station to the Shirley Warren Baptist Church in Warren Crescent (to become a joint polling station).

## 6.0 **Planning Consideration Key Issues**

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

- The principle of development / Loss of community use / place of worship;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport

6.2 **Principle of Development / Loss of community use / Place of Worship**

6.2.1 The application has attracted a significant amount of public interest, partially generated by the Church's own public consultation exercise conducted under the Mission and Pastoral Measure 2011 (required for the sale of the premises). A large number of the public comments raise concerns that the place of worship and the hall to the rear is still required by the public for community use and functions. In particular concerns from third parties have stated that the site has been locked up since the UK entered Covid Lockdown in March 2020, and the keyholders have 'refused' to open up the buildings for community uses ever since restrictions have been lifted. Furthermore, it has been stated that up until March 2020, the Church Hall was used weekly by the Romanian Church and the hall is still required for community uses.

6.2.2 The NPPF seeks to protect community uses, as do our own local policies. Saved Policy CS3 of the Core Strategy defines a place of worship as a community facility, and seeks to protect its loss unless it is unviable for commercial, public and community use and there is a replacement facility in the same neighbourhood. The policy states:

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

6.2.3 The Development Plan policy is protective of the loss of this community facility as a Church, unless it can be demonstrated that it cannot be used for commercial, public or community operators, and there are replacement facilities in the neighbourhood. Whilst a day nursery is a private enterprise, arguably its use could be considered as benefitting the community and, therefore, could comply with the wording of the policy as it would continue a commercial operation of the site. In addition, the Council's Early Years team have confirmed their support for the application as it would provide a facility to meet the need for additional nurseries in the City.

6.2.4 Notwithstanding whether the use of the premises as a nursery would comply with the wording of the policy, the requirements of Policy CS3 are to demonstrate that the loss of a community facility cannot be operated by any other commercial, public or community operator and that there are replacement facilities in the locality. In terms of demonstrating that there are no other suitable users, it is understood that the site has gone through changes in demand since 2014 which has resulted in the Diocese determining that the site is no longer required. According to the applicant, St Jude's Church became a 'chapel of rest' in 2014, which effectively resulted in specific church services being ceased from the site. The applicant has also advised that congregation numbers have significantly declined since 2014. Due to these dwindling numbers, the site (including

the main church building and the church hall) was marketed for sale by Carter Jonas between February 2016 – July 2016. The results of the marketing are described as follows:

- The property was advertised online on our web site and the property portals
- There were 21 enquiries and 2 bidders (including the current applicant)
- The best offer process was undertaken in January 2021.
- The complexities around the Church rules, future use and procedures clearly limited its appeal and contributed to the very protracted sale process

The property was re-marketed in September 2020. After several months of marketing an offer from Tiny Toes was accepted by the Diocese in February 2021 subject to completion of the church closure scheme. The Church have confirmed that: *'there was interest from another party but after very careful consideration the Diocese, Parochial Church Council and Church Commissioners made a decision to accept the offer from Tiny Toes based on the financial viability to proceed to completion.'*

6.2.5 On this basis, the declining congregation and change in status of the church to chapel of rest since 2014 indicates that the Diocese no longer require the church building for its services. In addition the whole site, including the church building and the hall, have been marketed for sale over two separate periods. Whilst the marketing summary provided does indicate that there was interest from a variety of users, the best offer and funding tests applied for selling the site resulted in the applicant, Tiny Tots Nursery, as being the preferred bidder. The marketing exercise therefore demonstrates that the community facility cannot be operated by any other commercial, public or community operator of marketing and, therefore, there was limited interest and viability in retaining the current use of the site as a Place of Worship and or another 'community facility'.

6.2.6 Another process which is indicative of whether a facility should remain as community facility is through nomination of the site as an Asset of Community Value. On 5<sup>th</sup> April 2022 Southampton City Council received a nomination under Section 89 of the Localism Act 2011 ("the Act") to list St Jude's Church and Church Hall, Warren Avenue, Southampton as an Asset of Community Value (ACV). However, this was rejected on the following basis:

*In the opinion of the Authority the premises, which were previously listed as an asset of community value, the listing for which has since lapsed, ceased to be use for religious, ancillary and non-ancillary use in 2020 have been closed both as a church and for all possible community use since March 2020 and have remained closed at all times since that date. The premises have, since the previously listing lapsed, been marketed and sold subject to conditional contract (obtaining planning permission and a Church Closure Order) with both planning consent and Church Closure Orders in progress*

*and due to be granted imminently. The sale of the church and hall has been agreed to a nursery which, following a substantial scheme of repair and renovation will open as a commercial child care facility full time with only wholly ancillary community hiring to be permitted on an occasional basis outside of operational nursery hours. The Authority is therefore satisfied that the statutory tests for listing are no longer met.*

Whilst the above process is a separate consideration to the requirement of the planning application to comply with relevant policies of the Development Plan, is it relevant that a separate process has determined that the site should not be nominated as a valued community asset as it did not meet statutory tests.

6.2.7 In terms of there being alternative provision within the neighbourhood, the church have advised that there is capacity at other churches within the locality to accommodate the displaced congregation from the closure of St Jude's. In particular, St Peters Church along Lockerley Crescent is located 600m to the west of the site. St James' by the Park is located along St James Road and is 800m to the east of the site. Whilst the existing church is a chapel of rest and, therefore, allows for informal visits to the site, the alternative churches listed above are within reasonable proximity of the application site and therefore there are sufficient alternative facilities and capacity to serve the neighbourhood. With regards to alternative provision of a church/community hall, the nearest alternative community centres/hall are as follows:

- Shirley Warren Action Centre, Warren Crescent – 250m to the south west
- Shirley Parish Hall – St James' Road – 1.0k to the south
- Freemantle and Shirley Community Centre, Randolph Street – 1.6m to the south east.

6.2.8 Whilst capacity and availability of these community centres and halls are not known, they do demonstrate alternative provision of community halls within the locality in order to satisfy the requirement of Policy CS3. It is also notable that the site has not been used for community uses since it was closed in March 2020, including use by the Romanian Church.

6.2.9 On the above basis, whilst officers have sympathy with the community that the site has been locked up since March 2020, which coincided with the national covid lockdown, it is clear that the site has suffered from dwindling numbers in congregation before 2020. The site as a whole has been marketed over two separate periods, however no viable alternative community user has been found through this marketing exercise and the preferred user is the applicant is Tiny Tots Nursery. Furthermore, there are alternative church and community facilities within the neighbourhood to absorb any displaced demand resulting from the change of use the site.

6.2.10 In addition, the site would be occupied by a Day Nursery, which itself brings socio-economic benefits to the area. The nursery would provide a facility for



baby groups, toddlers and pre-school children as well as specialist care and support for children. The Council's Early Years team have identified a deficiency in nurseries since the pandemic across the City and have provided their support for the application. In terms of economic benefits, the nursery would also provide direct employment for 20 FTE staff, which is a material benefit of the proposals. Furthermore, the reuse of an existing building for services that 'develop, modernise and retain a benefit for the community' is supported by Paragraph 93d) of the NPPF. The proposals would also meet the guidance contained within paragraphs 122 and 123 of the NPPF which states that 'policies and decisions should reflect changes in demand for land' (para 122); and take a 'positive approach for alternative uses of land where they meet identified development needs' (para 123). Finally, it should be noted that officers have sought to agree a 'community use' agreement with the applicants to ensure a mixed use prevails but have been advised that such a model wouldn't work with the specific requirements of the nursery.

- 6.2.11 On the above basis, it is considered that the proposals to change the use of the site to day nursery would comply with the requirements of Policy CS3 of the Core Strategy, and the guidance contained within the NPPF, as it would provide an appropriate alternative use of land and would meet identified development needs within the City.

### 6.3 Design and effect on character

- 6.3.1 The application proposes minimal external changes to the building to facilitate its conversion. In terms of external alterations to the building itself the following changes are proposed:

- Improved formal entrance to the north
- New ground floor windows on the ground floor western elevation
- Addition of timber cladding at first floor on the eastern elevation
- Replacement doors and enlarged windows on the southern elevation

These changes result in minimal material change to the appearance of the existing building and would not result in harm to the character and appearance of the area. Details of the colour and treatment of the external cladding will be secured through condition. It is also notable that the Historic Environment Officer does not raise objection to the external changes to the building – noting that the building is not statutorily listed. In terms of internal works, as the building is not listed, planning permission is not required to provide the new internal walls and new staircase and external access ramp to the rear of the site.

- 6.3.2 The most significant external change is the provision of a play area to the front of the site. No specific design details have been provided by the applicant at this stage due to the site not being owned or occupied by the nursery. Final details of the play area equipment can be secured through a condition. The play would be enclosed with new 1.8m high timber fencing,

which would sit inside of new landscaping and the existing railings at the front of the site. Details of the boundaries and landscaping will be secured through a suitably worded landscape and boundary conditions, with details to be agreed prior to first occupation of the site. Subject to compliance with this condition, the proposals are considered to be acceptable and would not result in adverse impacts on the character and visual amenities of the area.

#### 6.4 Residential amenity

- 6.4.1 This application proposes a nursery for up to 120 children. Given the size of the plot, the detached nature of the property, the proposal is not considered to present a significantly more harmful impact on neighbouring properties in terms of noise and disturbance from the children within the building and play spaces over and above the existing background noise. The Council's Environmental Health Officer has agreed the conclusions of the submitted noise assessment, which has demonstrated that the background level is relatively high and as the number of children outside at any one time and the amount of time they are outside is limited there will not be a major change in noise levels. In particular, the noise assessment is based on the nursery being open between 0700 – 1830 hours (Monday to Friday) and children being outside at different points for a 30 minute period. No additional noise mitigation has been recommended by the noise consultant as the existing background noise and proposed opening times of the nursery would ensure there would be limited impacts on neighbouring properties from the opening hours and use of the site.
- 6.4.2 In terms of impacts on neighbour amenity from the play area specifically, as this is located to the front of the site, which is bounded by the flank elevations of the neighbour residential properties, it is not considered that these neighbours would experience harmful level of noise and disturbance, especially as outdoor play would be limited to 30minutes at a time and would take place between the opening hours of the facility. Furthermore, the play equipment can be designed along with a suitable boundary treatment to avoid any potential overlooking and loss of privacy to the front of the neighbouring properties.
- 6.4.3 The proposal introduces parking bays to the front and side of the site and a turning area to the side (northern elevation), which would primarily be used for staff parking. Whilst the parking spaces on site are arranged formally, they are not considered to be more than what could have been used by the church and the church hall to the rear. The amount of hardstanding on site is reduced through the safeguarded area for the play area, therefore on site parking potential is reduced through this proposals, which is considered to be an improvement in terms of noise and disturbance to the immediate neighbours. Furthermore, the number of vehicle movements within the site itself would not be significant or result in harmful impacts on residential amenity.

6.4.4 Similarly, the proposed bin storage location and movements to and from the cycle store at the rear and side of the site would not generate significant additional movements in and out of the site that would be harmful to neighbour amenity in terms of noise and disturbance. The site is located in a sustainable location close to Shirley Town Centre allowing access by foot, bicycle or by public transport. Even so, there are a number of 2 hour parking bays on the street outside the site which could accommodate the short period for drop off and collection of children from the nursery. Therefore, there are no substantive reasons for refusal based on impacts on neighbour amenity, in particular from noise and disturbance resulting the development.

6.5 Parking highways and transport

6.5.1 The main highway impact relating to the proposed change of use from a church to a nursery would be from the drop off and pick up times where vehicular (and non-vehicular) trips could occur within concentrated timeframes. The applicant has clarified that business would operate with varying sessions, similar to their existing premises at Lordshill:

*There are various different sessions that can be booked for childcare with us, ranging from a Full Day which starts at 07:00 until 18:30, a School Day starting at 08:00 until 16:30, a half day for either 07:00 until 12:30 or 13:30 until 18:30, 3 hour sessions of 09:00 to 12:00 or 12:00 to 15:00. As you can see from the data, these are maximum session times, and children are dropped off/collected during this period.*

In order to address officer queries regarding the concentration of drop off and collection times, the applicant has provided a survey of their Lordshill site for direct comparison, which involved taking daily data everyday for the past 7 days:

*'Every day runs in a similar manner. As you can see, on this day you can see that there were a maximum of 18 parents during one half hour period, averaging a maximum of, say, 8 parents being in the building at any one time. The total number of drop offs and collections for the day was 155 movements. All parents enter the building to both drop off and pick up their children, and do not wait outside. Some of these children are siblings, so the actual total number of parent movements will be slightly less than 155.'*

Therefore, when taking account of the varying sessions and subsequent drop off and collection times, the average number of parents on site at the same time (and therefore potential vehicle movements), is relatively low and the duration of the stay is short. This also needs to be assessed against the fallback position as a church.

6.5.2 The Council's Highway Officer does not raise objection to the temporary use of the on-street parking bays (up to 2 hours) to park and drop off / pick up children albeit not all the spaces along the road could be free in the morning period. In terms of on site parking, 6 spaces would be provided for staff and

2 spaces for disabled visitors. According to the Parking Standards SPD, the maximum staff parking requirement for a day nursery is 3 spaces per 4 staff. The application forms indicate that 20 FTE staff would occupy the building, therefore the on site parking would not meet the maximum parking standard of 15 spaces. However this is a maximum standard as opposed to a minimum requirement for parking spaces. The proposals also include staff and visitor cycle parking provision within the site. The required number of cycle parking spaces is 1 space per 10 employees, however the site would provide 10 dedicated spaces to the rear of the site, which exceeds the requirement. Details of the cycle parking will be secured through a condition and retained accordingly. On this basis the proposals would provide adequate on site parking and would be served by appropriate off site spaces and cycle provision to avoid any adverse impacts on the highway network and would encourage sustainable modes of transport to and from the site.

- 6.5.3 The Highway Officer has also requested a management plan to secure the appropriate management of spaces on site to allow for the congregation of parents who are waiting to pick up their child. The additional information regarding the various sessions offered and comparison with the Lordshill site, addresses some of this issue by demonstrating that large congregations of parents at pick up would be low. However this arrangement needs to be secured through an appropriately worded management plan, which would allow for the arrangement to be managed and reviewed. In addition, the management plan shall include a travel plan for parents and staff in order to encourage the use of sustainable modes of travel. This management will be secured through a planning condition. Subject to compliance with conditions for a drop off management plan and to retain the on site vehicle and cycle parking as shown, the proposals are considered to be acceptable in terms of highway impacts.

## **7. Summary**

- 7.1 This application seeks to bring a vacant building back into beneficial use. The proposal has the full support of the Council's Early Years team and it is recognised that there is a need for pre-school childcare in this part of the City. That said, it is recognised that the proposed day nursery use will bring with it additional issues around amenity disturbance to the existing community. The loss of the Church use is mitigated by similar provision nearby, and is supported by marketing ahead of the Church closure. The applicant has sought to alleviate concerns around noise and disturbance caused by parent drop off and collection and external play. Controls can be put in place to phase arrivals and collections, and there is on-street parking available to support those parents that chose to drive to the site noting that alternative modes will also be possible given the sustainable location. As with any use where parents may choose to drive their children to site there will be a noticeable change in circumstance, particularly when compared to a closed church. Whilst 120 children and 20 staff is not insignificant these numbers are needed to ensure a viable business and this limits the opportunities for site selection. On balance, however, the proposal would be an appropriate use within this residential area, providing

a commercial facility designed to meet a recognised need in the City. The scheme would not be out of character with the local area and would not cause significant harm to the amenity of neighbouring residents, or to local parking amenity or highway safety given that the use will serve the local community.

**8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to 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)

Case Officer **Rob Sims** PROW Panel 12/07/2022

**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. 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 Play Area and Building materials to be used (Pre-occupation)  
Prior to first occupation of the use hereby approved, details of the layout and design of the proposed play area and the external cladding shall be submitted and approved in writing by the Local Planning Authority. 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.
  
04. Number of children (Performance Condition)  
No more than 120 children shall attend the nursery at any one time without prior written consent of the Local Planning Authority.  
Reason: To prevent an over-intensive use of the premises and in the interest of safeguarding the residential amenities of nearby residential properties.
  
05. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)  
Notwithstanding the submitted details prior to first occupation of the use hereby approved a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:
  - (i) proposed means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate, external lighting, structures and ancillary objects (refuse bins etc.);
  - (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules 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;
- (vi) a landscape management scheme.

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

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

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

06. Restricted Use (Performance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting those Orders, the development hereby approved shall only be used as a Day Nursery; and for no other purpose whatsoever (including any other purpose in Class E(f); only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

07. Hours of Use (Performance Condition)

The premises to which this permission relates shall not be open for business outside the hours specified below and at no time on Saturdays, Sundays or Bank Holidays:

Monday to Friday: 7:00am - 6:30pm (07:00 - 18:30)

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

08. Car Parking (Pre-Occupation)

The 8 car parking spaces, and access, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and shall thereafter retained as approved.

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

09. Cycle parking allocation (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

10. Parent and Staff travel and pick up Management

Prior to first use of the development hereby approved a 'Parent and Staff travel and pick up Management Plan' shall be submitted and approved by the Council, including areas on site for waiting parents, queue management and split session times and measures to encourage sustainable modes of travel. The management plan shall to adhered to at all times and reviewed regularly.

Reason: In the interests of highway safety and appropriate on site management.



## **Application 22/00540/FUL - APPENDIX 1**

### **POLICY CONTEXT**

#### Core Strategy - (as amended 2015)

CS3 (Community Facilities)  
CS13 Fundamentals of Design  
CS16 Housing Mix and Type  
CS19 Car & Cycle Parking

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

SDP1 Quality of Development  
SDP4 Development Access  
SDP5 Parking  
SDP7 Context  
SDP9 Scale Massing and Appearance  
SDP10 Safety and security  
SDP16 Noise

#### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

#### Other Relevant Guidance

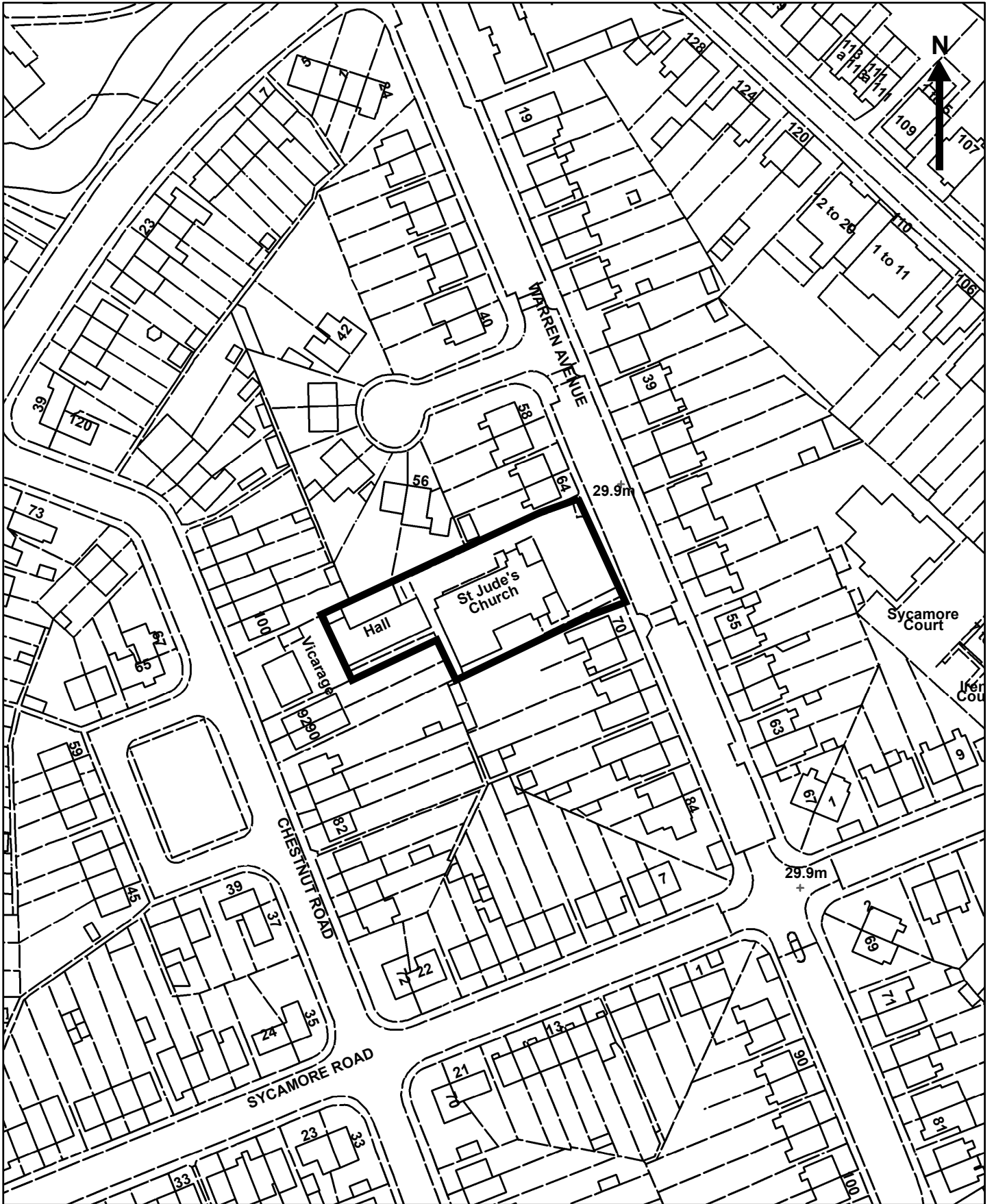
The National Planning Policy Framework (2021)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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**Application 22/00540/FUL - APPENDIX 2**

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1271/118	New Vicarage	Conditionally Approved	02.09.1964
1042/14R1	New Church		31.08.1954
1042/14	New Church	Conditionally Approved	08.06.1954



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**Planning and Rights of Way Panel 12<sup>th</sup> July 2022**  
**Planning Application Report of the Head of Green City & Infrastructure**

<b>Application address:</b> University Air Squadron, 1A Bugle Street, Southampton			
<b>Proposed development:</b> Change of use of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1), including management plan (Resubmission 20/01716/FUL).			
<b>Application number:</b>	22/00193/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Rob Sims	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	05.04.2022	<b>Ward:</b>	Bargate
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received and Ward Cllr referral	<b>Ward Councillors:</b>	Cllr Bogle Cllr Noon Cllr Paffey
<b>Panel referral by: Ward Cllr Bogle &amp; Paffey</b>		<p>This re-submission of the planning application has come very quickly after a recent refusal due to lack of information/assurance on a number of areas including late night noise, refuse and delivery arrangements. I support the concerns raised by local residents and the City of Southampton Society in objecting to this change of use in its current form.</p> <p>This application continues to attract significant attention and dissatisfaction given that it is a valued heritage building situated in a residential area. It's imperative that the right use is found for it, and it appears little has changed from the previous application submitted. The intention to have events potentially running until 7am - even if they are in a basement - is entirely out of kilter with comparable pubs and event spaces in the area.</p>	
<b>Applicant:</b> The Lovebug Group Limited		<b>Agent:</b> The Lovebug Group Limited	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Planning &amp; Economic Development to grant planning permission subject to</b>
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	<b>criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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 (2021).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	On site Management Plans	4	January 2022 Printed Minutes

**Recommendation in Full**

1. Delegate 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:

- i) Contribution towards Late Night Community Safety Facilities.
- ii) Highway Condition Survey
- iii) Site - specific highway works
- iv) Contribution towards New Forest National Park Authority Habitat Mitigation Scheme
- v) Travel Plan
- vi) CCTV

2. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the 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.

Background

The Planning Panel will recall a similar proposal being considered by them in January 2022 ahead of a refusal. Rather than appeal the reasons for refusal listed at **Appendix 4** (Minutes from the January 2022 Planning and Public Rights of Way Panel) the applicants have provided additional information, mainly around their on-site management, and this resubmission seeks to address earlier concerns. In particular

the applicant has provided confirmation that they have partnered with 'Occasion Queens' who will facilitate the Wedding Events and have provided contact details, job roles and before and after event management details of events. In addition the Management Plan submitted with this application confirms that a Venue Manager will be on site at all times during the event and will be responsible for security, noise complaints and overnight supervision.

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

1.1 This application relates to 1A Bugle Street, a four storey Grade II Listed Building occupying a prominent corner plot at the junction of Bugle Street and Town Quay. This property is vacant at the current time however it was formerly occupied by the University of Southampton Air Squadron. The building itself is of an 'Italianate' style with a small, semi-circular front courtyard fronting Town Quay and bounded by a low brick wall with black metal railings above. The property is located in close proximity to a number of key heritage assets within the city. Notably, the Grade 1 Listed Wool House is located directly opposite on Bugle Street and within the Old Town West Conservation Area. Town Quay Park is located to the east side of the building. The surrounding area comprises a mix of residential and commercial use. Town Quay and the red funnel ferry terminal are located to the south, and the city Registry office is location to the north. On-street parking controls are in place within Bugle Street and double yellow lines are located outside the Wool House, at the junction with Town Quay.

## **2. Proposal**

2.1 The application relates to the change of use of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1), including management plan. This is a resubmission of an application that was refused in January 2022 and now includes a site management plan to address the previous reasons for refusal. The premises is split over four floors and is primarily accessed from Bugle Street to the east. The new use would result in the following changes to each floor:

- The existing basement currently comprises of small, compartmentalised rooms, which are used for storage areas, a bar area and keg storage. This space would be reused as an additional bar area, kitchen, seating and event space. The existing fire escape via steps up to Cuckoo Lane would be retained.
- The ground floor would be opened up to provide a central lobby and stairwell area, with access to the main event space and terrace to the front (80 seats/persons) and WC's and staff room to the rear part of the building.
- The stairs to the first floor would lead to a landing space which would replace an existing office room and event space with a small function room and kitchen, and a lounge bar forming part of a larger event space to the front of the building (60 seats/persons)
- The second floor would replace 7 small office rooms with 6 x double

- en suite bedrooms
- The third floor would replace three small office spaces with a ‘bridal suite’

The applicant has provided the following clarification on the proposed use of the building:

*‘The uses are as follows: private functions, including weddings and parties, corporate day and evening use, wellness centre use for other companies to hire it and put on their wellness events, location house for photo shoots.’*

### **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 2021. Paragraph 219 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 3** of this report. In addition the following planning permission at the adjacent premises at the ‘Wool House / Dancing Man’ is noted:

*14/00122/FUL - Change of use from Museum (Use Class D1) to Public House and Restaurant (Use Class A3/A4) with no external alterations (submitted in conjunction with 14/00123/LBC).*

4.2 Members may recall that the previous planning application 20/01716/FUL for the same development was refused at the Planning and Public Rights of Way Panel for the following reasons:

**1) Insufficient information has been submitted to demonstrate appropriate management of the site and the intended use, particularly, whilst 'events' are taking place, including details of booking systems, the type and number of on-site staffing, security arrangements including guest safety and controls for dealing with neighbour complaints and the termination of the 'event' at a reasonable hour, servicing arrangements including the storage and collection of food waste, recycling and laundry and the arrangements for catering in the**



absence of any substantial cooking facilities. These issues run to the heart of the use and its acceptability, and cannot be addressed with a post permission planning condition. Furthermore, without these details and a more refined definition of the likely 'events' the true impacts of the use cannot be properly assessed, controlled and mitigated. In the absence of this information, the proposals could result in undue noise and disturbance to neighbouring properties alongside wider public safety concerns. The proposal is therefore contrary to saved Policies SDP1 and, SDP16 of the City of Southampton Local Plan Review (adopted 2006 - amended 2015) and saved Policy CS13 of the Council's Local Development Framework - Core Strategy Development Plan Document (adopted 2010 - amended 2015), as supported by Section 12 of the National Planning Policy Framework 2021.

2) 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) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and a Travel Plan, in line with Policy SDP1, SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18, CS19 and CS25 of the Council's Local Development Framework - Core Strategy Development Plan Document (adopted 2010 - 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) In the absence of an alternative arrangement the lack of a financial contribution towards New Forest National Park Authority Habitat Mitigation Scheme in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.
- iv) Financial contributions towards Late Night Community Safety Facilities and CCTV in line with Policy SDP1 of the City of Southampton Local Plan Review (Amended 2015), Policy CS25 of the adopted LDF Core Strategy (Amended 2015) and Policy AP8 of the City Centre Action Plan and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- v) In the absence of a commitment towards a staff and guest travel plan the development fails to assist the Development Plan in delivering a scheme that encourages more sustainable transport to the private car.

- vi) In the absence of a commitment towards CCTV the scheme fails to offer sufficient site security for the intended use.

Whilst the application for planning permission was refused, the associated Listed Building Consent application to facilitate the works was approved under 20/01717/LBC. There are no proposed physical changes to the building to those already consented.

## 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 25/02/2022 and erecting a site notice on 25/02/2022. At the time of writing the report **13** representations have been received from surrounding residents; including all 3 ward Cllrs and the City of Southampton Society. The following is a summary of the points raised:

- 5.2 Mixed use site with bedrooms would be in use 24 hours, potentially used for music and dancing into the early hours, 7 days a week...Disturbance to residents and businesses and change the character of the area, could potentially open until 7am and not clear what the operational infrastructure is for managing high noise levels.

### Response

**The impact of the development on neighbour amenity in terms of noise and disturbance will be considered in Section 6 below.**

- 5.3 This application doesn't say who will be responsible for running the building, servicing the bedrooms and common facilities, running the bar, providing food, ensuring noise is controlled and making sure that any licencing hours are respected. There is no mention of on-site staff either to look after the facilities and patrons or for security. No allowance has been made for an office or sleeping arrangements. No base for CCTV monitors, music volume control, fire safety etc.

### Response

**The applicant has produced a Management Strategy outlining how the premise will operate and managed during events. Following a 'Drop in Neighbour Consultation' event held by the applicant on 07/06/2022, an additional 'planning and management strategy information' document has been submitted to clarify feedback from the event and is attached to this report at Appendix 3. This will be discussed and assessed in Section 6 below.**

There are several references to community use but it is unclear whether the local community has any input to this. There is a reference to a year or 6 month lead in time for planning events which may be appropriate for weddings but many events will require a shorter time frame and firm and professional control.

### Response

**The lead in times for booking an event is not a material Planning matter.**

No refrigerated 'cellar' to hold the beer kegs, pumping equipment, gas bottles pipe cleaning apparatus & chemicals. In addition food WILL have to be prepped & heated in the kitchen. There is no substantial kitchen on the premises, and no allowance has been made for extraction of cooking smells or ventilation.

