

Planning and Rights of Way Panel

Tuesday, 13th March, 2018
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 and 4 - Civic Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Savage (Vice-Chair)
Councillor Barnes-Andrews
Councillor Claisse
Councillor Hecks
Councillor Murphy
Councillor Wilkinson

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.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

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

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

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

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

Dates of Meetings: Municipal Year 2017/18

2017	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

2018	
9 January	13 March
30 January	3 April
20 February	24 April

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

- Any body to which they have been appointed or nominated by Southampton City Council
- Any public authority or body exercising functions of a public nature
- Any body directed to charitable purposes
- Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 20 February 2018 and to deal with any matters arising.

5 OBJECTION TO THE TREE PRESERVATION ORDER AT WORDSWORTH HOUSE, 85 ANGLESEA ROAD (Pages 7 - 34)

Report of the Head of Service seeking confirmation of tree preservation order.

CONSIDERATION OF PLANNING APPLICATIONS

6 PLANNING APPLICATION - 17/01206/FUL - 390 - 392 SHIRLEY ROAD (Pages 39 - 58)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel refuse approval in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 17/02443/OUT - 2 VICTOR STREET (Pages 59 - 78)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 18/00032/FUL- 17 - 21 PORTSMOUTH ROAD (Pages 79 - 112)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

9 PLANNING APPLICATION - 17/02476/FUL - 10 FURZE CLOSE

(Pages 113 - 132)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

10 PLANNING APPLICATION -12/00596/FUL - BROWNHILL WAY/BROWNHILL RD

(Pages 133 - 204)

Report of the Service Lead, Planning, Infrastructure and Development seeking permission for a Deed of Variation to be granted in respect of an application for a proposed development at the above address.

Monday, 5 March 2018

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 20 FEBRUARY 2018

Present: Councillors Denness (Chair), Savage (Vice-Chair), Claisse, Hecks, Murphy, Wilkinson and Shields (except Minute Number 57)

Apologies: Councillors Barnes-Andrews

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

It was noted that following receipt of the temporary resignation of Councillor Barnes Andrews from the Panel, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Shields to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 30 January 2018 be approved and signed as a correct record.

55. **PLANNING APPLICATION - 17/02485/FUL - 17 RAYMOND ROAD**

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

Change of use from a dwelling house (Class C3) to either a dwelling house (Class C3) or a house in multiple occupation (HMO, Class C4)

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

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Claisse, Hecks, Murphy, Savage and Shields

AGAINST: Councillors Wilkinson

RESOLVED that the Panel approve conditional planning permission subject to the conditions set out in the report

56. **PLANNING APPLICATION - 17/02561/FUL - 9 BASSETT GREEN DRIVE**

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

Replacement dwelling with associated parking (Follows permission 16/01903/FUL).

Barry Smith (local resident objecting), Bhupnder and Hardeep Toor (applicant), and Councillor Harris (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that amended plans had now been received detailing the mix of materials for the outside of the building showing predominantly red brick, rather than render as submitted previously.

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

RESOLVED that the Panel

- (i) delegated the Service Lead Infrastructure, Planning and Development to issue conditional approval subject to receipt of amended plans or written confirmation showing a mix of materials, predominantly red brick, rather than render as submitted and to overcome the earlier reason for refusal regarding material.
- (ii) delegated the Service Lead Infrastructure, Planning and Development permission to refuse to grant approval in the event that this information is not provided within a reasonable timescale.

57. **PLANNING APPLICATION - 17/02389/FUL - 25 HOWARD ROAD**

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

Erection of a single storey rear extension.

Kate Drummond and Kate Stirling (local residents objecting), Mr Chahal (agent), Mr Sahota (applicant) and Councillor Parnell (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the result of the appeal case circulated as additional information to the Panel. The Panel expressed concern that the proposed extension would be used as an additional bedroom and requested that an additional condition on use be added as set out below.

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

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Hecks and Murphy

AGAINST: Councillors Claisse and Wilkinson

ABSTAINED: Councillor Savage

RESOLVED that the Panel approve conditional planning permission subject to the conditions set out in the report and any additional condition set out below:

Additional Condition

Condition 5 – Restricted use

The development hereby approved shall be provided as a 1 bedroom flat. The rooms identified as 'kitchen' and 'lounge' on the proposed ground floor plan of Drawing No 2017/03 Rev B shall be retained for that intended use within the existing unit and shall not be used as additional bedrooms.

Reason: To allow the Local Planning Authority to control the development and restrict the potential for further residential intensification and activity that could have a harmful impact on existing and neighboring occupiers with reference to noise and disturbance from additional occupiers, and the further need for car parking.

NOTE: Councillor Shields withdrew from the Panel for this Item.

58. **PLANNING APPLICATION - 17/01669/FUL - 4 PRIMROSE ROAD**

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

Erection of part single storey, part two-storey rear extension (retrospective)

Dr Bragg (local resident objecting), Sukhoev Sihota and Dajeep Sihota (applicant), and Councillor B Harris (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel raised a number of concerns relating the retrospective application. In particular the Panel were concerned that the conditions relating to materials, set out in the previous application, had not been adhered to. The Panel felt that the impact of the change to the granted planning permission could not be assessed without a site visit and proposed that the decision on the matter be deferred until a site visit had been arranged.

RESOLVED that the Panel deferred decision on the application until the Panel had undertaken a site visit.

59. **PLANNING APPLICATION - 17/01600/FUL - LAND ADJACENT TO 153 ATHELSTAN ROAD**

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

Construction of two storey, four bed detached house with associated bin/refuse, car parking and cycle storage.

Catherine Rendle and Charlotte Winfield (local residents objecting), and Councillors Keogh and Lewzey (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 16 of the recommendation amended to align with the condition on the previously consented application. Members expressed concerns over the access to the property and that the development would be an overdevelopment of the existing plot.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to Planning Permission for the reasons set out below was then proposed by Councillor Claisse and seconded by Councillor Savage.

RECORDED VOTE to refuse planning permission

FOR: Councillors Claisse, Murphy, Savage and Wilkinson

AGAINST: Councillors Denness and Hecks

ABSTAINED: Councillor Shields

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

Reasons for Refusal

(1) Reason for Refusal – Residential amenity

The proposed development, with particular reference to the additional two-storey massing at the rear, represents an overdevelopment of the existing plot and would result in an unneighbourly form of development which is harmful to the occupiers of the application site and neighbouring dwellings. With reference to the changing site levels, the additional bedroom and increased building footprint with associated loss of external amenity space, it is considered that the property fails to provide a good quality, usable external amenity space for the occupants of the host dwelling that is fit for its intended purpose to serve a 4 bedroom family dwelling and results in an over-intensive and cramped form of development. The additional bedroom (as proposed) and associated reduction in external amenity space to below current standards are at odds with achieving appropriate development. Furthermore, the additional massing to the rear will result in additional overshadowing of the proposed garden and the neighbouring dwelling at 153 Athelstan Road which will be exacerbated by the change in site levels. Therefore, the proposal proves contrary to SPD1(i), SDP7(i)(iii)(iv) and SDP9(i)(ii)(v) of the City of Southampton Local Plan Review (2015) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), as supported by sections 2.2.1, 2.2.19, 2.2.21, 2.3.12-13 and 4.4.3-4 of the Council's approved Residential Design Guide SPD (2006).

(2) Reason for Refusal - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

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DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	OBJECTION TO TREE PRESERVATION ORDER AT WORDSWORTH HOUSE, 85 ANGLESEA ROAD.		
DATE OF DECISION:	13 MARCH 2018		
REPORT OF:	HEAD OF TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Will Taylor	Tel: 023 8083 4028
	E-mail:	Will.taylor@southampton.gov.uk	
Director	Name:	Mitch Sanders	Tel: 023 8083 3005
	E-mail:	Mitch.sanders@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
<p>A Tree Preservation Order (TPO) was placed, as a precautionary measure, onto five individual trees in response to proposed works within a Conservation Area.</p> <p>The Order identifies 4 trees along the Northern boundary of the property, adjacent to Winchester Road and 1 tree within the grounds that is visible from the road.</p> <p>The trees form a landscape feature and have a high amenity value due to the road, at what is a busy junction on a main arterial route.</p> <p>There are several trees within the group that have not been included in the order as they did not meet the requirements of a TPO due to their structural or physiological condition.</p>	
RECOMMENDATIONS:	
	(i) To confirm The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017 (appendix 1).
REASONS FOR REPORT RECOMMENDATIONS	
1.	The trees are valuable for their public amenity, ecological contribution to a conservation area and green screening from the main road. The mitigation they provide to a busy junction with traffic lights and the associated pollution is also of high value. The proposed works were considered to be potentially detrimental to the amenity value and health of the trees.
2.	The unsanctioned felling of a tree on site (T2 Cherry), before the six week notification period required for a Conservation Area without a valid exemption notice led to a perceived threat to the trees and resulted in this TPO being placed as a precautionary measure.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable management of the trees.
DETAIL (Including consultation carried out)	

4	30.09.17 – Notification of proposed works to trees within a conservation area received via an Agent working for the owners of the trees.
5	10.10.17 – Site visit carried out to assess proposed works. Recent felling of T2 Cherry noted.
6	30.10.17 – The Order was made and served to residents effected and to the management company of the building.
7	03.11.17 - The property owner’s agent informed of the Order via email, this is followed by a phone call to discuss.
8	24.11.17 – Objection report received from owner’s agent. The key objection is based on the expediency of the order.

RESOURCE IMPLICATIONS

Capital/Revenue

9	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
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Property/Other

10	If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

11	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.
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Other Legal Implications:

12	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law
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RISK MANAGEMENT IMPLICATIONS

13	None
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POLICY FRAMEWORK IMPLICATIONS

14	None at present time, but the city is mindful of the importance of green infrastructure including that in private ownership.
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KEY DECISION?	No
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WARDS/COMMUNITIES AFFECTED:	Shirley
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	The Order: The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017
2.	Image of Street view, North and South along Winchester Road.
3.	The Objection in report format.
4.	Response to Agent's Objection.
5.	TEMPO Forms
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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Form of Tree Preservation Order

Town and Country Planning Act 1990

The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017

Southampton City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017

Interpretation

2.— (1) In this Order “the authority” means the Southampton City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 30th October 2017

Signed on behalf of the SOUTHAMPTON CITY COUNCIL

A handwritten signature in black ink, appearing to be 'MJS' followed by a large, stylized flourish.

