

Planning and Rights of Way Panel 06 August 2019
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

Application address: Horseshoe Park, Horseshoe Bridge, Southampton			
Proposed development: Erection of 2 x six storey buildings comprising 16 flats (12 x 1bed and 4 x 2 bed) with associated car parking, bin and cycle storage (Outline application all matters for consideration except landscaping)			
Application number	19/00950/OUT	Application type	Major Dwellings
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	27.08.19	Ward	Portswood
Reason for Panel Referral:	Departure from the development plan and 3 objections have been received	Ward Councillors	Cllr Lisa Mitchell Cllr Gordon Cooper Cllr John Savage

Applicant: Mr Saeed Poswall	Agent: ACHIEVE - Town Planning and Urban Design Ltd
Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
Community Infrastructure Levy Liable	Yes

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It has been demonstrated with clear evidence that this site is not likely to become viable for employment use and previous planning permissions for office and industrial development have not come forward. Furthermore the scheme is now able to provide a safe pedestrian environment and appropriate noise mitigation has been provided to ensure the residential environment is acceptable. 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).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP14, SDP17, NE4, H2, H7 and RE111 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendices attached			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	Appeal decision		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 2 of this report.
2. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - a. 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);
 - b. 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.
 - c. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - d. Employment and Skills Plan to secure training and employment initiatives.
 - e. The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document -Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - f. 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);
3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
4. that the Service Lead – Infrastructure, Planning & 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,
5. that the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme’s viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1 Background

- 1.1 This is an undeveloped site which is allocated for employment use (light industrial and research and development uses), located adjacent to Empress Road Industrial Estate.
- 1.2 Planning permissions were granted on this site for the erection of 3 industrial buildings in 2002 and a five-storey office building in 2008. However none of these consents have been implemented and have now lapsed. Various residential schemes have been submitted and were refused in 2006, 2012 and 2014 primarily for being contrary to the site specific employment allocation, and because the locality would fail to provide an acceptable living environment with unsafe pedestrian access. The residential schemes refused in 2006 and 2014 were both subsequently dismissed on appeal
- 1.3 The most recent appeal decision dated 10.3.15 upheld the Council's position regarding loss of employment land, poor living environment because of existing background noise levels and unsafe environment for pedestrians and cyclists. A copy of that appeal decision is attached as **Appendix 3**

2 The site and its context

- 2.1 The application site has an area of 0.2 hectares and comprises undeveloped land which is safeguarded for employment use. The site is situated between Thomas Lewis Way the Network rail mainline to London. The triangular shaped plot consists of unmade bare ground which is bound by steeply sloping banks to Horseshoe Bridge Road and Drummond Road which run adjacent to the site.
- 2.2 Land immediately to the west is occupied by a railway transformer compound which is enclosed by steel palisade fencing. Vehicular and pedestrian access to the site is gained via Drummond Drive. Mature planting aligns the embankment and shields the site from Thomas Lewis Way. There is a level change of approximately 4m across the site.
- 2.3 The immediate area is predominately commercial in nature. A four-storey office building (Thomas Lewis House) is located at the corner of Horseshoe Bridge and Thomas Lewis Way. The Empress Road Industrial Estate is located immediately to the south-west and is safeguarded for light industrial and general industrial uses. St Denys Railway Station is located approximately 250m to the north of the application site

3 Proposal

- 3.1 The proposal seeks outline permission (with all matters for consideration except landscaping) for the erection of 2 x six-storey buildings comprising a total of 16 flats (12 x1-bed and 4 x 2-bed). Vehicular access is taken from Drummond Drive with the ground floor containing 20 car parking spaces (including 1 disabled space) and bin and bike storage. Pedestrian access into the building is available from the ground floor with the residential units located at first floor and above. Pedestrian access into the building is also provided from Horseshoe Bridge entering the building at first floor level.
- 3.2 All flats are provided with private balconies design to provide appropriate acoustic mitigation from external noise sources. An enclosed roof top terrace is also provided
- 3.3 The buildings have a contemporary flat roofed design with recessed top floor and projecting box bay balconies to provide articulation. The external walls are proposed to be finished in blue engineering brick at ground and first floor levels with the upper floors finished in non-combustible façade cladding panels, with grey aluminium

windows, door sets and eaves detail. The proposed balconies have glass panel balustrading.