**Response**

**Noise and transport impacts will be considered in Section 6 below.**

No effort to comply with Buildings Regulations in regard to Disabled Access or the Equality Act 2010. There are no lifts in the plans and the events space is over 3 floors. There are also 2 hotel floors above. The plans contravene the Equality Act 2010 and Part M of the Building Regulations.

**Response**

**Whilst access for all people is encouraged through the Development Plan, in line with the Equality Act, it needs to be acknowledged that the existing building is a Listed Building and therefore internal alterations to make the building compliant with Part M may not always be possible. The legislation accounts for this. The installation of lift would, in most cases, detrimentally affect the character and integrity of a Listed Building. In this instance any lack of compliance with Building Regulations Part M would not generate a Planning reason for refusal.**

Road safety – poor access and lack of nearby parking.

**Response**

**Impact on parking and highway safety will be considered in Section 6 below**

**Consultation Responses**

5.4

<b>Consultee</b>	<b>Comments</b>
Cllr Bogle	<p>I would like to make an objection based on late night disturbance, noise impact on the area/residents close by.</p> <p>Please can this planning application be referred to the Planning Committee.</p> <p>This re-submission of the planning application has come very quickly after a recent refusal due to lack of information/assurance on a number of areas including late night noise, refuse and delivery arrangements.</p> <p>I support the concerns raised by local residents and the City of Southampton Society in objecting to this change of use in its current form.</p>

Cllr Paffey	<p>Object - This application continues to attract significant attention and dissatisfaction given that it is a valued heritage building situated in a residential area. It's imperative that the right use is found for it, and it appears little has changed from the previous application submitted. The intention to have events potentially running until 7am - even if they are in a basement - is entirely out of kilter with comparable pubs and event spaces in the area.</p> <p>This should be referred to the planning committee for careful consideration. I would support rejecting it on the basis of current information.</p>
Cllr Noon	<p>I wish to object to this application on the grounds of late night disturbance and the noise impact for the area. I fully support the objections of many residents in the area.</p>
Archaeology	<p>The site is in Local Area of Archaeological Potential 8 (City Centre and Itchen Ferry), as defined in the Southampton Local Plan and Core Strategy.</p> <p>The south part of the site lies over the former line of the medieval town wall and may partly overlie a medieval tower. Part of the tower survives immediately west of 1A Bugle Street. The town wall and towers along Town Quay were demolished in about 1805. The precise line of the town wall is uncertain, although part of it may lie under the front garden of the current property.</p> <p>Speed's map published in 1611 shows a lane / entrance way leading into a large plot of land to north, probably the Bull Hall property. It also shows buildings on the corner of the lane and Bugle Street (then known as Bull Street).</p> <p>The 1771 map shows the lane (now Cuckoo Lane) along the inside of the town walls. The map shows a building apparently on the site of 1a Bugle Street and other buildings to the south of the lane, built against the inside face of the town wall.</p> <p>The existing building at 1a Bugle Street, with its prominent enclosed front garden, is first shown on the 1846 map. According to the list description the existing building dates to 1846. Certainly, the facades appear to be all one build, and perhaps the site was completely redeveloped in 1846. Alternatively, walling from earlier buildings may have been incorporated into the new building.</p>

	<p>(Further information about the archaeological potential/heritage assets of the area is available on the Southampton Historic Environment Record/HER.)</p> <p><b>PROPOSED DEVELOPMENT &amp; BELOW-GROUND ARCHAEOLOGY</b></p> <p>The proposal is for a change of use of the existing offices to form mixed use event spaces and wedding venue and hotel guest bedrooms. It is a resubmission of 20/01716/FUL. The 2020 application involved changes to the front garden, which may have had an impact on archaeological remains. However, the Heritage, Design and Access Statement for the current application states that the garden will remain the same. Therefore, no conditions to deal with below-ground archaeology are required.</p> <p><b>PROPOSED DEVELOPMENT &amp; BUILT HERITAGE</b></p> <p>According to the Heritage, Design and Access Statement, the interior of the building will undergo minor amendments, with internal layout changes to create bedrooms, with as little alteration to the building fabric as possible (quote). The conservation officer (aka Historic Environment Officer) will comment on the acceptability or otherwise of the proposals. The building has never been subject to an archaeological building recording. If the application is approved, it may be appropriate for an historic building record to be made prior to and/or during alterations, to be secured by conditions. This will be confirmed after discussion with the conservation officer. If required, please ask me for the appropriate archaeological structure recording conditions to be applied to the consent.</p>
CIL Officer	The proposal is not CIL liable.
Environmental Health	<p>No Objection.</p> <p>Environmental Health have no further comments. All concerns/points were satisfactorily addressed. It is believed that there is some confusion caused by the hours stated for noise consideration (up to 07.00 hours) - note these are standard hours used for modelling noise and not the intended operational hours for music at this venue.</p>

Sustainability	Applications which enable the retention of existing buildings are encouraged where feasible. The applicant should seek to minimise resource use during conversion; however no specific sustainability conditions are required.
Southern Water	<p>The existing development lies over a foul sewer. Approval should be sought from Southern Water where an extension to a building or underpinning work would be over a public sewer. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over to the sewer.</p> <p>The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water.</p> <p>It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; Prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.</p>
City of Southampton Society	<p>These comments are submitted on behalf of the City of Southampton Society.</p> <p>We object to this proposal as the latest application has not satisfactorily addressed the Reasons for Refusal to the earlier application, listed in the Letter of Determination dated 27 January 2022.</p> <p>Furthermore the Design and Access Statement, Noise Impact Assessment and Transport Report are the same documents submitted with the earlier report. These documents have already been found wanting and should therefore be disregarded.</p> <p>The new material now presented is The Management Plan, an Event Management document and a Job</p>

Description.

Turning now to the specifics of the earlier Refusal.

"Insufficient Information has been submitted to demonstrate appropriate management of the site and the intended use, particularly, whilst events are taking place, including":

- "Details of booking system". The only new information is that this will be done on-line. No indication is given as to how clients will be vetted for suitability and responsibility

- "The type and number of on-site staffing". Most information about staffing relates to pre-event duties rather than managing the event on the day. Who and how will they deal with enforcing licensing hours, closing doors and windows at 23.00, ensuring no music is played after 23.00 other than in the basement, control of music levels in the basement after 23.00? Will staff be on-site throughout the night to ensure that no damage is done to the building, only the guests staying in the bedrooms are still on site and there is no noise or anti-social behaviour that disturbs the neighbours. By comparison, public houses ensure that no guests are on the premises after closing time and hotels have staff on duty throughout the night.

- "Security arrangements, including guest security"- No details provided.

- "Controls for dealing with neighbour complaints". No details provided of who and how complaints should be made either at the time or the following day. There are a multitude of different companies mentioned in the application all in some way involved with this proposal. This arrangement provides ample opportunity to shift the blame onto a different partner.

- "The termination of the event at a reasonable hour". Again no information is provided about who will be responsible for managing this aspect.

- "Servicing arrangements including the storage and collection of food waste, recycling and laundry and the arrangements for catering in the absence of any substantial cooking facilities".

Although these items are addressed in the Design and Access Statement, they do not address the difficulties that will be experienced by neighbours and other road users with a multiplicity of vehicles pulling up outside the venue to make deliveries or collections. Where exactly would the cycle-rack be sited where it was not obstructing a fire exit or harming the view of this iconic listed building? Likewise, is it acceptable to store rubbish in

	<p>front of the building or on the pavement, even if only for a day? What would happen if another event was taking place on the same day as a rubbish collection? Hardly the right environment for guests to be navigating their way past rubbish sacks to enter the building or use the patio area.</p> <p>- "In the absence of a commitment towards CCTV the scheme fails to offer sufficient site security for the intended use." No mention is made of installing CCTV or alternative security measures.</p> <p>Based on the above comments, we strongly request that this application is REFUSED.</p>
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## 6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of the application is outlined below:

- The principle of development;
- Design and Impact on Heritage Assets
- Residential amenity and changes to address previous refusal reason;
- Parking highways and transport

### 6.2 Principle of Development

6.2.1 This property is a Grade II Listed Building which has been vacant for several years since the University of Southampton Air Squadron moved out. The applicant's submission included a statement from the current owner of the site since 2018, who states that the building has been vacant since 2011 and is in need of renovation. In terms of the principle of reusing and renovating historic buildings, Section 16, paragraph 190 of the NPPF (Conserving and enhancing the historic environment) states that Local Planning Authorities should take into account: *'The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'*. Core Strategy policy CS14 (Historic Environment) states that: *'The City Council will safeguard from inappropriate development and, where appropriate, enhance important historical assets and their settings and the character of areas of acknowledged importance including Listed Buildings, Conservation Areas and parks and gardens of special historic interest'*. An assessment on whether the proposals are viable uses consistent with their conservation, will be made in the 'Design and Impact on Heritage Assets' section below, including consideration of the comments made by the Historic Environment Officer on the previous application and works approved under the previous Listed Building Consent application. It is not uncommon for listed buildings to suit hotel use.

6.2.2 The site lies within the City Centre and, therefore, the City Centre Action Plan (CCAP) policies are relevant for consideration in establishing the



principle of development. Policy AP2 (Existing Offices) seeks to prevent the loss of offices from prime office locations and some intermediate areas. The site is not located within a prime or intermediate office location. For these areas the policy states:

*‘Outside the prime and intermediate areas a loss of offices will be supported provided that where appropriate a mix of uses are secured to meet employment or community needs.’*

In this instance, where the site has been vacant for a number of years, the loss of the office use is not considered to be unacceptable. Whilst the proposals provide only limited direct employment uses, they facilitate a commercial use of the building, with minimal intrusive internal and external works. The site is also located in very close proximity to the registry office and, therefore, its use as a wedding venue and bringing of the building back into a mixed commercial use is considered to be an appropriate use in principle, provided that the associated impacts of the development in terms of residential amenity and parking are appropriately considered and mitigated.

- 6.2.3 The proposals would facilitate a new night time economy use through its use as an event space and wedding venue. Policy AP8 (The Night time economy) of the CCAP states that:

*‘The Council will use its planning and licensing functions to promote a night time economy with a range of activities that contribute to a vibrant city centre whilst minimising potential disturbance to nearby residential areas. New uses with extended opening hours (beyond 23.00 hours) will therefore be directed to designated evening zones and late night hubs.’*

The policy goes on to state that proposals outside the designated late night hubs and evening zones: *‘...will only be permitted where they would not cause late night noise and disturbance to residents.’*

The site is located outside of a designated evening zone, albeit opposite the Mayflower Pier, which is designated. The proposals state that they seek live music until 12am, especially for wedding functions. The acceptability of this proposal in terms of compliance with Policy AP8 therefore requires an assessment on the impact of noise and disturbance to neighbouring properties, which will be considered in more detail below. In addition, if the application is recommended favourably, it would be required to contribute towards Late Night Community Safety Facilities as a late night venue through the s.106 legal agreement.

- 6.2.4 The proposals specifically include the provision of hotel and guest accommodation related to the event use. The City Centre Action Plan encourages the hotel use in the City Centre as it brings tourism and jobs to the city. In addition Policy AP 29 (Royal Pier Waterfront) encourages the provision of hotel uses within the Mayflower Quarter, within which the

application site is located. Notwithstanding that hotel uses are acceptable in principle, the application has made it clear within their submission that the associated hotel/guest accommodation forms part of the single hire of the whole building. The application has also been consulted and advertised on this basis also. Therefore whilst the hotel element is acceptable in principle in its own right, the overall impact of proposed mixed use on heritage assets, residential amenity and highway safety will be considered together alongside an assessment as to whether or not previous concerns have been addressed by the submitted management plans.

### 6.3 Design and Impact on Heritage Assets

#### *i) Impact on the host Listed Building*

6.3.1 The statutory tests for the proposal, as set out in sections 16 (Listed Buildings), 66 (Listed Buildings) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest (Listed Buildings). 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 194 of the NPPF, an assessment of the significance of the building is set out in the submitted Heritage Statement. The development proposes no significant external changes to the building. The conversion to a mixed use venue space is facilitated by a number of internal repair works, most of which have already been carried out and have been inspected by the Council's Historic Environment Officer and approved under the Listed Building Consent application 20/01717/LBC. On this basis no objection has been raised to the conversion of the listed building for the proposed uses.

6.3.2 In accordance with sections 16, 66 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposals would preserve the character of the building and the appearance of the Listed Building.

#### *ii) Impact on the character and appearance of the area and surrounding heritage assets*

6.3.3

The surrounding area contains a mix of commercial and residential use. The site is located within the Old Town (West) Conservation Area and adjacent to Town Quay which is designated as a night time zone. There are a number of existing pubs and restaurants within Bugle Street (including the Dancing Man at the Wool House next door) and along Town Quay. As such, the proposed mixed use development will not be out of character with the surrounding area and a balanced mix of commercial and residential uses will remain. In addition the proposed use of the building and the lack of any significant external changes to the building will not adversely impact on the setting of the Old Town (West) Conservation Area, or the setting of the neighbour Grade I Listed Building, the Wool House. The Archaeological Officer requests conditions to secure a written scheme of investigation for archaeological deposits, however as this application relates to the conversion of the existing building and would not involve ground disturbance, it is not considered that these conditions can be justified through the scale and nature of development proposed. As such the proposals would not be contrary to Section 66 or 72 of the Planning (Listed Building and Conservation Area) Act 1990 or policies HE1 and HE3 of the Local Plan and policy CS14 of the Core Strategy.

#### 6.4 Residential amenity

- 6.4.1 The proposed use results in a noise generating use, namely as a wedding venue and event space, with associated residential accommodation. The applicant has reiterated that the building would be hired as a whole for a single private event, with the residential rooms included and there would not be different events occurring at the same time or separate hotel function. As the application has been advertised on this specific basis, it would be appropriate to impose a condition requiring that the hotel/guest accommodation cannot be sub-let to any other persons except those associated with the event taking place. The condition could be amended in the future should circumstances change, but this would require a fresh planning application and further public consultation. Third parties have raised a number of concerns regarding the noise and disturbance generated from the new use, including its late night use, inadequacy of the noise mitigation measures and servicing arrangements. These concerns are noted, and reflect the discussion at the previous Panel meeting. In response the applicant has sought to better explain their intended use and offer greater assurances around the on-site management of the use as discussed below:

##### On site Management, supervision and servicing

- 6.4.2 As referred to earlier in this report at Section 4.2, this application follows the refusal of planning application 20/01716/FUL by the Planning and Public Rights of Way Panel for the same development. In particular, Members raised specific concerns with regards to the management of the site during events and overnight and the absence of information with regards to:

- Details of booking systems
- The type and number of on-site staffing
- Security arrangements including guest safety and controls for dealing with neighbour complaints and the termination of the 'event' at a reasonable hour
- Servicing arrangements including the storage and collection of food waste, Recycling and laundry and
- Arrangements for catering in the absence of any substantial cooking facilities

6.4.3 This resubmitted application seeks to overcome this reason for refusal and provide the necessary information and reassurances regarding the operation of the site and its management during events. In addition the applicant hosted a 'drop in consultation' on 7<sup>th</sup> June 2022 and invited neighbours, Councillors and community groups consulted as part of the planning application process. Approximately 20 people attended, and feedback was received from attendees, which included the following comments:

- On site security, including overnight if people stay
- A contact number needed for residents
- Concern regarding deliveries
- Concern regarding parking and congestion. Including a concern that the car park area opposite will be used overnight.
- Concern regarding waste removal and potential disruption and disturbance
- A need to make sure that people who wish to have an event and properly vetted.
- Concern regarding disabled access, but appreciation of the constraints of this listed building.
- Staffing concerns and a need for control and management
- Cycle parking
- CCTV should be installed

6.4.4 The re-submitted Management Plan and 'Additional Planning and Management Strategy Information' are appended to this report at Appendix 3 and provide the following clarification in relation to the amalgamated concerns by Members and local residents:

- **Details of booking systems**

*An online booking system will be used for guests which is going to be available via the website which is currently under construction and managed by the in-house manager.*

- **The type and number of on-site staffing**

*A local full-time Venue Manager will be employed to oversee the daily running of The Bugle. The role will be hands-on during events, overseeing*

*and coordinating the event, the venue, and ensuring that all licensing requirements are adhered to. This role is also administrative, ensuring that every client at The Bugle is well looked after, managed and suitable to hire the space.*

*New customers will contact the Venue Manager who will then meet them to show them the venue. This meeting will also involve vetting to ensure that the customer is suitable.*

*There will also be an employed Bar Manager working alongside the Venue Manager, both of whom will have their personal licences. If at any point it is not deemed necessary to have the Venue Manager onsite, the Bar Manager will be responsible for ensuring that all regulations are adhered to, and the building is closed properly with the support of on-site security.*

- **Security arrangements including overnight supervision, CCTV, guest safety and controls for dealing with neighbour complaints and the termination of the 'event' at a reasonable hour**

*The Venue Manager and/or the Bar Manager will be responsible for:*

- *First aid*
- *Fire safety*
- *Music volume control*
- *Overseeing the security team*
- *Ensuring licensing regulations are adhered to*
- *There will be an overnight caretaker or security onsite if guests are staying.*
- *Also, an emergency contact throughout the night, contactable by guests as well as local residents.*

*The building and events will be fully managed by the whole team which consists of the Owner, Venue Manager, Events Consultant, Bar Manager, and we will pull on experts at any given time where needed.*

*The Bugle will be an exclusive use venue, only guests that have been invited by the hosts may enter the premises. Weddings and events are tightly managed events, set times of arrival will be in place and for certain events, guest lists may be appropriate. Passers-by are unable to enter the building, they will be signage outside to that effect and the onsite security team will strictly monitor this. CCTV will be installed and will be monitored regularly.*

- **Servicing arrangements including the storage and collection of food waste, recycling and laundry**

*All refuse from food waste will be disposed of offsite and taken away by the outsourced catering companies when they leave in the evenings. Other rubbish will be stored inside the building and then disposed of off-site and taken away by the outsourced cleaning company in the mornings after events have taken place.*

*Laundry will be taken off site and people organising events will either use services like Deliveroo for smaller events and for larger they will use a predetermined list of caterers who will be able to use the Bugle on the condition that they prepare food offsite and take away all their rubbish at the end of the event.*

- **Arrangements for catering in the absence of any substantial cooking facilities**

*On the plans submitted, the kitchen and storage space are shown in the basement which will house everything needed for serving a bottled bar. We currently do not intend to have draft that requires a cellar. Once the kitchen is completed all ventilation will be within regulations.*

*We will be allowing local catering companies to carry out the catering on behalf of the people booking, which will be a great boost to the local economy. Catering companies would bring their own staff. This means that a lot of the food will come pre-prepared, and we will have some preparation areas in one of the rooms that isn't required for the wedding. Deliveries will come to the door, and we are in the process of talking to the highways department about not causing any disturbance to any cars or pedestrians. Regarding the loading and distribution of goods, all delivery and refuse vehicles will park in the same area that The Dancing Man's goods vehicles unload. This will be on the opposite side of the road to The Bugle where the road is wider and there is a clearer view of the junction on the corner.*

- **Concern regarding parking and congestion. Including a concern that the car park area opposite will be used overnight.**

*All guests visiting the venue will be advised of local parking restrictions and where all of the local short stay and long stay car parks are located within the vicinity as directed by the council website. The Bugle is a local venue for local people and therefore expect the majority of people to use local transport and taxis to arrive and leave, keeping cars parking to a minimum.*

*Those guests that aren't local will be using local accommodation, and as there is limited accommodation onsite, these guests will be parking where they are staying and are therefore likely to taxi to the venue. Again, this is also the same for guests attending events and weddings at the registry offices and other establishments such as The Dancing Man Brewery. We are now aware that Mayflower Park is no longer a viable option for short stay parking for guests and also that Albion Place will soon have a change of use, this will be reflected in any information we send out to our clients. This will also include a request that guests do not use the public parking area opposite the site because it closes at dusk.*

- **Concern regarding disabled access, but appreciation of the constraints of this listed building**

*To ensure that disabled people have access to all floors, we have been looking at the possibility of installing a lift but unfortunately, where a lift shaft would be able to go, it doesn't reach the levels required and therefore is not*

a viable option within the restrictions of being a listed building. We will continue to seek alternative solutions.

- **Cycle parking**

*There will no longer be a cycle rack installed outside The Bugle. Bicycles will be stored in the perimeter within the courtyard.*

- 6.4.5 This application has been submitted to address and overcome the previous reasons for refusal and has provided a substantial amount of additional information with regards to the management the site before and during events and overnight. It is also notable that the applicant has secured the contract of a specific wedding event organiser to run facilitate the event before and on the day. Events will have a dedicated Venue and Bar Manager and overnight caretaker when applicable. The level of on site management offered by the applicant, in addition to licensing controls stipulated by the Council hope to provide reassurance to Cllrs and local residents regarding the safe and secure operational management of the site during events. In particular the presence and responsibilities of the appointed Bar and Venue Manager provides a point of contact for on site supervision, dealing with noise controls, security staff, noise complaints, overnight supervision and emergency contact. This reassurance enables noise and disturbance impacts to be sensitively managed before and after an event. Adherence to the Management Plan and its measures, will be secured through a planning condition. In addition a condition will be imposed to specifically require on site management and supervision throughout the day and night when events take place, as well as providing emergency contact details for complaints. It is considered that compliance with these conditions would ensure that noise and disturbance to neighbouring properties would be limited and would not adversely affect neighbour amenity thereby satisfying saved Local Plan Review Policy SDP1(i).

#### Noise generating uses and impacts

- 6.4.6 The applicant has submitted a noise assessment to support the application. The report has concluded that the greatest risk of noise and disturbance from the building would be generated from live/amplified sound, during the night time periods of 23:00 – 07:00. In order to minimise noise and disturbance impacts, the noise report proposes to limit live/amplified music within the upper floor event spaces to 23:00 hours, after which time events should only continue within the basement event spaces. The noise report also recommends that only in house sounds systems are used (no third party amplification equipment is permitted) and provided with limiters, as well as an enhanced external door set for the basement.
- 6.4.7 Environmental Health Officer's (EHO) have raised no objection to the use of this building as a hotel and event venue, and the submitted noise report and their recommendations. In addition, the EHO recommends that the external doors and windows to the venue are to remain closed except for access and egress during entertainment/events. On the basis that the building would be hired as a whole building, they also recommend the hours of use a brought

in line with the neighbouring premises (Dancing Man), which was granted planning permission in 2014 with permitted hours of opening Monday to Sunday 12:00 – Midnight. Furthermore details for the storage of bins are required and deliveries and servicing of the hotel needs to take place after 08.00 hours in order to minimise disturbance to neighbours.

- 6.4.8 The views and additional requirements suggested by the EHO are agreed and considered to be necessary to mitigate noise and disturbance impacts from the development. The level of noise and disturbance from the proposed use will largely be contained by the use of the building for one event at a time, as opposed to multiple events. In terms of hours of use, whilst the site lies outside of a designated evening zone and therefore limited by the Policy until 11pm, the neighbouring premises at the Dancing Man has express planning consent to open until Midnight (14/00122/FUL) as a bar and restaurant. In the interests of fairness and consistency, as well as following the recommendations of the EHO, it is reasonable to limit the opening hours of the premises for events to the same hours (except for allowing overnight accommodation), including the use of the basement for late night events until 12am for all guests including guests. In addition, it is considered necessary to further limit the use of the premises in line with the noise mitigation included in the noise report, which recommends limitation of live music events to 11pm, the use of in house sound limiters and the enhancement of the basement soundproofing. Furthermore a restriction on the use of outdoor seating and no outside audible sound after 11pm will also be imposed to further limit noise and disturbance to residential properties. With regards to additional noise from equipment, the application has confirmed that the basement kitchen is existing and will not require new extract ventilation. Air conditioning is no longer going to be installed on the building.

Direct Impact on Neighbouring properties / shared boundaries

- 6.4.9 Whilst the majority of third party concerns relate to the late night use of the premises, concerns have also been raised by the adjoining residential neighbours at Solent House and 1 Bugle Street regarding the relationship between adjoining habitable rooms. A review of the floor plans of these neighbouring properties has been carried out to assess whether any additional soundproofing would be required. Solent House is located to the west of the application site whereby an alleyway physically separates the front part of 1A Bugle Street and this property. However the rear part of the application site physically attaches to Solent House. The event spaces are likely to present the greatest risk of noise and disturbance from sound and vibrations given their size and potential capacity. These spaces are primarily located to the front part of the application site and, therefore, would not be physically adjoining any sensitive neighbouring rooms. The bedrooms for Solent House are located towards the rear of the application and would be located next to the proposed stairwell, WC and lobby areas for the proposed development. These relationships, coupled with the aforementioned hours of use and noise mitigation conditions, would ensure that noise impacts to



neighbouring rooms at Solent House would not be significant and would be largely contained within the application building.

6.4.10 No. 1 Bugle Street is a three storey terraced property located to the immediate north of the application site. The property attaches to the rear part of the application. On the ground floor of No.1 is a sitting and dining room, however the party wall would be shared with the infrequently used 'staff room and lobby area' of the ground floor of the proposed use, which would not result in harmful disturbance. The first floor contains a bedroom and bathroom, which would share a wall with the small function room at first floor. Whilst this relationship could potentially be a source of noise, this function room is secondary to the main function room at first floor located at the front of the building (connected to a bar area). When considering the size of the room and limitation of the live music events to 11pm and overall use until 12am, it's not considered that this relationship would be harmful to residential amenity. However, as soundproofing enhancements are recommended in the basement (and accounted for in the Listed Building Consent), it would also be prudent to secure soundproofing enhancement of this function room at first floor. The second floor contains another bedroom which would sit next to bedroom 6 in the application building. This relationship is considered compatible as two residential uses and nullify adverse noise and disturbance impacts. Furthermore regard needs to be had to existing background noise levels from road traffic, Red Funnel traffic and associated commercial activity within Town Quay and the surrounding area. The site is located within the city centre where commercial and residential uses co-exist. On the basis of this review into the relationships between adjoining habitable rooms, it is not considered that the layout of the proposed use would result in adverse impact to the immediate neighbouring properties.

## 6.5 Parking, highways and transport

6.5.1 The site is located within a high accessibility location, and car free development is acceptable within the city centre due to good access by foot and public transport. There is public car parking provision in the area such as Mayflower Park, Gloucester Square, Eastgate multi-story car parks, and Pay & Display on-street for limited waiting as such parking impact is not considered significant or inappropriate. The Highway Officer notes that secure cycle storage is also required for staff and overnight visitors (1 space per 10 staff). In terms of cycle storage, internal space could house bikes in the lobby or staff room at ground floor or basement, however both these solutions do not appear to be functional. Alternatively cycle provision could be made within the front terrace, however the erection of a cycle shed to the front would detract from the character and appearance of the Listed Building, therefore this is not considered to be a sensitive solution. The Highway Officer refers to short term cycle parking outside the Dancing Man and therefore whilst this would not be an ideal or secure solution, it would offer an alternative to the need to provide on-site cycle parking for temporary visitors.

- 6.5.2 The narrow width of Bugle Street has been a concern around highway safety and residential amenity for vehicle loading and unloading close to the junction with Town Quay. The Council has adjusted the parking and loading restrictions on Bugle Street to safely accommodate servicing. This removed 2 Pay & Display spaces, implemented No Waiting at Any Time, and extended the No Loading at Any Time restriction 20m further north on Bugle Street. This allows servicing to take place for this site and others in a safer location with better forward visibility. It is on this basis the Highway Officer concludes that servicing concerns relating to highway safety have been addressed.
- 6.5.3 With regards to refuse storage, the proposed plans indicate that the bin store will be located in the basement, as well as the laundry store. Access to the bins and laundry would be through the main part of the building and exit on to Bugle Street. In response to specific comments on bin storage, the applicant has stated that *'refuse from food waste will be disposed of offsite and taken away by the outsourced catering companies when they leave in the evenings. Other rubbish will be stored inside the building and then disposed of off-site and taken away by the outsourced cleaning company in the mornings after events have taken place.'* Similarly laundry would be 'taken off site'. In essence the venue will provide a store for refuse and laundry and outsourced companies will be used to remove it from the site after the event. The principle of using outsourced companies to remove rubbish is not untypical for an event venue and a certain amount of pragmatism must be used to accept this approach. The venue itself provides suitable space to store waste and laundry and the venue can be served by the loading bay opposite the site and away from the junction, which provides a functional solution for collection and deliveries, which would avoid highway conflicts. In addition conditions can be used to ensure waste and laundry collections and all forms of deliveries will not take place before 8am. Subject to compliance with these conditions, the proposals would address servicing and highway safety concerns.

## **7.0 Summary**

- 7.1 The proposed mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms would provide an appropriate use for this Grade II listed building and will not adversely harm the character and appearance of the building. No objection has been raised by the Historic Environment, Environment Health and Local Highways Officers, and their recommended conditions have been attached to this decision. In particular measures and conditions to control the hours of use, on site management, noise and servicing impact in the interests of neighbouring residential amenities and highway safety has been secured to ensure the proposed use would not be harmful to its surroundings. As such, officers consider that the previous reason for refusal has been addressed and the proposals would not be contrary to Section 16, 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990, policies HE1 and HE3, SDP1 and SDP7 of the Local Plan and policies CS13 of CS14 of the Core Strategy and Policies AP2 and AP8 of the City Centre Action Plan.

## **8.0 Conclusion**

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below. The proposed delegation can secure this.

### **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)

Case Officer **Rob Sims** PROW Panel 12/07/2022

### **PLANNING CONDITIONS**

#### **01. Full Permission Timing Condition - Change of use**

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

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

#### **02. Hours of Use – Events Venue**

The premises shall only be used as a mixed use event space and wedding venue (sui generis) and associated 7 no. hotel guest bedrooms (use class C1) and for no other purposes without the prior written consent of the Local Planning Authority.

The event space hereby permitted shall not operate (meaning that customers shall not be present on the premises, except for those residing in the overnight accommodation) outside the following hours:

Monday to Sunday 11:00am to midnight

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

#### **03. Hotel / Guest use restriction**

The hotel / guest accommodation hereby permitted shall be restricted to use as ancillary accommodation to the single wedding / function taking place in other parts of the building, and the rooms shall not be separately let to customers that are not associated with the event/function taking place.

Reason: Whilst hotel accommodation in the City Centre location is acceptable in principle, the application proposes single hire / events at any one time and the application has been advertised and assessed on this basis. This condition would ensure the rooms cannot be sublet without further consideration to the residential

amenity impacts of such a change.