Authorised by the Council to sign in that behalf

SCHEDULE 1

The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017

Individual Trees (encircled black on the map)

No on Map	Description	Situation
T1	Maple	North West corner of property, on the boundary.
T2	London Plane	On the Northern boundary, towards the Western end.
T3	Oak	On Northern boundary, Western most of the mature Oaks.
T4	Oak	On Northern boundary, co-dominant with T3
T5	Cedar	Mature Cedar, several metres in from Northern boundary.

Groups of trees (within a broken black line on the map)

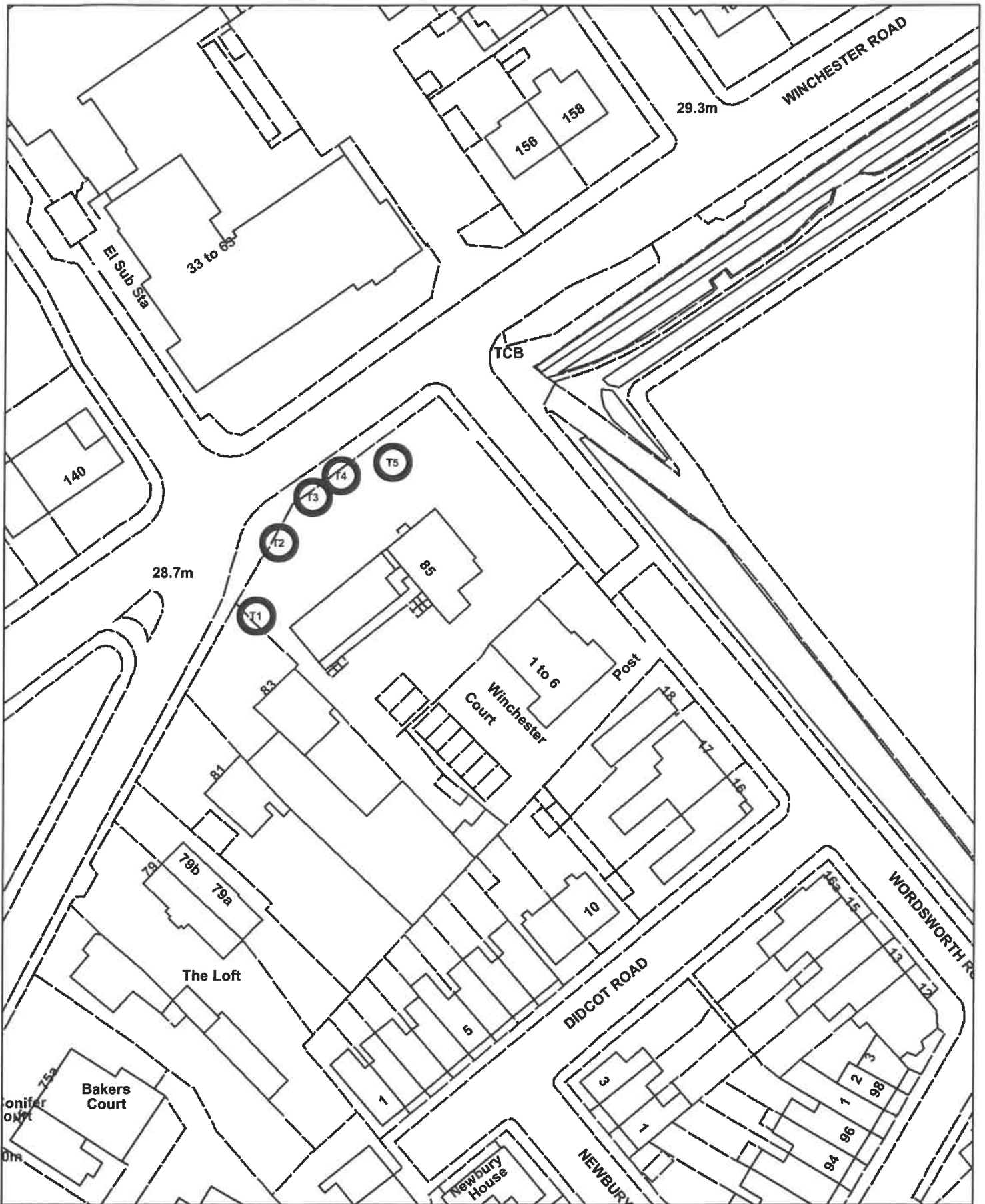
No on Map	Description	Situation
	NONE	

Woodlands (within a continuous black line on the map)






No on Map	Description	Situation
	NONE	

Trees Specified by Reference to an Area (within a dotted black line on the map)

No on Map	Description	Situation
	NONE	



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 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

- Key**
-  Individual Trees
 -  Group
 -  Woodland
 -  Area
 -  Not TPO'd

The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017	
TPO Ref: T2-676	Department: Trees team
Drawn: WT	Scale: 1:750



Jon Dyer-Slade
 Head of City Services
 Place Directorate
 Southampton City Council
 3rd Floor One Guildhall Square
 Southampton SO14 7FP

Agenda Item 5

Appendix 2



Trees in group on right hand side of image



Trees in group on left hand side of image



Aerial shot of group of trees.

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Trees Team
 Southampton City Council
 Civic Centre
 Southampton
 Hampshire
 SO14 7LY

Your Ref: T2-676
 Our Ref: TPOobj-KC/WORDSWORTH/001

Contact: Kevin Cloud
 Telephone: 01489 896655

Date: 24th November 2017

Without prejudice

Dear Mr Sanders

**Formal Objection to the serving of statutory tree protection cited as -
 The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order
 2017**

I have been instructed by my client, Wordsworth Management Company, to visit the land and assess the trees included in the above Tree Preservation Order (TPO); comment on the status, condition and suitability of the trees contained therein and submit this letter as formal objection to the TPO.

I request that the Council does not confirm the TPO for the reasons stated within this correspondence.

Qualifications and experience

I am an Arboricultural Association Registered Consultant, Fellow of the Arboricultural Association and associate of the Institute of Chartered Foresters. I am a former local planning authority (LPA) arboricultural officer and have been previously engaged by the Wordsworth Management Company to carry out a risk assessment of the trees at the above location.

Site visit

I attended the site on the afternoon of 7th September 2017 and carried out a survey of all trees on site as part of a tree risk management survey and reporting exercise. At the time of my visit the weather was clear and dry with good visibility.

Background

Following my site visit I produced a tree risk report for the client and submitted a conservation area notification for those tree works which required such. One tree, a black locust was in such condition that it was considered urgent to remove and this was undertaken via exception under paragraph 14(1)(c) of the *Town and Country Planning (Tree Preservation) (England) Regulations 2012*. During attendance to remove the black locust the tree surgeon made the decision that T2 (cherry) had further declined to a point that it too met the criteria for exception under paragraph 14(1)(a) of the *Town and Country Planning (Tree Preservation) (England) Regulations 2012*. Thus, T2 was removed at the same time.

The conservation area notification was submitted to the local planning authority (LPA) via the planning portal on the 29th September 2017. There is a six-week period for such notifications meaning that, if the local planning authority (LPA) decided to do nothing, tree works could commence on 10th November 2017.



Relevant documentation

In making this objection I have referred to and/or cite the following documents, guidance, standards and other relevant documentation:

- The TPO – *The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017* [hereafter referred to as “the TPO”];
- *Tree Preservation Orders: a guide to the law and good practice* (coupled with associated addendum May 2009) now cited as *Planning Practice Guidance* (document is now circulated online via the Planning Portal).
- *Tree Evaluation Method for Preservation Orders (TEMPO)* [hereafter referred to as TEMPO];
- *The Law of trees, forests and hedges* (Mynors, 2011);
- *British Standard 5837:2012 Trees in relation to design, demolition and construction*;
- *British Standard 3998:2010 Tree work – Recommendations*;

These documents provide guidance on statute or form nationally recognised industry protocols; thus, I consider them relevant best practice in this instance.

Regulation 6

This letter sets out the reasons for the formal objection in accordance with Regulation 6 of the *Town and Country (Tree Preservation) (England) Regulations 2012*. The closing date stated by the local planning authority, by which time objections should be made, is the 27th November 2017.

Regulation 7

I draw the authority’s attention to Regulation 7 paragraph 1 of the *Town and Country (Tree Preservation) (England) Regulations 2012* which states that:

“the authority shall not confirm an order which they have made unless they have first considered objections and representations duly made in respect of it and not withdrawn”.

In addition, I note the comment in the attached information which states that;

“All valid objections or representations are carefully considered before a decision on whether to confirm the order is made”.

I would expect the matter to be heard at the appropriate committee with an opportunity for representations to be made by my client or appointed agent(s). I would be grateful for confirmation of the process at your earliest convenience.

Discussion with local planning authority

Planning Practice Guidance states that:

“Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side’s point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections”.

I was contacted by the tree officer on the 3rd November 2017. It appeared from our conversation that the matter was a *fait accompli*. Thus, I felt a site visit or further discussion with the tree officer would not be a valid use of my time or client expense.

Summary of reasons for objection

1. Expediency - the TPO is unwarranted given the trees are in a conservation area;
2. Expediency – the trees are under good arboricultural management as may be proven by points 3 and 4;

3. Expediency – the council has protected trees to which it raises no objection to the works proposed in the conservation area notification;
4. Expediency – the works proposed fall within the acceptable criteria of *British Standard 3998:2010 Tree work – Recommendations*;
5. Expediency – the works are proposed to ensure long term retention of trees close to a busy road and traffic light junction;

1. Expediency

Reason for objection – The TPO is unwarranted given the trees are in a conservation area – the council’s tree team served the TPO well before the 6-week notification period without discussion. Discussion would have allowed the withdrawal of the notification to allow time for further discussion, clarification and amended tree works.

Planning Practice Guidance states that “A *Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:*

- *cutting down*
- *topping*
- *lopping*
- *uprooting*
- *wilful damage*
- *wilful destruction*
-

of trees without the local planning authority’s written consent”.

In the same guidance from government it is made clear that “*Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990*”.

To expand further section 211 of the *Town and Country Planning Act 1990* states that;

“Preservation of trees in conservation areas.

(1) Subject to the provisions of this section and section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of section 198(3)(a) be prohibited by a tree preservation order shall be guilty of an offence”.

Therefore, it is clear that, in the absence of a notification to the local planning authority (LPA) of tree works, the trees are afforded one and the same protection.