- 3.4 New soft landscaping is proposed within the embankment adjacent to Drummond Road and along the southern site boundary edge

4 **Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated
- 4.3 The site is allocated and safeguarded for employment uses under saved policy RE111 (xvi) of the Adopted Local Plan Review (March 2006) and policy CS7 of the Local Development Framework Core Strategy. A residential scheme is therefore a departure to the policy and has been advertised as such
- 4.4 Paragraph 22 of the National Planning Policy Framework indicates that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities

5. **Relevant Planning History**

- 02/01347/FUL - Erection of 3 industrial buildings with ancillary office accommodation and associated parking - CAP 13.10.2003;
- 06/00547/FUL - Erection of a six-storey building to provide 21 x two-bedroom flats with associated parking - REF 11.07.2006 (APPEAL DISMISSED);
- 07/01195/FUL - Erection of a five-storey office building with associated parking and vehicular access from Drummond Drive – Withdrawn 01.11.2007;
- 08/00083/FUL - Erection of a five-storey office building with associated parking (17 spaces) and vehicular access from Drummond Drive. Conditionally Approved 22.04.2008;
- 10/00946/TIME - Erection of a five-storey office building with associated parking and vehicular access from Drummond Drive (Extension of Time) – Conditionally Approved 25.11.10
- 12/00697/FUL - Erection of a single storey industrial unit (Class B1) with ancillary office space and parking – Conditionally Approved 30.7.12.
- 12/01368/OUT - Erection of a part 6-storey and part 7-storey building to provide 12 x six bedroom 'cluster flats' for students with associated facilities including parking and storage - REFUSED 30.11.2012;
- 13/01145/TIME - Extension of time application to implement planning permission reference 10/00946/TIME (Erection of a five storey office building with associated parking and vehicular access from Drummond Drive) - Conditionally Approved 02.12.2013

- 14/00481/OUT - Erection of a 5-storey building to provide 40 student bed-sitting rooms with associated parking and refuse storage (Outline application seeking approval for Access, Layout and Scale) – REFUSED 29.10.2014 (APPEAL DISMISSED) for the following reasons:

01. REFUSAL REASON - Unsuitable access and poor living environment

The site is not suitable for student residential accommodation because it is not served by safe and convenient public access routes and is isolated from other residential uses and amenities, located adjacent to Empress Road industrial estate and the heavily trafficked Thomas Lewis Way. Future occupiers would experience safety and security concerns due to the isolated nature of the site in an area of high crime. The development proposal is thereby contrary to Policies SDP1, SDP4, SDP7, SDP10, SDP11, H13 and RE11 of the City of Southampton Local Plan Review (March 2006) and Policy CS13 of the Local Development Framework Core Strategy (January 2010) and the relevant sections of the Residential Design Guide SPG0

02. REFUSAL REASON - Incompatible use

The proposal would be contrary to the provisions of the Development Plan, as the site is allocated for light industrial and research and development uses within classes B1(b) and B1(c). It would result in the loss of an important employment site contributing to the employment needs of the City over the Development Plan period and beyond. Moreover student residential development would be incompatible with the existing nearby commercial and industrial activities and would prejudice the future operation of those nearby businesses. The development proposal is thereby contrary to policies RE11 of the City of Southampton Local Plan Review (March 2006) and policy CS7 of the Local Development Framework Core Strategy (January 2010) and the relevant sections of the Residential Design Guide SPG

03. REFUSAL REASON - Impact on public sewer

The development would have a harmful impact on the public sewer crossing the site as Southern Water indicates that the sewer should not be built over and there is limited opportunity to divert the existing drainage apparatus.