#### **04. Servicing and Operational Management Plan**

All events held out the premise shall be carried out in strict accordance with the submitted '1A Bugle Street Management Plan' dated 08/02/2022 and measures outlined in the 'Additional Planning and Management Strategy Information' received 14/06/2022. There shall be a Venue Manager present on site at all times during the event, including an overnight caretaker. Contact details shall be made available prior and during the event to local residents, including the display of an emergency contact details on the venue visible and viewable from the public realm.

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety and to ensure on site security at all times during the event.

#### **05. Deliveries, servicing, and glass disposal.**

No deliveries, servicing or external glass bottle disposal shall take place between the hours of 21:00pm and 08:00am.

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

#### **06. Noise mitigation**

The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted Noise Impact Assessment; produced by 24 Acoustics, Technical Report: R8887-1 Rev 2, dated 6<sup>th</sup> May 2022, including soundproofing of the basement and first floor function room, the provision of in house sound systems with limiters and the other recommendations contained in Section 5 of the report.

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

#### **07. Control of Amplified Equipment**

No live/amplified music within the ground and upper floor event spaces shall be played between the night time period of 23:00-07:00 hours.

At no time shall external sound amplifying equipment or acoustic instruments be used or installed which would generate noise audible from the boundary of the nearest residential property to the building to which the consent hereby granted relates.

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

#### **08. External Lighting torches and CCTV**

No works shall commence on installing the external lighting torches on the front elevation and CCTV until full product details and all associated affixing mechanisms have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the Listed Building.

**09. Outdoor seating and external doors and windows**

Use of the outdoor seating areas shall cease after 11:00pm (23:00) and all external doors and windows to the premises shall be kept shut from 11:00pm (23:00) onwards, except for access and egress to the premises.

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

**10. 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.

## **Application 22/00193/FUL - APPENDIX 1**

### **POLICY CONTEXT**

SDP6 (Urban Design Principles)  
SDP7 (Context)  
SDP9 (Scale, Massing and Appearance)  
HE1 (New Development in a Conservation Area)  
HE3 (Listed Buildings)  
HE6 (Archaeological Remains)

Local Development Framework Core Strategy Development Plan Document (January 2010)

CS1 (City Centre Approach)  
CS4 (Housing Delivery)  
CS5 (Housing Density)  
CS13 (Fundamentals of Design)  
CS14 (Historic Environment)  
CS19 (Car and Cycle Parking)  
CS25 (The delivery of infrastructure and developer contributions)

#### City Centre Action Plan - March 2015

AP 2	Existing offices
AP 8	The Night time economy
AP 16	Design
AP 18	Transport and movement

#### Supplementary Planning Guidance

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

#### Other Relevant Guidance

The National Planning Policy Framework (2021)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)  
Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Old Town West Conservation Area Appraisal

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**Application 22/00193/FUL - APPENDIX 2**

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
960142/EL	NEW FIRE ESCAPE DOOR AND LANDING AT GROUND FLOOR LEVEL AND TWO INTERNAL FIRE DOORS	Conditionally Approved	24.04.1996
960245/E	NEW FIRE ESCAPE DOOR AND LANDING AT GROUND FLOOR LEVEL FRONT ELEVATION	Conditionally Approved	24.04.1996
971278/EL	INTERNAL ALTERATIONS, REPLACEMENT OF ROOFLIGHT AND FIRE EXIT DOORS	Conditionally Approved	05.03.1998
14/01888/FUL	Conversion of existing office building into 7 flats (1x3-bed, 4x2-bed, 2x1-bed) with associated cycle/refuse storage (submitted in conjunction with 14/01889/LBC)	Conditionally Approved	03.03.2017
14/01889/LBC	Listed Building Consent sought for conversion of existing office building into 7 flats. Internal and external alterations including replacement windows/doors and steps (submitted in conjunction with 14/01888/FUL).	Conditionally Approved	18.03.2015
17/02565/FUL	Change of use of existing office building into an 8-bedroom hotel (submitted in conjunction with 17/02566/LBC)	Application Withdrawn	02.10.2018
17/02566/LBC	Listed building consent sought for internal and external alterations including replacement windows/doors, steps and new glass balustrade to facilitate conversion into an 8-bedroom hotel (submitted in conjunction with 17/02565/FUL)	Application Withdrawn	02.10.2018

20/01716/FUL	Change of use of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01717/LBC).	Application Refused	28.01.2022
20/01717/LBC	Listed Building Consent sought for conversion of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01716/FUL)	Conditionally Approved	28.01.2022





# 1A Bugle Street Management Plan

08.02.2022

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Southampton  
SO14 2AL

## Introduction

We have brought in a partner, Occasion Queens, who are a leading specialist in wedding, events and venue consultancy, to manage everything. This is a professional operation and a complete change in direction from before. The events will be managed by this dedicated and experienced event company alongside an employed member of staff. The marketing for the venue is now being done by Chapter Communications, an experienced marketing, PR and branding company. Accounts are being run by CCI Chartered Accountants based in Hove.

We would like to do as many wedding events as we can, but due to the pandemic we are not sure about the number of events that will be possible, but there will only be one event at a time. The uses are as follows: private functions, including weddings and parties, corporate day and evening use, wellness centre use for other companies to hire it and put on their wellness events, location house for photo shoots. An online booking system will be used for guests which is going to be available via the website which is currently under construction and managed by the in-house manager. For on site staffing and security

please see the secondary event management plan document from Occasion Queens.



There will be staff to do show-arounds for interested potential clients seeking a venue during the day times but the venue will not be used as offices during the week by the venue staff.

During a typical event, people will arrive at the front door, and due to the city centre location, people can walk to and from public transport such as trains/buses/taxis for the event. It is worth noting that we are directly opposite the registry office, so hopefully some weddings will come from directly across the road.

Visitors will come in and in the event of a wedding they will have the ceremony on the first floor, for which we are applying for a ceremony license separately. The visitors would go up the stairs where they will have the wedding,, with drinks available at a bar area separated by a wall (worth noting for current use that there were lots of beer kegs found in the basement). Once the visitors have had drinks, they would go downstairs, and they might

end up having drinks at the terrace in front (if before 11:00pm), and they could dance downstairs on the ground floor. If loud music were to be played, the doors would be kept shut. Security will be managed through Occasion Queens and provided when necessary.



For opening hours, we will use the following opening hours as suggested by the council:

- Monday to Sunday 11:00am to midnight
- No live/amplified music within the ground and upper floor event spaces shall be operate between the night time period of 23:00-07:00 hours.
- Use of the outdoor seating areas shall cease after 11:00pm (23:00) and all external doors and windows to the premises shall be kept shut from 11:00pm (23:00) onwards, except for access and egress to the premises.

*Left: One option where some visitors can park just outside the venue*

Guests and visitors would contribute to the local economy, spending money at local shops, attractions, venues and public facing businesses like taxis.

Any neighbour complaints would be dealt with methodically and on a case by case basis by the events manager and consultant to discuss, investigate and resolve exactly what and how the relevant issue(s) occurred, and how to stop the issues from ever reoccurring. The events manager will then follow up after an internal investigation and brainstorming the concerning issue before following up with the complainant and with the relevant staff members to address how this issue will be avoided in future and for reassurance.

## **Waste and catering arrangements**

Please see the Occasional Queens documents, but the responsibility for refuse disposal will lie with the manager of the site. Laundry will be taken off site and people organising events will either use services like Deliveroo for smaller events and for larger they will use a predetermined list of caterers who will be able to use the Bugle on the condition that they prepare food offsite and take away all their rubbish at the end of the event.

We will be allowing local catering companies to carry out the catering on behalf of the people booking, which will be a great boost to the local economy. Catering companies would bring their own staff. This means that a lot of the food will come pre-prepared, and we will have some preparation areas in one of the rooms that isn't required for the wedding.

Deliveries will come to the door, and we are in the process of talking to the highways department about not causing any disturbance to any cars or pedestrians.

In the event that there is a small amount of rubbish to be taken away by ourselves, bins will be kept under the stairs in the basement near where the kitchen is, and they will be wheeled out on days of collections. Refuse will be taken away by a regular commercial collection company. The refuse bags would be moved from the basement room and temporarily stored either inside the garden gate or in the area outside the basement door on collection days. This will avoid causing any unnecessary obstruction to the public and/or visitors.

Visitors would leave by bus, taxi, train or on foot, with there being many local hotels/inns available for the visitors to use such as: Ennio's, The Pig, Leonardo Royal, The Star Hotel, The Grapes and The White Star Tavern. The venue would be great for local businesses such as: taxis, caterers, hairdressers, cleaners, shops and cafes that visitors would frequent.

Secure bike parking space will be provided in the form of a secure bicycle loop rack fixture at the back of the premises where it will not create an eyesore for any guest or member of the public. This will provide one or two dedicated bike parking spaces for employees and at least one for any visitor or guest requiring one at the same bike parking space fixture. This will make sure that there is more than 1 space for every 10 employees.



## **Additional Planning and Management Strategy Information**

### **Further to Drop-In Neighbour Consultation – 7 June 2022.**

A drop in consultation was held on 7<sup>th</sup> June 2022 to which local neighbours, Councillors and local community groups were invited. We invited all neighbours, Councillors and community groups consulted as part of the planning application process.

Approximately 20 people attended, and comments were noted. It was a useful and productive meeting.

The following updated statement includes information to address concerns and comments raised through the application consultation, in addition to those raised at the meeting on 7<sup>th</sup> June.

*Concerns raised related to general management of the premises and the need to ensure neighbouring amenity is protected. This included the following comments:*

- *On site security, including overnight if people stay.*
- *A contact number needed for residents*
- *Concern regarding deliveries*
- *Concern regarding parking and congestion. Including a concern that the car park area opposite will be used overnight.*
- *Concern regarding waste removal and potential disruption and disturbance*
- *A need to make sure that people who wish to have an event and properly vetted.*
- *Concern regarding disabled access, but appreciation of the constraints of this listed building.*
- *Staffing concerns and a need for control and management*
- *Cycle parking*
- *CCTV should be installed*

*Visitors also appreciated that the use of the building would be a good thing.*

The following is relevant:

Bob Camping has built his career on restoring, managing and maintaining buildings, making sure that iconic structures once again stand proud within the community, and become spaces that people can create lasting memories. The Bugle is part of a group of properties that Mr Camping wants to breathe life into. He, of course, understands that with that comes change and a greater need of understanding which he hopes to address in the below points.

#### **Management and Security**

A local full-time Venue Manager will be employed to oversee the daily running of The Bugle. The role will be hands-on during events, overseeing and coordinating the event,

the venue, and ensuring that all licensing requirements are adhered to. This role is also administrative, ensuring that every client at The Bugle is well looked after, managed and suitable to hire the space.

New customers will contact the Venue Manager who will then meet them to show them the venue. This meeting will also involve vetting to ensure that the customer is suitable.

There will also be an employed Bar Manager working alongside the Venue Manager, both of whom will have their personal licences. If at any point it is not deemed necessary to have the Venue Manager onsite, the Bar Manager will be responsible for ensuring that all regulations are adhered to, and the building is closed properly with the support of on-site security.

The Venue Manager and/or the Bar Manager will be responsible for:

- First aid
- Fire safety
- Music volume control
- Overseeing the security team
- Ensuring licensing regulations are adhered to
- There will be an overnight caretaker or security onsite if guests are staying. Also, an emergency contact throughout the night, contactable by guests as well as local residents.

The building and events will be fully managed by the whole team which consists of the Owner, Venue Manager, Events Consultant, Bar Manager, and we will pull on experts at any given time where needed.

The Bugle will be an exclusive use venue, only guests that have been invited by the hosts may enter the premises. Weddings and events are tightly managed events, set times of arrival will be in place and for certain events, guest lists may be appropriate. Passers-by are unable to enter the building, they will be signage outside to that effect and the onsite security team will strictly monitor this. CCTV will be installed and will be monitored regularly.

### Licencing Hours

We want to ensure that we do not overstep what is already in place in the local area, therefore, events at The Bugle will be finishing at 11pm Mondays – Thursdays and midnight on Fridays and Saturdays, which is the same as other establishments and notably as next door with the Dancing Man.

The maximum number of guests has been deemed by the Fire Risk Assessment to be around 300 people across all the event floors. However, we understand that for this space to be maintained and looked after, and to be sympathetic to the neighbours, we will keep guest levels to a more manageable level. Our fire risk assessment stated that would could have 220 people as a max capacity however, we will limit to a maximum of 150 people across the course of the event (considerably less than other venues in the immediate vicinity), allowing for sit meals for around 70 – 90 people as standard and ensuring that all guests leave promptly and quietly at the appropriate time unless they are sleeping onsite in which case they would make their way to their bedrooms.

### Fire Safety

The fire alarms, systems in place and procedures will all be implemented to follow the law and recommended by the Fire Risk Assessment undertaken by FireCare, Security & Electrical Ltd.

### Website

The original website information is no longer valid. New and updated information which complies with the planning and licensing regulations agreed with the council will dictate the use of the space. A new website is currently being re-designed, and an updated holding page is currently in place.

### Parking and Road Safety

All guests visiting the venue will be advised of local parking restrictions and where all of the local short stay and long stay car parks are located within the vicinity as directed by the council website. The Bugle is a local venue for local people and therefore expect the majority of people to use local transport and taxis to arrive and leave, keeping cars parking to a minimum.

Those guests that aren't local will be using local accommodation, and as there is limited accommodation onsite, these guests will be parking where they are staying and are therefore likely to taxi to the venue. Again, this is also the same for guests attending events and weddings at the registry offices and other establishments such as The Dancing Man Brewery. We are now aware that Mayflower Park is no longer a viable option for short stay parking for guests and also that Albion Place will soon have a change of use, this will be reflected in any information we send out to our clients. This will also include a request that guests do not use the public parking area opposite the site because it closes at dusk.

Regarding the loading and distribution of goods, all delivery and refuse vehicles will park in the same area that The Dancing Man's goods vehicles unload. (We understand that this is due to be upgraded). This will be on the opposite side of the road to The Bugle where the road is wider and there is a clearer view of the junction on the corner. This way the line of vision from the road will not be impaired and the larger vehicles will be following the guidelines already in place set by the highway's consultant on that part of the road.

### Waste Collection

All refuse from food waste will be disposed of offsite and taken away by the outsourced catering companies when they leave in the evenings. Other rubbish will be stored inside the building and then disposed of off-site and taken away by the outsourced cleaning company in the mornings after events have taken place. This is common practice for smaller establishments with limited outside space. We appreciate that the sound of glass being disposed of can create noise for a very short period of time and will aim to only do this the morning after an event, as per normal rubbish refuse collection.

### Access & Storage

It is important for us to ensure that everyone feels welcome at The Bugle but as a listed building, we also have to fall within certain requirements. To ensure that disabled people have access to all floors, we have been looking at the possibility of installing a lift but unfortunately, where a lift shaft would be able to go, it doesn't reach the levels required

and therefore is not a viable option within the restrictions of being a listed building. We will continue to seek alternative solutions.

On the plans submitted, the kitchen and storage space are shown in the basement which will house everything needed for serving a bottled bar. We currently do not intend to have draft that requires a cellar. Once the kitchen is completed all ventilation will be within regulations.

### Noise

We have sought professional advice on practical implementations of how to limit any noise disturbance that would be above what is already in place in the immediate vicinity. This includes secondary glazing and sound limiters. This is an on-going project, but we are committed to ensuring that the venue is as soundproof as possible. We are going to be installing internal glazing on the ground and first floor, east and west elevations which are professionally installed to dramatically improve and reduce noise impact.

### Smoking

Smoking will be managed by the security person who will work to discourage smoking on public land outside the site.

### Cycle Rack

There will no longer be a cycle rack installed outside The Bugle. Bicycles will be stored in the perimeter within the courtyard.

### Local Community

Even though Bugle Street and the surrounding streets house numerous pubs, offices and a busy registry office, we are very aware of the local residents in close proximity to the venue. We will provide a contact number for local residents to use if they become aware of any problems.

Our aim is to work closely with the community to ensure that people across the city will be able to use this unique landmark. Wonderhouse as a group has someone who works across all their properties to ensure that charities are able to use the space for a very low fee (sometimes for free where possible) for any short notice bookings where they need space. We don't want The Bugle to be off limits to the majority of the people living here by just hosting exclusive events. Those charitable causes that are in most need and have the shortest lead time will be given preference.

It is important to the whole team that this building is invested in the right way, that it is not split into flats, or made into offices but becomes a space that is useable for all. It allows everyone to see the features that we have managed to salvage before everything decayed and that by investing in this building, we are also investing in Southampton's local economy to create jobs and further tourism for local businesses.





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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 25 JANUARY 2022

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Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Magee, Savage (except for minutes item 52) and Windle

Present Virtually Councillor Vaughan

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

**RESOLVED:** that the minutes for the Panel meeting on 14 December 2021 be approved and signed as a correct record.

52. **PLANNING APPLICATION - 21/01027/FUL - UNIT 5, 140 ABOVE BAR STREET**

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.

Variation of condition 21 of planning permission ref 13/00593/FUL sought to extend opening/closing hours for Unit 5, 140 Above Bar Street only (Departure from Local Plan) (amended after validation to amend hours and specify departure)

Councillor Savage representing City Eye, Mr Ferreira (applicant), and Giles Semper from Go Southampton (supporter) were present and with the consent of the Chair, addressed the meeting. Additionally, Marian Hubble (local resident objecting) sent in a statement that was circulated to the Panel and noted at the meeting.

The Panel then considered the 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 and open hours set out within the report.

**NOTE:** Councillor Savage withdrew from the Panel for this item.

53. **PLANNING APPLICATIONS - 20/01716/FUL & 20/01717/LBC - 1A BUGLE STREET**

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

20/01716/FUL - Change of use of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01717/LBC).

20/01717/LBC - Listed Building Consent sought for conversion of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01716/FUL)

Ron Williamson (local resident objecting) Simon Reynier (City of Southampton Society) were present and with the consent of the Chair, addressed the meeting. In addition, statements from the Andy Gravell from Local Residents' group and from Professor Elia and Dr Elia were received and circulated to the Panel and posted online.

The presenting officer reported that the recommendation needed to be amended to include a Habitats Regulation Assessment. It was noted that the HRA had been circulated to Panel separately. It was further explained that the officers also required that the Section 106 legal agreement to be amended to secure both a contribution towards the New Forest National Park Authority Habitat Mitigation Scheme and site-specific highway works. The presenting officer also proposed the amendment of Condition 9 and an additional condition relating to landscaping.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendations for each aspect of the development.

Upon being put to the vote the recommendation relating to the Listed Building Consent ( 20/01717/LBC ) was carried. Councillor Savage abstained.

Upon being put to the vote the amended recommendation for application number 20/01716/FUL was lost unanimously.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor Windle and seconded by Councillor Harris was then carried unanimously.

**RESOLVED** that the Panel:

**20/01717/LBC – Listed Building Consent**

That planning permission be approved subject to the conditions set out within the report.

**20/01716/FUL**

**RESOLVED**

- (i) To confirm the Habitats Regulation Assessment.
- (ii) To refuse planning permission for the reasons set out below:

**Reasons for Refusal**

- 1) Insufficient information has been submitted to demonstrate appropriate management of the site and the intended use, particularly, whilst 'events' are taking place, including details of booking systems, the type and number of on-site staffing, security arrangements including guest safety and controls for dealing with neighbour

complaints and the termination of the 'event' at a reasonable hour, servicing arrangements including the storage and collection of food waste, recycling and laundry and the arrangements for catering in the absence of any substantial cooking facilities. These issues run to the heart of the use and its acceptability, and cannot be addressed with a post permission planning condition. Furthermore, without these details and a more refined definition of the likely 'events' the true impacts of the use cannot be properly assessed, controlled and mitigated. In the absence of this information, the proposals could result in undue noise and disturbance to neighbouring properties alongside wider public safety concerns. The proposal is therefore contrary to saved Policies SDP1 (i), SDP16 of the City of Southampton Local Plan Review (adopted 2006 – amended 2015) and saved Policy CS13 of the Council's Local Development Framework - Core Strategy Development Plan Document (adopted 2010 – amended 2015), as supported by Section 12 of the National Planning Policy Framework.

- 2) 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) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and a Travel Plan, in line with Policy SDP1, SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18, CS19 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) In the absence of an alternative arrangement the lack of a financial contribution towards New Forest National Park Authority Habitat Mitigation Scheme in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.
  - (iv) Financial contributions towards Late Night Community Safety Facilities and CCTV in line with Policy SDP1 of the City of Southampton Local Plan Review (Amended 2015), Policy CS25 of the adopted LDF Core Strategy (Amended 2015) and Policy AP8 of the City Centre Action Plan and the adopted SPG relating to Planning Obligations (August 2005 as amended).
  - (v) In the absence of a commitment towards a staff and guest travel plan the development fails to assist the Development Plan in delivering a scheme that encourages more sustainable transport to the private car.
  - (vi) In the absence of a commitment towards CCTV the scheme fails to offer sufficient site security for the intended use.

54. **PLANNING APPLICATION - 21/01329/FUL - 61 HIGHFIELD CRESCENT**

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.

Roof alterations including installation of side dormer and roof lights to facilitate a loft conversion and change of use from 5-bed HMO (class C4) to large 7-bed HMO (Sui Generis use).

Phil Noad (local resident objecting), Andy Evason (agent), and Councillor Mitchell (ward councillor) were present virtually and with the consent of the Chair, addressed the meeting. In addition the Panel noted statements of objection were received from Denise Long and Cristina Carretero which were noted and circulated to the Panel.

The presenting officer advised that Condition 6 would be amended to ensure that bins were stored at the rear of the property. Officers advised that an additional Condition 9 would be required in regarding removing permitted development rights for hardstanding the front garden. The Panel voted to support the need for a further additional condition agreed to secure additional soundproofing on all floor.

The Panel considered the recommendation to grant conditional planning permission, with the amended conditions. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission authority delegate approval for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Harris.

RECORDED VOTE refuse planning permission  
FOR: Councillors Coombs, L Harris and Savage  
AGAINST: Councillors Prior, Magee and Windle

The Chair used his second and casting vote to pass the recommendation for refusal.

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

**Reasons for Refusal**

The intensification in occupation arising from the larger HMO use alongside the associated noise and disturbance from the comings and goings and related activities of the cumulative number of unrelated occupants will adversely impact on the amenity of the neighbouring occupiers and adversely affect the mix, balance and character of housing in the wider area. Therefore, the proposal cannot be supported as it will be contrary to saved Policies SDP1(i) and H4(i) of the Local Plan Review (Amended 2015) as supported by the relevant sections of the Houses in Multiple Occupation Supplementary Planning Document (Approved May 2016).

55. **PLANNING APPLICATION - 21/01363/FUL - 17A BROOKVALE ROAD**

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.

Demolition of existing laundry building and provision of new two storey 3 bedroom dwelling including provision of a new access onto Brookvale Road associated

parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL)

Mrs Jameson (local resident objecting), Ian Donohoe (agent), and Councillor Mitchell (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted and received a statement from the Highfield Residents' Association.

During the debate at the meeting the presenting officer agreed to amend Condition 5 and add an additional condition in relation to access to the bathroom, as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED** that the Panel:

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegated authority to the Head of Planning and 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 or S.111 Legal Agreement to secure 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.
3. That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale
4. That the Head of Planning and Economic Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional and amended Conditions

05. Amenity Space Access (Pre-Occupation) - AMENDED  
Within 3 months of the decision notice date, the external amenity space and pedestrian access to it for the existing dwelling at 17a Brookvale Road and the approved dwelling, 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.

12. Bathroom access – ADDITIONAL

Within 3 months of the decision notice date, direct internal doorway access to the first floor bathroom shall be provided from the stairway landing and shall be thereafter retained for the lifetime of the approved dwelling.

REASON: In the interests of the living conditions of the occupiers.

56. **PLANNING APPLICATION - 21/01578/FUL - 20 HOWARD ROAD**

Change of use of premises to Offices (Class E(g)(i), removal of Condition 07 of the consent dated 23 September 2021 (Application No. 21/01047/FUL) to remove limit on number of staff employed on the premises. 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 premises to Offices (Class E(g)(i), removal of Condition 07 of the consent dated 23 September 2021 (Application No. 21/01047/FUL) to remove limit on number of staff employed on the premises.

Mr Bendermacher (local residents/ objecting), and Councillor Shields (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that that highways comments received in addition to agenda report were forwarded to Members prior to the Panel meeting

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

A further motion to refuse to grant conditional planning permission authority delegate approval for the reasons set out below was then proposed by Councillor Windle and seconded by Councillor Harris.

RECORDED VOTE refuse planning permission

FOR: Councillors L Harris, Savage and Windle

AGAINST: Councillors Coombs, Magee and Prior

The Chair used his second and casting vote to pass the recommendation for refusal.

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

Reasons for Refusal

The proposed change of use, without a restriction on the number of staff, as hereby proposed has been assessed as harmful by the Local Planning Authority (LPA). A restrictive planning condition was initially applied as a response to the applicant's submission and the likely occupancy levels envisaged, which have since changed since permission 21/01047/FUL was issued. By removing condition 7 from planning permission LPA ref no. 21/01047/FUL to allow unlimited staff occupancy, the impact associated with the change of use to an office will in the opinion of the LPA adversely affect i) the amenity of the neighbouring occupiers from the increased comings and goings from the building, and the associated activity associated with the unrestricted office environment given the semi-detached nature of the building and ii) the likely pressure for existing on-street parking availability in the locality for local residents caused by the additional car parking demand linked to an unlimited number of staff and the provision of only 6 on-site parking spaces. As such, the proposal would impact existing neighbouring amenity and prove contrary to saved Policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in the Parking Standards Supplementary Planning Document (September 2011).

57. **PLANNING APPLICATIONS - 21/01389/FUL & 21/01308/FUL 10 PRINCES STREET**

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

**21/01389/FUL**

Temporary Consent (5 years) for continued use of property for reception, storage and processing of scrap metal (Departure from Local Plan)

*NB. description amended 12.11.21 to change from permanent to temporary application*

**21/01308/FUL**

Erection of additional boundary fencing on top of original perimeter walls and gates

Peter Harding (local residents objecting), Alexandra Munday (agent) and Zach Salt (applicant) were present and with the consent of the Chair, addressed the meeting. In addition the Panel received and noted a statement from Andrew Ballard.

The presenting officer reported that an additional condition was required in regard to the perimeter works, as set out below.

The Panel then considered the recommendations for the two applications separately for the temporary consent and the boundary fencing to grant conditional planning permission. Upon being put to the votes the recommendations were carried unanimously.

**21/01389/FUL**

**RESOLVED** that planning permission be approved subject to the conditions set out within the report

**21/01308/FUL**

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

Amended condition

Condition 4 – Fence and gate (Performance) - ADDITIONAL

The installation of the perimeter boundary works hereby approved shall be completed in accordance with the plans hereby approved within 3 months of the decision notice date. The perimeter boundary works and associated materials shall be dismantled and removed from the site within 1 month from the operation of the temporary metal recycling use ceasing.

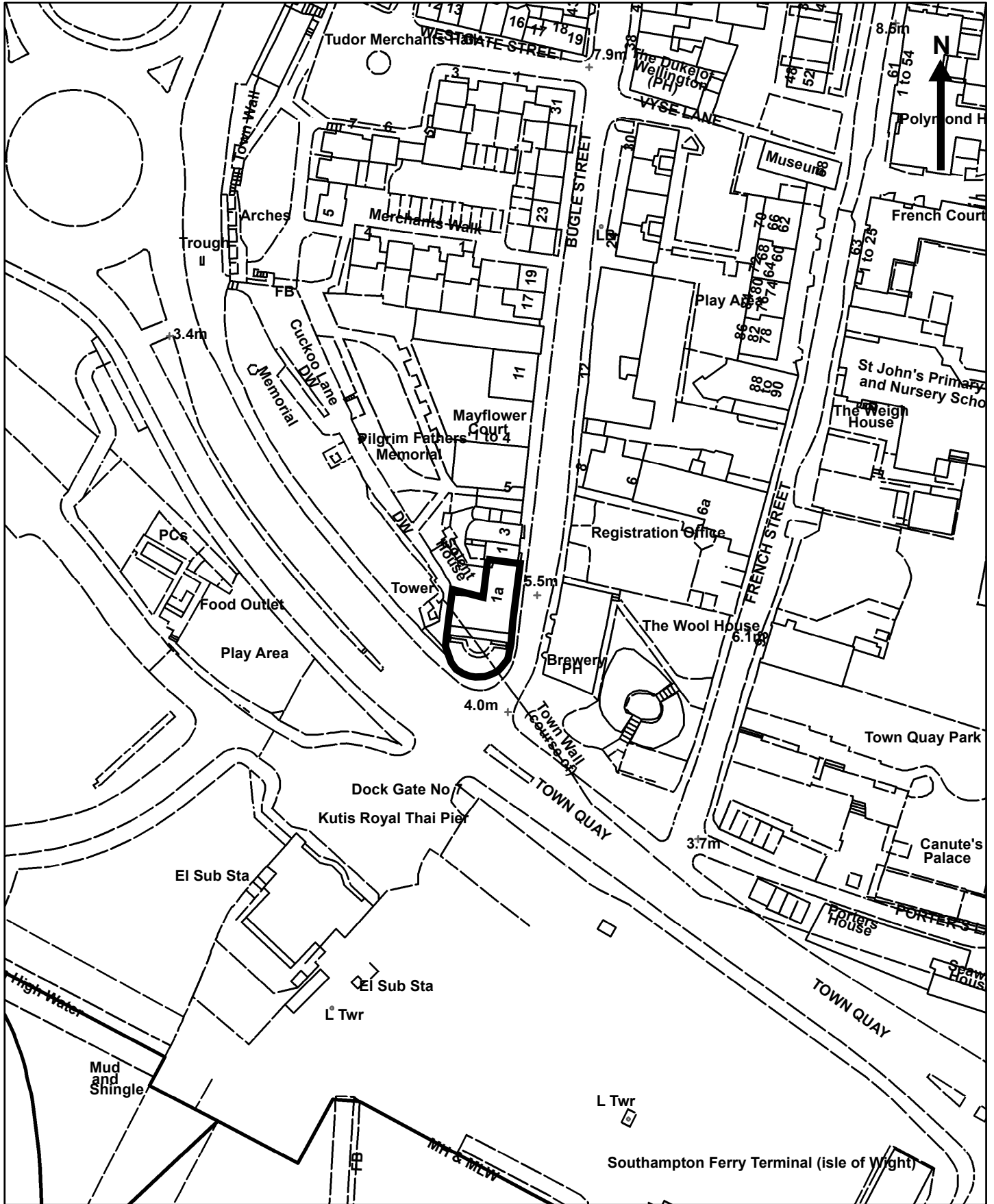
REASON: In the interests of safety and amenity of neighbouring occupiers and the visual amenity of the local area.