As previously stated a conservation area notification was submitted to the local planning authority (LPA) via the planning portal on the 29th September 2017. There is a six-week period for such notifications meaning that, if the local planning authority (LPA) merely decided to do nothing, tree works could commence on 10th November 2017.

The date of the TPO is 30th October 2017. In my experience both as a consultant and previously as a local planning authority (LPA) arboricultural officer 10 days is sufficient time to engage with the originator of the notification and to discuss the concerns that the LPA may have. This then allows sufficient time to either clarify the reasons for the work or withdraw the notification if the works need to be amended or agreement cannot be reached in that time. Such a situation is common place as it allows for professional discussion and, most importantly, negates the need for the imposition of a TPO, at cost to the public purse, upon trees which have protection from their position in the conservation area.

Planning Practice Guidance states that “*Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO*”.

Only 2 out of 10 trees noted in the report were scheduled for removal. The two removed were done so under exception as noted above. Therefore, the trees would continue to be in place subject to pruning. Given that quantum of pruning appears to be the tree officers only concern I reamplify that it is common place for tree officer to contact arboricultural consultant and discuss the way forward, in advance of a TPO being placed on the trees, and I reiterate that I consider that 10 days is more than adequate time to seek such resolution or agreement rather than defer straight to TPO.

Therefore, I find the TPO was not expedient given that the trees already have protection from the conservation area status – to the same level as that of TPO – and ample time existed to discuss the matter fully. I consider that no person, if faced with the decision of withdraw the conservation area notification or forge on and receive a land charge on their property in the form of a TPO, would commit to the latter. As such, outside of the lack of expediency, I question internal procedure at the authority and the use of resources towards the heavy option of a TPO as opposed to the lighter touch of professional discussion.

2. Expediency

Reason for objection – The trees are under good arboricultural management.

Planning Practice Guidance also states that *"it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management"*.

Wordsworth Management Company have a duty of care in law under the Occupiers Liability Act. They are fully aware of this duty and that they are owners of trees which are within falling distance of dwellings, parking, public highway and a traffic light controlled junction.

They are also aware that their trees fall within a conservation area. For these reasons they engaged the services of an Arboricultural Association Registered Consultant to survey the trees and offer a risk assessment and recommendations on their trees.

Government guidance states that *"Local Planning Authorities (LPAs) should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way"*.

The *Tree Evaluation Method for Preservation Orders (TEMPO)* is an industry recognised tool for assessing trees in terms of their suitability for TPO.

TEMPO considers all of the relevant factors in the decision-making chain. In this connection it is helpful to revisit the wording of central government advice:

"Although a tree may merit protection on amenity grounds it may not be expedient to make it subject of a TPO".

TEMPO provides for the lowest possible score for expediency where the TPO is clearly "precautionary only". I consider that, given the position of the trees in the conservation area, the presence of an arboricultural report and with 2 weeks to run on the notification of intent to prune (not fell) the trees that the TPO can only be very much "precautionary only" and that dialogue between professionals could have avoided use of public funds on a TPO.

3. Expediency

Reason for objection – the council has protected trees to which it raises no objection to the works proposed in the conservation area notification.

I received an email from the local planning authority (LPA) tree officer (Will Taylor) on 3rd November 2017 in which he states that;

"I wanted to inform you that I had some objections to some of the proposed work, though not all, and because of this I have placed a TPO (Tree Preservation Order) on a total of five of the trees on site".

He continues that;

"T5 Cedar – *I thought the proposed proximity prune from the building was reasonable but have TPO'd because the tree is worthy of protection and it made sense to do whilst covering other trees on site".*

It appears then, that albeit the local planning authority (LPA) tree officer raises no objection to the work that it is somehow expedient to protect the tree with a TPO even though it is protected by the its location within the conservation area.

This is not the case. The law and guidance make clear that;

"It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area".

I refer to the Secretary of State's view that *"TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public".*

It appears then that the only result of the TPO on this tree is that a repetition of paperwork, time and administration will be incurred. The result being the same outcome – the tree remains and gets pruned. In my opinion this is a miss use of the legislation and the powers of the tree officer causing a greater level of unwarranted bureaucracy.

4. Expediency -

Reason for objection – the works proposed fall within the acceptable criteria of *British Standard 3998:2010 Tree work – Recommendations*.

In his email of 3rd November, the tree officer writes that;

"T6 and T7 Oaks, T8 London Plane and T9 Maple – *The reduction on these trees seemed unnecessary to me and a little excessive due to their good physiological and structural condition".*

I refer here to *British Standard 3998:2010 Tree work - Recommendations* which states that *"Well planned and properly executed pruning can reduce the probability of structural failure and so reduce risk to people and property, while sometimes prolonging a tree's safe life".*

During my survey I observed a number of aspects within the crowns of the trees which require remedial work. Some of this work is exempt from the need for notification, such as removal of dead wood or removal of dense ivy.

The decision to carry out tree works relates to a number of aspects. This includes the location of the tree and the target evaluation (what's beneath it). The impact upon the tree to which reference back to BS3998 will follow. But also, one has to consider the programming and efficacy of intervention. In this case I consider that the trees required some intervention in order to remove build-up of moderate (25-100mm diameter) and major (<100mm diameter) dead wood and to address the ivy which may or may not be masking further biomechanical defects.

Furthermore, I understand that my client has been approached by the highways authority to address interference of tree crowns with the traffic lights. As such intervention is required. I consider that, given the obvious need for traffic management and any delays to traffic flow that

may occur, it would be prudent to formatively prune the trees at that time in such a way as to prevent the need for further disruption and a larger extent of pruning at a later date.

The tree officer, in expressing his personal opinion, states that the work seems “unnecessary” and a “little excessive”.

On the first matter I refer again to government guidance which states that if “*the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work*”. Of course, this refers to an application to a TPO tree not a notification where I would consider that the matter of arboricultural need in the eyes of the tree officer should weigh much less.

On the matter of whether the pruning is “a little excessive”. To me the use of the word “little” should once again, at worse, flag up a need for a discussion and agreement NOT the serving of a land charge on my client’s property.

At this juncture I turn to *British Standard 3998:2010 Tree work – Recommendations*. The TPO and email from the tree officer do not reference this document in any way. By contrast it is referenced within my tree report.

Table B1, page 54, of BS3998:2010 indicates situations where pruning of trees is considered to be either;

“*** often appropriate”;
“** occasionally appropriate”;
“* done mainly for other reasons but of indirect value” or;
“x inappropriate”.

Within the table, under “*general pruning of the tree*”, crown reduction is given three stars (often appropriate) in respect of;

“*Maintain health and structural longevity by means of good structural integrity*”;
“*To protect people and property from tree failure*”.

Within the table, under “*pruning of selected branches or stems*”, “*formative pruning*” is given three stars (often appropriate) in respect of;

“*To protect people and property from tree failure*”;
“*To prevent interference between trees and infrastructure, in particular roads, paths, railways, waterways and signage*”.

I therefore conclude that pruning large mature trees in proximity to a busy road and traffic light junction fits well within these aspects; highlighted as “*often appropriate*” within the relevant industry standard (BS3998).

In respect of the quantum of pruning, I have reviewed the trees and balanced the reduction of crown extent to the road with the extent of pruning based upon guidance within BS3998.

British Standard 3998:2010 Tree work - Recommendations states that “*wherever practicable, pruning should be restricted to healthy, small-diameter parts of the tree, as this will minimize the size of the resultant wounds and provide the greatest opportunity for these to be occluded*”.

The standard continues that “*the number and size of cuts should generally be limited so that their total cross-sectional area does not exceed one-third of that of the stem, when measured at 1.5 m above ground level*”.

My assessment of the situation is that, in all cases, the length reduction of the crown would result in a prune wound diameter of no more than 50-75mm. The number of cuts required resulting in the works falling well within the criteria above.

In all cases, the trees would remain, subject to a reasonable degree of crown reduction, therefore impact to local amenity is slight.

By comparison, preventing the work at this stage will, in my opinion, create an issue as the trees age and extend further across the road whereupon either tree failure will be more likely to occur or large-scale pruning (accompanied by larger prune wounds likely to be outside the best practice criteria of BS3998) will be required.

As such I consider the reasoning behind the TPO flawed and its expediency not proven.

5. Expediency

Reason for objection - the works are proposed to ensure long term retention of trees close to a busy road and traffic light junction

Wordsworth House is bordered by the A35 Winchester Road to the north; Wordsworth Road to the east and Anglesea Road to the west. As such a significant amount of each tree extends over public highway and to a large extent the traffic light controlled junction of Anglesea and Winchester roads, including the traffic holding at any time awaiting light change.

Wordsworth House Management Company has a duty of care obligation under the Occupiers Liability Act to manage its trees so as to reduce risk of harm. It also has further obligation under the Highways Act to ensure clear and safe use of the adjacent roads.

The most helpful way for the local planning authority (LPA) to involve itself would be professional dialogue on the matter. Instead it chose to impose a TPO and lengthen the process by which the management company can discharge its duty with ultimately the same aim – retained trees subject to periodic pruning.

Conclusion

The serving of a TPO is a heavy handed and unnecessary action by the local planning authority (LPA). Simple dialogue between the tree officer and the arboricultural consultant could have seen the removal of the conservation area notification and a discussion on what works would be agreed. The serving of the TPO 2 weeks before the end of the conservation area deadline proves that more than sufficient time was available for the tree officer to do this.

The conservation area notification submitted detailed works to trees to retain them in a low risk state adjacent to a busy A road with traffic light junction under the trees. There was no intention to remove trees merely prune them – the work specified falls within the guidance of the industry standard *British Standard 3998:2010 Tree work - Recommendations*.

One of the trees has been made subject to TPO, in the words of the tree officer because although no objection to the works "it made sense to do whilst covering other trees on site". This is a misuse of the powers to make TPOs within the legislation and merely adds bureaucracy and spend of the public purse in a situation where no objection was found by the local planning authority (LPA) to the works suggested.

For the reasons detailed above, on behalf of my client, Wordsworth House Management Company, I formally object to the serving of the *Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017*.

I respectfully request that Southampton City Council does not confirm the order and that it is allowed to lapse.

I trust the above information is sufficient for you to consider. Should any points require clarification then please contact me via email.

Yours sincerely



Kevin Cloud BSc Hons, Tech Cert Arbor A, F Arbor A
Arboricultural Association Registered Consultant RC174
Director and Principal Arboricultural Consultant

06.12.17

Dear [Agent]

Tree preservation order: The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017.