04. REFUSAL REASON - Noise

The proposed residential development situated near commercial and industrial uses, a busy A class road, a mainline railway line and a railway transformer compound, has failed to demonstrate that the residential environment provided for the occupants will not be compromised by low frequency noise and external noise to the external amenity areas. The development proposal is thereby contrary to policies SDP1 (i) and SDP16 (ii) of the City of Southampton Local Plan Review (March 2006).

05. Reason for Refusal, Lack of Section 106 agreement to secure planning obligations.

6 Consultation Responses and Notification Representations

6.1 This proposal for residential development represents a departure from the site allocation for light industrial and research and development used under policy RE11 (xvi) and therefore this application has been advertised as a departure from the development plan.

6.2 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 (07.06.2019) and erecting a site notice (04.06.2019). At the time of writing the report **4 representations** have been received from surrounding residents (3 objections and 1 in support). The following is a summary of the points raised:

In support

6.3 Three Rivers Community Rail Partnership would like to support this application. It will improve general security and lighting for the public and passengers who access to St. Denys station via Drummond Drive. It will bring into use a brown field site and it has good links to local amenities such as shops and employment on the Industrial Estate nearby. The local area suffers from fly tipping and anti-social activities at present and this would reduce once the area is developed and better lit

Objections

6.4 **Object to the repurposing of this land for residential use, and further to the density of the development. This land was not originally zoned for residential use. Further residential development, without creating employment opportunities, means more residents having to commute for employment, directly contradicting the city's supposed green charter.**

6.4.1 *Officer Response – Notwithstanding the site allocation and planning consents since 2002 for industrial units and office accommodation no development has come forward. This application is supported by a viability report which demonstrates that industrial and office development is currently unviable. Furthermore the site has been marketed for many years without any offer for policy compliant development. The site topography and physical layout could be, in part, the reason for the lack of interest. Evidence has also been provided to suggest there is currently a surplus of employment land in Southern Hampshire and specifically Southampton. Furthermore the loss of this small site will not adversely impact the supply of employment land going forward.*

6.4.2 *Subject to the securing of pedestrian connection improvements across Thomas Lewis Way, via the s106 agreement, the proposal would represent a sustainable development with good connections to the City Centre and Portswood District Centre. The site is also located in close proximity to St Denys Train Station.*

6.4.3 *No objection has been raised by the Council's Air Quality Team and the proposal is likely to have a negligible impact on air quality in the city. That said, an air quality report is recommended by condition to determine what if any air quality improvements can be secured from the development i.e. increased landscaping or electric car charging points.*

6.5 **The site which is of 0.44 acres (0.18 hectares) in area is too small to reasonably accommodate such a high number of flats. It is noted that application 18/02103/FUL, recently declined in the St Denys area, proposed a similar number of flats (19) with a similar land area (0.21 hectares). It's just profit before people.**

6.5.1 *Officer Response* – Application ref 18/02013/FUL is a materially different scheme and each site should be determined on its own merits.

This proposal is similar in scale to the previously consented office development on this site. The proposed layout provides adequate amenity space for 1 and 2-bed flats with private balconies and a roof terrace. Furthermore the level of car parking provision accords with the Council's maximum parking standards. It is difficult to provide a significantly greater amount of external amenity space having regard to the site topography and noise constraints. The scheme has a density of 95 dwellings per hectare which accords with the density range for this area of 50-100dph as set out within policy CS5 of the Core strategy.