# Agenda Item 6

# 22/00193/FUL

Appendix 4



Scale: 1:1,250

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**Planning and Rights of Way Panel 12<sup>th</sup> July 2022**  
**Planning Application Report of the Head of Green City & Infrastructure**

<b>Application address:</b> Spitfire Quay, Siva Plastics, Hazel Road, Southampton.			
<b>Proposed development:</b>			
<b>This report seeks a decision for 2 planning applications:</b>			
1. MINOR 20/00495/FUL Installation of a 2 bay vehicle loading dock (Retrospective).			
2. MAJOR 19/01702/FUL Erection of extension to the west elevation (known as south extension) (retrospective).			
<b>Application type:</b>	FUL		
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 + 15 minutes
<b>Last date for determination:</b>	1. 19.07.2022 (ETA) 2. 19.07.2022 (ETA)	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received.	<b>Ward Councillors:</b>	Alex Houghton Joshua Payne Eamonn Keogh
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Mr Bobby Mehta		<b>Agent:</b> Southern Planning Practice	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Planning Permission (identical for both applications):**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on neighbouring business operations 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 (2021).

Policies - SDP1, SDP7, SDP9, SDP16, SDP22, REI10 (xviii), NE1, NE2, NE3, NE4

and NE5 of the City of Southampton Local Plan Review (Amended 2015) and CS6, CS13, CS22, CS23 and CS24 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the National Planning Policy Framework (2021)

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Operations Management Plan (13.08.2021)		

### **Recommendation in Full**

Conditionally approve

### **Background:**

The Planning Panel are being asked to consider two separate planning applications for development on this site under this single Panel report. A vote will be required on each application in turn.

The applicant, Siva Plastics have been operating since 1979. The company specialises in the manufacture of flexible packaging products, graphic printing on flexible packaging and adhesive lamination. Approximately 40% of the products produced by Siva Plastics are exported internationally. Siva Plastics invest in the latest technologies and processes with the aim of maintaining long term business success.

This site has been subject to a number of planning applications as set out in the planning history section of this report, most notably 4 planning applications were granted permission at Planning Panel in June 2019. Two of these applications aimed to overcome problems caused by the two developments to which this report relates, and were also accompanied by an Operations Management Plan (OMP), which has since been updated due to a recent planning approval (20/01665/FUL) for the extension of the Siva Plastics complex into a neighbouring site to the north which has enabled further improvements in vehicle management. The applications to which this report relates are also linked to the updated OMP (dated 13/08/2021) which is included at **Appendix 3**.

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

- 1.1 The site is located within the Spitfire Quay Industrial Estate, .4.5km to the east of the City Centre. The site is bordered by Hazel Road to the east, the River Itchen to the west and other industrial uses to the north and south. The site currently comprises of the main Siva Group factory, a warehouse & loading area, a bridge linking the warehouse and factory over which goods can move; and a large area of open storage/parking to the north (referred to as 'yards 1, 2 and 4').
- 1.2 The application site consists of buildings and hard standing which lie adjacent to inter-tidal habitats which form part of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The inter-tidal area also forms part of

the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are designated for high populations of over-wintering waterfowl. In addition, Atlantic salmon, *Salmo salar*, which is an interest feature of the River Itchen Special Area of Conservation (SAC), are likely to pass close to the site whilst migrating to and from breeding grounds in the upper reaches of the Itchen.

- 1.3 The Siva Group operation is accessed from Hazel Road, via two bellmouth arrangements at either end of the RJ Mitchel Centre which contains a number of other industrial units. Application 20/01665/FUL for yards 1, 2 and 4 has also resulted in an additional access from Quayside Road and facilitates a one-way traffic system through the site for articulated heavy goods vehicles (HGVs).

## 2. Proposal

- 2.1 **Application 1 (20/00495/FUL)** is for a 2 bay loading dock and follows the refusal of planning application 18/01255/FUL, which sought retrospective permission for a two-bay vehicle loading dock and waste compactor chute. The application was refused owing to the position of the two-bay vehicle loading dock which resulted in HGVs having to undertake multiple reversing manoeuvres which obstructed the flow of traffic within Spitfire Quay Industrial Estate. The proposal was deemed to prejudice the operation of neighbouring businesses and undermine the vitality and viability of Spitfire Quay Industrial Estate. The application was also refused because insufficient information had been provided regarding noise and potential impact on neighbouring residential occupiers. Both reasons for refusal are included in **Appendix 2**. Whilst application 18/01255/FUL was refused, Siva plastics have continued to use the loading dock although it's use is now less frequent because of the new warehouse building and bridge over Quayside Road which connects the warehouse to main factory building, approved by panel in June 2019 (18/02087/FUL). Therefore, the two loading bays are no longer the main loading/unloading area serving the factory. For this reason planning enforcement action has been put on hold pending the outcome of this current application. The loading dock is 7.2m high, 7.8m wide and 11.2m long.

- 2.2 **Application 2 (19/01702/FUL)** seeks retrospective permission for an extension of the factory building to the west, which facilitates the accommodation of a new piece of factory machinery. Prior to the extension vehicles could drive around the factory in a clockwise direction and deliver raw materials to the rear. This is, however, no longer possible. Vehicles delivering raw materials to the rear of the site now need to use Quayside Road which is also used to access neighbouring businesses 'Days' and 'Spitfire Garage'. Enforcement against this extension has again been put on hold until determination of the current application has taken place as, if approved, the proposal will alleviate previous concerns. The extension is 11m high, 30m wide and 50m long

## 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 2021. Paragraph 219 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 site’s relevant planning history (outlined below) for the site is set out in **Appendix 2** of this report. The following applications are of particular relevance to this recommendation:
- 4.2 In December 2016 planning permission (16/00844/FUL) was granted for redevelopment of the site to the north and erection of a new warehouse building with a covered loading bay and parking. This has since been connected to the factory by a bridge link approved at the planning panel on 4<sup>th</sup> June 2019 (18/02087/FUL).
- 4.3 Planning permission was then refused in October 2018 for the retrospective installation of a two-bay vehicle loading dock and waste compactor chute (18/01255/FUL) adjacent to Quayside Road. The application was refused for two reasons: impact on neighbouring business operations and insufficient information relating to noise impact. The retrospective nature of the development has been raised as a planning enforcement enquiry however enforcement action (as mentioned earlier in this report) is on hold pending the outcome of the current application because without the current unauthorised works the factory could not operate.
- 4.4 To facilitate improved vehicle management around the site application 18/01659/FUL was then approved for the erection of a single storey building for use as monitoring office/gatehouse. The purpose of the monitoring office/gatehouse is to manage vehicles arriving and departing from the Siva Plastics warehouse and factory with the aim of preventing unnecessary and disruptive manoeuvres, in particular from HGV’s.
- 4.5 Subsequently the monitoring office/gatehouse has been approved in a separate location as part of application 20/01655/FUL (northern site extension) to allow for the siting of a water tank necessary for a sprinkler system within the factory needed to prevent risk of serious fire.
- 4.6 The northern site extension (20/01665/FUL) also allows the use of the site to the north (referred to as yards 1, 2, and 4) for additional storage and parking

which will help with the management of Siva related HGVs and other delivery vehicles. This application is critical for the delivery of the amended OMP (dated 13/08/2021), the implementation of which was a condition of the consent and significantly reduces the potential for conflict between vehicles relying on Quayside Road for access, delivery, and servicing purposes.

**5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning applications publicity exercises in line with department procedures were undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (for 19/01702/FUL ‘Major’) and erecting a site notice.

<b>Application Ref:</b>	<b>Site Notice Date</b>
1. 20/00495/FUL Installation of a 2 bay vehicle loading dock (Retrospective).	11.05.2020
2. 19/01702/FUL Erection of extension to the west elevation (known as south extension) (retrospective).	24.04.2020

At the time of writing the report a total of **16 representations** across both applications have been received from surrounding residents (11 for 20/00495/FUL and 5 for 19/01702/FUL). Many of the letters were received in response to the original consultation exercise and, therefore, do not take account of amendments that have since been made which aim to overcome the concerns raised by the public and Local Planning Authority. Following receipt of the amended OMP, (dated 13/08/2021) (**Appendix 3**) a second consultation exercise was undertaken. The summary of points raised below relate to all letters of representation received in response to both consultation exercises.

Representations have also been received from **Cllr Keogh** who wishes to see the Lorry Park on Oak Bank Road improved.

5.2 ***Upgrade the lorry park facility on Oak Bank Road to improve access to and from the industrial estate on Hazel Road.***

**Response**

Adequacy of the Lorry Park is not a material planning consideration and is outside the scope of this planning application.

5.3 ***No meaningful difference to the scheme refused in 2018.***

**Response**

There is now a bridge link, transfer building and new warehouse on site which significantly reduces the need for the loading dock to be used daily. The application is also accompanied by an Operational Management Plan (OMP) (**Appendix 3**) which clarifies under which circumstances the loading dock will need to be used and how the loss of a one-way system around the factory has been mitigated. The OMP has now been updated and taken in the round and

with reasonable behaviour in mind it is considered that the updated OMP will allow the continued operation of the Siva factory to take place without significant disruption to neighbouring businesses. The main aspects of the OMP are discussed in section 6 below. It should also be noted that some of the original objectors to the scheme have removed their objections following the publication and review of the newest OMP (dated 13/08/2021).

5.4 ***No details have been provided to demonstrate the vehicle movement tracking for the combination of all proposed Siva activities on Quayside and Hazel Road.***

**Response**

Highways Development Management have raised no objection. The applicant has provided tracking diagrams to demonstrate that it is possible for articulated HGVs, measuring 16.5m in length, to turn both east and west onto Quayside Road from the warehouse forecourt area, to turn through 180 degrees at the rear of the factory; and to successfully carry out a reverse manoeuvre into the loading dock. This means that, other than the reversing manoeuvre into the loading dock itself, there is no longer the need for complicated turning manoeuvres (including those involving multiple reverse turns) on Quayside Road or Hazel Road that would otherwise harmfully disrupt the traffic movements associated with nearby business units.

5.5 ***Use of the loading dock will obstruct access to other businesses negatively effecting the viability of the industrial estate.***

**Response**

The updated OMP (dated 13/08/2021) (**Appendix 3**) clarifies that unless the bridge link and transfer building to the warehouse are unusable the loading dock will only be used during the following hours to avoid conflict with the majority of traffic visiting neighbouring businesses:

- 20:00 - 06:30 Monday to Friday.
- 13:30 Saturday to 06:30 Monday.

In addition, on Saturday mornings loading bay two will not be used to prevent loading HGVs from overhanging Quayside Road and the turning manoeuvre will take place to the rear of the factory building rather than on Quayside Road.

5.6 ***The area used for manoeuvring and reversing continues to be at the primary pedestrian and cycle crossing point for anyone travelling to locations on or beyond Quayside Road.***

**Response**

The frequency of vehicle manoeuvres in front of the loading bays will reduce as a consequence of the northern site extension and updated OMP (**Appendix 3**). The subsequent degree of reliance upon the highway for site access with HGVs is considered reasonable based on the status of Hazel Road & Quayside Road as private highway and the location of the site within a designated industrial estate.

5.7 ***The rear extension prevents the circular movement of vehicles around the factory without this movement all HGV's accessing the rear of the factory must use Quayside Road putting significant additional pressure on the junction of Quayside Road and Hazel Road.***



### **Response**

All vehicles delivering or picking up goods from the rear of the factory building shall first be directed to 'Gate 3' before entering 'Yards 1, 2 and 4' where drivers will be required to wait either within the holding area or the warehouse forecourt prior to being allowed to travel to the rear of the factory. The process will be managed by Siva staff located within the monitoring office/gatehouse, approved as part of the northern site extension (20/01665/FUL). Only one vehicle (forklift truck or HGV) will be allowed to access the rear of the factory at any one time. In addition, the HGV turning area located to the rear of the factory shall remain clear and available for HGV turning at all times. These measures aim to prevent the need for an HGV to reverse along Quayside Road which has in the past caused a disruption to neighbouring businesses when there is insufficient space to turn often due to there already being a Siva vehicle located to the rear of the factory. The process is covered in the updated OMP (**Appendix 3**).

- 5.8 ***The information provided in this application is limited/incomplete. The tracking diagram only shows the movements at the rear of the factory associated with the loading bay on this extension however the area is also used for unloading HGX's (with forklifts from the curtain sides) and the filling of silos next to this extension.***

### **Response**

Provided that the procedure set out in the OMP (**Appendix 3**) is followed there will be sufficient space for all loading/unloading operations to take place along with the turning of articulated HGVs measuring 16.5m. In addition, management of vehicles around the site will be controlled by Siva staff; preventing the need for Siva related vehicles to reverse along Quayside Road. Siva Plastics have agreed to the operation including only allowing one vehicle to the rear of the factory at any one time and always keeping the turning area free.

- 5.9 ***It is unfortunate that this application has been submitted before building the one way system (submitted as part of applications 18/02087/FUL, 18/01679/MMA, 18/01659/FUL, 18/01964/FUL) as the benefit of this system is proposed to be the removal of the need for circular movement. Without proof this works I believe this application is premature.***

### **Response**

The management of delivery/collection vehicles linked to the Siva Plastics operation has been updated because of the northern site extension (20/01665/FUL). The update, involving Yards 1, 2 and 4, now provides a larger area for the stacking/queueing of HGVs prior to being directed to delivery or collection locations around the site. This updated arrangement is an improvement over the previously approved, and now superseded, OMP.

- 5.10 ***It has been suggested that the loading bay can be freely used in an emergency. No documentation has been submitted stating what will be done in this eventuality.***

### **Response**

The OMP (set out at **Appendix 3**) includes the following:

- In the event of a total or partial shutdown of the warehouse facility/automated storage system or bridge link, resulting in the bridge link not being able to be used, fork lift trucks will be used to move goods between Spitfire House and the warehouse for a temporary period which shall be agreed in writing by the Local Planning Authority as soon as reasonably practicable (taking account of the 24 hours operation of the factory and Monday – Friday opening hours of the Local Planning Department).
- Whenever practicable the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.

5.11 ***Some concerns are raised over the practicality and enforceability of the Operational Management Plan.***

**Response**

The OMP will be controlled by planning condition. The Local Planning Authority would need to determine whether it's expedient to act on any breaches that take place. Breaches of planning control (conditions) can lead to prosecution and fines awarded by the courts if judged to be significantly harmful.

5.12 ***Submission of the application during Covid-19 pandemic has limited the number of responses to the consultation.***

**Response**

There have been two consultation exercises carried out in association with the applications; the second followed negotiation and officer support of an updated/amended OMP (dated 13/08/2021) (**Appendix 3**). The consultation exercise is also deemed to have been reasonable considering the schemes proposed and officers are aware of the historic impact that both developments have had on neighbouring businesses along with the strength of feeling from the local business community. The OMP is now judged to have sufficiently balanced the needs of Siva Plastics against the transport & business needs of the other businesses located in Spitfire Quay industrial estate. Siva plastics have also engaged with the local business community with the aim of keeping them informed of new projects requiring planning permission.

**Consultation Responses**

Consultee	Comments
<b>Cllr Eamonn Keogh</b>	I would once again encourage our planners to do what they can to upgrade the lorry park facility on Oak Bank Road to improve access to and from the industrial estate on Hazel Road.  <b><u>Response</u></b> This request is outside of the scope of this planning application.
<b>Environmental Health, Noise</b>	Following a perusal of the associated documents and in particular the Noise Report we have no objections to make concerning the retrospective planning applications.

<b>Environmental Health, Contaminated Land</b>	<p>No objection to either application, apply recommended conditions.</p> <p><b><u>Response</u></b>  <i>As the application is retrospective is it not possible to impose investigation and remediation works condition however the development would have also been required comply with building regulations (approved doc C) site preparation and resistance to contaminants.</i></p>
<b>Highways Development Management</b>	<p>No objection on basis of the latest version of the OMP, but would recommend one more inclusion regarding the use of loading dock. Although I note it is only being used in quieter times, I assume there is no guarantee that other businesses are prohibited from operating still during these times. Regardless, for the safety of other staff of Siva plastics, the reversing manoeuvre to access the loading dock should be supervised/aided by a banksman. Once this statement is included, I am happy to raise no objections to the application and OMP.</p> <p><b><u>Response</u></b>  The OMP (dated 13/08/2021) takes full account of the above recommended changes.</p>
<b>SCC Flooding</b>	<p>No objection, apply recommended conditions:</p> <ul style="list-style-type: none"> <li>• The finished floor levels should be no lower than the existing floor levels with appropriate flood resilience measures.</li> <li>• In line with the submitted FRA, paragraph 3.6 'All electrical equipment and wiring will be at 1.5m above floor level to reduce the likelihood of water damage'.</li> </ul>
<b>SCC Employment and Skills</b>	<p>An Employment and Skills Plan obligation will not be sought.</p>
<b>SCC Archaeology</b>	<p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. Previous application 16/00600/FUL, for extensions to the factory, did not include archaeological conditions. No objection and no conditions are recommended.</p>
<b>City of Southampton Society</b>	<p>Neutral position: concerned by number of retrospective applications submitted by Siva Plastics.</p>
<b>SCC Ecology</b>	<p>The area upon which the new development has been built was an area of hard standing which had negligible intrinsic biodiversity value. The completed development will not therefore have any adverse impact on on-site biodiversity. No objection is therefore raised provided</p>

	that a condition is added controlling external storage of plastic nurdles and finished products so that in the event of a spillage the opportunity for pollution incidents to occur are limited.
<b>Natural England</b>	Natural England note these applications are retrospective and agreed with Council's Ecologist that the operational activities will be similar to those currently taking place and adverse impacts in the operational phase are unlikely and have no specific comments to make.
<b>Southern Water</b>	No objection.
<b>Southampton Airport</b>	The proposed development at Siva Plastics has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore, have no objection to this proposal.

## 6. Planning Consideration Key Issues

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

- The principle of development;
- Impact on local businesses and highways;
- Design and effect on character;
- Residential amenity; and
- Ecology

### 6.2 Principle of Development

6.3 The site is allocated for industry and warehousing under policy RE110. Permitted uses are B1 (c), B2 and B8. The proposed development is considered to fit with the allocated use.

6.4 The principle of delivering linked development, through two planning applications, to support an existing business and its expansion/modernisation aspirations upon a site allocated for employment uses is supported.

### 6.5 Impact on local businesses and highways

6.6 Concerns were raised at an early stage with regard to the impact of the expansion of Siva Plastics on the neighbouring businesses, and a previous application for the loading dock (18/01255/FUL) was refused for this reason. In addition, previously approved plans (16/00600/FUL) identified that vehicles could drive around the factory building in a clockwise direction and deliver raw materials to the rear from within the site. Because of the unauthorised extension of the factory building, which was needed to facilitate a new piece of factory machinery, this is no longer possible. Vehicles delivering raw materials

to the rear of the site have since needed to use Quayside Road, which is also used to access neighbouring businesses 'Day Aggregates' and 'Spitfire Garage'.

- 6.7 The retrospective nature of both developments to which this report relates have clearly had an impact on local businesses owing to the movement of HGVs and fork lift trucks accessing both the loading bays at the northern end of the factory as well as the servicing area to the rear by disrupting traffic flow within the industrial estate. Disruption of neighbouring businesses has been particularly severe when the arrival of delivery vehicles has been poorly managed often resulting in vehicles needing to turn, reverse and park on Quayside Road and Hazel Roa.
- 6.8 The transfer building and bridge (18/02087/FUL), warehouse building (amended by 18/01679/MMA) along with the monitoring office/gatehouse (18/01659/FUL) and associated OMP sought to overcome the highways related problems associated with the two developments associated with this report. The applications were approved by planning panel in June 2019.
- 6.9 The management of Siva factory related transport (in particular HGVs) will be further improved as a consequence of the northern site extension (20/01665/FUL), approved June 2022; now referred to as 'Yards 1, 2 & 4'. The development incorporates a new main entrance for delivery vehicles further north along Hazel Road, parking/queuing areas for delivery vehicles including HGVs, larger storage areas for raw materials & pallets, an updated siting of the monitoring office/gatehouse building, pollution prevention measures and improved management of vehicle movements around the site by the incorporation of a one-way system via the warehouse forecourt area. The application has also allowed for the delivery of an updated and enhanced OMP (dated 13/08/2021, see **Appendix 3**). This will help to limit the potential for Siva related vehicles to obstruct traffic flows on Quayside and Hazel Roads when their destination (warehouse forecourt loading area or factory loading areas) is occupied. The OMP also includes tracking diagrams which demonstrate that articulated HGVs measuring 16.5m in length (standard length for articulated HGVs [[Maximum length of vehicles used in Great Britain - GOV.UK \(www.gov.uk\)](https://www.gov.uk)]) can carry out turning manoeuvres to the rear of the factory building. The turning area to the rear of the site must remain clear for turning manoeuvres at all times and will be controlled by condition, as identified by the OMP. An updated tracking diagram has also been provided with the loading dock application to also demonstrate how 16.5m long articulated HGVs can conveniently reverse into the loading bays.
- 6.10 Owing to the turning area to the rear of the factory and the management of vehicles inside Yards 1, 2 and 4 the only time a reversing manoeuvre will be needed on Quayside Road would be during use of the loading dock. Under normal working conditions this would be limited to evenings and weekend use. In the event of a breakdown of the automated warehouse, transfer building or bridge link forklift trucks would be used to transfer goods over Quayside Road from the warehouse to the factory.

6.11 This is considered a reasonable compromise as if there is a problem with the transfer building and/or bridge it will be in the interests of Siva to mend it as soon as possible as the automated system seeks to improve efficiency of their operation. The OMP takes this into account and requires Siva to inform the Planning Department and other businesses using Quayside Road of any need to use forklifts on Quayside Road as soon as practically possible.

6.12 Planning conditions are recommended for the two schemes requiring the development to be carried out in accordance with the OMP within 6 months of the date of the permission. The conditions have been worded so that compliance is achieved within 6 months as this allows sufficient time for the northern site extension development and OMP to be fully implemented; and also allows Siva some flexibility so that the operation of the factory can continue unaffected until this time. It is considered unreasonable to require the company to not use the rear extension or loading bays until the northern site extension and OMP are fully operational given the economic and employment implications this would cause. The OMP includes the following vehicular movement management measures:

- At no time shall the vehicle loading and unloading spaces/areas (including space for 6 Heavy Good Vehicles [HGVs] within the warehouse forecourt/servicing area; or the HGV turning area identified in appendix 6 of the operations management plan) be used for storage purposes and at all times shall remain clear and available for vehicle manoeuvring, loading and unloading purposes as indicated.
- All vehicle movement around the site shall be managed in accordance with approved Operations Management Plan by Siva Staff.
- The one-way system and space reserved for queueing HGVs will be retained and not be used for any storage purposes.
- Only one vehicle (forklift truck or HGV) will access the rear of Spitfire House via Quayside Road at any one time.
- Whilst operational the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.
- Following the bridge link and warehouse becoming operational forklift trucks shall not be used to transfer goods over Quayside Road between the warehouse site and Spitfire House unless there is a total or partial shutdown of the warehouse facility/automated storage system or bridge link; in such an event fork lift trucks may be used to move goods between Spitfire House and the warehouse for a temporary period only and must be agreed in writing as soon as practically possible, with the Local Planning Authority.
- Lights, visible to highway users approaching the junction of Quayside Road and Hazel Road, will flash when gates into the warehouse forecourt area are opening and vehicles are departing.
- The use of the loading bay at the northern end of the factory building shall be restricted from 06:30 to 20:00 Monday to Friday and 06:30 to 13:30 on Saturday mornings to avoid obstruction of Quayside Road during times of the day/week when Quayside Road is at its busiest.

6.13 It is also important to consider that Quayside and Hazel Road are not public highway; instead, they are under private ownership and therefore the Council is limited in its control over those roads.

6.14 As previously noted, the Highways Team are satisfied with the information provided to support the applications and, subject to the updated OMP (dated 13/08/2021) being conditioned, can support both applications.

6.15 Design and effect on character

6.16 There are no objections to the proposal on the basis of design and impact on the visual amenity of the area. Neither scheme exceeds the height of the main factory building and do not harm views out from Peartree Green, as was the case with one of the warehouse applications. As such, given the context of this development the proposed works are deemed to meet the requirements of the Development Plan.

6.17 Residential amenity

6.18 Previously the loading dock was also opposed on the grounds of noise impact. The Council's Environmental Health Team have since reviewed an updated noise report and accordingly have not raised an objection based on noise impact. It is also important to note that the Environmental Health Team have not identified any conditions which need to be added to control the development.

6.19 Visual impact on the proposed development is also considered acceptable when viewed from the closest residential properties. On this basis both applications are considered to meet Local Plan policy SDP1(i).

6.20 Ecology

6.21 The applications are both retrospective and prior to development the land upon which the extensions are positioned were both areas of hard standing with negligible intrinsic biodiversity value.

6.22 Whilst several construction activities could have led to adverse impacts upon the adjacent designated sites the Council's Ecologist is of the view that, apart from external storage and movement of raw materials; that could result in accidental spills, the operational phase of the factory building will not have any adverse impacts. Owing to the potential for accidental spill a pollution prevention plan has been developed by Siva plastics. Accordingly, the applications are both recommended for approval provided that the agreed pollution prevention measures are included as planning conditions.

**7. Summary**

7.1 Siva Plastics have proactively sought to overcome the concerns of local businesses when dealing with the current two applications. With the amended and additional information and, in particular, the OMP the officer's concerns

have been mitigated. The Panel are asked to consider the two applications in turn, whilst recognising that they actually interlink and seek to improve the operational processes on this existing business.

## **8. Conclusion**

8.1 It is recommended that planning permission be granted for both retrospective planning applications 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)

**MP for 12/07/2022 PROW Panel**

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**PLANNING CONDITIONS to include:**

**Application 1. 20/00495/FUL**  
**Installation of a 2 bay vehicle loading dock**  
**(Retrospective)**

1. 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.

2. Operations Management Plan, (Performance Condition)

Within 6 months of the date of this permission the 'Siva Group Operations Management Plan', dated 13/08/2021, shall be fully implemented. Thereafter the approved Operations Management Plan (or as formally amended by the approval of a subsequent planning application) shall be implemented in full throughout the lifetime of the development.

In particular:

- At no time shall the vehicle loading and unloading spaces/areas (including space for 6 Heavy Good Vehicles [HGVs] within the warehouse forecourt/servicing area; or the HGV turning area identified in appendix 6) be used for storage purposes and at all times shall remain clear and available for vehicle manoeuvring, loading and unloading purposes as indicated.
- All vehicle movement around the site shall be managed in accordance with approved Operations Management Plan by Siva Staff.
- The one-way system and space reserved for queueing HGVs will be retained and not be used for any storage purposes.
- Only one vehicle (forklift truck or HGV) will access the rear of Spitfire House via Quayside Road at any one time.
- Whilst operational the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.
- Following the bridge link and warehouse becoming operational forklift trucks shall not be used to transfer goods over Quayside Road between the warehouse site and Spitfire House unless there is a total or partial shutdown of the warehouse facility/automated storage system or bridge link; in such an event fork lift trucks may be used to move goods between Spitfire House and the warehouse for a temporary period only and must be agreed in writing as soon as practically possible, with the Local Planning Authority.
- Lights, visible to highway users approaching the junction of Quayside Road and Hazel Road, will flash when gates into the warehouse forecourt area are opening and vehicles are departing.
- The use of the loading bay at the northern end of the factory building shall be restricted from 06:30 to 20:00 Monday to Friday and 06:30 to 13:30 on Saturday mornings to avoid obstruction of Quayside Road during times of the day/week when Quayside Road is at its busiest.

Reason: In the interests of highway safety, to improve the efficiency of the highway

network on Hazel and Quayside Roads, to ensure access to nearby businesses is not unreasonably disrupted.

### 3. Pollution prevention measures (Performance condition)

Within 6 months of the date of this permission the approved pollution prevention measures, as detailed within the plans and procedures listed below, shall be fully implemented; including permanent raised sills and bunding installed along the edge of the site adjacent to the riverbank and around the polymer storage area; and a ramp is added along the top edge of the slipway. All pollution prevention measures hereby approved shall be retained throughout the lifetime of the development:

- in accordance with plan SB-02 P07 (Site bunding, Plan and location of proposed elements, date 20/03/20;
- Appendix 13, Polymer Containment Plan & Details; enclosed by kerb edging and kicker board, at least 200mm in height, around the polymer storage yard area.
- Procedure Plastic Pellets, PRC 01, Date: 28/04/2021, Siva Group.
- Audit Checklists - Pellets.
- Gate 3 Material Storage Area.
- Silo Area, Summit System Area, Laborsave & Extrusion Areas & NGR Areas.
- Rear Yard, Slip Way, North/South Roads and Compactors.
- Training, Plastic Pellets, TRG, Date: 25/06/2021, Siva Group.

REASON: To contain any surface water runoff and intercept pollution causing materials prior to entering the adjacent river ecosystem; in order to protect the adjacent Solent and Dorset Coast Special Protection Area from potential pollution causing incidents associated with plastic production.

### 4. Flood Resilience Measures [Performance Condition]

The development hereby approved shall be carried out in full compliance with the flood resilience measures set out in the flood risk assessment accompanying the application which include: All electrical equipment and wiring will be at least 1.5m above the floor level of the development hereby approved.

Reason: To ensure that the building incorporates flood resilience measures, to reduce the likelihood of water damage and therefore reduce the impact of future potential flood events as set out in the approved Flood Risk Assessment.

## **Application 2. 19/01702/FUL**

### **Erection of extension to the west elevation (known as south extension) (retrospective)**

#### 1. 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.

#### 2. Operations Management Plan, (Performance Condition)

Within 6 months of the date of this permission the 'Siva Group Operations Management Plan', dated 13/08/2021, shall be fully implemented. Thereafter the approved Operations Management Plan (or as formally amended by the approval of a subsequent planning application) shall be implemented in full throughout the lifetime of the development.