Thank you for letter dated 24th Nov 2017 in which you have expressed concerns over the implementation of the tree preservation order (TPO) mentioned above.

In response to your concern over the expediency of the order:

Your objection letter states *'During attendance to remove the black locust the tree surgeon made the decision that T2 (cherry) had further declined to a point that it too met the criteria for exception under paragraph 14(1)(a) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Thus, T2 was removed at the same time.'*

I visited site on 10.10.17 and observed that the Black Locust T10 was still there but the Cherry T2 had been removed, no tree surgeons were on site.

If I can refer you to your Arb report, dated 7th Sept 2017, your condition comments of the Cherry tree T2 – 'Basal damage and decay. Lost limbs. Pruning wounds. Major deadwood (>100mm dia). Thinning crown. Ivy clad.' Your recommendations were to fell and you placed the risk and timescale for action as Moderate and 6 Months. No suggestion is made that the tree was an immediate risk of seriously harming anyone or that it was dead.

Paragraph 14(1)(a) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states:

14.—(1) Nothing in regulation 13 shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree—

(i) which is dead;

And continues

(2) Where paragraphs (1)(a)(i) or (1)(c) apply, notice in writing of the proposed activities shall be given to the authority—

(a) in the case of works urgently necessary to remove an immediate risk of serious harm, as soon as practicable after the works become necessary; and

(b) in any other case at least five working days prior to the date on which the works are to be commenced.

Therefore a five day notice should have been given for the removal of this tree if it was felt to be exempt. Following on from this it was felt that there was a perceived threat to the amenity of the surrounding trees and in the interests of protecting local amenity the Tree Preservation Order was placed as a precautionary measure. The Tree Preservation Order has been placed to protect the trees that provide benefit to the community and is not in place to make it onerous for the tree owner to maintain their trees safely.

I hope that this letter has gone some way allay your concerns over the placement of the TPO on 30th Oct 2017. If you are not satisfied with my explanation, you can have the matter put forward to the Planning & Rights of Way panel for consideration. This panel is made up of elected members who will assess my report and vote on the validity of the order and if it should be confirmed. You would be invited to attend this meeting and will be given time to present your case to the panel.

I have enclosed a form that I would respectfully ask that you complete and return to this office to either declare that you have no further objection to the above order or wish to have the matter put forward at the next available planning and rights of way panel meeting.

Should you require any further information, please contact the Trees Team on the email address or number below.

Yours faithfully

[City Tree Officer]

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

Date: 10/10/17	Surveyor: W. TAYLOR
Tree details TPO Ref: T2- <i>Conservation Area</i> Tree/Group No: _____ Location: <i>Wardsworth House, 85 Anglesea Road</i> The Southampton () Tree Preservation Order 201	
Species: <i>Maple</i> <i>T9 on plan.</i>	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes	5
--------------------------	---

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes	9
--------------------------	---

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes	13
--------------------------	----

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|------------------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes

14 |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habit importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | | |
|-------------------------------|---|
| 5) Immediate threat to tree | Score & Notes

<i>19 - recommended work would significantly impact health of tree.</i> |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only. | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:	19
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Decision:	TPO
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**TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):
SURVEY DATA SHEET & DECISION GUIDE**

Date: 10/10/17	Surveyor: W. TAYLOR
Tree details TPO Ref: T2- Conservation Area Tree/Group No: Location: Wardsworth House, 85 Angelsea Road. The Southampton () Tree Preservation Order 201	
Species: CEDAR TS on plan.	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

Score & Notes

5

* Relates to existing condition and is intended to apply to severe irremediable effects only.

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

9

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

14

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|------------------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes

15 |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habit importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | | |
|-------------------------------|------------------------------------|
| 5) Immediate threat to tree | Score & Notes

18 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only. | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:

18

Decision:

TPO



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

Date: 10/10/17	Surveyor: W.TAYLOR
Tree details TPO Ref: T2- Conservation Area Tree/Group No: Location: Wardsworth house, 85 Anglesea Road Species: Oak The Southampton () Tree Preservation Order 201 TG on plan	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| ③) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes	3
--------------------------	---

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| ④) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes	7
--------------------------	---

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- ⑤) Very large trees with some visibility, or prominent large trees.
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Just suitable
- Barely suitable
- Probably unsuitable

Score & Notes	12
--------------------------	----

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habit importance
- 2) Trees of particularly good form, especially if rare or unusual
- ①) Trees with none of the above additional redeeming features

Score & Notes	13
--------------------------	----

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- ⑤) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only.

Score & Notes	18
--------------------------	----

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:	18
------------------------------	----

Decision:	TPO
------------------	-----

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):
SURVEY DATA SHEET & DECISION GUIDE**

Date: 10/10/17	Surveyor: W.TAYLOR
Tree details TPO Ref: T2- Conservation Area Tree/Group No: Location: Wordsworth house, 85 Anglesea Road The Southampton () Tree Preservation Order 201	
Species: Oak T7 on plan.	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| ③) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

Score & Notes

3

* Relates to existing condition and is intended to apply to severe irremediable effects only.

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| ②) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

5 - Inanotus dryadeus alleged but no evidence provided or seen.

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- ⑤) Very large trees with some visibility, or prominent large trees.
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Just suitable
- Barely suitable
- Probably unsuitable

Score & Notes

10

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habit importance
- 2) Trees of particularly good form, especially if rare or unusual
- ①) Trees with none of the above additional redeeming features

Score & Notes

11

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- ⑤) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only.

Score & Notes

16 - recommend works detrimental to health of tree.

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:

16

Decision:

TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):
SURVEY DATA SHEET & DECISION GUIDE**

Date: 10/10/17	Surveyor: W. Taylor
Tree details TPO Ref: T2- Conservation Area Tree/Group No: Location: Wordsworth house, 85 Anglesea Road The Southampton () Tree Preservation Order 201	
Species: LONDON PLANE T8 on Plan	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes	Tree is a lapsed pollard but has developed strong scaffold branch system.
5	

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes	
9	

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes	
13	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | | | | | |
|--|---|--------------------------|--|----|--|
| 5) Principal components of arboricultural features, or veteran trees | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Score & Notes</td> <td></td> </tr> <tr> <td style="text-align: center; font-size: 2em;">14</td> <td></td> </tr> </table> | Score & Notes | | 14 | |
| Score & Notes | | | | | |
| 14 | | | | | |
| 4) Tree groups, or members of groups important for their cohesion | | | | | |
| 3) Trees with identifiable historic, commemorative or habit importance | | | | | |
| 2) Trees of particularly good form, especially if rare or unusual | | | | | |
| 1) Trees with none of the above additional redeeming features | | | | | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | | | | | | |
|-------------------------------|---|--------------------------|--|----|--|
| 5) Immediate threat to tree | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Score & Notes</td> <td></td> </tr> <tr> <td style="text-align: center; font-size: 2em;">19</td> <td></td> </tr> </table> | Score & Notes | | 19 | |
| Score & Notes | | | | | |
| 19 | | | | | |
| 3) Foreseeable threat to tree | | | | | |
| 2) Perceived threat to tree | | | | | |
| 1) Precautionary only. | | | | | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:	19
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Decision:	TPO
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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 13 March 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	AL	REF	15	17/01206/FUL 390-392 Shirley Road
7	MP	DEL	15	17/02443/OUT 2 Victor Street
8	AG	DEL	15	18/00032/FUL 17-21 Portsmouth Road
9	AL	DEL	5	17/02476/FUL 10 Furze Close
10	SM	DoV	5	12/00596/FUL Brownhill Way/Brownhill Rd

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection – s.106 Deed of Variation (Dov)

Case Officers:

AL – Anna Lee
 MP – Mat Pidgeon
 AG – Andy Gregory
 AL – Anna Lee
 SM – Simon Mackie

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

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

Agenda Item 6

Planning and Rights of Way Panel 13th March 2018
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 390 - 392 Shirley Road, Southampton			
Proposed development: Redevelopment of the site. Erection of a single storey building to provide a Lidl food store with parking following demolition of existing building.			
Application number	17/01206/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	15 minutes
Last date for determination:	20.03.2018 (Extension of Time Agreed)	Ward	Millbrook

Reason for Panel Referral:	Major Development with 5 or more letters of support	Ward Councillors	Cllr Denness Cllr Furnell Cllr Taggart
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Applicant: Lidl UK GmbH	Agent: Lidl UK GmbH
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Yes
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1	Development Plan Policies
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Recommendation in Full – REFUSE for the following reasons:

1. REASON FOR REFUSAL – Impact on neighbouring occupiers

The proposed building due to its height, unbroken elevation extending along the common boundary, orientation to the south-east of its residential neighbours and proximity to the neighbouring properties at Mayflower Road would have a detrimental impact on the existing residential amenities of these occupiers in terms of providing an oppressive and overbearing outlook when viewed from habitable room windows in the rear of these dwellings and their associated garden space with additional shading within the rear garden areas. As such the proposal is contrary to 'saved' policies SDP1(i), SDP7 and SDP9 of the Amended Local Plan Review (2015) and policy CS13 of the Amended Core Strategy (2015).

2. REASON FOR REFUSAL - Lack of Section 106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the

following ways:-

- a) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- b) In the absence of Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- c) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- d) In the absence of a mechanism for securing the submission and implementation of a Servicing Management Plan, Travel Plan and Waste Management Plan the application fails to explain how the development will mitigate its direct impacts during the operational phase;
- e) In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

1.0 The site and its context

- 1.1 The site comprises three parts; the former Shirley Police station, a vacant retail unit which lies within the defined Shirley Town Centre and the former Council depot fronting Villiers Road (which lies outside the defined town centre and has no allocation in the adopted Local Plan). The former Depot site has been sold to Lidl unconditionally by the Council. The buildings on the site have been demolished and the site is now hoarded and clear.
- 1.2 The site lies within a mixed use area with residential and commercial uses, most of Villiers Road, Shirley Road and Shirley High Street are in commercial use (with some residential at first floor). There are residential units within the buildings adjacent on Shirley High Street, along Mayflower Road, Heysham Road and the bottom part of Villiers Road where the character changes and becomes residential.
- 1.3 There are three trees within the site covered by Tree Preservation Orders (TPO); one Yew along the frontage and two Sweet Chestnut trees within the site. The site lies opposite the Local listed Church of St Boniface (including its presbytery and church hall). The site is not within a conservation area.