6.6 This area has been marked for development of businesses, creating more employment opportunities in the city. Instead this application is for residential accommodation. This goes directly against the council's plans for the area. Creating yet more flats without encouraging business development in the area will mean residents have to commute - whilst the development is close to St Denys Station many residents are likely to use vehicles, contributing to congestion and pollution. This also goes directly against the council's green city charter and aims of reducing pollution. St Denys already has considerable problems with poor air quality and traffic congestion and this development will contribute further to the problems

6.6.1 *Officer Response* – See officer response above regarding the loss of employment land and air quality

6.7 Allowing 6 storey buildings in this area sets a dangerous precedent for the type of community we want St Denys to be and the types of building we want in the area. We're a close knit community, with a clear identity and currently working hard to address local issues including traffic, pollution, speeding, problems with the sewage works, issues at Quay 2000 (just round the corner from the new development) and finding ways to encourage more community involvement for residents. Flats on the outskirts are likely to create an "us and them" mentality, as we've seen with the flats at Quay 2000 - conflict between the needs of the residents of the flats and the the needs of the rest of the community has generated a huge amount of animosity, and I'd hate to see this made worse by building more such developments in the area. Furthermore, these buildings are huge in an area consisting primarily of Victorian houses, and won't be in keeping with the area. They're bigger even than local businesses and will be an eyesore on the horizon. Both visually and psychologically, long standing residents are likely to feel "squeezed out" of their home community by a development of this type and size.

6.7.1 *Officer Response* – The proposal sits in isolation and would not be out of character having regard to the site topography and overall height of nearby 4-storey flatted and office buildings with pitched roofs

6.8 The area itself isn't suited to residential accommodation. Proximity to Thomas Lewis Way and the railway is going to mean the flats are extremely noisy inside. They're right on the edge of an industrial estate, with poor road links - traffic on Horseshoe Bridge and down into Empress Road is already terrible at certain times of day, it's exceptionally hard to turn out of there, and the flats can only compound this. Furthermore there's nowhere to walk to without either crossing a major road or going through the industrial estate, the latter of which

is known for problems with prostitution and drugs. I certainly wouldn't allow my kids to walk to school from there on their own!

6.8.1 *Officer Response* – The application is supported by an acoustic report which has made recommendation in relation to building fabric, orientation and balcony design to prevent adverse noise impact from external noise sources. No objection has been raised by the Council's Environmental Health Officer.

The introduction of additional residential accommodation will improve the natural surveillance within this area and may assist in reducing anti-social behaviour. No objection has been raised by Hampshire Constabulary.

6.9 **The land has been earmarked for businesses because that's what it's best suited to - it would feel perfectly reasonable to build a few industrial units here, with an associated small increase in traffic, and the noise is less likely to be an issue for the occupants. Building flats instead will compound traffic problems, increase congestion with an associated decline in air quality, be out of keeping with the area, damage the sense of local community, and provide noisy, undesirable residences in a problem area where people are unlikely to feel safe or to integrate with the rest of the community.**

6.9.1 *Officer Response* – The proposed 20 car parking spaces serving residential development will have a negligible impact on congestion.

Paragraph 109 of the NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The other comments in relation to character, loss of employment use and air quality are answered above.

6.10 **Objection to further development in this area, there is accidents regularly on these cross roads at the traffic lights, and more residential development certainly means more cars & traffic. There are enough problems in the area that are NOT getting sorted out let alone putting more people in the vicinity to create more crime and problems and late night disturbances! Also ALL the spaces on horseshoe bridge are used as a public park daily and the congestion would be even worse. This would form another hidden den of iniquity for people to cause even more anti-social behaviour in the area. I do not support this application.**

6.10.1 *Officer Response* – The maximum number of car parking spaces permissible for 16 flats (12 x 1-bed and 4 x 2-bed flats) in this location is 20 car parking spaces. The proposed scheme provides 20 spaces and therefore provides the maximum permissible.

7 Consultation Responses

7.1 Planning Policy - there would remain a strong policy objection to this proposal unless the site visit or section 106 confirms there is or will be a clear pavement from the site along Dukes Road to Lawn Road, a pedestrian phased crossing of Thomas Lewis Way at this point, and the physical ability for direct pedestrian access via Drummond Drive northwards to St Denys station.

Subject to this, there are three key policy issues to balance on this site:

1. The effective use of urban previously developed land
2. Overall the relative inappropriateness of the site for residential development
 - a. the site is potentially close to the rail station via an appropriate pedestrian route, provided there is direct pedestrian access north along

Drummond Way. However the majority of trips are not by train – so this is a benefit but not a defining benefit.