In particular:

- At no time shall the vehicle loading and unloading spaces/areas (including space for 6 Heavy Good Vehicles [HGVs] within the warehouse forecourt/servicing area; or the HGV turning area identified in appendix 6) be used for storage purposes and at all times shall remain clear and available for vehicle manoeuvring, loading and unloading purposes as indicated.
- All vehicle movement around the site shall be managed in accordance with approved Operations Management Plan by Siva Staff.
- The one-way system and space reserved for queueing HGVs will be retained and not be used for any storage purposes.
- Only one vehicle (forklift truck or HGV) will access the rear of Spitfire House via Quayside Road at any one time.
- Whilst operational the warehouse facility/automated storage system and bridge link, rather than forklift trucks, will be used to transfer goods over Quayside Road between the warehouse site and Spitfire House.
- Following the bridge link and warehouse becoming operational forklift trucks shall not be used to transfer goods over Quayside Road between the warehouse site and Spitfire House unless there is a total or partial shutdown of the warehouse facility/automated storage system or bridge link; in such an event fork lift trucks may be used to move goods between Spitfire House and the warehouse for a temporary period only and must be agreed in writing as soon as practically possible, with the Local Planning Authority.
- Lights, visible to highway users approaching the junction of Quayside Road and Hazel Road, will flash when gates into the warehouse forecourt area are opening and vehicles are departing.
- The use of the loading bay at the northern end of the factory building shall be restricted from 06:30 to 20:00 Monday to Friday and 06:30 to 13:30 on Saturday mornings to avoid obstruction of Quayside Road during times of the day/week when Quayside Road is at its busiest.

Reason: In the interests of highway safety, to improve the efficiency of the highway network on Hazel and Quayside Roads, to ensure access to nearby businesses is not unreasonably disrupted.

### 3.Pollution prevention measures (Performance condition)

Within 6 months of the date of this permission the approved pollution prevention measures, as detailed within the plans and procedures listed below, shall be fully implemented; including permanent raised sills and bunding installed along the edge of the site adjacent to the riverbank and around the polymer storage area; and a ramp is added along the top edge of the slipway. All pollution prevention measures hereby approved shall be retained throughout the lifetime of the development:

- in accordance with plan SB-02 P07 (Site bunding, Plan and location of proposed elements, date 20/03/20;
- Appendix 13, Polymer Containment Plan & Details; enclosed by kerb edging and kicker board, at least 200mm in height, around the polymer storage yard area.
- Procedure Plastic Pellets, PRC 01, Date: 28/04/2021, Siva Group.
- Audit Checklists - Pellets.
- Gate 3 Material Storage Area.
- Silo Area, Summit System Area, Laborsave & Extrusion Areas & NGR Areas.
- Rear Yard, Slip Way, North/South Roads and Compactors.

- Training, Plastic Pellets, TRG, Date: 25/06/2021, Siva Group.

REASON: To contain any surface water runoff and intercept pollution causing materials prior to entering the adjacent river ecosystem; in order to protect the adjacent Solent and Dorset Coast Special Protection Area from potential pollution causing incidents associated with plastic production.

#### 4. Flood Resilience Measures [Performance Condition]

The development hereby approved shall be carried out in full compliance with the flood resilience measures set out in the flood risk assessment accompanying the application which include: All electrical equipment and wiring will be at 1.5m above floor level and the finished floor levels should be no lower than the existing floor levels with appropriate flood resilience measures.

Reason: To ensure that the building incorporates flood resilience measures, to reduce the likelihood of water damage and therefore reduce the impact of future potential flood events.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS13	Fundamentals of Design
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
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
SDP22	Contaminated Land
NE1	International Sites
NE2	National Sites
NE3	Sites of Local Nature Conservation Importance
NE4	Protected Species
NE5	Intertidal Mudflat Habitats

Other Relevant Guidance

The National Planning Policy Framework (2012)

### Relevant Planning History

In November 2016 planning permission (16/00600/FUL) was granted for the construction of new storage area to the rear of the factory and double height extension to the side. A new entrance area was also added along with a new gatehouse to the front. The proposal also included the recladding of the existing factory, a new covered canopy and four new silos to the rear. Additional parking spaces were also provided to the front.

Then in March 2018 planning permission (17/01699/FUL) was refused for a taller storage facility (warehouse) with covered loading bay, gate house and driver welfare facilities on the same site as application 16/00844/FUL. The application was refused as it was significantly taller than the approved warehouse (16/00844/FUL) and as such would have had a negative impact on the character, appearance and local distinctiveness of Peartree Common. The scheme was also refused because adequate supporting information had not been provided to demonstrate that the proposed automated storage facility would not lead to a significant net increase in associated vehicular movements because of increased productivity/growth from the factory and owing to the lack of a section 106 agreement to secure submission of a highways condition survey, contributions towards the Carbon Offset Fund and the submission of an employment and skills plan. The refused scheme would have measured 40m in height.

Planning permission was then refused in October 2018 for the retrospective installation of a two-bay vehicle loading dock and waste compactor chute (18/01255/FUL). The application was refused for two reasons: impact on neighbouring business operations and insufficient information relating to noise impact. The reasons for refusal are copied below:

*REFUSAL REASON - Impact on neighbouring business operations.*

*The position of the 2 bay vehicle loading dock results in HGV delivery vehicles having to undertake multiple reversing manoeuvres which obstruct the flow of traffic within Spitfire Quay Industrial Estate and access into neighbouring businesses. The proposal therefore prejudices the operation of neighbouring businesses and undermines the vitality and viability of Spitfire Quay Industrial Estate, contrary to the provisions of Policies SPD1 (i) and RE10 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 (2018).*

*REFUSAL REASON - Insufficient information, noise.*

*The applicant has failed to provide adequate supporting information demonstrating that the proposed development will not have a harmful impact on the amenities currently enjoyed by local residents with specific regard to the break out of noise. The development would therefore be contrary to the provisions of Policies SDP1(i) and SDP16(i) of the amended City of Southampton Local Plan Review (2015).*

Application 18/02087/FUL was one of four applications approved by planning committee in June 2019. Permission was granted for a transfer building and bridge

(minimum height of 5.1m) to connect the warehouse building to the factory building. The bridge and transfer building link the warehouse and the automated loading/stacking system so that goods can now be transported from the warehouse to the factory and back again without the need for forklift trucks which have in the past disrupted other traffic using Quayside Road.

In May 2022 permission 20/00543/FUL was granted for a piece of equipment needed to reduce emissions from exhaust gasses which also include a heat recovery system to improve the energy efficiency of the factory operation. The equipment will be installed to the rear of the factory in between the west extension and the loading area used primarily for delivery of raw materials.

The siting of a storage tank and a control room for the factory's fire prevention sprinkler system were granted in May 2022 (application 21/00896/FUL). The tank and control room location has resulted in the monitoring office/gatehouse being displaced and moved into the site to the north (see app 20/01665/FUL below).

Operations Management Plan.





## **Operations Management Plan**

Dated: 13 August 2021

## **Sections**

- 1. Introduction**
- 2. Traffic Flow**
- 3. Use of Spitfire House Factory Building Loading Dock/Bay**
- 4. Warehouse Failure Measures, Use of FLT's and associated notification.**
- 5. Management of FLT's for shunting of polymer beads**
- 6. Rear of Spitfire House**
- 7. Signage**
- 8. Road between Spitfire house and RJ Mitchell Centre**
- 9. Quayside Road**
- 10. Quayside Road servicing bay**
- 11. Road repairs**
- 12. Parking**
- 13. Traffic Committee**
- 14. Landscaping**

## **List of Appendices:**

- 1. SIVA owned roads that are relevant to the plan**
- 2. Site Plan**
- 3. Vehicle operations plan approved**
- 4. Proposed vehicle operations**
- 5. Warehouse and Yard**
- 6. Rear of Spitfire House**
- 7. Sign Reference and Signage Plan**
- 8. No parking for compactor zone**
- 9. Footpath in front of the warehouse**
- 10. Footpath from warehouse to RJ Mitchell Centre**
- 11. Details of sliding security gates**
- 12. Areas for soft landscaping in front of warehouse**

**The following areas are frequently referred to within this document:**

- **Yard 1:** includes the new site entrance (gate 3), pallet storage and vehicle holding area 1.
- **Yard 2:** staff car parking and polymer bead storage area.
- **Yard 4:** positioned in between yards 1 & 2 and the warehouse forecourt which includes vehicle holding area 2.
- **Warehouse Forecourt:** used for loading/unloading in association with the warehouse and includes vehicle holding area 2 where vehicles will pause before driving to the rear of Spitfire House.
- **Spitfire House:** main factory building.
- **Rear of Spitfire House:** Location of RTO, polymer storage silos, rear access (used for deliveries of bagged polymer beads & printing goods; and pallet storage.
- **Spitfire House loading bay/dock:** Located on the northern end of the factory building.
- **Gatehouse/logistics office:** Occupied by the banksman from where vehicle movement within yards 1 and 4; holding area 2 on the warehouse frontcourt and the rear of Spitfire House is managed.

**The following terms and acronyms are used throughout the OMP:**

- **FLT's:** Fork Lift Trucks
- **HGV's:** heavy good vehicles including (but not exclusively) articulated vehicles.
- **Polymer:** small plastic beads that are used to manufacture plastic products.
- **Pallets:** wooden crates on which bags of polymer are loaded.
- **Loading bay/dock or 'docking station':** Positioned on the northern end of Spitfire House loading area at the front of the Spitfire house.
- **Shunting:** Vehicular movement of polymer beads and pallets around the site (commonly from storage area(s) to the servicing area located to the rear of the factory building).
- **Shunt Vehicles:** Normally HGV's with curtain walls. On occasions if a pallet of polymer beads is required urgently an FLT may be used.
- **Arm barrier:** Used to control vehicle movement, operated by banksman.
- **Sliding gates:** used for security purposes and the control of vehicles into and out of the warehouse forecourt area, including holding area 2. Operated by the banksman and warehouse foreman.
- **Gate 3:** access into yards 1 and 4 from Hazel Rd.
- **Gate 2:** access from Hazel Rd to Quayside Road.
- **Gate 1:** access from Hazel Road to Siva Plastics factory building & southern end of the RJM Centre.
- **Yard Foreman:** The person responsible for managing vehicle entry and exit from the warehouse forecourt.
- **Banksman:** The person responsible for managing vehicle entry and exit of yards 1 and 4; holding area 2 on the warehouse forecourt and the rear of Spitfire House.

## 1 Introduction

- 1.1 Operational Management Plan (the 'Plan' or 'OMP') supports various planning applications submitted by Siva Plastics Limited (the 'Company' or 'Siva').
- 1.2 The OMP covers those elements that are entirely in Siva's control including private roads which are relevant to the Plan (identified in **appendix 1**). The Plan does not address elements that Siva has no control over including (inter alia): management of traffic and parking on Hazel Road and the use of the Oakbank Lorry Park under the Itchen Bridge.
- 1.3 The OMP has been produced following consultation with the local Traffic Committee within the Hazel Rd industrial estate which include: Day Group, Spitfire Garage, TEW Brothers, ACS Limited and DF Coatings. Siva has also sought the advice of the Southampton City Council Planning Department. The aim is to identify an efficient management operation for Siva which has limited negative impact on neighbouring and nearby business operations.
- 1.4 The OMP has been produced in support of the following developments (permitted and proposed):
- *The warehouse forecourt, 20/01705/NMA*
  - *The bridge and transfer station, 20/01709/NMA*
  - *Boundary treatment, 20/01706/NMA*
  - *The RTO emissions building to the rear of Spitfire House, 20/00543/FUL*
  - *The south (rear) extension to Spitfire House, 19/01702/FUL*
  - *The northern site extension (yard 1, 2 & 4) and new site access, 20/01665/FUL*
  - *The Spitfire House factory loading bay/dock, 20/00495/FUL*
- 1.5 Siva will endeavour to ensure all employees are aware of and follow the OMP.
- 1.6 Siva commit to following the OMP and anticipate the document being controlled by planning condition.

## 2 Traffic Flow

- 2.1 Owing to the expansion of the Siva site to the north vehicular movement around the site will change. **Appendix 3** and **Appendix 4** show the previously agreed vehicular movement plan and the new movement plan proposed by the OMP respectively.
- 2.2 All Siva related HGVs, between the hours of 06:00 – 18:00 [Monday to Friday], will enter the site via Gate 3. This includes HGV's headed for the warehouse and the rear of Spitfire House; as well as Shunt Vehicles accessing the yard 1 pallet storage and yard 2 polymer storage areas.
- 2.3 On entering the site vehicles will be forced to stop at the gatehouse/logistics office by an automated arm barrier controlled by the banksman from within the gatehouse/logistics office.

- 2.4 Once there is the capacity to do so HGV drivers will be instructed, by the banksman, to proceed to one of the following locations around the site:
- Yard 1 pallet storage
  - Yard 2 polymer storage
  - Warehouse forecourt (for loading/unloading of goods)
  - Rear of Spitfire House
  - Holding area 1 or 2
  - Yard 4 waiting area
- 2.5 HGV movement around the site will be via a one-way traffic vehicle flow system.
- 2.6 Holding areas 1 and 2 will be used for queueing traffic where drivers will wait for further instruction. Whilst parked in holding area 1, if required the banksman will speak directly to HGV drivers to notify them that they are able to move around the circulatory system
- 2.7 Departure from holding areas 1 and 2 will also be controlled by an automated arm barrier.
- 2.8 **Appendix 5** shows approximate parking/waiting/queueing spaces/locations as follows:
- H1 - Waiting/parking area.
  - Y1 - Yard 1 pallet loading/unloading area.
  - Y2 - Yard 2 polymer loading/unloading area.
  - Y4-1 – Yard 4 waiting/parking area prior to moving to H2.
  - H2 – Holding area 2, waiting/parking area before moving to the rear of the Spitfire House.
  - Y4-2 – Yard 4 waiting/parking area prior to moving to the warehouse forecourt loading/unloading area.
  - W1 & W2 - warehouse forecourt loading/unloading area.
- 2.9 Access from Yard 4 (Y4 -2) to the warehouse forecourt (W1 & W2) for loading/unloading will be managed by the warehouse yard foreman via the automated sliding gates.
- 2.10 Access from Yard 4 (Y4 -1) to holding area 2 (H2) will be managed by the banksman located within the gatehouse/logistics office via the automated sliding gates.
- 2.11 Holding area 2 (H2) will specifically be used to queue vehicles waiting to turn right in order to access the rear of Spitfire House.
- 2.12 Egress by vehicles from the warehouse to either the rear of Spitfire House or onto Hazel Road will be controlled and managed by the banksman in the logistics office or the yard foreman.
- 2.13 The exit gate from the Warehouse onto Quayside Road will remain closed unless needed to release vehicles from the warehouse forecourt (W1, W2 or H2) onto Quayside Road and/or during warehouse/bridge link full or partial shutdown events.

- 2.14 The banksman in the logistics office and the yard foreman will be responsible for monitoring vehicular movement from yards 1, 2 and 4 to holding area 2; and then either to the rear of Spitfire House or onto Hazel Road via CCTV. These vehicle movements will be managed by the banksman in the logistics office or the yard foreman by controlling the automated arm barriers and sliding gates. Other road users will be notified of these vehicular movements by flashing lights. This process will ensure the following:
- Only one HGV associated with Siva Plastics will drive along Quayside Road and/or load/unload or manoeuvre at the rear of Spitfire House at any one time.
  - Obstruction of traffic and conflict with other vehicles on both Quayside Road and Hazel Road will be limited where practicable.
- 2.15 Flashing lights shall be installed on both sides of the exit from the warehouse onto Quayside Road which will be visible to vehicles using Quayside Road, and at the rear of the Mitchell Centre (close to the junction of Quayside Road and Hazel Road) which will be visible to vehicles approaching the site from Hazel Road. The lights will flash when the warehouse gates are opening and vehicles are departing to inform all other highway users that an HGV is in the process of manoeuvring from the warehouse forecourt and onto the highway. Drivers will be advised that flashing lights do not confer a priority right of way for exiting vehicles; the Highway Code remains applicable on Quayside Road and Hazel Road in all respects including road safety and vehicle rules.
- 2.16 There shall always be a banksman and warehouse yard foreman working on site and managing vehicle movements around the site, as described above, between the hours of 06:00 – 18:00, Monday – Friday.
- 3 Use of Spitfire House Factory Building Loading Dock/Bay**
- 3.1 The Spitfire House Loading Dock/Bay includes two bays (or docks) for loading/unloading of HGVs. Both of which will only be used overnight (20:00 – 06:30) Monday to Friday and on weekends from Saturday afternoon (13:30) through to Monday morning (06:30).
- 3.2 On Saturday mornings (06:30 – 13:30) loading dock/bay number 2 will not be used so that potential obstruction of Quayside Road is prevented (refer to appendix 5).
- 3.3 On Saturday mornings (06:30 – 13:30) HGVs loading/unloading from dock/bay 1 (refer to appendix 5) shall gain access by driving along Quayside Road and carrying out the turning manoeuvre behind Spitfire House before proceeding back along Quayside Road (in a forward gear) and then reversing into loading bay/dock 1 from Quayside Road.
- 3.4 Where necessary any reversing into the docking station will be assisted by the use of a banksman.

#### 4 **Warehouse Failure Measures, Use of FLT's and associated notification.**

- 4.1 FLT's shall not be used to transfer finished goods over Quayside Road between the warehouse site and Spitfire House unless there is a total or partial shutdown of the warehouse facility/automated storage system or bridge link.
- 4.2 In the event of a total or partial shutdown of the warehouse facility/automated storage system or bridge link, resulting in the bridge link not being able to be used, FLT's may be used to move goods between Spitfire House and the warehouse for the period of the total or partial shutdown only. The use of the FLT's shall be agreed in writing by the Local Planning Authority as soon as reasonably practicable (taking account of the 24 hours operation of the factory and Monday – Friday opening hours of the Local Planning Department)
- 4.3 In this situation, Siva commits to notifying the Planning Enforcement team at Southampton City Council and all business users who require Quayside Road for access (currently including Day group and Spitfire Garage) as well as businesses using/residing in the RJ Mitchell building as soon as practicable. Email will be the preferred method of communication and Siva will keep a register of the appropriate email addresses. The information shall include the anticipated length of shutdown. If it is not possible to identify the length of the shutdown, then Siva shall inform all relevant parties as soon as the duration is known.
- 4.4 SIVA retain the right to use FLT's for day-to-day operational business not related to finished goods

#### 5 **Management of FLT's for shunting of polymer beads**

- 5.1 On occasions (for example urgent requirements due to an additional print run) FLT's will be required to shunt polymers from Yard 2 to the rear of Spitfire House. This can be achieved by an FLT using either Quayside Road or via the docking station.
- 5.2 In terms of procedure an FLT will obtain polymer from Yard 2 and proceed through the warehouse forecourt following the same procedure as HGV's as detailed in section 2. When Quayside Road is clear the banksmen will release the FLT to either the docking station, if a loading bay is clear, or if not to proceed down Quayside Road to the rear of Spitfire House.

#### 6 **Rear of Spitfire House**

- 6.1 The rear of Spitfire House shall be maintained so that:
- Only one HGV or one shunt FLT will access the rear of Spitfire House at any one time.
  - At no time shall the turning area identified in **appendix 6** be used for storage purposes.
  - The HGV turning area identified in **appendix 6** shall be clearly marked out on site at all times.
  - Signage shall be erected to identify that the turning area must be kept clear at all times.

## 7 Signage

- 7.1 Siva will install signage to direct HGV's around the site. Details of the signage proposal is shown at **appendix 7**.
- 7.2 Siva will install signage in relation to Spitfire Garage so that any customers can easily locate the garage. The signage will measure no less than 4ft x 2.66ft. Details of the location and wording of the signage as shown in **appendix 7**.
- 7.3 The signage will include minimum height clearance (5.0m) for the underside of the bridge link between Spitfire House factory and the warehouse over Quayside Road as shown at **appendix 7**.

## 8 Road between Spitfire house and RJ Mitchell Centre

- 8.1 Siva will work with adjoining neighbours to investigate the practicality of implementing a one-way traffic system around the RJ Mitchell Centre.
- 8.2 For pedestrians Siva will ensure that:
- The exit of the warehouse onto Quayside Road is appropriately signposted for pedestrians. Details of the location and wording of the signage is shown in **appendix 7**.
  - For pedestrians walking north along Hazel Road signage will be erected at the entrance to the RJM Centre (Gate1) to advise pedestrians to use the available footpaths. Details of the location and wording of the signage is shown in **appendix 7**.

## 9 Quayside Road

- 9.1 Quayside Road will always be kept free of obstruction to ensure free traffic movement along its length. This will be achieved/facilitated by:
- No loading or unloading along Quayside Road.
  - Preventing parking and the addition of double yellow lines painted along its entirety.
  - No goods will be stored on Quayside Road.
  - In the event that an obstruction of Quayside Road is unavoidable Siva shall notify all other businesses reliant on the road (currently Day Group and Spitfire Garage) as soon as practically possible and shall also seek to remove the obstruction as soon as practically possible. All reasonable methods of communication will be used to relay the information including email, telephone and directly in person.

## 10 Quayside Road servicing bay

- 10.1 Unless otherwise agreed in writing by the local planning authority the servicing bay shown at appendix 8 shall only be used in association with the servicing of the waste compactor and substation; and shall not be used for any general parking purposes.



10.2 Siva Plastics will use its reasonable efforts to procure that the collections from the compactor located on Quayside Road will be undertaken between 18:00 to 07:00. The lorry will use the rear of Spitfire House to turn.

11 **Road repairs**

11.1 Siva, together with the other Hazel Road/Quayside Road businesses, will liaise with the owner of Hazel Road (north of Quayside Road) in order to identify ways to achieve improvements to the road surface.

12 **Parking**

12.1 As a result of the alterations to the warehouse forecourt Siva will provide 71 staff parking spaces within Yard 2 (see **appendix 5**). All staff will enter and exit via Hazel Road and shall not enter the warehouse forecourt.

12.2 This will compensate for the 14 removed from within the warehouse forecourt and add a further 57 spaces.

12.3 There are also 38 staff and visitor spaces in front of the main building.

12.4 As a consequence of the layout changes and the OMP there will be 109 staff and visitor car parking spaces on the site. This is a net gain of 57 spaces.

12.5 Siva will encourage staff to avoid parking on Hazel Road.

**13 Traffic Committee**

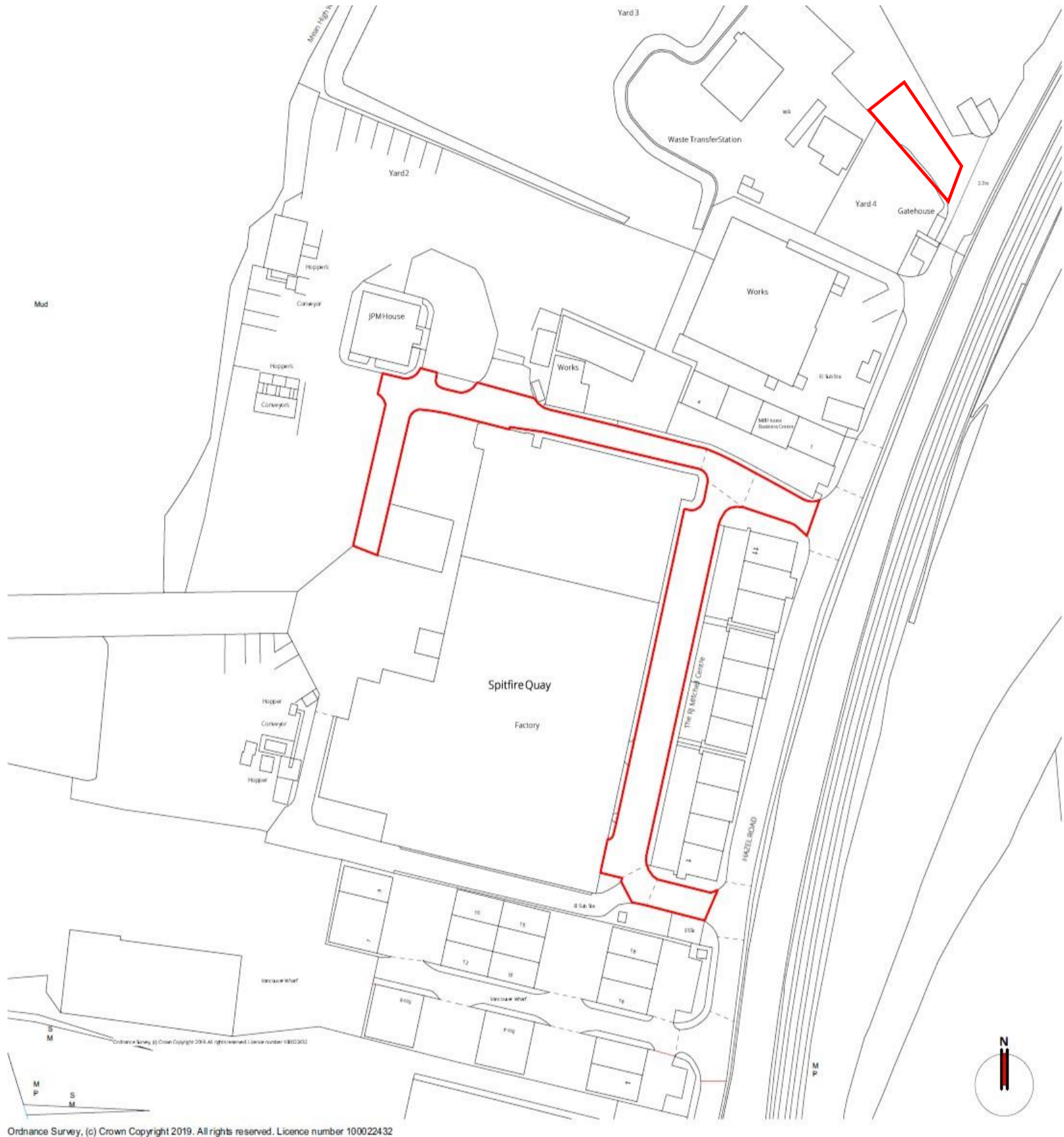
- 13.1 Siva commits to continuing to participate in traffic committee meetings with a view to improving the communication between neighbouring businesses and considering/resolving any future traffic issues/problems that affect the estate.
- 13.2 Siva commits to working with local businesses to investigate the practicality of a one-way traffic system referred to above.
- 13.3 Siva also encourages businesses to liaise with it outside of the formal committee meeting process in the event there is something urgent that requires resolution.

**14 Landscaping**

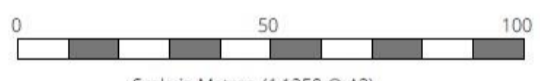
- 14.1 Siva commit to planting the soft landscaping area adjacent to Hazel Road and the former unit 11 RJ Mitchel Centre to improve the aesthetics of the industrial estate (refer to appendix 12).

**APPENDIX 1**

**SIVA OWNED OR USED ROADS THAT ARE RELEVANT TO THE PLAN**



Site Location Plan  
Scale 1:1250



Scale in Metres, (1:1250 @ A3)  
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Youngs Yard, Churchfields, Twyford,  
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E: info@southernplanning.co.uk  
W: www.southernplanning.co.uk

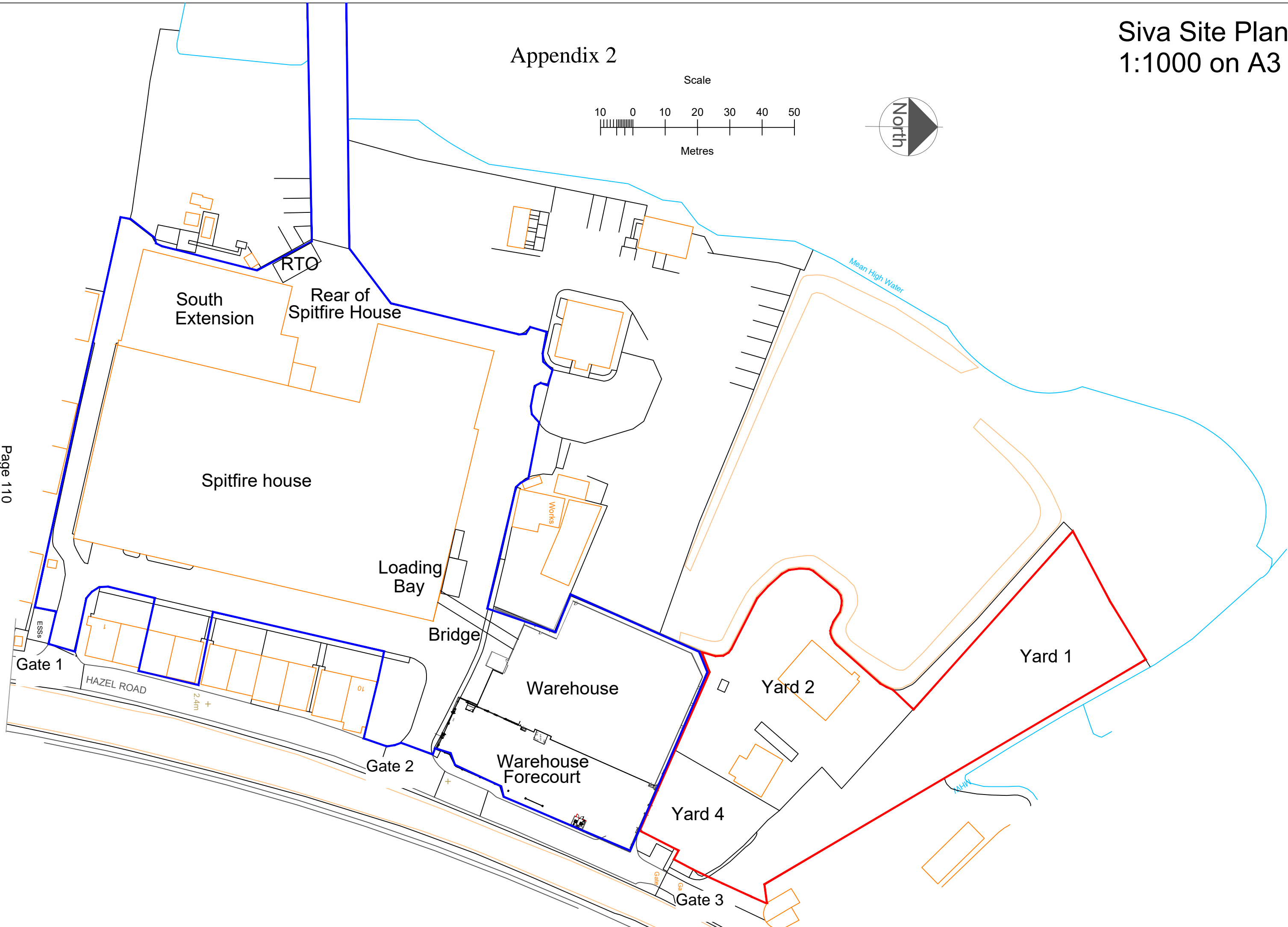
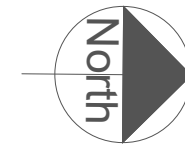
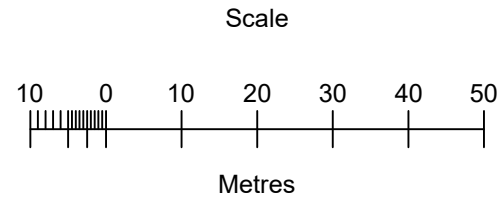
CLIENT: Siva Group  
PROJECT: Vehicle Operation Plans  
Spitfire House  
Hazel Rd, Woolston  
Southampton SO19 7GB

DRAWING: Site Location Plan

REV:	DATE:	AMENDMENTS:
SCALE:	1:1250 @ A3	
DATE:	May 2019	
DWG NO.:	S-ID-318.7.03	REV: .