2.0 Proposal

- 2.1 Full planning permission is sought for the redevelopment of the site to construct a single storey building to provide a food store with a gross internal floorspace of 2207 square metres (sq.m) with 118 car parking spaces. Lidl would be relocating from their existing site already within Shirley. The scheme has been amended since submitted to:
 - reduce the net sales floor area from 1655 sq.m to 1401 sq.m;

- set the store back to allow for the retention of the Yew Tree;
- reduce the width of the store by 4 metres;
- lower the finished floor level; and.
- provide a landscaping boundary to the Shirley Road frontage.

These amendments are all positive additions to the proposal and neighbours have been re-notified.

2.2 Within the store, the sales floor would occupy an area of 1401 sq.m, with delivery and storage space, bakery preparation, cool storage (chiller and freezer), staff area and customer WC. The building is to be clad in white aluminium above the glazing, the glazing itself has aluminium powder coated frames in a grey colour. The remainder of the building consists of white render walls.

2.3 A total of 118 car parking spaces would be provided on site, including 7 disabled parking spaces and 8 parent and child parking spaces. Two of the three trees covered by a TPO are to be removed as part of the proposal but the substantial Yew tree along the frontage is now to remain. Seventeen trees are to be planted to mitigate for this loss and will include a mix of Silver Birch, Hornbeam, London Plane, Whitebeam and Small Leaved Lime.

2.4 The proposed store would provide an equivalent of 23 full time jobs. The hours of opening sought are 7.00 am to 23.00 pm Monday and Saturday and 10.00am to 17.00 pm Sundays.

3.0 Relevant Planning Policy

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

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

3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 The site been cleared but encompassed three sites. The relevant history of each is set out below;

4.2 Council Depot

It is an historic use and the only relevant history found relates to the following;

881943/WC
04.01.1989

Resolved to carry out development

Erection of a two storey extension comprising offices, store, toilets and entrance.

4.3 390 Shirley Road

1404/11/1
08.12.1970

Conditionally Approved

The erection of Shirley Sub Divisional Police Headquarters.

16/00761/DPA
16.09.2016

SCC Withdrawn

Application for prior approval for the proposed demolition of former police station, former council depot and outbuildings.

4.4 392/392B Shirley Road

940009/W
15.03.1994

Conditionally Approved

Retention of retail use and installation of a new shopfront.

17/01036/DPA
12.09.2017

No Objection

Application for prior approval for the proposed demolition of 392 and 392b Shirley Road

- 4.5 Demolition has taken place in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015, whereby demolition consent is required to demolish certain buildings. Part 11 (Heritage and demolition) sets out the procedure required to be undertaken to gain this consent through prior approval. The demolition works are deemed permitted development.

5.0 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 site notices (17.11.2017 and 25.08.2017) and by posting an advertisement in the local press (04.08.2017). At the time of writing the report **99 representations** have been received from surrounding residents/businesses; this includes comments from all three Ward Cllrs and neighbouring Ward Cllrs and 12 letters of support, which seek to ensure a new Lidl is delivered on this site. The following is a summary of the points raised:

5.2 **Poor road surface on Villiers Road**

Response

Noted and mitigation in the form of resurfacing the road could be added as part of a package of highway works within the s106 legal agreement were the application to be approved.

5.3 **Deliveries restrictions**

Response

A condition to restrict the timing of deliveries could be suggested if the application was to be recommended for approval.

5.4 **Concern of security of neighbouring occupiers boundaries and the removal of trollies**

Response

A boundary treatment condition and management plan would be requested

were the application be recommended for approval.

5.5 Concerned about air pollution

Response

The site does not lie within a defined Air Quality Management Area (AQMA). The site lies within a defined town centre. The current site was not heavily landscaped but the proposal includes the insertion of 17 trees which seeks to minimise the environmental impact of the proposed development.

5.6 Inadequate consultation has been undertaken for this scheme.

Response

The Council has exceeded the statutory requirements for consultation for this application. A site notice was posted on the 25.08.2017 and, subsequently, on 17.11.2017 following the receipt of amended plans. Letters were also sent to all adjoining properties and objectors following the receipt of the amended plans. Furthermore, an advert was placed in the local newspaper on 04.08.2017. Adequate consultation has, therefore, been undertaken for this scheme by the Council and officers are aware that Lidl have undertaken their own consultation exercise.

5.7 Impact on highway safety due to site entrance, proximity to the junction and increase in traffic

Response

No objection has been raised on highway safety grounds following the receipt of amended plans. All development has an impact on the highway network, and so a highway safety improvement package could be sought as part of the S106 legal agreement to help mitigate any potential highway safety issues.

5.8 The Transport Assessment offset the existing Lidl site when assessing the scheme which is flawed

Response

Agreed. Highway Officers have received figures that do not offset the existing site; as the site can indeed be retained as a supermarket by another provided or redeveloped which will result in additional trips. The trip generation assessment is now considered to be robust and the holding objection has been removed.

5.9 The site should be for residential development

Response

Officers are only able assess applications before them, but as the site lies within a defined town centre a commercial or mixed-use development is more appropriate than solely residential.

5.10 Vehicle charging points should be provided

Response

Agreed, if recommended for approval a planning condition would be suggested to provide them.

5.11 Poor Design

Response

The Council's Design Officer has not raised an objection to the design of the proposal. The proposal, although similar to many other Lidl's throughout the

country, is acceptable and fits in within the street scene and does not detract from the character of the area. There is no uniform character to this area, although officers would have preferred to see a scheme that fronts the street and uses the building to screen the associated car parking, and the design is therefore acceptable for this location.

5.12 **The Yew Tree and Milestone marker should be retained**

Response

The plans have altered to retain both the tree and milestone marker. Officers advised the applicant that a scheme to remove the tree would not be supported.

5.13 **The proposed location of the store is at 90 degrees to the street and therefore does not continue the building line**

Response

Agreed. Due to the location of the store the proposal harms the residential amenities of the neighbouring occupiers. In design terms a building frontage to the High Street would be preferable (particularly given the established pattern of frontage development along Shirley High Street) but officers felt that this should not in itself form a further reason for refusal.

5.14 **Concern about noise (both from customers and equipment and light pollution)**

Response

The site lies within a defined town centre where late night/early morning disturbance already occurs – and historically the site was used as a police station and Council depot with out of hours activity. No objection has been raised from SCC Environmental Health on these amenity grounds. However, conditions would have been imposed, if approval was recommended, to restrict hours of use, noise from equipment and lighting.

5.15 **Unsuitable location**

Response

The site lies within a defined town centre where the proposed use complies with the principles of adopted policy. It is a sustainable location in terms of walking and connection with public transport. Furthermore, no objection has been raised on highway safety grounds due to the receipt of amended plans.

5.16 **Rubbish and litter will result from the use**

Response

There is no objection from Environmental Health on these grounds. This issue can be controlled by the provision of litter bins, which could be secured by condition.

5.17 **Insufficient parking**

Response

The number of parking spaces proposed exceeds the Council's current maximum standards and no objection is raised by Highway Officers on these grounds – see full response below. As the site lies within defined town centre it is expected that some customers will visit on foot, and by bus, as well as by car so the parking is deemed sufficient for the size of the use.

5.18 **Consultation Responses**

5.19 **SCC Highways – No objection following amendments**

The proposed development is situated within a defined town centre and a sustainable location.

5.20 i) Traffic Location

The existing/previous site had commercial and office uses which benefitted from individual accesses and parking. The proposed development will reduce the number of accesses to one which will be considered a betterment. The nature of the trips will be slightly different in terms of its peaks and types of vehicles. The previous site would have mainly had its peaks during the 'standard' commuter peak hours due to the office uses and the previous uses of a police station and the City Council depot site would have generated more HGV vehicles. The proposed use would generate less 'commuter' peak hours, although the evening and also the weekend peaks would still apply. Furthermore, although there will likely be less HGV trips, there will be an introduction of large articulated lorries visiting the site - the servicing details suggest there will only be a maximum of three a day.

5.21 In terms of highway safety impacts, there are a number of reported accidents in the local area. Looking through the reports, there is no obvious pattern or evidence of cause. Nonetheless, any increase of vehicular trips could exacerbate the issue.

5.22 ii) Impact

The other main impact from this development will be impact on traffic flows. The Transport Assessment has based its impact of the proposed development from trips based on other discounted food retail stores from the TRICS database, with parameters set to reflect as close to the proposed store. The highway consultant for the applicant has also provided trip rates which were used and approved by Hampshire County Council for a recent store – these were slightly higher than the TRICs rates and were used to provide a more robust assessment. Furthermore, the highway consultant has confirmed that the surveyed data for the existing store was similar to the TRICs database and the HCC approved trip rates. Unlike the original submission, the trip rates are now not simply 'transferred' trips from the previous site (Church End) in that the trips from the existing store will not be discounted.

5.23 In terms of traffic modelling, the applicant has submitted models which suggests there will be capacity on Villiers Road/Site Access junction and Villiers/Heysham Road Junction. The main junction to be considered, due to the data provided and the nature of the road, would be Shirley Road/Villiers Road. The left turn into Villiers Road would be unhindered and has priority and therefore is not considered to be a concern. The main concern would be the right turn into Villiers road and also (but slightly lesser extent) the right turn out.

5.24 Historically, Shirley Road is narrow and is a very busy trunk road with a high level of bus services. This resulted in a narrow right turn lane turning into Villiers road which often impacts on the through traffic especially for buses. Any increase of turning movements could impact on the flow for the through traffic which is essential in this location. Survey data was provided to show how many vehicles queued in the right turn lane into Villiers Road which according to the data, the maximum during any 5 minute period was 4 vehicles. Although it would be difficult to predict exactly how many vehicles will be queuing at one time and what the exact figure would be before the right turn lane is over capacity, the increase in vehicular movements would certainly require the right

turn lane to provide more capacity (as the current capacity is 4). A keep clear marking is proposed to help the right turn out (onto Shirley Road).

5.25 iii) Parking

The proposed level of parking is over the maximum standards. The applicant has provided their justification for the over-provision by submitted data on current sites and its parking demands. Argument being if there is insufficient space, then vehicles wanting to enter the site could impact on the local network as they would either wait to enter the site or drive around looking for another space. However, in accordance with policy, parking standards are derived based on the maximum levels set and not based on demand.

Having said, that, an over-provision could be considered if this provides some benefit and as part of an overall package which could bring an improvement to the local area (more of this will be covered below).