- b. Overall the site is cut off from surrounding residential communities by the railway line and Thomas Lewis Way.
 - c. The site is physically constrained and next to a railway substation – subject to your views on this and the specific proposal, it may not create a good site amenity?
3. The designation of the site for employment use.

The applicant has now submitted evidence which not only illustrates that the site has been marketed for a long period without success; but sets out a viability appraisal. This illustrates that given the physical constraints of the site and so the inability to provide significant employment development, even if a land value of £1 is used, the development of the site would generate a distinct loss. On that basis I am satisfied on point 3.

This does not in itself remove the objection. Effective use of urban land and the presumption of sustainable development does not mean poor development is acceptable. However if point A is met and your satisfied on point 2c, then no policy objection.

7.1.1 *Officer Response – The applicants have agreed to contribute towards a pedestrian phase at the Thomas Lewis Way/Drummond Drive traffic lights to provide improved pedestrian connection with Dukes Road, to be secured through the S106 legal agreement. Therefore the site is now considered acceptable for residential development given the scheme satisfies residential design standards and no objection has been received from the police or environmental health.*

7.2 **City Design Officer** – No objection

7.2.1 To a large extent the form of the development is dictated by the key site constraints of topography and sewer easement, which delivers the two built forms. My concern is that landscaping is a reserved matter, where within the immediate landscape dominant context of this site how the boundaries will be landscaped is critical as this building would ideally appear to emerge from a strong and consistent landscaped boundary. The current street boundary seems somewhat disjointed. On the plans and elevations they indicate dense tree planting and they need to assure us that they can deliver such a feature. Landscaping over the sewer easement I suspect is not deliverable. Finally although a landscape issue given the degree of hardstanding and apparently no scope to create an effective landscape barrier between the railway line and the buildings we should expect to see a high quality paving design and material used for the parking court, not tarmac to provide greater visual appeal

7.3 **Design Advisory Panel** - The Panel felt that the scheme was better than the previous scheme, but felt overall that it seemed to be missing an opportunity to exploit potentially interesting views of the river and mitigate poor foreground views of the railway. Perhaps one building, slightly taller would afford the opportunity to deliver a better quality of residential environment than two separate lower buildings

7.4 **Environmental Health** - No objection in principle, subject to conditions regarding hours of work, control of bonfires construction management and acoustic glazing.

7.5 **SCC Housing** - As the scheme comprises of 16 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 6 dwellings (5.6 rounded up).

7.6 **Sustainability** - No objection subject to the imposition of conditions securing energy and water restriction

- 7.7 Air Quality** – No objection subject to a condition to secure an air quality report to inform any necessary mitigation. Regardless of the significance of the pollution impact, should they demonstrate additional trips and therefore increases in pollutant emissions, they should be implementing the mitigation measures recommended in our consultation response (i.e. more EV charging points, promotion of sustainable and active travel on site).
- 7.8 Ecology** – No objection subject to conditions to secure ecological mitigation and piling design
- 7.9 SCC Highways** – No objection
- 7.9.1** The proposed development is considered to be acceptable in principle but with a couple of concerns which will need to be addressed. The main concern with a residential unit here is the sustainable link to the local district centre (Portswood). There are a few options but the likely route would be for the residents of the proposed development to simply cross Thomas Lewis Way. The other routes such as Empress Road, Drummond Drive and Adelaide road – Empress Road and Drummond had been previously considered to be unsuitable due to the lack of natural surveillance at night time. Adelaide Road is long detour and the footbridge at the station is unsuitable for some users such as wheelchairs and pushchairs – and possibly some cycle users
- 7.9.2** There is one dropped crossing on the Thomas Lewis way/Horseshoe Bridge junction but this is an uncontrolled facility with no dedicated pedestrian phase on a very busy 4-arm junction. People crossing this would need to rely on navigating the traffic signals and would have to be mindful of vehicular movements including ones within their blind spot (over the shoulder). In order to provide a safer environment and to really offer residents a genuine choice of sustainable travel, improvement on this junction/crossing will be required as part of the Section 106.
- 7.9.3** The other main concern is the refuse collection on Horseshoe Bridge. The road bends here and if a Waste Collection Vehicle was to stop and service here, it may result in vehicles travelling towards Adelaide Road direction, they would likely encroach onto the other lane to overtake. This is a concern due to the bend whereby forward visibility would be low especially if a waste vehicle was stationary to further restrict views. The solution would be to have all refuse being serviced from Drummond Drive. It is not clear if this breaches the 30m carry distance as recommended in the Residential Design Guide but if so, a waste management plan could be conditioned for on site management to move the bins to the Drummond Drive collection point – unless a balanced planning decision is made on this.
- 7.9.4** Overall, the proposed development is considered acceptable subject to the following by condition:
- Waste Management Plan
 - Construction Management Plan
 - Euro bin Standard Condition
- 7.10 Network Rail** – No objection but provide advisories regarding asset protection
- 7.11 Police** – No objection. The developers have incorporated the appropriate security features into the design to provide a level of security commensurate with a residential development.
- 7.12 BAA Safeguarding** – No objection subject to conditions relating Bird Hazard Management and External Lighting