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Appendix 2



# Appendix 3 Vehicle Operations Plan as Approved

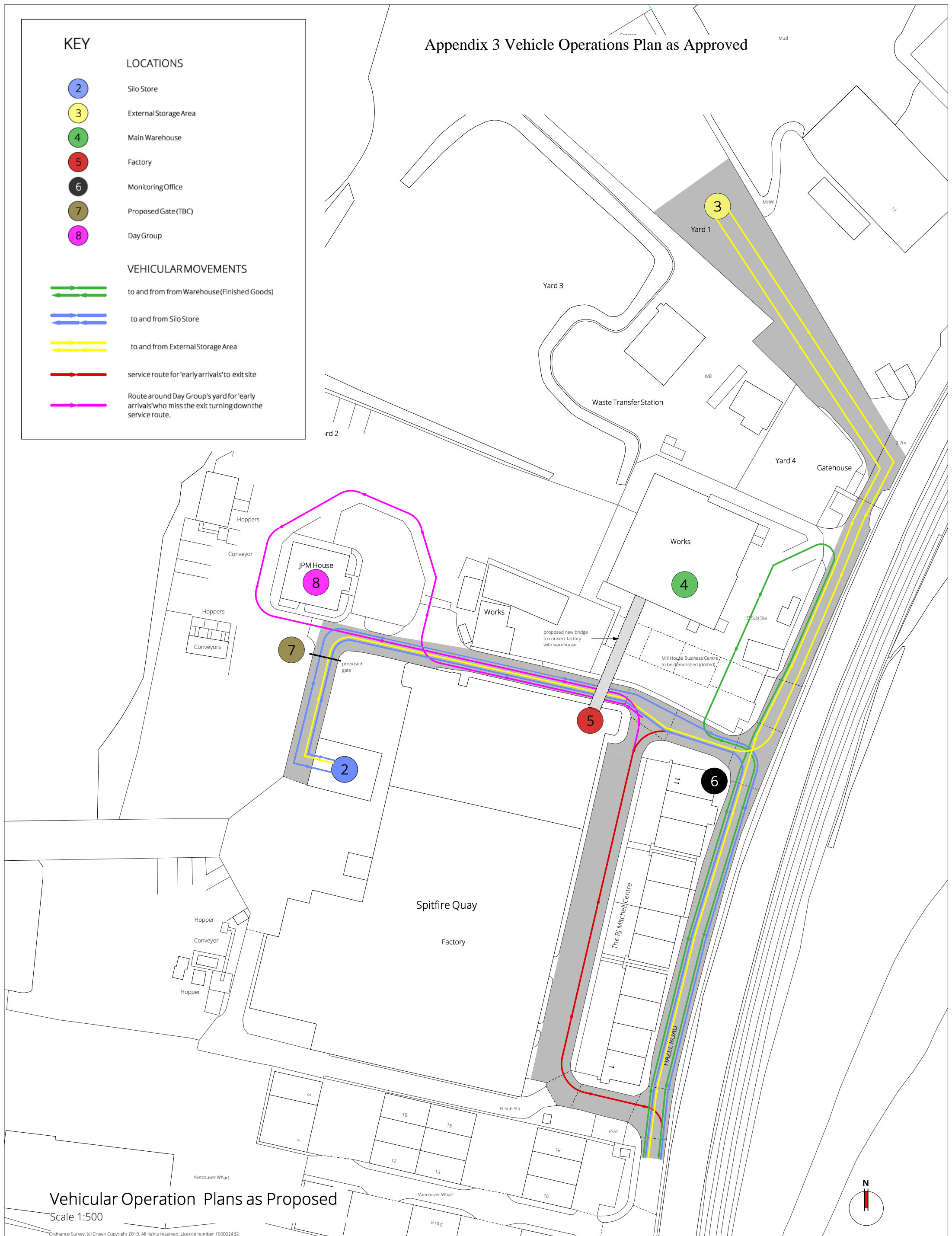
## KEY

### LOCATIONS

- 2 Silo Store
- 3 External Storage Area
- 4 Main Warehouse
- 5 Factory
- 6 Monitoring Office
- 7 Proposed Gate (TBC)
- 8 Day Group

### VEHICULAR MOVEMENTS

- to and from Warehouse (Finished Goods)
- to and from Silo Store
- to and from External Storage Area
- service route for 'early arrivals' to exit site
- Route around Day Group's yard for 'early arrivals' who miss the exit turning down the service route.



## Vehicle Operation Plans as Proposed

Scale 1:500

Ordinance Survey, (c) Crown Copyright 2019. All rights reserved. Licence number 100022432

**CLIENT:** Siva Group  
**PROJECT:** Vehicle Operation Plans  
 Spitfire House  
 Hazel Rd, Woolston  
 Southampton SO19 7GB

**DRAWING:** Vehicle Operation Plans  
 as Proposed

**SCALE:** 1:500 @ A1  
**DATE:** May 2019

**DWG NO.:** S-ID-318.7.02

**REV:** A

30.05.19  
 REV: DATE: AMENDMENTS:  
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 0 10 20 30 40 50  
 Scale in Metres (1:500 @ A1)

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# Appendix 4 proposed vehicle Operations

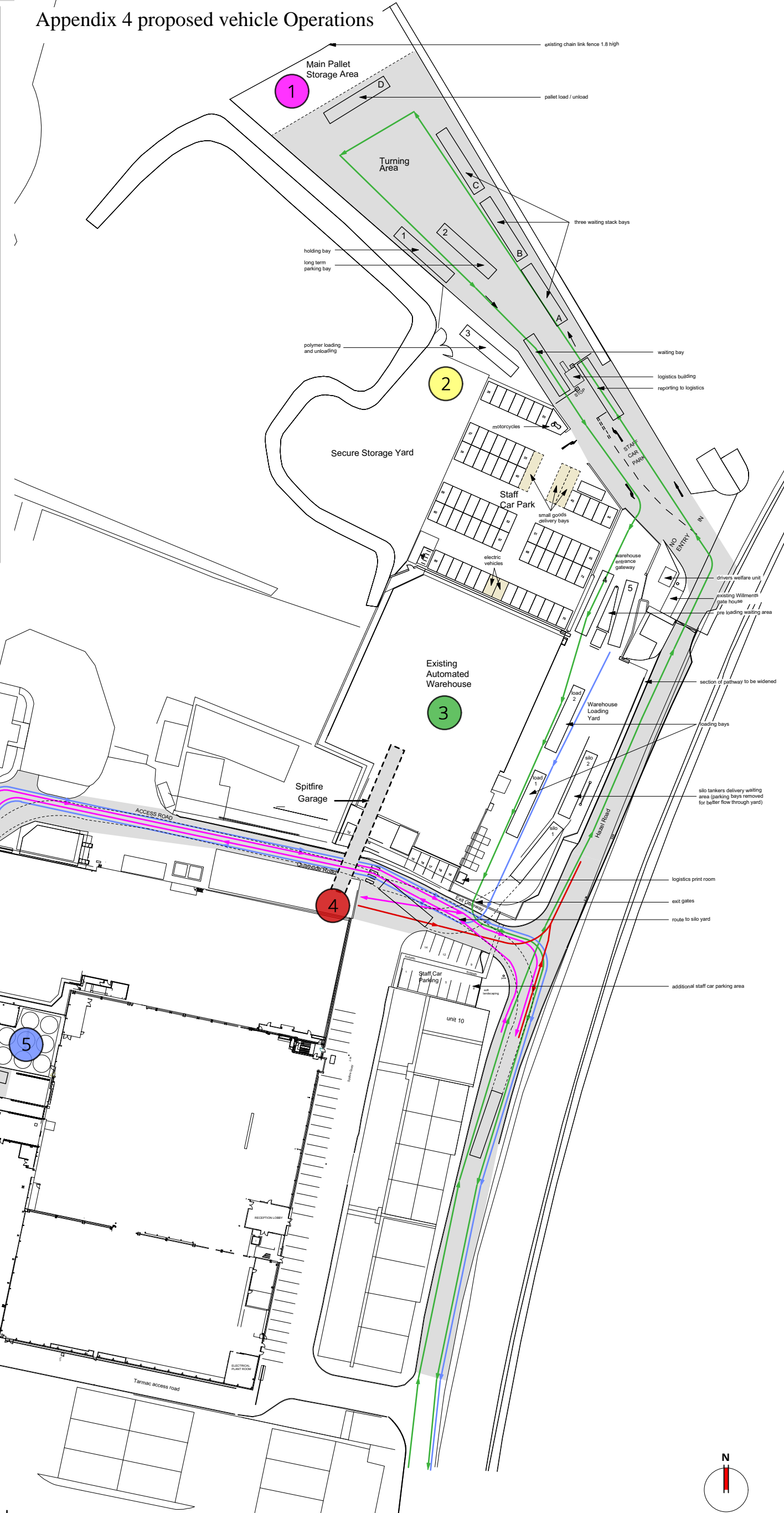
**KEY**

**LOCATIONS**

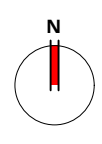
- 1 Pallet Storage Area
- 2 Raw Materials
- 3 Main Warehouse
- 4 Docking Station
- 5 Silo Store

**VEHICULAR MOVEMENTS**

- All Vehicles and vehicles to Warehouse
- Vehicles Saturday mornings only
- Vehicles to the rear
- Docking station overnight



**Vehicle Operation Plans as Proposed**  
Scale 1:500



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**CLIENT:** Siva Group  
**PROJECT:** Vehicle Operation Plans  
Spitfire House  
Hazel Rd, Woolston  
Southampton SO19 7GB

**DRAWING:** Vehicle Operation Plans  
as Proposed

**SCALE:** 1:500 @ A1  
**DATE:** May 2019  
**DWG NO.:** S-ID-318.7.02  
**REV:** D

REV:	DATE:	AMENDMENTS:
D	25.11.20	Saturday am delivery
C	05.11.20	various
B	03.11.20	various
A	30.05.19	thicken vehicle movement lines
©Crown copyright 2020 OS Licence No. 100028555		
0 10 20 30 40 50 Scale in Metres (1:500 @ A1)		

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SIZE A3



YARD 1  
PALLET  
STORAGE

HOLDING  
AREA 1

YARD 2  
POLYMER  
STORAGE

WAREHOUSE

YARD 2  
PARKING

SMALL  
DELIVERIES

STAFF  
CAR  
PARK

YARD 4





GATE 3

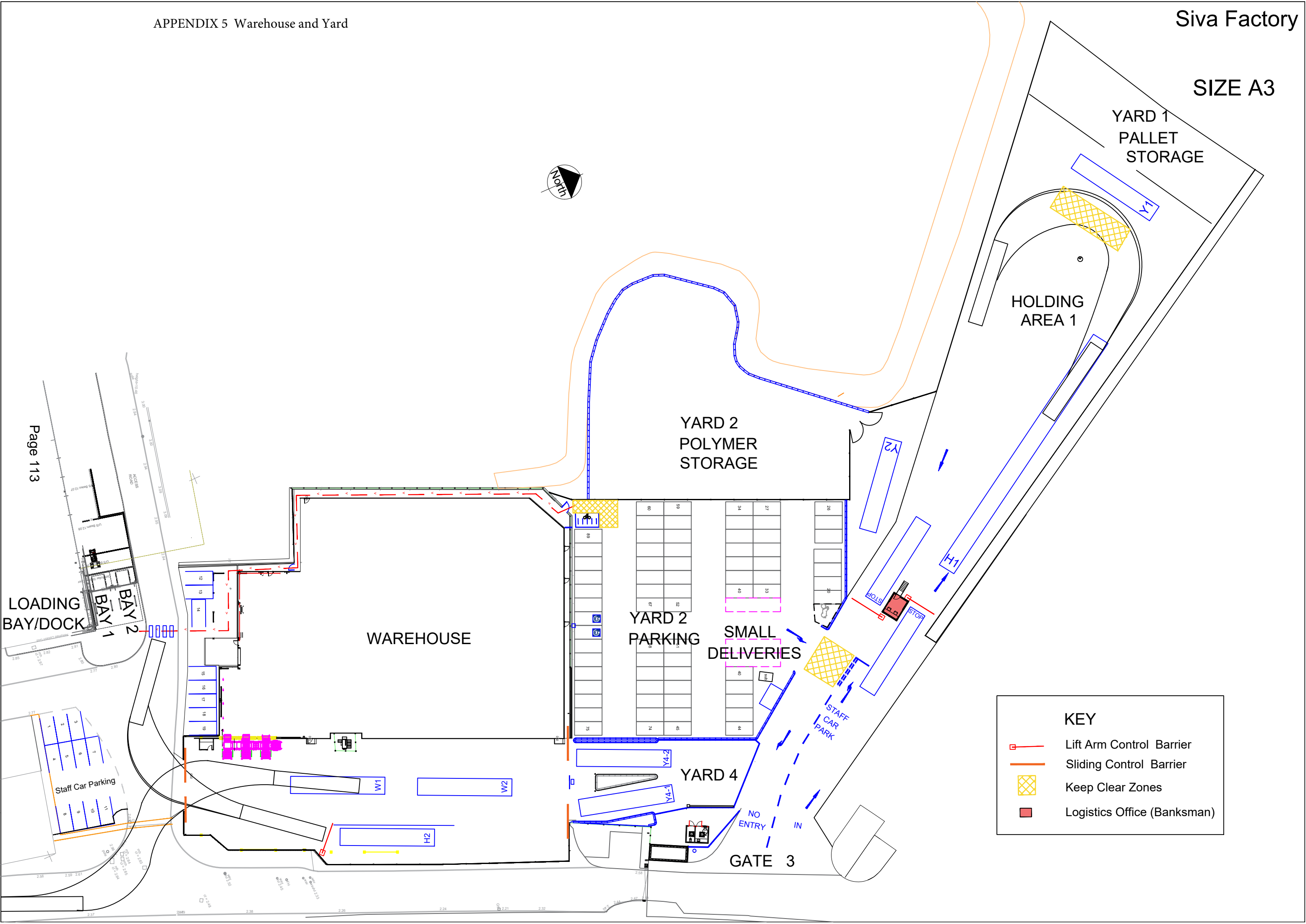
LOADING  
BAY/DOCK

BAY 1  
BAY 2

Page 113




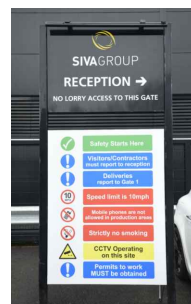







**KEY**

-  Lift Arm Control Barrier
-  Sliding Control Barrier
-  Keep Clear Zones
-  Logistics Office (Banksman)

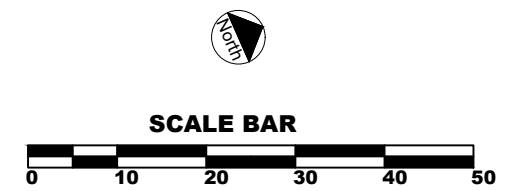
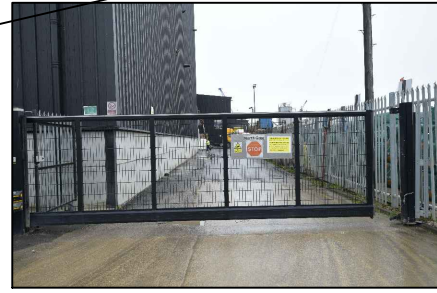






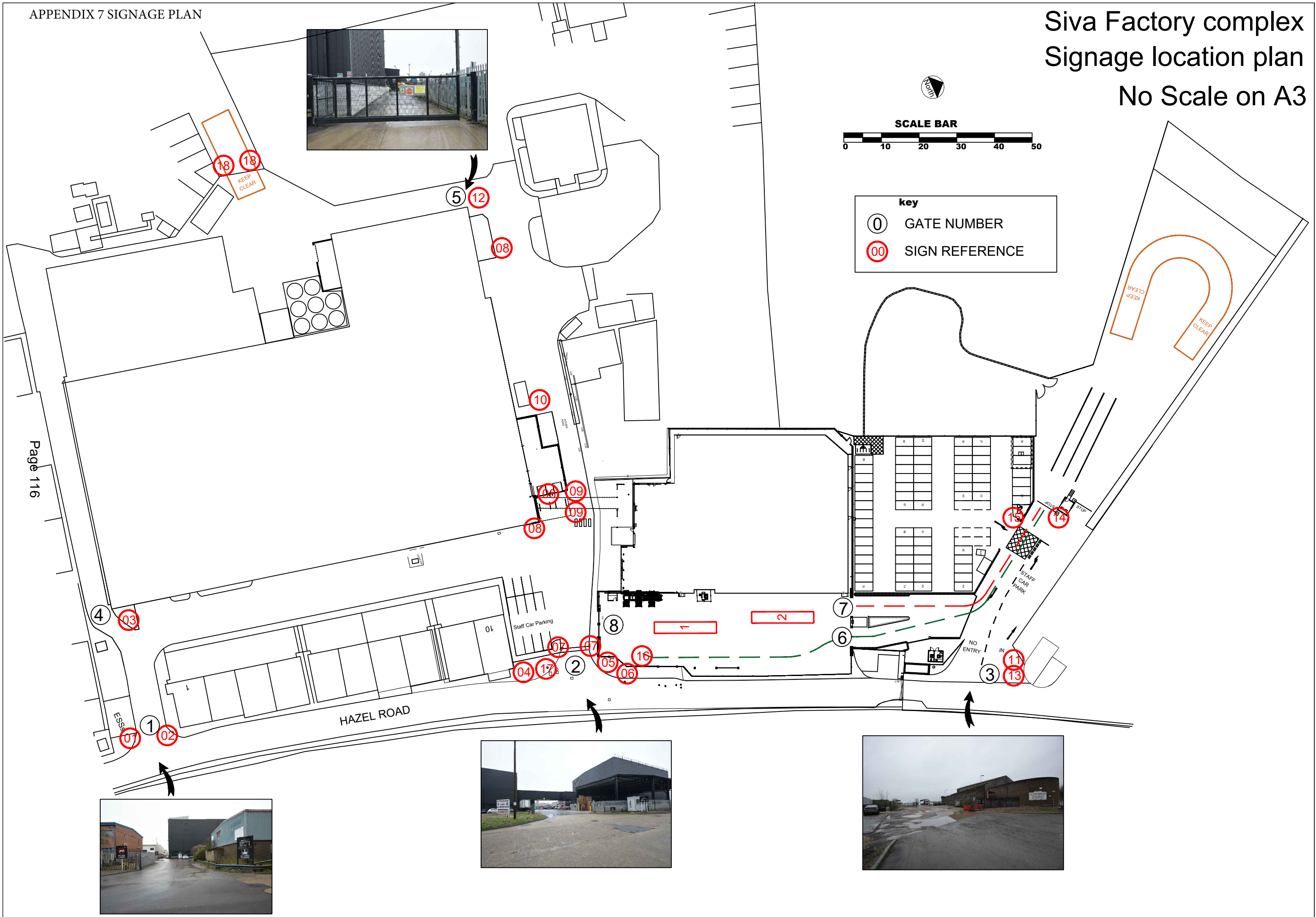
<p>Siva lorry restriction sign</p>	<p>01 (existing)</p>		<p>Speed and warning sign</p>	<p>07 (existing)</p>		<p>All Siva deliveries and collections must report to traffic office</p>	<p>13</p>	<p>Image TBA</p>
<p>Siva vehicles direction sign</p>	<p>02 (existing)</p>		<p>Banksman contact sign</p>	<p>08 (existing)</p>		<p>TRAFFIC OFFICE</p>	<p>14</p>	<p>Image TBA</p>
<p>Siva Site health and safety sign</p>	<p>03 (existing)</p>		<p>Bridge height restriction</p>	<p>09 (existing)</p>		<p>Staff Car park &amp; small deliveries</p>	<p>15</p>	<p>Image TBA</p>
<p>Existing Spitfire garage sign in original location</p>	<p>04 (existing)</p>		<p>Parking restriction</p>	<p>10 (existing)</p>		<p>No Left turn</p>	<p>16</p>	
<p>Siva gate direction sign</p>	<p>05 (existing)</p>		<p>Siva Gate 3 sign - to be combined with 13</p>	<p>11 (existing)</p>		<p>All SIVA deliveries and Collection use GATE 3</p>	<p>17</p>	<p>Image TBA</p>
<p>Siva gate direction sign</p>	<p>06 (existing)</p>		<p>North gate information sign</p>	<p>12 (existing)</p>		<p>NO STORAGE IN THIS AREA</p>	<p>18</p>	<p>Image TBA</p>

# Siva Factory complex Signage location plan No Scale on A3

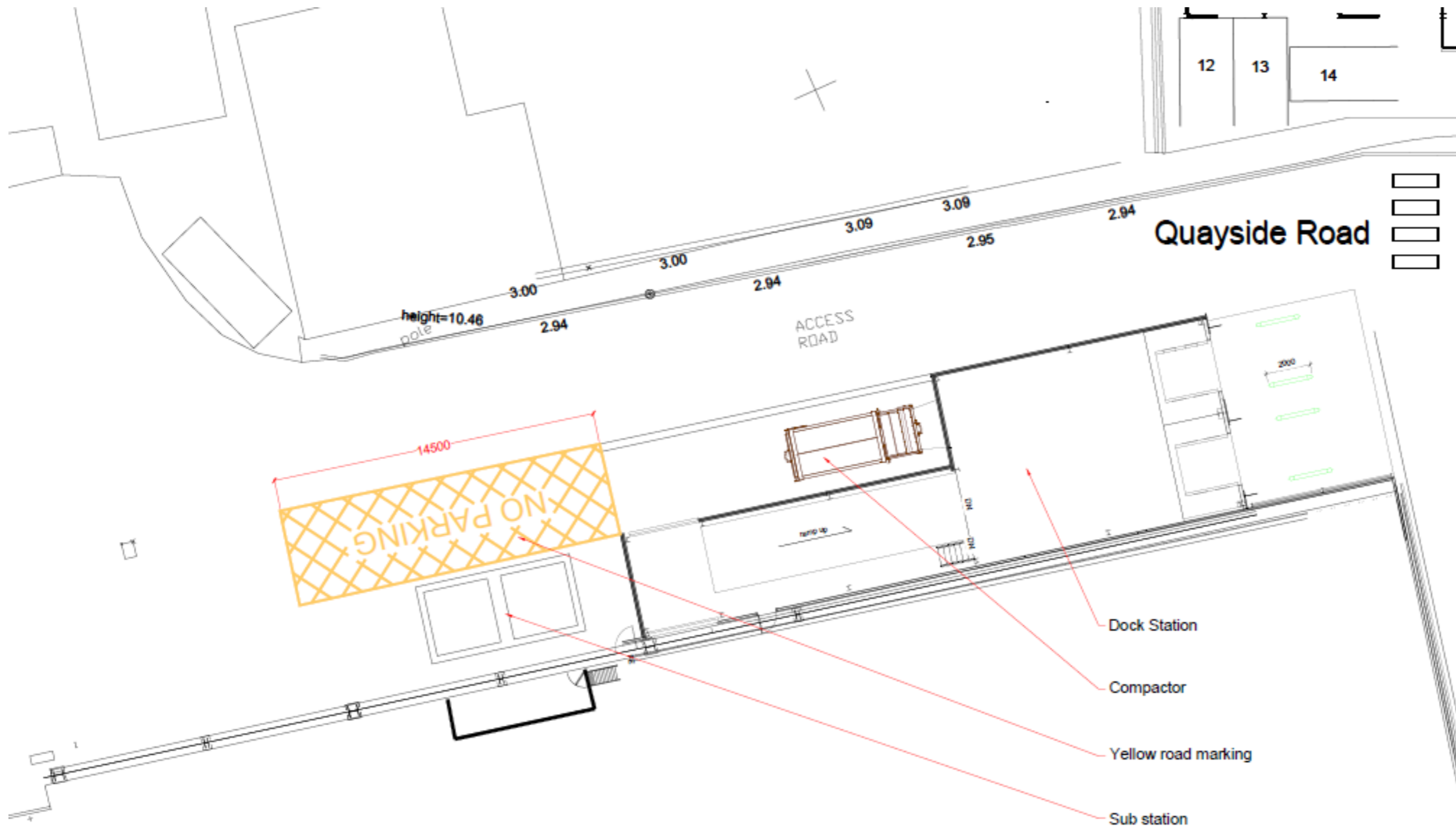


**key**

①	GATE NUMBER
①①	SIGN REFERENCE

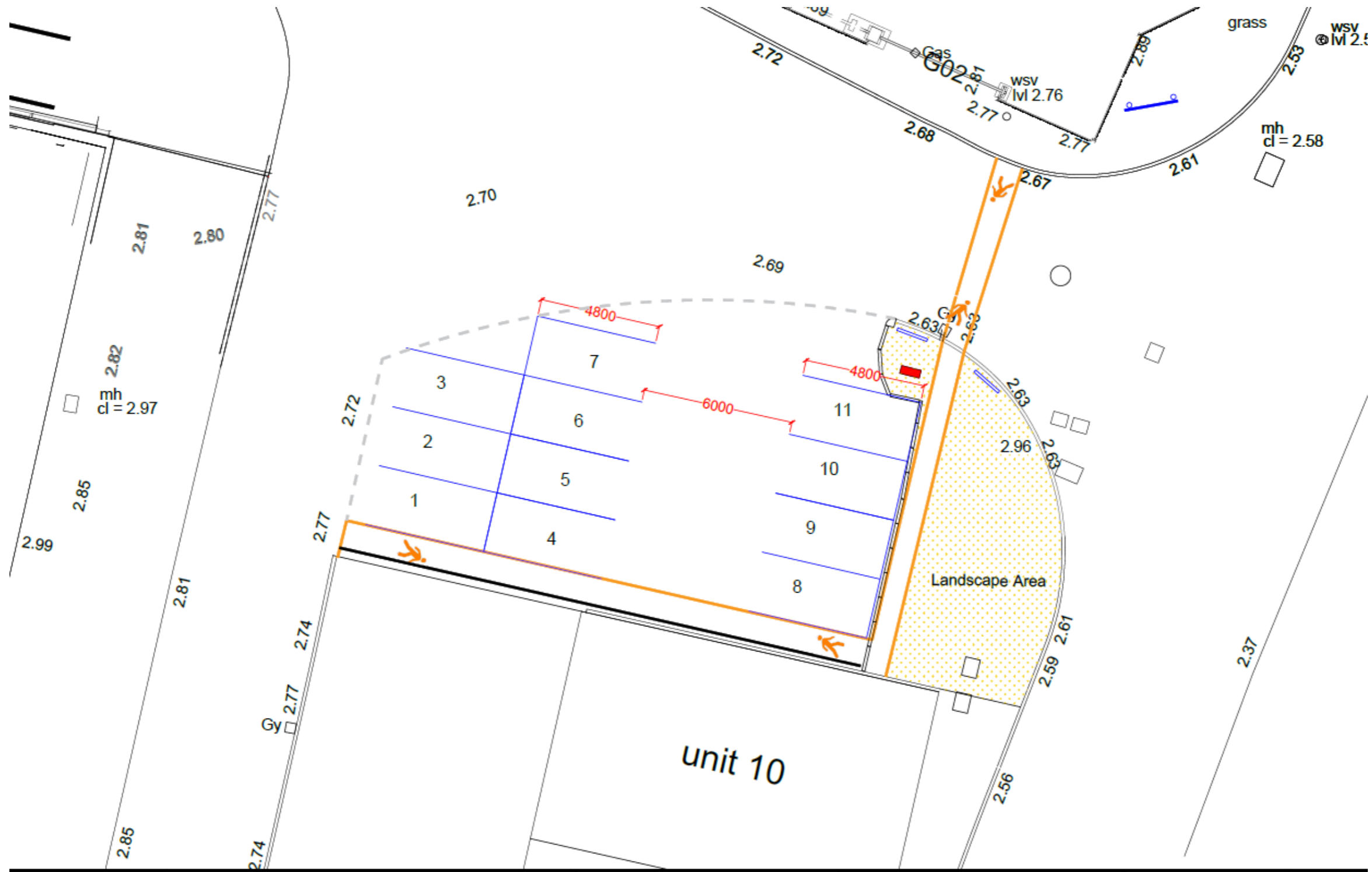


APPENDIX 8 No parking for Compactor zone



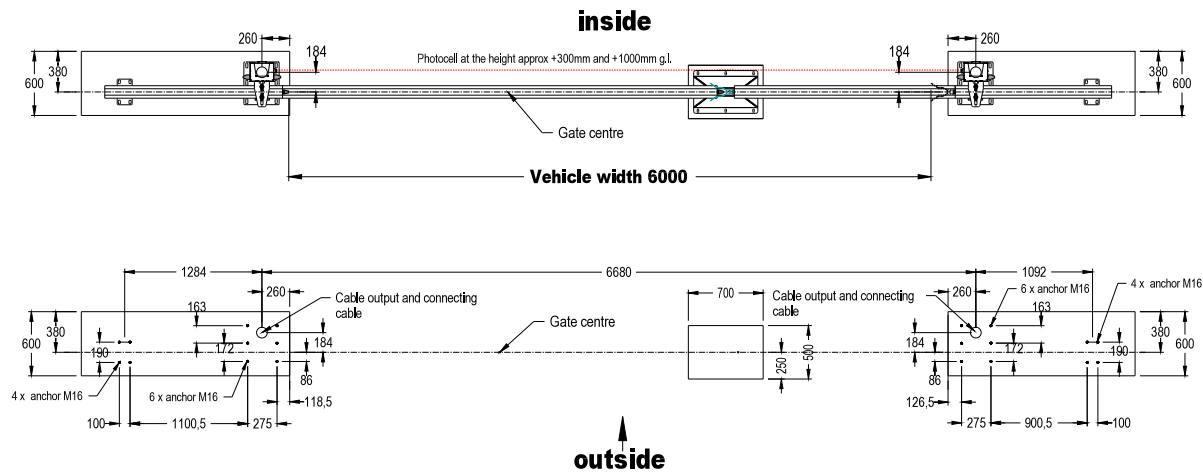
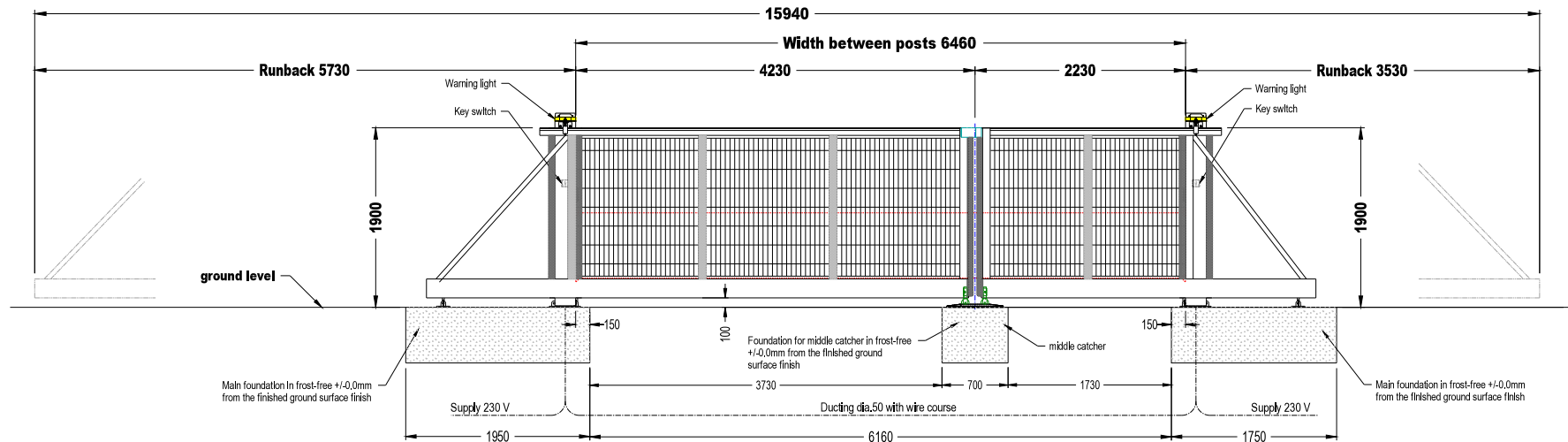


Appendix 10 Footpath from Warehouse to RJ Mitchell Centre



Client Name		Drawing Number	<b>2020102636</b>	Rev:	<b>1</b>	APPENDIX 11	<b>GATE 1 &amp; GATE 2</b>
Project ref		Technician	<b>Kevin</b>				

Sliding gates running to each other - INTERNAL drive - guiding post inside - middle catcher  
 Infill: DSM 6/5/6  
 Surface: powdercoated RAL 9005 matt



Minimum frost-free depths vary by location. We recommend a depth of 800mm grade concrete subject to soil type, underground conditions, climate and average temperatures. If further information is required we recommend seeking advice from localised construction engineers with knowledge of the site conditions.