5.26 iv) Servicing

The servicing requirements when compared to the existing/previous uses will be less in frequency but larger in vehicle sizes. The tracking shows that articulated lorries will need to occupy a lot of the highway to be able to make the manoeuvre in and out of Villiers Road/Shirley Road junction. This however is recognised as a situation which often happens along Shirley Road already. The question is whether we should encourage anymore. The only way to make the manoeuvre not impact on any additional lanes would be to widen the Shirley Road/Villiers Road junction – but this would be sacrificing footway and essentially prioritising vehicles over pedestrians. Therefore on balance, subject to other mitigation measures (covered below), it is considered that the very few articulated lorry movements would be subject to a servicing management plan, restricting delivery hours to avoid peak times will be the preferred solution.

5.27 v) Mitigation Measures

Due to the many constraints on Shirley Road (narrowness of the road, less than ideal right turn lane both in width and length and the fact there's another right turn lane in to Shirley Avenue), it is difficult to provide a solution which works in every aspect. However, on balance, there is a set of mitigation measures which could provide an overall benefit to the area.

5.28 Firstly, the main concern and improvement required would be the right turn lane. There are a few solutions, all of which have pros and cons but the most effective which provides the least harmful impact would be the remove the parking bays on the Eastern side of Shirley Road to enable a wider section of Shirley Road. This can provide a wider right turn lane as well as lengthening it. This will benefit the bus flows and therefore hopefully improve the quality of bus services which in turn encourages sustainable travel. The down side is that public parking facilities would be removed. However, Lidl has confirmed that their car park would be available for public parking which would mitigate the loss of these bays. Furthermore, the loss of these bays will have some benefit to highway safety as some of these bays are close to the pedestrian crossing and junction – also, a couple of the reported accidents involved these parking bays. This forms part of the reason for the overprovision of parking on site. As a note, further tweaks will be required to make this work such as realigning road markings and removing buildouts. The other would be to widen the pedestrian island to reflect the widening of Shirley Road which will have another benefit to highway safety and pedestrian crossing facilities. Keep clear signs will be installed to benefit vehicles turning right out of Villiers and onto

Shirley Avenue.

5.29 The applicant has also agreed to resurface Villiers Road both carriageway and footway as part of their scheme of works which will provide a more attractive and safety benefits for the public – as well as reducing the number of accesses on Villiers Road. Furthermore, the applicant has confirmed that a financial contribution will be provided as part of any mitigation package with a number of suggested solutions which will need to be discussed further and agreed. General improvements to be considered are improvements to pedestrian and cycle movements, crossing facilities, removal of parking bays, improvement to public realm, potential of optimising bus stops/markings.

5.30 vi) Highway Comments - Summary

Overall, there are a number of concerns relating to the proposed development. With the site constraints, there are no obvious solution which will provide a perfect answer to everything. However, on balance, the Highways Team feel that as long as the mitigation package (as covered above) is provided as part of the submission, the benefit it brings will provide an overall improvement to the area as outlined above.

5.31 **SCC Sustainability Team – No objection**

Subject to the imposition of conditions securing BREEAM 'Excellent'.

5.32 **SCC Tree Team – No objection following retention of Yew Tree**

Local Authorities have a duty to fully consider trees through the planning process. Trees are given special consideration under the statutory planning system. The value in benefits that trees deliver to the public in terms of ecosystem services as well as aesthetic benefits is still being fully appreciated. Southampton has a slightly lower canopy cover than might be desirable when compare to other cities (including London), and the issues surrounding air quality and storm water management only make our green infrastructure, and in particular large canopy trees, more valuable to us locally.

5.33 British standard BS5837: 2012 Trees in relation to design, demolition and construction seeks to retain category A trees through development, and category B trees wherever possible. There are three trees subject to two TPO's on site, two trees are proposed for removal.

5.34 The revised layout as per tree survey reference JSL2643 drawing. 705 showing the retention of the A category yew on Shirley High Street is acceptable. The loss of the other trees can be adequately mitigated by the provision of 17 replacement trees which is a welcome improvement to the streetscape and will deliver many ecosystem benefits into the future. This landscaping plan is to be delivered in full. Adequate soil volumes are to be provided to ensure the trees can achieve their full potential. This may necessitate below ground engineering systems such as structural soil cells.

5.35 The species and stock size/type is to be agreed but the original landscape plan plant schedule reference AAJ5088 drawing. PR-011 is acceptable if natural form trees are substituted for the fastigate cultivars such as 'Streetwise' and 'Green spire' where sufficient above ground space is available. Any changes must be agreed in advance and any loss mitigated elsewhere on site or through contributions to plant offsite.

5.36 **SCC Ecologist – No objection**

The application site consists of an extensive area of hard-standing with a block

of offices, a shop and a series of buildings which comprise the former SCC Housing Depot. *Prior to demolition* the buildings appeared to be in good condition with no obvious access points for bats.

5.37 The local environment supports little habitat of any wildlife value, and is generally well lit, and as a consequence the site is of negligible ecological value. Therefore the Council's Ecologist is of the view that the proposed development is unlikely to lead to any adverse effects on local biodiversity and no objection is raised. The Ecologist is pleased to see that the landscaping has been re-worked and that almost half of the species selected are on the Royal Horticultural Society's Perfect for Pollinators list.

5.38 **SCC Archaeology: No objection**
BELOW-GROUND ARCHAEOLOGY.

The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 16 (The Rest of Southampton). It lies about 100 metres north-west of the former Hendy Ford site, now Selby Place, where important Late Iron Age and Roman occupation evidence was found during archaeological investigations in 2012 (SOU 1577). Therefore, the current site clearly has significant archaeological potential. Development threatens to damage archaeological deposits, and an archaeological investigation will be needed to mitigate this. All demolition below slab level will need to be carried out under archaeological supervision. All test pits and soil investigations will need to be carried out under archaeological supervision. Demolition should be followed by an archaeological evaluation of the site to determine the nature of any deposits and their state of preservation. Depending on the results of the evaluation, further archaeological work may be required, perhaps full archaeological excavation of the areas threatened by the development.

5.39 392B SHIRLEY ROAD.

No 392b is a 19th century villa, set back from the street frontage, behind the modern No 392 and joined to that building (Direct Carpets). It was built as a detached house in the early-to-mid 19th century, before 1869. In 1968 the building was Grade III listed, although was not included in the full statutory list of listed buildings created in 1981. However, the building is of historic interest and is on the Southampton Historic Environment Record (MSH 3715). It is an undesignated heritage asset as defined in the National Planning Policy Framework. (Several other houses of a similar date immediately to the southeast have been demolished since 1968. The Grade II listed No 350, further to the southeast, is of a similar date.) Apart from the listed No 350, No 392b is the only building of this period to survive on Shirley Road and its proposed demolition is to be regretted. An archaeological building record (to Historic England Level II or III) will need to be made prior to demolition, including No 392B and any structures of a similar date in the rear garden.

5.40 FORMER SHIRLEY DEPOT BUILDINGS.

These buildings are on Villiers Road behind the modern police station. The area appears to have been laid out in preparation for the construction of the depot by the time of the 1896 Ordnance Survey Map, although the first map to show the depot is the 1909 OS Map. An archaeological building record (to Historic England Level II) will need to be made of all buildings shown on the 1909 map (and still standing). Note that the boundary with the residential properties to the west is as shown on the 1870 map, and may well be much older.

5.41 MILESTONE.

There is a historic milestone on the site boundary outside No 390, next to the

pavement and under the yew tree. Ordnance Survey maps to 1964/5 show the milestone some 25 metres to NW of its current location, outside No 392, so it has clearly been moved since 1964/5. The milestone will need to be retained somewhere on the street frontage of the site.

To secure the archaeological building recording and other archaeological investigations conditions are recommended.

Officer comment:

The recording of the buildings has been carried out and the Council is waiting for the information to be submitted

5.42 **SCC Environmental Health (Contaminated Land): No objection**

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.

5.43 **SCC Environmental Health (Pollution & Safety) – No objection** subject to conditions securing, a construction environment management plan, no bonfires (not secured as can be dealt with under separate legislation) demolition suppression and working hours.

5.44 **SCC Design – No objection**

The Council's Design Officer reiterates their original comment which was that they would have preferred to have seen a continuous street frontage along Shirley Road. The Design Officer is content that in time the revised landscape scheme will obscure the view of both the car park and the blank façade of the store when viewed from Shirley Road, which is an improvement over the previously submitted scheme.

5.45 **SCC Flooding Team – No objection**

The proposals for surface water drainage from the site is free discharge of surface water runoff from the site into the existing surface sewer system. This is not in accordance with the written statement made by the Secretary of State for Communities & Local Government, dated 18 December 2014, where major development is expected to utilise sustainable drainage systems to manage runoff, unless demonstrated to be inappropriate. Given the above it is not possible to assess the application in relation to surface water drainage, therefore, the following information is required.

5.46 The following details on the drainage strategy will be required:

- Site details
- Site constraints
- Assessment of the proposed changes to impermeable area on the site
- Justification of the proposed discharge method(s)
- Peak discharge rates & volumes (existing & proposed) for the 1 in 1, 1 in 30, 1 in 100 and 1 in 100 + climate change
- Mitigation for any proposed increase in discharge volumes (if applicable)
- Details of the proposed approach and design of the drainage system
- Requirements for the long term operation of SuDS including flood risk within the development (exceedance and flow paths), construction & structural integrity of the proposed system and its maintenance.

Sustainable drainage proposals should be developed in accordance with the non-statutory technical standards:

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>).

5.47 Peak flow rate and runoff volume from the site should be reduced as close as reasonably practicable to greenfield rate and volume to reduce the burden on the existing drainage network which will contribute towards alleviating the flood hazard downstream of the site.

If the applicant determines that sustainable drainage is inappropriate on this site suitable evidence must be presented to demonstrate why it is deemed to be inappropriate. It is recommended that the planning condition be applied if approval is sought to request the above information.

5.48 **Southern Water – No objection.**

Suggests a condition if approval were recommended to secure measures to protect the public sewer during development and to secure details of the means of foul and surface water disposal.