7.13 Southern Water – No objection subject to condition to secure details of the proposed means of foul and surface water sewerage disposal

7.14 City of Southampton Society - No objection in principle

- a. Offices would be preferable.
- b. The site has a very challenging topography.
- c. The road would need proper support. Would retaining walls be sufficient?
- d. The transformer and the railway will produce noise.
- e. The parking on site will be barely sufficient.
- f. Public transport is not so readily accessible from the site.
- g. Prospect from any side of the site will not be very attractive. Especially for the lower flats.
- h. The design is intelligent and quite pleasing. A little grey perhaps for a lower site.
- i. The use of solar panels to be commended.
- j. Amenity distinctly lacking. Riverside access reasonably close.

6 Planning Consideration Key Issues

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

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

6.1 The Principle of development

6.1 *The site is allocated for employment use under policy RE111 (xvi) of the Local Plan Review. Policy CS7 of the Core Strategy indicates that all existing employment sites will be safeguarded for employment use, unless:*

1. *There is clear evidence that a site is not, and is not likely to become, viable for employment use; or*
2. *There is a strong justification to release a site from employment safeguarding, on the following grounds:*
 - a. *The redevelopment of the site, given its specific location, could deliver strong and distinctive planning / regeneration benefits, or*
 - b. *The site is no longer suitable for employment use taking into account, its accessibility and its effect on residential amenity and the environment including the Habitats Regulations;*

and these grounds outweigh the strong need to safeguard employment sites taking into account the following specific issues:

 - a. *Any location-specific employment needs met by a site (e.g. for waterfront marine use); and*
 - b. *The benefit of retaining an employment site close to the priority neighbourhoods.*

6.1.1 The application is supported by acceptable viability and marketing evidence to demonstrate that the site is unlikely to come forward for employment use (see policy officer comment above). Furthermore previous planning permissions for the erection of 3 industrial buildings in 2002 and a five-storey office building in 2008 have not been delivered. As such it is recommended that a departure from the employment allocation be supported because exception test 1 of policy CS7 has been satisfied

with clear evidence to show the site is not likely to become viable for employment use.