**" Hold Technical changes "**

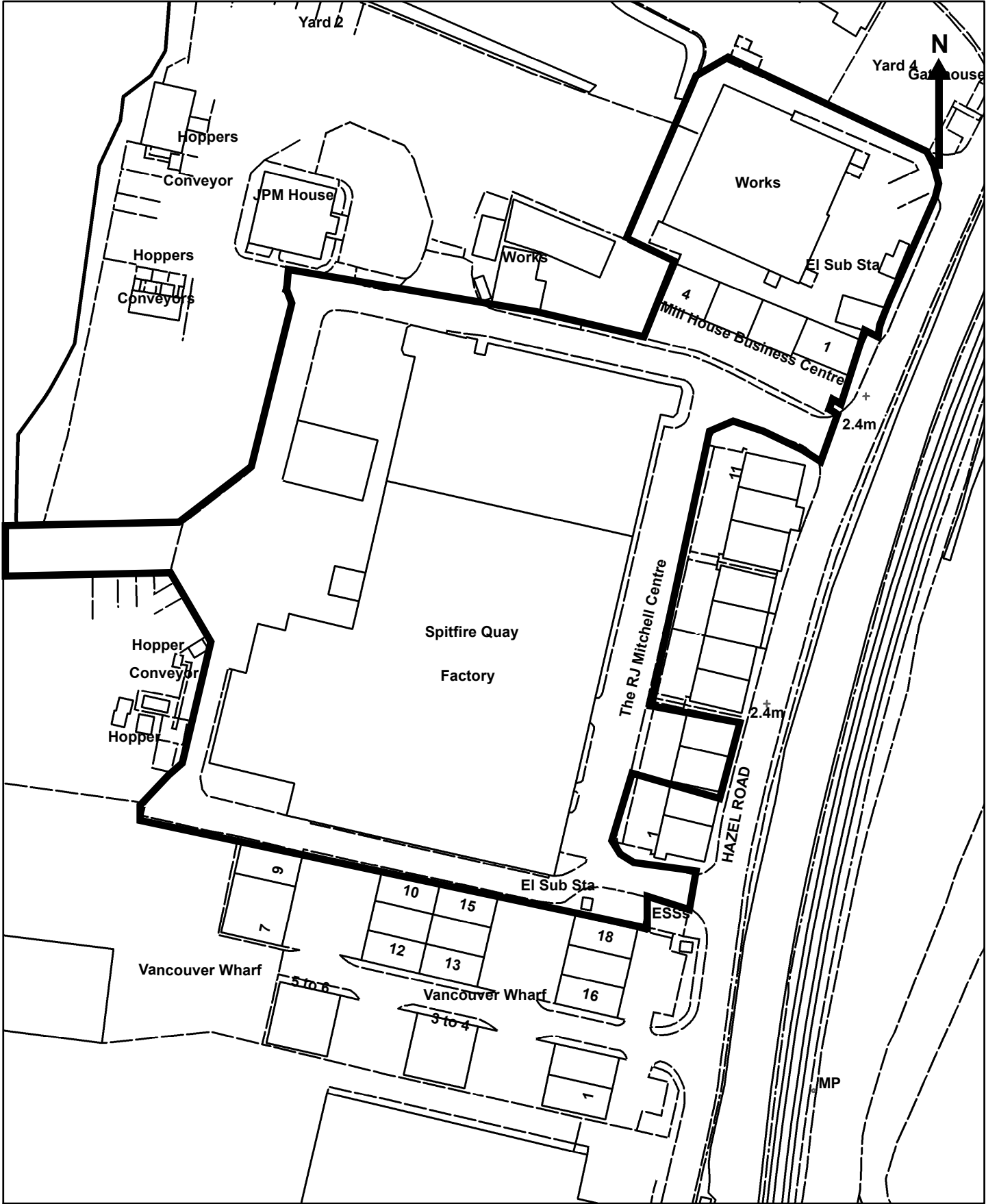


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# 20/00495/FUL & 19/01702/FUL

Appendix 2



Scale: 1:1,250

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**Planning and Rights of Way Panel 12<sup>th</sup> July 2022**  
**Planning Application Report of the Head of Green City & Infrastructure**

<b>Application address:</b> 93 - 99 Belgrave Road, Southampton			
<b>Proposed development:</b> Use of part of portacabin for hot food takeaway (retrospective).			
<b>Application number:</b>	22/00125/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	06.04.2022 (Extension of Time 19/07/2022)	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Cooper Cllr Mitchell Cllr Savage
<b>Referred to Panel by:</b>	Cllr Savage.	<b>Reason:</b>	Food safety; incompatible with metal recycling operation.
<b>Applicant:</b> Ms Suzanne Jones		<b>Agent:</b> Luken Beck	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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 (2021).

<b>Appendix attached</b>			
1	Development plan policies	2	Planning History
3	Decision notice & site plan 20/01235/FUL	4	Planning Panel Minutes (20/01235/FUL).

## **Recommendation in Full**

Conditionally approve

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

- 1.1 The site is located within Belgrave Road Industrial Estate, which is accessed from Portswood Road to the north and Kent Road to the south. The estate is comprised of several industrial units of various ages and construction types, a mix of industrial units together with a number of trade retail premises and storage and distribution uses. The application site is situated at the northern end of the industrial estate and has an area of 0.14 hectares and is mostly concrete surfaced. Currently the site is used for storage purposes by the applicant associated with the metal recycling application (20/01235/FUL), which was approved by the Planning Panel in June 2020. Prior to this the site was used as a builder's yard where building materials were stored in the open.
- 1.2 The application site is bordered immediately to the west by an area of open storage beyond which is the residential development of Roxan Mews, 442 – 462 Portswood Road, approved in 2004. Roxan Mews is constructed over four floors and is elevated above the site. Roxan Mews, at its closest, is approximately 12m from the application site. Directly to the north the site is bordered by Clark Lane Engineering. The east is bordered by Belgrave Road and to the south the site is adjacent to a storage building with trade counter. Thomas Lewis Way and the railway lie beyond to the east.

### **2. Proposal**

- 2.1 The application seeks permission to use part of a portacabin building for food preparation, cooking and sales. The cooking facilities include a hot plate, fryer, toaster, and panini grill as well as hot water boiler. A portacabin was approved by Planning Panel in June 2021 (20/01235/FUL) as ancillary office accommodation serving a metal recycling operation, and whilst the current application must be considered on its own merits it should also be noted that there is sufficient space for both the metal recycling operation and hot food takeaway to take place on site at the same time. This can be achieved as only a small portion of the site is needed for food preparation, cooking, serving and customer areas, including access and not all of the portacabin is needed to facilitate the metal recycling operation.
- 2.2 It is important to note that the position of the portacabin currently on site is not in accordance with the approved plans or the proposed plans however the hot food takeaway operation is currently taking place on site. Customers currently enter the site from Belgrave Road via the main entrance, however it should also be noted that the position of the portacabin is not currently set out as per

the approved planning drawing or the proposed drawings submitted with this application, and this can be corrected with the attached conditions.

- 2.3 The proposed hours of operation are Monday to Saturday 08:00 – 14:00 and 1 part time member of staff is proposed.

### **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 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

- 3.3 The site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy REI10 (vii). Saved Policy REI7 indicates that Food and Drink uses can be considered within mix use areas provided appropriate control measures are secured to address noise, odour or any other nuisance impacts on nearby residents.

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

- 4.1 Planning permission for the change of use of the site for recycling of metals (use class B2) including erection of workshop building, siting of offices, an acoustic wall and means of enclosure (20/01235/FUL) was approved by the Planning and Rights of Way Panel in June 2021. The planning permission was subject to hours of use controls of Monday to Friday 08:30 - 18:00 and several conditions were added to prevent the generation of harmful noise. The decision notice, site plan and Panel Minutes are included as **appendix 2, 3 and 4** to this report.

### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 18<sup>th</sup> February 2022. Over 100 notification letters were sent. At the time of writing this report 4 representations in support have been received, and 1 objection has been raised by local ward Cllr Savage with a Panel referral. The following is a summary of the points raised:

- 5.2 Food safety; incompatible with metal recycling operation on health and safety

grounds.

### **Response**

No objections have been raised by the Council's Environmental Health team in relation to food safety and hygiene based on food safety. The food business will need to be registered and subject to inspection from the Council's Environmental Health food safety team which involves the following assessments:

- Compliance with food hygiene and safety procedures: how hygienically food is handled – how it is prepared, cooked, cooled, stored and what measures are taken to prevent food being contaminated with bacteria;
- Compliance with structural compliance: the condition of the structure of the premises, including cleanliness, layout, lighting, ventilation, equipment and other facilities etc;
- Confidence in management and control procedures: how you manage and record what you do
- to make sure food is safe.

5.3 **Letters of Support; which are not from residents of the same ward.**

5.4 *Convenient for people working inside Belgrave Road Industrial Estate.*

5.5 *Good quality food and service.*

### **Consultation Responses**

5.6	<b>Consultee</b>	<b>Comments</b>
	Environmental Health	Environmental Health has no objection to this application. The location, adjacent to potential industrial processes (including metal recycling operations), is not opposed in principle. The operation will be subject to regular food hygiene inspections. The hours are limited to daytime only and the relatively small scale means that odour nuisance is not anticipated. Conditions are recommended to ensure that waste produced by the business is stored in appropriate sealed containers for collection at frequent intervals.
	Highways Development Management	Highways are satisfied that a development of this nature is in keeping with the industrial estate and would not have a detrimental impact on highway safety or significantly increase trip rates within the industrial estate.

## **6. Planning Consideration Key Issues**

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

- The principle of development;
- Residential amenity;

- Parking highways and transport; and
- Design and effect on character;

## 6.2 Principle of Development

The site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy RE110 (vii), however the principle of this small-scale hot food takeaway use is not opposed given that it does not significantly harm the opportunity for the site to be used for safeguarded uses. The policy states: *'Redevelopment proposals for other similar employment uses may also be acceptable provided they are not harmful to existing industrial or warehousing users on the safeguarded site.'* As such it is not considered that the application represents a departure from the local plan and such uses are compatible with such locations.

6.3 Policy RE17 of the City of Southampton Local Plan (2015) states that: *'Proposals involving Food & Drink uses will be permitted in city, town, district, local centres'*. The proposal site does not fall within any of the listed centres however Policy RE17 does not exclude hot-food takeaways outside of the locations listed above. It is also recognised that hot food takeaways are not uncommon within industrial estates and the use would help to serve the day-to-day needs of staff within and visitors to the industrial estate.

6.4 In terms of food safety, the development is not opposed owing to the location within an industrial estate or proximity to industrial processes. Separate legislation will manage food hygiene and safety which will be administered by the Council's Environmental Health Officers. Environmental Health also have no current objection to the potential proximity of cooking activities to metal recycling operations.

6.5 As such the proposed takeaway use is acceptable in principle subject to control measures to ensure the development does not result in adverse noise, odour and disturbance that would be detrimental to the residential amenities of the surrounding properties.

## 6.6 Residential amenity

6.7 The visual impact of the portacabin building itself has already been supported by permission 20/01235/FUL, which at the time of writing this report has been partially implemented. It is, therefore, only noise and odour impacts that need to be considered from a residential perspective. Nearby residents were notified as part of the consultation on this planning application and no objections have been received from local residents.

6.8 Given that the hot food takeaway is more than 40m from the closest residential property and based on the scale of operation including hours of operation proposed, it is not anticipated that the general activity associated with the business will cause significant noise or odour impact. Furthermore, the operation has been taking place on site for approximately 6 months, and there

have been no noise or odour objections raised in response to the consultation exercise carried out with nearby residents.

6.9 In addition, odour will be managed to an acceptable level by the Environmental Health team who also carry out regular food hygiene checks. Environmental Health legislation can also be used if noise disturbance occurs and for ongoing odour management controls.

6.10 Therefore, it is not considered that the hot food takeaway use is detrimental to residential amenity and therefore complies with saved Policy SDP1(i).

6.11 Parking highways and transport

6.12 Owing the modest scale of operation, limited by the size of the unit, cooking facilities and hours of operation; and due to the location within an industrial estate it is unlikely that the proposal will attract customers who are not visiting the industrial estate for other purposes or working there already. Therefore, it's not likely that the scheme will generate significant increased traffic and it should be noted that there have not been objections raised based on traffic generation from either neighbours or the Highways team.

6.13 There is, however, minor concern linked to the layout whereby the customer access is shared with the vehicular access from Belgrave Road. Therefore, a condition is recommended which will require each access to be separated from one another.

6.14 No details have been provided to advise how the trade and customer waste will be managed on site. There is however sufficient space to accommodate refuse storage. As such it is reasonable for a condition to be imposed requiring a waste and litter management plan to be agreed.

6.15 As such it is also considered that the proposal does not and will not have a harmful impact on the highway both in terms of trip generation and safety.

6.16 Design and effect on character

6.17 Only minimal changes to the appearance of the portacabin have been made to facilitate the serving hatch and signage boards, including menu. Changes to the site access and layout will also be minor in scale given the overall site layout and character of the industrial estate. The proposal is, therefore, judged to have a negligible impact on design and character.

**7. Summary**

7.1 The retrospective application proposes to use part of the existing portacabin as a hot food takeaway. For the reasons outlined above it is considered that the proposal would not result in such substantial harm as to justify refusing the application; subject to suitable conditions to control and mitigate the impacts of the use.



## **8. Conclusion**

8.1 It is recommended that planning permission be granted with conditions imposed to mitigate the impact from the proposed development.

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

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

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

#### **MP for 12/07/2022 PROW Panel**

#### **PLANNING CONDITIONS to include:**

##### 01. 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.

##### 02. Hours of Use (Performance)

The use hereby approved shall not be open to the public outside the following hours:  
08:00 to 14:00 Monday to Saturday

Reason: To protect the amenities of nearby residential occupiers

##### 03. Access (Time limited)

Notwithstanding the approved plans a revised access arrangement plan shall be submitted to the Local Planning Authority within 1 month of the date of this permission for approval in writing. Within a further month from the date of the written agreement by the local planning authority the development shall be carried out in accordance with the agreed details and retained throughout the lifetime of the development. The revised layout shall identify how the hot food takeaway use will be separated from the adjoining use of the site for commercial/industrial purposes.

Reason: In the interests of Highways Safety.

##### 04. Refuse and Waste Management (Time limited)

A waste and litter management plan shall be submitted to the Local Planning Authority within 1 month of the date of this permission for approval in writing. Within a further month from the date of the written agreement by the local planning authority the development shall be carried out in accordance with the agreed details and retained throughout the lifetime of the development. The Refuse Management Plan shall provide details of trade waste and on-site customer refuse bins, a collection point for refuse and recycling and any details needed to manage the movement of containers to and from the collection point on collection days where necessary. Except for collection days, the refuse and recycling containers shall be kept only within the approved storage areas.

Reason: To ensure the development functions well and in the interests of visual and residential amenity.

##### 05. No Live or Amplified Music (Performance)

No live or amplified music shall be played within the boundary of the site.  
Reason: To protect the amenities of occupiers of nearby residential properties.

06. No Storage on the Portacabin Roof (Performance)

No materials, goods or other items shall be stored on top of the container hereby approved at any time.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area and in the interests of safety.

07. No Noise or Vibration Emitting Equipment

No additional equipment that may result in noise or vibration (such as additional fume extraction or power generators to those already provided) shall be used on site until specific details of the equipment have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be implemented in accordance with the agreed details thereafter retained as approved.

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP16 Noise

REI7 Food and Drink Uses (Classes A3, A4 and A5)

REI10 (vii) Industry and Warehousing

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
20/01235/FUL	Use of site for recycling of metals including erection of workshop building, siting of offices, an acoustic wall and means of enclosure (amended description).	Conditionally Approved	11.06.2021
21/01313/DIS	Application for approval of details reserved by conditions 4 (materials), 5 (archaeology), 8 (cycle storage) and 26 (refuse and recycling) of planning permission ref 20/01235/FUL for use of site for recycling of metals.	No Objection	10.11.2021



## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

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

Mr David Jobbins  
Luken Beck  
30 Carlton Crescent  
Southampton  
SO15 2EW

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 site for recycling of metals including erection of workshop building, siting of offices, an acoustic wall and means of enclosure (amended description).

**Site Address:** 93 - 99 Belgrave Road, Southampton,

**Application No:** 20/01235/FUL

Subject to the following conditions:

**1 Full Permission Timing Condition (Performance Condition)**

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

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

**2 Approved Plans (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.

**3 Restricted Use (Performance Condition)**

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, namely metal recycling/processing, and not for any other purpose, including any other use within Use Class B2.

**Reason:** In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

**4 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, metal bay walls, boundary walls and acoustic wall. The 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.

**5 Archaeological watching brief investigation (Pre-Commencement Condition)**

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

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

**6 Archaeological watching brief 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.

**7 Hours of Use (Performance)**

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

Monday to Friday 08:30 - 18:00.

And shall not operate during public holidays.

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

**8 Cycle storage facilities (Pre-Occupation Condition)**

Notwithstanding the approved plans before the development hereby approved first comes into occupation, secure storage for 1 bicycle 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.

Informative: The position indicated for cycle storage on the approved site plan (next to the lorry parking space and in an area where loading and offloading of lorry's will occur is not expected to be convenient once the use is operational, it would make more sense to position the cycle storage nearer to the office and away from where metals will be delivered, loaded/off loaded, sorted and away from where large machinery and vehicles will be used/manoeuvre.

**9 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 in the interests of highway safety.

#### 10 Delivery operations location restriction (Performance Condition)

Unless otherwise agreed in writing the turning of vehicles associated with the delivery or collection of metals associated with use hereby approved shall not take place outside of the site and in particular (for avoidance of doubt) shall not use the Belgrave Road public highway for turning manoeuvres.

Reason: To avoid congestion and obstruction of the adjacent highway.

#### 11 No processing of vehicles (Performance Condition)

At no time shall any vehicles (including end of life vehicles) be processed at the site for decommissioning/recycling purposes.

Reason: In the interests of adjacent residential amenity, most notably noise and visual amenity.

#### 12 Construction of buildings, acoustic wall and metal bays

Prior to the commencement of the development hereby approved all physical structures hereby approved, including the buildings, 6m high acoustic wall, 2m high metal bay walls and 2m high boundary walls shall be erected on site to the specification set out in the hereby approved updated noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 and shall be retained for the lifetime of the development.

Reason: In the visual interests of the area, in the interests of safety and in order to mitigate the noise impact of the development.

#### 13 Noise Report - Full compliance. (Performance)

The development hereby approved will be carried out in full accordance with the noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 including maximum noise levels generated, all recommendations, equipment and working practices for the lifetime of the development. For the avoidance of doubt the recommendations and working practices include:

- o Re-orientation of bays and uses within the site (agreed as set out on the amended plans);
- o Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/working area and all receptors in Roxan Mews; and shall be constructed from an impervious material with a surface density no less than 12 kg/m<sup>2</sup>.
- o Provision of acoustic insulation within workshop building.
- o A commitment to keep doors and windows to the workshop closed when plant is operated internally;
- o No recycling of end of life vehicles; and
- o Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

Reason: To protect the amenities of nearby residents.

#### 14 Noise management plan (Pre-occupation)

Prior to the occupation of the site a noise management plan, listing methods to reduce noise generation at the site, shall be submitted to and approved in writing by the local planning authority. All staff members, prior to starting their employment, shall be made aware of the noise management plan and the metal recycling operations on site shall be carried out in accordance with the plan throughout the lifetime of the development.

The plan will include details of, but not be exclusively limited to, the points listed below:

- o The method of careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab.
- o Metal articles must be carefully lowered to the ground or into storage containers when using the crane/material handler fitted with a clamshell grab and shall at no time be dropped from height.
- o At no time shall metal articles be thrown onto the floor, into piles, bins, skips or any other storage container.
- o The specification of acoustic insulation required within the workshop building.
- o No idling of vehicles when not in use.
- o No use of angle grinders.
- o No external storage outside of the designated bays or any materials not held within a container.

Reason: In the interests of local visual amenity including amenities enjoyed by nearby residents.

#### 15 No tipping of any material from delivery vehicles (Performance Condition)

Notwithstanding the approved noise report at no time shall metal articles be tipped from delivery vehicles onto the floor of the hereby approved metal recycling site.

Reason: In the interests of adjacent residential amenity, most notably noise and visual amenity.

#### 16 Sound amplifying equipment (Performance Condition)

At no time shall sound amplifying equipment (including radios and stereos) be operated on site that are audible outside of any of the hereby approved buildings.

Reason: To protect the amenities of nearby residents.

#### 17 Metal storage restriction (Performance Condition)

At no time shall metal be stored outside of the boundaries of the defined metal bays or outside of the building hereby approved on site; and piles of metal shall not exceed a height of 2m and thus shall also not exceed the height of the boundary treatment (2m high wall) defining the metal bays.

Reason: In the visual interests of the area, in the interests of safety and in order to leave sufficient space within the site for vehicle and pedestrian movement.

#### 18 Glazing panel specification (Performance Condition)

The windows in the west elevation of the portacabin offices hereby approved [serving the rooms indicated as an office and staff room] shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above the floor level of the rooms to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason: To protect the privacy enjoyed by the occupiers of the adjacent flats.

#### 19 Dust Suppression (Performance)



During times of dry weather, and when metal articles arrive on site which bring with them dust that could be blown off site whilst being processed, dust suppression measures shall be used to prevent dust from leaving the site which unless otherwise agreed in writing shall be achieved by dampening metal articles with water prior being unloaded onto site.

Reason: To prevent dust from being transferred from the site onto adjacent sites and; in particular, to protect the amenities enjoyed by the occupiers of adjacent residential properties.

#### 20 Unsuspected Contamination (Performance Condition)

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

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

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include measures preventing light spillage directly towards nearby residential properties. The approved lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity.

#### 22 Restricted vehicle movements (trip number & vehicle size restriction) (performance)

No more than 4 trips (2 in, 2 out) shall be made by heavy goods vehicles, with 'heavy' being defined as any vehicle larger than 3.5 tonnes or with more than 2 axels, for the purposes of the bulk delivery of metal articles in association with permission hereby approved.

No vehicles exceeding 26 tonnes, or which are articulated; or which have more than 3 axels, shall enter the site or service/deliver to/from the site in association with the permission hereby approved.

Reason: As a means of limiting the scale of operation owing the information provided and in the interests of the amenities of the neighbouring residential occupiers.

#### 23 Extract Ventilation (Pre-Commencement)

The use of any extract ventilation systems within the workshop building shall not take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation of the building shall thereafter be carried out in accordance with agreed written scheme throughout the lifetime of the development.

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

#### 24 Onsite storage limitation (Performance)

At no time shall the site be used for the storage of caravans or mobile homes, vehicles not associated within the hereby approved business, end of life vehicles, or vehicle parts including tyres; and at no time shall vehicle batteries be stored outside of the workshop building.

Reason: In the interests of limiting the operation and scale of operation on site to protect the amenities of the occupiers of existing nearby properties.

#### 25 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 08:30 to 18:00 hours

And at no time on weekends 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.

#### 26 Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling (not metal) 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.

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.

### 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

11 June 2021

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:

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
1311.02	Amended site layout plan	Site Plan		Approved
1312.04	Workshop	General Plan		Approved
1312.03	Proposed portacabin build	General Plan		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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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 1 JUNE 2021

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Present: Councillors L Harris (Chair), Coombs, Magee, Prior and Windle

1. **ELECTION OF VICE-CHAIR**

**RESOLVED** that Councillor Prior be elected as Vice-Chair for the Municipal Year 2021-2022.

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

**RESOLVED:** that the minutes for the Panel meeting on 20 April 2021 be approved and signed as a correct record.

3. **PLANNING APPLICATION - 21/00087/FUL - NEWSPAPER HOUSE, TEST LANE**

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.

Redevelopment of the site. Demolition of existing buildings and the erection of three buildings for use as either general industrial (Use Class B2) and/or storage and distribution (Use Class B8) with ancillary office accommodation, together with associated access, parking, landscape and infrastructure works (departure from the Development Plan).

Mr Eugene McManus, Mr David Smith (local residents), Paul Shuker (agent), and Councillor McEwing (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel received a statement from Councillor Guest.

The presenting officer informed the Panel that paragraph 3.1 of the report the new floor space should read 14,678 sqm. The presenting officer also reported that there was an amendment required to the recommendation, as set out below, and noted that wording to a number of the conditions and the deletion of the condition 9, as set out below. The Panel noted that whilst cars could potentially physically turn left out of the site, the existing Traffic Regulation Order in place makes this a manoeuvre an offence. There are currently no plans in place to alter the existing Traffic Regulation Order.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the amended 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:

- (1) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.

- (2) Delegated 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 the following mitigation:
- (i) 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
  - (ii) The submission, approval and implementation of a Travel Plan for both the commercial and residential uses to promote sustainable modes of travel in accordance with saved Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
  - (iii) Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (for both construction and operational phases), 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).
  - (iv) 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)
  - (v) Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
  - (vi) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
  - (vii) The submission, approval and implementation of a Servicing Management Plan which includes the routing of servicing vehicles for the operation of the development.
  - (viii) The submission, approval and implementation of a Demolition and Construction Management Plan which includes details to minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary; lorry routing and timing to reduce congestion and; the use of Euro IV standard or equivalent HGVs.
  - (ix) The submission, approval and implementation of a Demolition and Construction lorry routing plan to reduce congestion.
- (3) That authority be granted to the Head of Planning and Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (4) That in the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be granted authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

## **Amended Conditions**

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

Notwithstanding the submitted details, before the commencement of any site works, excluding site clearance, demolition and preparation works, a revised 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, external lighting, structures and ancillary objects (refuse bins etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate to include feather and whip planting within the landscape area to the west of units 1 and 2 and climbing plants to screen service yard security fencing;
- (iii) An accurate plot of all trees to be retained and to be lost together with 1219 replacements, hedgerow planting and a greater variety of native trees species and to include large tree species;
- (iv) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme which includes a woodland management plan for retained and replacement trees and vegetation on the site which shall ensure replacement and existing hedgerow be maintained at a height of between 2 and 3 metres and a cutting regime which shall avoid cutting of hedgerows within the site.

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 following its complete provision, with the exception of boundary landscaping which shall be retained as approved for the lifetime of the development.

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

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

### **17. Demolition and Construction Management (Pre-commencement)**

Before any development or demolition works are commenced, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- a) Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water.

- b) Details on the storage and disposal of waste on site
- c) Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water
- d) Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.
- e) parking of vehicles of site personnel, operatives and visitors;
- f) loading and unloading of plant and materials;
- g) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- h) details of temporary lighting
- i) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- j) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- k) measures to be used for the suppression of dust and dirt throughout the course of construction as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary
- l) The use of Euro IV standard or equivalent HGVs to minimise pollution
- m) details of construction vehicles wheel cleaning; and,
- n) details of how noise emanating from the site during construction will be mitigated.

The approved Demolition and 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 air quality, local water courses, the health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area and highway safety.

#### **Cycle storage facilities (Pre-Use)**

Before the development hereby approved first comes into occupation, details of secure and covered storage to achieve the maximum number of Development Plan spaces for bicycles shall be submitted to and approved in writing by the Local Planning Authority. The details shall include both visitor and staff cycle storage. The cycle storage together with the associated shower and changing facilities shall be provided in accordance with the approved details before each unit first comes into use. The storage and facilities shall be thereafter retained as approved for the lifetime of the development.