6.0 **Planning Consideration Key Issues**

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

- Principle of development;
- Design;
- Residential amenity;
- Highway Safety and Parking;
- Impact on protected trees and Landscaping; and
- Development Mitigation

6.2 **Principle of development**

In principle, redeveloping the site to provide a Lidl foodstore is supported. There is no need for a retail impact assessment in this location. The application site is partly located within Shirley Town Centre as designated by Policy CS3 of the Core Strategy (the rear part of the site is not located within the town centre boundary). Core Strategy policy CS3 (Town, District and Local Centres, community hubs and community facilities) states that: *'The Council will support the role of town and district centres in providing shops and local services in safe, accessible locations. New development should make a contribution to the centre's vitality and viability, promote and enhance its attractiveness, respect where possible the historic street patterns and building lines and improve its connectivity to surrounding residential neighbourhoods'*.

6.2.1 The development will provide regeneration benefits for the area and additional job opportunities which are welcomed – although as there is an existing Lidl it is expected that there will be a transfer of jobs from one store to the other. This would be in accordance with Core Strategy policy CS24. If the scheme were recommended for approval an Employment and Skills Plan would be secured through the provision of the S106 agreement so that the new store supports local employment initiatives.

6.2.2 There are no listed buildings or conservation areas in the immediate vicinity of the site. St Boniface's Church on the opposite side of Shirley Road is a locally

listed building and an important feature in the street scene. The Council is satisfied that the setting of this building would not be adversely affected by this development. The retention of the mile marker is positive as it retains a historic part of the site.

6.2.3 The proposed store would be partly located within Shirley Town Centre where retail uses of this scale are considered to be appropriate. Having regard to national and local planning policies, it is considered that the proposed store would be acceptable in principle. This scheme would bring a vacant site back into effective use and would consequently enhance the vitality and viability of Shirley town Centre. Therefore, the principle of the use and the redevelopment of the site is accepted.

6.3 Design

The scheme has been designed to lie at 90 degrees to the road frontage, therefore resulting in a development that lies adjacent (ie. between 3.4 and 3.65m of the common boundary) to the neighbouring occupiers of Mayflower Road. Whilst officers would prefer to see a retail store fronting Shirley Road and screening the car parking with a building the applicants are keen to pursue this chosen option. Only part of the development fronts Shirley Road as the main entrance for the development fronts Villiers Road. Therefore part of the car park is visible from the street. To reduce the impact a low level wall and landscaping are proposed along the rest of Shirley Road frontage. This will soften the hard landscaping of the large car parking area. Steps are provided along Shirley Road located either side of the trees and a ramp is provided in front of the low level wall that links with the stores entrance.

6.3.1 The building is single storey and at its highest point 6.8 metres high. The building is a standard design and similar to that found on other Lidl sites throughout the country. The elevation fronting Shirley Road is a glazed elevation to provide an active frontage and the side elevation fronting Villiers Road bar the entrance is a blank elevation. No objection is raised to the architecture of the scheme nor the parking area. The scheme has sought to address previous concerns relating to landscaping through the provision of boundary trees.

6.4 Residential Amenity

The orientation of the scheme means that the building lies adjacent (ie. between 3.4 and 3.65m of the common boundary) to the rear boundaries of the properties along Mayflower Road, the rest of the site is laid out for parking. An alternative scheme providing a full elevation fronting Shirley Road would not only provide a scheme that would not result in detrimental harm to the neighbouring occupiers, it would continue the building line and address the street. The applicants prefer their layout for operational reasons. With respect to the impact on these properties, the guidance for separation distances for residential development is set out in the Council's adopted Residential Design Guide (2006) (RDG). The guidance states that the separation distances between rear elevations to side elevations or elevations without windows should at minimum be 12.5 metres (residential to residential). The distance between the rear elevation of the proposed store and the nearest properties at 2 and 4 Mayflower Road is approximately 12.5 metres. The distance between 12 and 14 Mayflower Road is 15.5 metres.

6.4.1 Although, the separation distances have met the guidance (for residential to residential), the depth is only a guide and is generally based on development

that provides some relief in the elevations through articulation or indeed through separate buildings breaking up the site and enabling space between buildings. In this case, the length of the elevation is 75 metres and is unbroken. This is significant, and differs from a typical residential form. The height of the development is 6.8 metres at its highest sloping to 5.2 metres adjacent to the boundary. The depth between the rear boundary of the property ranges from 3.6 metres at 2 Mayflower Road to 3.4 metres at 16 Mayflower Road. It is understood the proposal would be between 3 and 3.5 metres lower than the existing properties at Mayflower Road but this would mean the development would reach the eaves height of most of the properties. Due to the height, mass, proximity and expanse of the elevation the proposed building would result in an oppressive and severely limited outlook from the properties along Mayflower Road which would harm the occupier's residential amenities. The applicant disagrees but has not persuaded officers that the application shouldn't be refused on this basis.

- 6.4.2 Although, section drawings have been provided to demonstrate that the development meets the guidance set out in the 'Site layout planning for daylight and sunlight: a guide to good practice' published by the Building Research Establishment (BRE) it is clear from these sections that the outlook from both the ground and first floor habitable windows of the neighbouring properties in Mayflower Road will, due to the proposed store's height and proximity, solely have a view onto the rear elevation of the store and nothing else. This impact clearly shows that the development would cause an oppressive and overbearing outlook from these habitable windows. The same can be said when viewed from the garden space of these dwellings thereby proving contrary to policy SDP1(i) due to the developments significant impact on the neighbouring occupiers outlook. The layout of development from the previous uses meant that 2 -14 Mayflower Road had an acceptable outlook. It is noted that properties further along Mayflower Road from no 14 onwards had a building close to their boundary. The proposed layout means their outlook will be replaced by the openness of the car parking area providing a betterment for these occupiers. However, this betterment should not be seen to outweigh the poor outlook for the occupiers facing the proposed development whose amenity is significantly reduced. Furthermore, due to the proximity of the development to the neighbouring gardens the proposal would result in loss of light and lead to shading of the garden areas. It is noted, that it is only during the morning but when combined with the reduced unbroken outlook, the proposal has a detrimental impact on the residential amenities that the occupiers currently enjoy. The scheme has therefore been assessed as failing to comply with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity.

6.5 Highway Safety and Parking

Shirley Road is a busy thoroughfare linking the city centre with the north and western suburbs. The Shirley Road corridor does not have a good accident record. Therefore, it is key that any scheme proposed does not result in a development which would heighten this impact. To ensure that the scheme does not have a detrimental impact on the wider highway network it is important that this development incorporates site specific transport measures to improve traffic conditions in this area for vehicles and pedestrians including

the junction with Villiers Road/Shirley Road.

- 6.5.1 The changes to the junction to allow a formal right turn lane, keep clear markings and removal of the on street parking will improve the existing and potential flow of traffic within the vicinity of the junction. The resurfacing of Villiers Road would be a benefit as well as the reduction of the number of kerbs/accesses onto Villiers Road. With respect to the specific aspects of the scheme, there is an over provision of parking. However the number of car parking spaces is based on the figures provided for similar stores and in this case there is justification that an over provision is warranted especially as there will be a loss of on-street parking. It is positive that shoppers will be able to use the car park for short stay parking to access other shops in the Town centre. A car park management plan could be conditioned, if approved, to ensure there is no abuse of the parking and that the spaces allow for linked trips.
- 6.5.2 There will be an increase in traffic from the development, and it is understood servicing of the site will result in issues but the mitigation suggested will reduce the impact. On balance following detailed discussions with the applicants the scheme will not result in detrimental harm to the users of Shirley town centre nor the neighbouring occupiers in terms of highway safety. Therefore, subject to the mitigation measures set out above, the proposal is acceptable in highway terms and a reason for refusal on this basis is therefore not justified.

6.6 Impact on protected trees and Landscaping

The revised scheme proposes the retention of the Yew Tree that front Shirley Road, but still results in the loss of the two Sweet Chestnut trees protected by Tree Preservation Orders. The scheme seeks to provide 17 trees on site which exceeds those required to comply with the two for one replacement as, technically, only four replacement trees would be required. The Council's Tree Team would require further information on the types of trees to safeguard the trees for their lifetime. Landscaping has been provided along part of the Shirley Road frontage and along Villiers Road as well within the parking areas to reduce the harsh impact of the parking areas. This is a benefit as the previous uses meant landscaping was minimal. If approval was recommended a landscaping condition would be suggested to secure all the landscaping; as they provide a positive element to the proposal as well as an environmental benefit which would enhance the street scene and the character of the area.

6.8 Development Mitigation

As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works would be secured if the application were to be approved and would be likely to be improvements to pedestrian and cycle movements, crossing facilities, removal of parking bays, improvement to public realm and the potential of optimising bus stops/markings. In addition the scheme triggers the Community Infrastructure Levy (CIL). The reason for refusal set out above provides further detail.

7.0 Summary

7.1 The principle of a new Lidl store is policy compliant and would be a suitable addition to the retail frontage of Shirley. Unfortunately, despite pressure from officers to move the store's footprint through 90 degrees and locate it running along Shirley Road thereby reinstating a built frontage and making the scheme less harmful to residents in Mayflower Road this is not a feasible option for the applicant. In light of the issues discussed in this report, this proposal has, therefore, failed to address the impact on the residential amenity of adjacent occupiers. Furthermore, it has not been possible to secure planning obligations through the completion of a section 106 agreement. The proposed development would therefore, be inappropriate in relation to its impact on residential amenity and fails to mitigate its impact and is therefore recommended for refusal.

7.2 Although, the commercial use of the site complies with local plan policies and would bring a vacant site back into use, when the scheme is weighed against the impact on the neighbours it is judged that the harm outweighs the benefit of bringing a vacant site back into use.