- 6.1.2** The scheme also addresses previous concerns in relation to pedestrian safety and residential living environment. The developer is prepared to contribute, through the S106 Agreement, towards improved pedestrian crossing facilities across Thomas Lewis Way to link into Lawn Road, this would reduce the likelihood of pedestrians using Drummond Drive and Empress Road which are poorly lit and/or poorly surveyed, particularly during hours of darkness. Improved pedestrian connectivity, with a pedestrian crossing phase at the Thomas Lewis Way, would allow pedestrians to access Portswood, Bevois Valley or Lodge Road via residential streets. The Police are satisfied with the proposal from a secure by design perspective
- 6.1.3** Furthermore the application is supported by an acoustic report which has informed the building layout and design to ensure that residents will not be subject to adverse noise disturbance from external noise sources (traffic, commercial activity and rail noise). The Council's Environmental Health Officer is satisfied with the submitted noise report and proposed mitigation and has raised no objection.
- 6.1.4** On the basis that acceptable evidence has been submitted to demonstrate that the site is unlikely to become viable for employment use and that a safe pedestrian environment and acceptable living environment can be provided, the previous decisions to refuse residential development (including the Inspector appeal decisions) have now been addressed.
- 6.1.4** The proposal would represent windfall housing delivery on previously developed land, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026.
- 6.1.5** Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of medium accessibility where net density levels of between 50-100 dwellings per hectare can be supported. The proposal has a density of 95 dwellings per hectare which accords with the general density range and is in keeping with the character of nearby flatted schemes such as Quay 2000. The proposed housing mix of 4 x 2-bedroom and 12 x 1-bedroom flats is appropriate given the context and constraints of the site. The site topography and noise constraints do not make this site suitable for family housing and therefore the proposed housing mix is considered to satisfy policy CS16 of the Core Strategy
- 6.1.6** As the scheme comprises of 16 dwellings in total the affordable housing requirement from the proposed development is 35% as required under policy CS15 of the Core Strategy. The affordable housing requirement is therefore 6 dwellings (5.6 rounded up). The application has not been subject to a viability exercise and weight has therefore been afforded to the dwellings of Affordable Housing in this recommendation. In Southampton our greatest need is units for rent (social rent or Affordable Rent) and the council has over 8,000 applicants on its housing register seeking affordable rented accommodation.
- 6.2** The impact of the design of the building on the character of the area
- 6.2.1** No objections have been raised by the City Design Manager or the Design Advisory Panel in relation to scale, form or external appearance of the proposed buildings. The scale of these 6-storey flat roofed block has a similar scale to the previously consented 5-storey office building with pitched roof form. The surrounding area is not homogenous in design terms and the proposed buildings will sit comfortably within the street scene.

6.3 The quality of the residential environment.

- 6.3.1** The site is constrained by road and rail infrastructure making its redevelopment difficult. The proposed living environment is considered acceptable with all habitable rooms receiving genuine outlook and day lighting. The proposed flats range in size between 58.38sqm and 69.8sqm and are compliant with the nationally prescribed space standards. The orientation and separation of the blocks will ensure that no harmful inter-looking will occur.
- 6.3.2** The building design and layout has been informed by an acoustic report to ensure the residential environment is not subject to adverse noise nuisance from road traffic, commercial activity and noise from the railway. The balconies have been placed on the western elevation because the eastern elevation is subject to greater noise nuisance from the railway line.
- 6.3.3** All flats are provided with private balconies, ranging from 6-9sqm in area. A communal roof terrace is also provided with an area of 93sqm. The amount of private and communal amenity space is considered acceptable having regard to the size of the units (1 and 2-bedroom flats) and constraints of the site in relation to site topography and external noise sources. The Residential Design Guide SPD would expect 320sqm to serve this development. The roof terrace is an attractive usable space and significant weight has been afforded to it in this recommendation

6.4 The impact on the amenities of neighbouring and surrounding residents;

- 6.4.1** The nearest residents are located some distance away circa 70m to the north-west (Osborne Road North) or circa 110m to the east (Quay 2000). The proposed development will have no adverse impact on the residential amenities of neighbouring occupiers. The proposed layout, building orientation, separation distances will ensure that no harmful shadowing, loss of light, sense of enclosure or loss of light will occur.