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

#### 4. **PLANNING APPLICATION - 20/01235/FUL - 93 - 99 BELGRAVE ROAD**

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 site for recycling of metals including erection of workshop building and use of land for siting of temporary offices.

Dr Devine, Mr Hanna (local residents objecting), David Jobbins (agent), Robert Clarke (supporter) and Councillor Savage (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the Hampshire Fire and Rescue Services had stated that they had no objection to the application. The City's scientific officer had also raised no objection to use of an oxyacetylene torch. The presenting officer reported amendments to the conditions 7, 13, 14 and 19, and an additional condition that would restrict vehicle movements as set out below.

The Panel requested and officers agreed that additional conditions be added to the report that would deal with ventilation, onsite storage, hours of work for demolition/clearance and construction and refuse and Recycling, as set out below.

The Panel then considered the recommendation to grant conditional planning permission with the amended and additional conditions. 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 Conditions**

#### **7 Hours of Use (Performance)**

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

Monday to Friday 08:30 – 18:00.

And shall not operate during public holidays.

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

#### **13 Noise Report - Full compliance. (Performance)**

The development hereby approved will be carried out in full accordance with the noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 including maximum noise levels generated, all recommendations, equipment and working practices for the lifetime of the development. For the avoidance of doubt the recommendations and working practices include:

- Re-orientation of bays and uses within the site (agreed as set out on the amended plans);
- Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/working area and all receptors in Roxan Mews; and shall be constructed from an impervious material with a surface density no less than 12 kg/m<sup>2</sup>.
- Provision of acoustic insulation within workshop building.
- A commitment to keep doors and windows to the workshop closed when plant is operated internally;
- No recycling of end of life vehicles; and
- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

REASON: To protect the amenities of nearby residents.

#### **14 Noise management plan (Pre-occupation)**

Prior to the occupation of the site a noise management plan, listing methods to reduce noise generation at the site, shall be submitted to and approved in writing by the local planning authority. All staff members, prior to starting their employment, shall be made aware of the noise management plan and the metal recycling operations on site shall be carried out in accordance with the plan throughout the lifetime of the development.

The plan will include details of, but not be exclusively limited to, the points listed below:

- The method of careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab.
- Metal articles must be carefully lowered to the ground or into storage containers when using the crane/material handler fitted with a clamshell grab and shall at no time be dropped from height.
- At no time shall metal articles be thrown onto the floor, into piles, bins, skips or any other storage container.
- The specification of acoustic insulation required within the workshop building.
- No idling of vehicles when not in use.
- No use of angle grinders.
- No external storage outside of the designated bays of any materials not held within a container.

REASON: In the interests of local visual amenity including amenities enjoyed by nearby residents.

### **19 Dust Suppression (Performance)**

During times of dry weather, and when metal articles arrive on site which bring with them dust that could be blown off site whilst being processed, dust suppression measures shall be used to prevent dust from leaving the site which unless otherwise agreed in writing shall be achieved by dampening metal articles with water prior being unloaded onto site.

REASON: To prevent dust from being transferred from the site onto adjacent sites and; in particular, to protect the amenities enjoyed by the occupiers of adjacent residential properties.

### **Additional Conditions**

#### **Restricted vehicle movements (trip number & vehicle size restriction) (performance)**

##### ***Restricted vehicle movements (trip number & vehicle size restriction) (performance)***

No more than 4 trips (2 in, 2 out) shall be made by heavy goods vehicles, with 'heavy' being defined as any vehicle larger than 3.5 tonnes or with more than 2 axels, for the purposes of the bulk delivery of metal articles in association with permission hereby approved.

No vehicles exceeding 26 tonnes, or which are articulated; or which have more than 3 axels, shall enter the site or service/deliver to/from the site in association with the permission hereby approved.

REASON: As a means of limiting the scale of operation owing the information provided and in the interests of the amenities of the neighbouring residential occupiers.

#### **Extract Ventilation (Pre-Commencement)**

The use of any extract ventilation systems within the workshop building shall not take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation of the building shall thereafter be carried out in accordance with agreed written scheme throughout the lifetime of the development.

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

#### **Onsite storage limitation (Performance)**

At no time shall the site be used for the storage of caravans or mobile homes, vehicles not associated within the hereby approved business, end of life vehicles, or vehicle parts including tyres; and at no time shall vehicle batteries be stored outside of the workshop building.

REASON: In the interests of limiting the operation and scale of operation on site to protect the amenities of the occupiers of existing nearby properties.

### **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 08:30 to 18:00 hours

And at no time on weekends 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.

### **Refuse & Recycling (Pre-Commencement)**

Prior to the commencement of development, details of storage for refuse and recycling (not metal) 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.

## **5. PLANNING APPLICATION - 21/00044/OUT - 60A THE AVENUE**

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.

Redevelopment of the site. Erection of a 2.5-storey building containing 6 flats (3 x 2-bed, 3 x 1-bed) with associated parking and cycle/refuse storage (Outline application seeking approval for Access, Appearance, Layout and Scale) (Resubmission 20/01054/OUT) (Amended).

John Langram (local resident/ objecting), Adi Paplambu (agent), and Councillors Shields and Leggett (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition a statement from Mr David Parker was read to the Panel.

The presenting officer reported that questions had been raised in regard to the right of access to the site and noted that the recommendation would be dependent on the results of a bat survey.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Prior.

RECORDED VOTE to refuse planning permission.

FOR: Councillors L Harris, Prior, Magee and Windle

AGAINST: Councillor Coombs

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

**Reasons for Refusal:**

**Reason 1 - Overdevelopment**

Whilst recognising the applicant's proposed reuse of previously developed land the nature of proposed site redevelopment in relation to its local context and character is, in the opinion of the Local Planning Authority, symptomatic of an overdevelopment and over-intensive use of the site by reason of:-

- i. An excessive net residential density level which is significantly above adopted Policy and the required density range of housing for this location and context; -
- ii. The overspill street parking impact from a development with limited on-site private car parking would adversely harm the residential amenity of local residents being able to conveniently park close to their homes by displacing the availability of kerbside parking spaces and increasing the burden on existing residents to enforce parking within nearby private roads;
- iii. Three flats fall short of the minimum internal floorspace standards set out in the Nationally Described Space Standards (March 2015) and therefore will create poor living conditions for future residents.

As such, the proposal would prove contrary to saved policies SDP1(i), SDP7, HE1 of the Local Plan Review (amended March 2015) and CS5, CS14, CS18, CS19 of the Core Strategy (amended March 2015) as supported by the relevant guidance set out in the Council's Parking Standards Supplementary Planning Document (2011), the adopted Residential Design Guide Supplementary Planning Document (Adopted 2006) as supported by The Avenue Conservation Area Appraisal & Management Plan (2013).

**Reason 2 – Bat Survey**

The bat emergence survey submitted does not adequately assess whether there is any potential adverse harm to protected bat species as the result of the building demolition and therefore the proposed development could cause unacceptable harm to protected species and prove contrary to saved policy NE4 of the Local Plan Review (amended March 2015) and policy CS22 of the Core Strategy (amended March 2015).

**Reason 3 – Lack of Section 106 or unilateral undertaking to secure planning obligations**

*In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas:*

- 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 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; and,



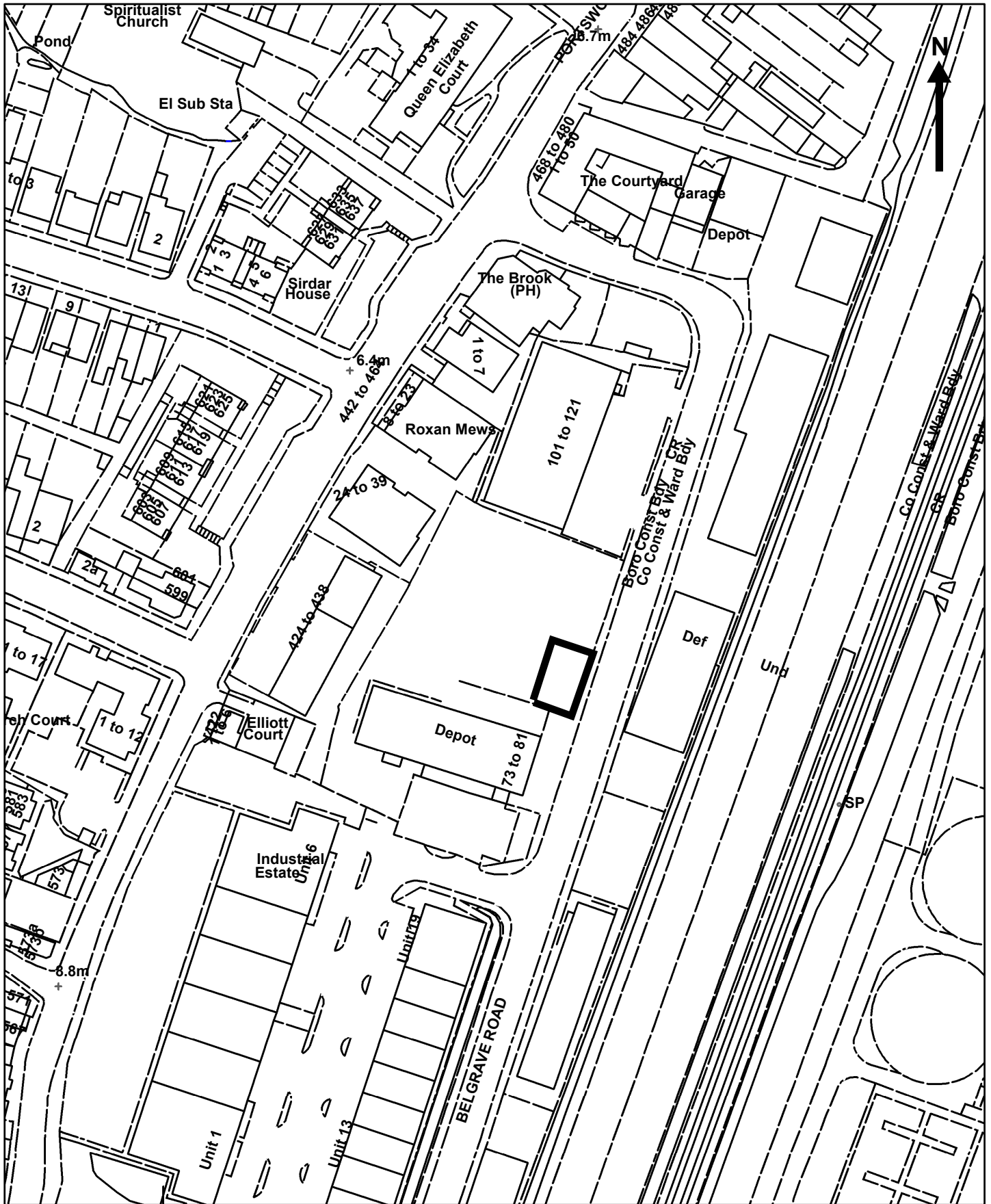
- iv. A restriction that residents of the scheme will be informed of the Council's policy that no parking permits for the surrounding streets be allocated for the future occupants of the development.

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# Agenda Item 8

## 22/00125/FUL

Appendix 4



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**Planning and Rights of Way Panel 12<sup>th</sup> July 2022**  
**Planning Application Report of the Head of Green City & Infrastructure**

<b>Application address:</b> 126 Hillside Avenue, Southampton			
<b>Proposed development:</b> Erection of a single-storey front and side extension following demolition of existing garage and first floor extension to create a two-storey four-bedroom dwelling.			
<b>Application number:</b>	21/00574/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	03.06.2021	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors :</b>	Cllr T. Bunday Cllr D. Fullar Cllr I. White
<b>Applicant:</b> Mrs Ghaiithaa Manla		<b>Agent:</b> White & Gray Architecture	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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 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 (2021). Policy CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015).

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

**Recommendation in Full**

## **Conditionally approve**

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

- 1.1 The application site is located in the north west corner of a cul-de-sac of residential properties accessed from Hillside Avenue. The application site contains a detached bungalow in an irregular shaped plot. There is a driveway and hardstanding to the front to facilitate off road parking and flat roof detached garage adjacent to the north east boundary of the site.
- 1.2 Ground levels between the application site, the neighbouring dwellings within the cul-de-sac, and the neighbouring dwelling 122 Dimond Road remain fairly consistent with ground level gradually falling towards the application property. However, ground levels to the rear of the site (the rear of the properties of Newton Road) fall sharply from the rear boundary of the application site.
- 1.3 The dwellings within the cul-de-sac are primarily bungalows but it is noted that the neighbouring property to the south (No.124) has recently been extended to provide upper floor accommodation. The adjacent property to the north east (122 Dimond Road) are of two storey as are the properties to the rear (northwest) of Newton Road. However, the properties on the eastern side of the cul-de-sac are of single storey.
- 1.4 The rear of the site is enclosed by a timber boundary treatment of approximately 1.8-2m in height. The northeast boundary with No.122 Dimond Road is formed of hedging and a recently increased timber boundary treatment far in excess of 2m in height. The site frontage is relatively open, however views from Hillside Avenue are limited due to the site's location to the rear of the cul-de-sac.
- 1.5 There is a mixed pallet of external facing materials in the vicinity

### **2. Proposal**

- 2.1 The application seeks to extend the level of habitable accommodation in the property through the provision of a first floor.
- 2.2 Through negotiation with the applicant the scheme has been revised to overcome concerns raised by neighbouring residents and officers.
- 2.3 The scale of the proposal has been reduced. The roof height has been lowered significantly. The T shaped ridge results in a gabled roof form facing northwest/southeast on south western side of the property. This in order to achieve an eaves height that reflects those of the neighbouring property (No124 Hillside Avenue) the habitable accommodation has been provided within the created pitched roof space.
- 2.4 The eastern extension is two storey with a crown ridge and a hipped roof form. It is also proposed to remove the existing flat roof detached garage and replace it with an attached flat roof garage/utility structure of a larger footprint.

2.5 The proposal results in a 4 bedroom two storey dwelling from a 3 bedroom bungalow. The master bedroom will also be served by a walk in wardrobe and en-suite. There is also the provision of a study at first floor. The first floor accommodation will be built on the footprint of the original bungalow below.

2.6 The ground floor provides a Lounge, kitchen, dining area incorporating and office. The ground floor extension will accommodate a larger garage, storage and utility area.

### **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 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 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) and SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, 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.

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

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

### **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application, and receipt of the amended plans, a publicity exercise in line with department procedures was re-undertaken notifying adjoining and nearby landowners. At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposed change of bungalow to a two storey house with extended footprint at 126 Hillside Avenue is totally overbearing over development and out of keeping with this small close***

**Response**

The cul-de-sac where the application property is located was until the recent development of 124 Hillside avenue formed of 4 bungalows. No.124 has recently benefited from the addition of upper floor accommodation creating a chalet style bungalow (LPA ref: 18/00136/FUL). However, it is noted that the properties to the rear of the site of Newton Road, the neighbouring property 122 Dimond Road and the majority of the properties of Hillside Road that lead to the cul-de-Sac are all of 2 storey. As such a two storey dwellings do form part of the residential character with the vicinity.

5.3 ***Loss of privacy to 122 Dimond Road.***

**Response**

The proposed building is set deeper into the site than the neighbouring property 122 Dimond Road. As such, the traditional overlooking from the upper floor windows from the rear elevation would not occur to No.122. However, the north east elevation of the proposal does face the rear amenity area of No.122. This elevation contains an upper floor windows that serve a stair well. These areas are not considered to be that main habitable areas of the proposed development. As such it would be reasonable to impose a condition for such windows to be obscure glazed with restricted opening. In order to prevent the flat roof of the garage being used as a raised platform a condition can be imposed preventing such a use.

5.4 ***Loss of privacy to the properties of Newton Road***

**Response**

From the site visit it is clear that the properties of Newtown Road are set on ground much lower than the application site. Due to this change in levels views over the rear boundary treatment towards these neighbouring dwellings is already available, particularly from the existing conservatory.

The proposed rear elevation does contain a number of large windows that would increase the perception of overlooking. Each of those windows on the rear elevation are either to be obscure glazed or have the lower panes obscure glazed. It is reasonable to impose a condition that requires these elements to be obscure glazed, allowing the benefit of additional light but preventing any materially harmful overlooking.

5.5 ***Overshadowing of 122 Dimond Road***

**Response**

The proposed two storey building will be located to the southwest of the rear amenity area of No.122. The timber boundary treatment that separates the two properties is in excess of 2 metres. Beyond this timber boundary is a further hedge that extends above the timber fence. This hedge is within the control of the neighbouring property No.122 and the hedge its itself must result in the loss of light to the rear amenity area as the sun moves west in the afternoon. Due to the level of separation and the existing boundary treatment



the resulting loss of light from the proposal to the rear amenity are of No.122 is not considered so sufficient to warrant refusal of the application.

5.6 ***Loss of Light to the properties of Newton Road***  
**Response**

The proposed two storey building will be more than 3.5m from the rear boundary at its closest point. Furthermore the primary habitable and amenity dwellings of Newton Road are circa 20m from this shared boundary. The boundary also contains a number of trees and shrubs on the Newton Road side of the boundary. As such the proposal is considered to be sufficiently distance from the neighbouring properties of Newton Road to mitigate any materials harm to the level of light received by those properties.

5.7 ***The proposal will result in extra traffic onto the very busy junction on Hillside Avenue***  
**Response**

The proposal does not result in an additional dwelling, it merely seeks to extend the existing property. The additional traffic, if any, is not considered to be to the detriment of highway safety. The site currently benefits from hardstanding to the front of the property sufficient for the off road parking for several cars within the site boundaries.

5.8 ***Increased weight of the building on the existing ground***  
**Response**

In addition to planning consent the proposal would be required to meet any Building Regulation requirements. This is a separate process to the planning material considerations.

5.9 ***The only access to the property is a private road , which 128, 130, 132 and 134 are responsible for the maintenance and upkeep for. It is requested that if planning is approved that you will enforce that 126 Hillside must become a Director of the management company and be responsible for the on-going maintenance of the private road.***

**Response**

The Local planning Authority have no powers to enforce this matter. Right of access and maintenance is a civil matter between the parties concerned and is not relevant to the determination of this planning application.

**Consultation Responses**

5.10 None sought/received

**6.0 Planning Consideration Key Issues**

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

- Principle & Design and effect on character;
- Residential amenity;

- Parking highways and transport

## 6.2 Principle & Design and effect on character

- 6.2.1 Core Strategy saved Policy CS13 requires development to 'respond positively and integrate with its local surroundings' and 'impact positively on health, safety and amenity of the city and its citizens'. Local Plan saved Policies SDP1, SDP7 (iii) (iv) and SDP9 (ii) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness. Moreover, the RDG in paragraph 3.7.7 states that new development 'should complement the pattern of development in the rest of the street.'
- 6.2.2 The application proposes to develop the property from a hipped roof bungalow into a two storey dwelling with front and rear facing gables. The application site is very much divorced from the streetscene of Hillside Avenue. It is located to rear of a cul-de-sac within limited views available from the main highway of Hillside Avenue.
- 6.2.3 The character of the development with the cul-de-sac was of bungalows. However, 126 Hillside Road has recently undertaken development works that have resulted in accommodation within an upper floor. It is also noted that 122 Dimond Road (to the north east) is a two storey dwelling that has benefitted from a two storey extension adjacent to the development site.
- 6.2.4 As such, while the character of the cul-de-sac was of bungalows, the application site is located between two properties that contain accommodation at first floor. As such when viewed from within the context of the cul-de-sac against those neighbouring properties to the north and south (and considering the two storey nature of the properties of Newton Road behind) the proposed development would complement the scale of the neighbouring properties and would not be out of keeping.
- 6.2.5 During the consideration of the application the scheme has been amended to overcome previous design concerns. The height and scale of development has been significantly reduced and re-consultation took place on this basis. The scheme incorporates a front gable to imitate and assimilate with the gable and eaves height of the neighbouring property No.124.
- 6.2.6 The northern side of the extension is of two storey, providing a sympathetic transition from the chalet style bungalow to the south (No.124), to the extended two storey dwelling to the north 122 Dimond Road.
- 6.2.7 The resulting development incorporates a limited extension to the overall footprint of the property. Any additional footprint is largely limited to the single storey addition. There is sufficient space around the detached building to accommodate the development and a generous set back from the sites front boundary is retained. On this basis the extended dwelling would relate appropriate to the character of the area and would not be incongruous or harmful to the visual amenities of the immediate area.

6.2.8 In order to ensure that appropriate external facing materials are used in the development a condition can be imposed that requires specific details of those materials to be submitted to and approved by the local planning authority.

### 6.3 Residential amenity

6.3.1 There are standards set out in section 2.2 of the Residential Design Guide to protect the living conditions of the existing and future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas.

6.3.2 The impact of the development on the amenities of occupiers of neighbouring dwelling is also addressed within the responses to the representations received above. It is noted that the application site is located at a ground level much higher than the neighbouring properties to the north west within Newton Road. As such given the proximity of the proposal to the sites rear boundary the representation received have raised concerns regarding the impact to the privacy amenity of those properties.

6.3.3 At the rear the upper floor will contain four windows within the extension. Two of these windows will serve a serve an en-suite and bathroom. As such these windows can be expected to be obscure glazed to protect the privacy of the occupants. However, it is also reasonable to impose a condition requiring this window to be obscure glazed to protect the privacy of the properties of Newton Road.

6.3.4 The windows serving the master bedroom are also located on the rear elevation. The two windows are both of floor to ceiling height. As such, the proposal seeks to obscure glaze the lower portion of these windows to reduce the impact to the neighbouring properties whilst retaining the benefit of natural light. Such glazing will restrict views out from this window, only allowing external views downwards when in close proximity to the windows. Such obscure glazing can be secured by condition. It is also noted the habitable accommodation within the properties of Newton Road are in excess of 20 metres from the shared boundary with the application site, which would comply with the back to back relationships recommended within the Residential Design Guide. Furthermore, there is already a characteristic of mutual overlooking towards the rear boundaries of the neighbouring properties within Newton Road, due to the sloping rear gardens.

6.3.5 The proposed rooflights will be located above head height and as such will not provide views across the neighbouring dwellings. The upper floor window on the North east elevation will serve a stairwell. As the stairwell is not a primary are of habitable accommodation it is reasonable for this window to also be obscure glazed to protect the privacy of 122 Dimond Road.

6.3.6 The proposed windows at first floor on the front elevation will look out onto the highways to the cul-de-sac, an area that is already open to view from the public realm. In order to prevent the proposed flat roof of the single storey side addition being used an a roof terrace or balcony at a later date, a

condition can be imposed preventing such an operation.

- 6.3.7 Given the orientation, separation of the works from the sites' boundaries, the height of those boundaries and the separation of the neighbouring dwelling from those shared boundaries, the proposal will not give rise to any material harm to the light or outlook currently enjoyed by the occupiers of those dwellings.
- 6.3.8 The potential impact of construction noise on neighbouring residents can be mitigated by way of a condition restricting the permitted working hours. Furthermore, a construction method statement would ensure deliveries of materials, storage of materials and control of dust would be controlled and avoid adverse impacts on neighbouring properties in terms of noise and disturbance.

#### 6.4 Parking highways and transport

- 6.4.1 The proposal does not seek to create a new dwelling as such the proposal is not required to meet the requirements of the Council's parking standards SPD. The proposal is limited to the extension of an existing dwelling. There is no change to the amount, or arrangement of the existing extensive parking on the front driveway.
- 6.4.2 In order to ensure construction traffic and deliveries to the site do result in a detriment to highway safety a condition can be imposed that requires the submission of the construction method statement as advised above.

### 7. Summary

- 7.1 The proposed development would not cause harm to the amenity of neighbouring residents and the design of the extensions would not appear out of character with the host dwelling. Moreover, the site is large enough to accommodate the proposals, appropriate foundations would be the subject of a Building Regulations application. The existing off road parking would not be compromised as a result of the development.

### 8. Conclusion

- 8.1 It is recommended that planning permission be granted subject 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) (a)

Case Officer **Mark Taylor** for 12/07/22 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. 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. Construction Method Statement (Pre-commencement)**

Prior to the commencement of development, a construction method statement relating to the development as a whole shall be submitted to and approved in writing by the Local Authority. The construction method statement shall include the following details:

- Delivery arrangements
- Dust suppression
- Method of supporting the existing rear and side garden boundary structures during excavation and construction of the proposed retaining wall.

The development shall be implemented in accordance with the approved construction method statement for the duration of excavation and construction works on site.

Reason: To protect the amenity of neighbouring residents.

**04. Hours of work for Demolition / Clearance / Construction**

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.

**05. Obscure Glazing (Non Primary Habitable Rooms)**

The upper floor windows on the rear (north west) elevation serving the en-suite of and bathroom, the window serving the stairwell on the side (north east) elevation shall be obscure glazed to Pilkingtons level 3 or equivalent. The window shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. Once installed the windows shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties

06. Obscure Glazing (master bedroom)

The upper floor windows on the rear (north west) elevation serving the master bedroom shall be obscure glazed to a height of 1.1 Metres (measured from the internal floor level of the room that they serve) to Pilkingtons level 3 or equivalent. The obscure glazing shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. Once installed the windows shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties

07. No Other Windows or Doors (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

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

08. Restricted use of flat roof area

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

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

## **Application 21/00574/FUL APPENDIX 1**

### **POLICY CONTEXT**

#### Core Strategy - (as amended 2015)

CS13 Fundamentals of Design  
CS19 Car & Cycle Parking

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

SDP1 Quality of Development  
SDP5 Parking  
SDP7 Urban Design Context  
SDP9 Scale, Massing & Appearance

#### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

#### Other Relevant Guidance

The National Planning Policy Framework (2021)

**Relevant Planning History**

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
1038/AA	Storage of cars and caravans, occasional sale and minor repairs in connection therewith Application 1017/AA site code : 1038		28.05.1953
1314/P2/126	Erection of two 3-bedroomed bungalows and garages together with five further lock up garages	Conditionally Approved	08.11.1966
1381/67/126	Erection of two bungalows and garages	Application Refused	16.12.1969
1381/67R1/126	Erection of two detached bungalows with Garages	Conditionally Approved	24.03.1970
21/01701/PA2A	Prior approval for a proposed enlargement of a dwelling by construction of an additional storey	Objection	06.01.2022

**124 Hillside Road**

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
18/00136/FUL	Raising of roof to create a new first floor with front and rear dormers	Conditionally Approved	22 <sup>nd</sup> March 2021

**122 Dimond Road**

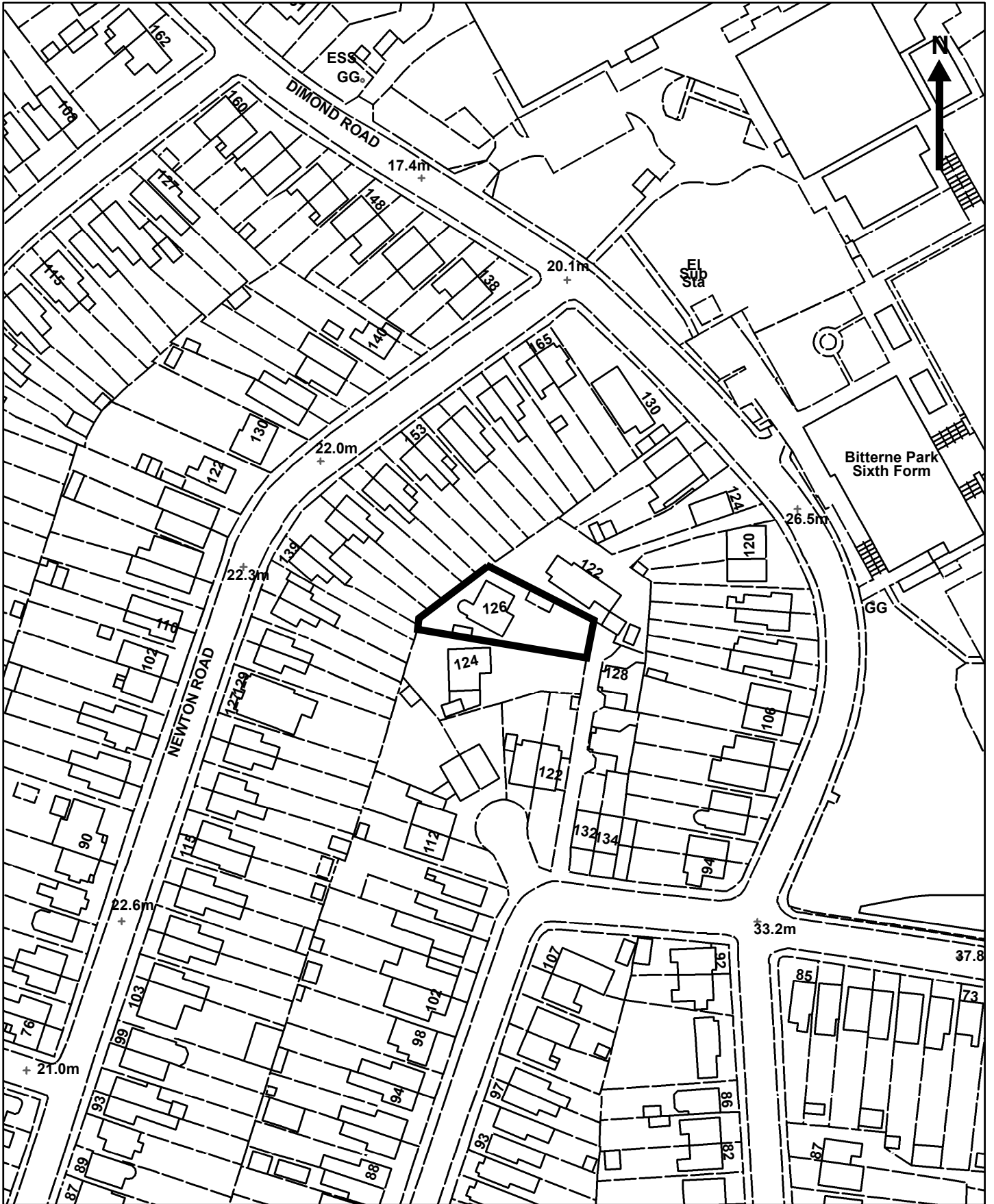
<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
04/01880/FUL	Erection of a first floor rear extension.	Conditionally Approved	11 <sup>th</sup> January 2005



# Agenda Item 9

# 21/00574/FUL

Appendix 1



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