6.5 Highways safety, car parking, access and mitigation.

- 6.5.1** The provision of 20 spaces accords with the Council's maximum car parking standards and no objection has been raised by Highways Development Management. The maximum number of spaces permissible is 20 parking spaces (1 space per 1-bed unit and 2 spaces per 2 bed unit). The site is also located in close proximity to St Denys Train Station and bus services operating between Portswood and the City Centre.
- 6.5.2** Acceptable integral Bin and bike storage facilities are provided at ground floor level and can be secured by condition.
- 6.5.3** A legal agreement will be used to secure off site works and measures needed to mitigate the impact of the development, in particular site specific transport contributions for highway improvements, to include improved pedestrian and cycle access across Thomas Lewis Way with better connection into Lawn Road
- 6.5.4** Additionally a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and financial contribution towards SDMP to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

6.6 Habitat Regulations

- 6.6.1** The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect

upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 2**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7 Summary

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It has been demonstrated with clear evidence that this site is not likely to become viable for employment use and previous planning permissions for office and industrial development have not come forward. Furthermore the scheme is now able to provide a safe pedestrian environment and appropriate noise mitigation has been provided to ensure the residential environment is acceptable. Therefore previous refusal decisions (including appeal decisions) for residential development have now been addressed. 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

8 Conclusion

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

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

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

AG for 06/08/2019 PROW Panel

PLANNING CONDITIONS

01. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures and maintenance.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

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

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

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

03. Amenity Space Access (Pre-Occupation)

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

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

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

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

Monday to Friday 08:00 to 18:00 hours
Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

05. Glazing- Soundproofing from external noise (Performance Condition)

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation shall be either:

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

Any trickle vents must be acoustically rated. The above specified glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason: In order to protect occupiers of the flats from external noise.

07. APPROVAL CONDITION - Location of plant

Unless otherwise agreed in writing with the Local Planning Authority, any habitable rooms facing towards the railway shall be served by mechanical ventilation. The ventilation and air conditioning/air handling plant shall be located on the noisier aspect, i.e. facing the railway line, in accordance with the recommendation of the supporting Ambient Noise and Vibration Impact Assessment Report (Ref 170-3/Rep 1/Rev 0/April 2019). The mechanical ventilation and air conditioning/air handling plant shall be installed prior to first occupation of the flats hereby approved and thereafter retained as agreed.

Reason: To ensure residents are not affected by significant noise nuisance.

08. Construction Management Plan (Pre-Commencement)

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

(a) parking of vehicles of site personnel, operatives and visitors;

(b) loading and unloading of plant and materials;

(c) storage of plant and materials, including cement mixing and washings, used in constructing the development;

(d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;

(e) measures to be used for the suppression of dust and dirt throughout the course of construction;

(f) details of construction vehicles wheel cleaning; and,

(g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

09. Energy & Water (Pre-Commencement)

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

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

10. Energy & Water (performance condition)

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

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

11. Sustainable Drainage Systems (Pre-Commencement)

Prior to the commencement of development a specification for the proposed sustainable drainage system shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

12. APPROVAL CONDITION - Air Quality

Prior to the commencement of development a DMRB screening air quality assessment shall be submitted to the Local Planning Authority and agreed in writing. If the DMRB identify a significant impact/exceedance of the air quality objectives then a full air quality assessment will be required prior to the commencement of development. Any required mitigation measures shall be installed prior to first occupation and thereafter retained.

Reason: In the interests of air quality.

13. Piling (Pre-Commencement)

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity.

14. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

15. Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- Management of the roof area which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes':

<https://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Southampton Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

16. Control of Lighting on the Proposed Development

The development is close to aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason: To avoid endangering the safe operation of aircraft with glare.

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

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

Reason: To ensure satisfactory drainage provision for the area.

18. Parking (Pre-Occupation)

The parking and access, with at least 1 space per flat for use by residents and visitors only, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

19. Cycle parking (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.

20. Euro Bin Storage (Performance)

The bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.

Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage caused by bin movements.

The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail.

The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. E mail waste.management@southampton.gov.uk

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

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

21. Waste Management Plan

Prior to first occupation of the development hereby approved a waste management plan shall be submitted and agreed in writing with the Local Planning Authority to ensure that all bins are collected from the access road off Drummond Drive

Reason: In the interests of highway safety

22. 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.