8.0 Conclusion

8.1 The application is recommended for refusal on the grounds the development is harmful to the residential amenities of neighbouring occupiers with a failure to secure appropriate mitigation.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

ARL for 13/03/2018 PROW Panel

Application 17/01206/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010 – Amended 2015)

CS3- Promoting Successful Places
CS6- Economic Growth
CS7- Safeguarding Employment Sites
CS13- Fundamentals of Design
CS18-Transport: Reduce-Manage-Invest
CS19- Car & Cycle Parking
CS20- Tackling and Adapting to Climate Change
CS22- Promoting Biodiversity and Protecting Habitats
CS24- Access to Jobs
CS25- The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006 - Amended 2015)

SDP1- Quality of Development
SDP4- Development Access
SDP5- Parking
SDP6- Urban Design Principles
SDP7- Urban Design Context
SDP8- Urban Form and Public Space
SDP9- Scale, Massing & Appearance
SDP10- Safety & Security
SDP11- Accessibility & Movement
SDP12- Landscape & Biodiversity
SDP14- Renewable Energy
SDP15- Air Quality
SDP16- Noise
SDP17- Lighting
SDP22- Contaminated Land
SDP23- Unstable Land
SDP24- Advertisements
HE6- Archaeological Remains
CLT15- Night Time Uses in Town, District and Local Centres
REI4- Secondary Retail Frontages
TI2- Vehicular Access

Supplementary Planning Guidance

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

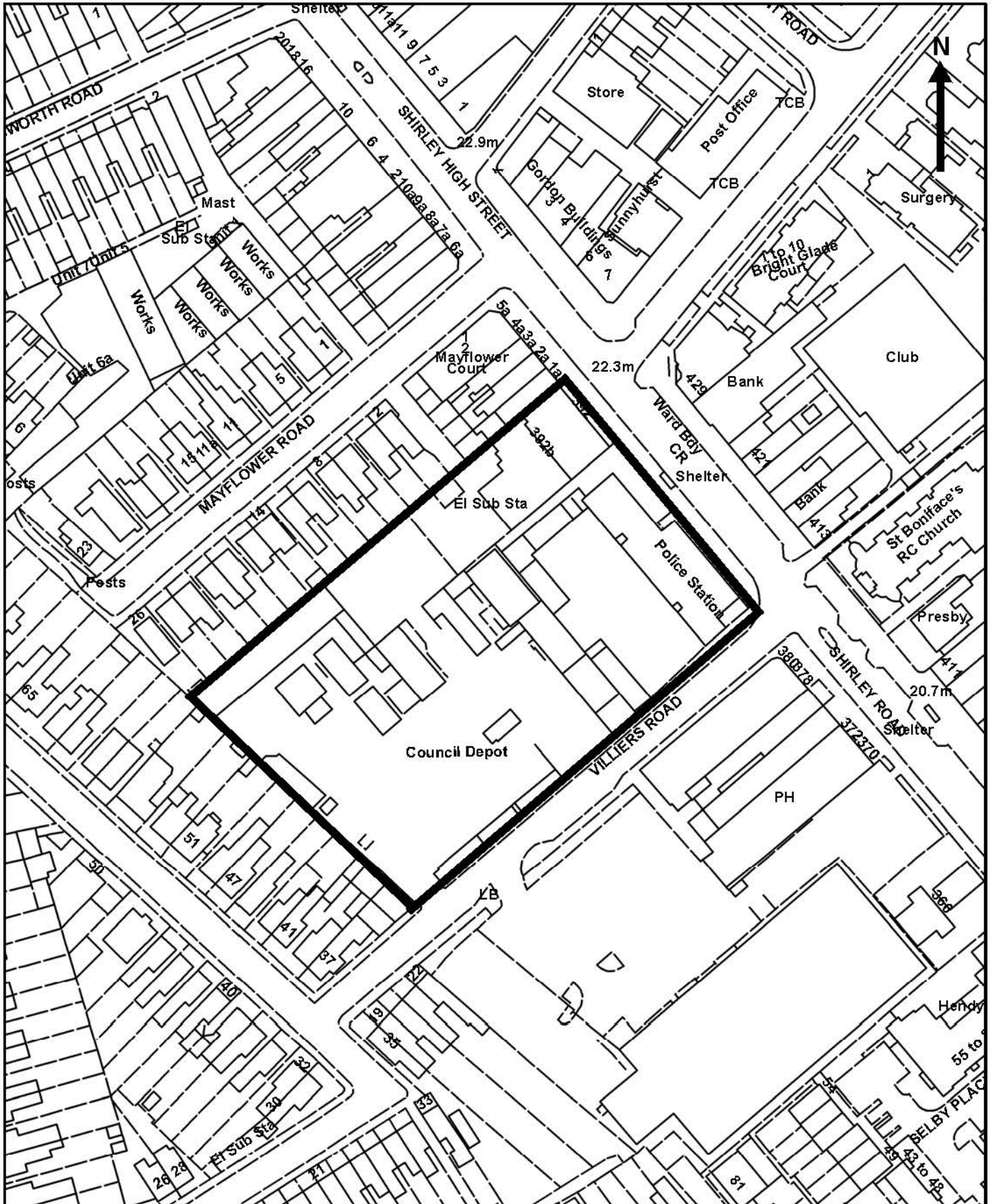
Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 6

17/01206/FUL



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Agenda Item 7

Planning and Rights of Way Panel 13th March 2018 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 2 Victor Street, Southampton			
Proposed development: Erection of a part 6-storey, part 5-storey building containing 45 flats (5x 3-bed, 6x 2-bed, 34x 1-bed) with associated parking and cycle/refuse storage, following demolition of existing building (Outline application seeking approval for Access, Appearance, Layout and Scale) (amended description)			
Application number	17/02443/OUT	Application type	FUL
Case officer	Mat Pidgeon	Public speaking time	15 minutes
Last date for determination:	16.03.2018	Ward	Shirley

Reason for Panel Referral:	Major Development with 5 or more objections	Ward Councillors	Cllr Chaloner Cllr Coombs and Cllr Kaur
Reason:	Insufficient parking, poor design and out of character with the area.		

Applicant: Mr S Reeves	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to Service Lead - Infrastructure, Planning and Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 including the demolition of the existing building, neighbouring amenity, design, character, parking and highway safety have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters as set out in the report to the Planning & Rights of Way Panel on 13th March 2018. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as

required by paragraphs 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, HE6, H1, H2 and H7 of the Local Development Framework Core Strategy Development Plan Document (March 2015).

Policies – CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the City of Southampton Local Plan Review (March 2015) and as supported by the adopted Residential Design Guide SPD (2006).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

1. Delegate to the Service Lead - Infrastructure, Planning and Development to grant planning permission, subject to the planning conditions recommended at the end of this report and to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including the bus stop relocation, service bay, and any necessary Traffic Regulation Orders to facilitate any changes, 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. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) or details of an independently assessed viability of the project with appropriate triggers for reappraisal;
 - iii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - iv. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
 - v. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;
 - vi. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and
 - vii. 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).

2. In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, the Service Lead - Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. Should the scheme be viability tested the application will be brought back to Panel for determination.
3. That the Service Lead - Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1 The site and its context

- 1.1 The site is included within the boundary of Shirley Town Centre on the south side of Victor Street, and on a shared corner with Crown Street. The site is currently occupied by a part one, part two and part three storey building currently used as a privately operated children's play centre. Vehicular access into the site is achieved from Crown Street on the southern side of the site. The site is almost entirely hard surfaced at present with only a small patch of amenity area laid to grass at the northern end where the current building on site is generously set back from the northern corner, at the junction of Victor Street and Crown Street.
- 1.2 The immediate character of the local area is formed of a range of building types including residential properties (mostly flats on the opposite side of Victor Street), a doctor's surgery, a primary school, purpose built retail units within the Town Centre precinct and the neighbouring Salvation Army hall. Building materials used locally vary considerably and there is no consistency in terms of overall design or scale in the neighbourhood. The wider neighbourhood also includes some taller buildings including Shirley Towers.

2 Proposal

- 2.1 Outline planning permission is sought with all matters except landscaping submitted for consideration. The proposal seeks to redevelop the site to provide a purpose built residential scheme for a part 6-storey, part 5-storey building containing 45 flats (5x 3-bed, 6x 2-bed, 34x 1-bed) with associated parking and cycle/refuse storage. An amenity area is provided at first floor level with seven car parking spaces below. Pedestrian access to the site would be on the western side of the building with the vehicular access on the southern side. A contemporary design is proposed and would include inset balconies for each flat.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th

March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

4 Relevant Planning History

- 4.1 The planning history for the site suggests that the use of the site as a social club dates from the mid 1960’s. The site is currently used as a soft play centre ‘The Factory of Fun’.

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 (23/01/2018) and by posting an advertisement in the local press (05/01/2018 and 26/01/2018). A re-notification took place as the scheme is for 45 flats and not 44 (as suggested by the planning application form). At the time of writing the report **18 representations** have been received, including representations from the City of Southampton Society and all 3 ward Councillors. The following is a summary of the points raised:
- 5.2 **Overdevelopment of the site.** RESPONSE: The site is located within Shirley Town Centre where higher density residential development can be supported. The density of the development is 346 dwellings per hectare (dph) based on a site area of 1260 square metres. As the site lies within an area of high accessibility the principle of a development that has a density of over 100 dph is supported.
- 5.3 **Noise from construction.** RESPONSE: Construction hours will be restricted by a condition to ensure that disturbance is not at unreasonable hours of the day at the same time as allowing the construction to take place in an efficient manner.
- 5.4 **Noise from residents.** RESPONSE: Environmental Health have been notified of this application and no objection has been received on these grounds. There is no evidence to suggest that this residential scheme will exhibit unusually harmful noise levels, and if it did there are other enforcement powers that can be called upon to deal with this unreasonable behaviour.
- 5.5 **Drainage.** RESPONSE: Objections have not been received from the Council’s Flood Risk Officer or Southern Water.
- 5.6 **Impact of demolition and construction on neighbouring use and nearby amenity.** RESPONSE: A construction management plan condition will be added. The condition will restrict construction on Sundays and control dust and noise generated. A highways licence will be needed if the highway is be

needed to aid construction.

- 5.7 **Impact of construction and proposed residential use on highway safety and congestion.** RESPONSE: It is acknowledged that locally there is a doctor's surgery, Sainsbury's super market and a primary school. Where appropriate financial contributions will be sought to mitigate the highways impact of the development through the Section 106 agreement. Highways Development Management Officers have assessed the application and have not raised an objection.
- 5.8 **Insufficient onsite car parking provided.** RESPONSE: The proposal has seven parking spaces but is located in a Town Centre location with excellent links to services, jobs and public transport. The city centre is a short bus ride away. There are numerous traffic restrictions in the streets near to the site to prevent long stay parking. There are also controlled parking zones (CPZ) nearby that restrict overspill parking from this development. Whilst it is acknowledged that there may be some overspill parking this number is likely to be small and as parking on site is available for only seven cars the accommodation is not likely to be an attractive option for car owners who are not allocated one of the seven spaces. In addition future occupants of the development would be restricted from obtaining parking permits (a condition of the Section 106 agreement is recommended) in nearby (and future) controlled roads. As such, the development is unlikely to result in significant overspill car parking on the surrounding streets.
- 5.9 **Design and scale not in keeping with the surroundings.** RESPONSE: The site is located on a corner and separated by roads from nearby buildings other than the adjacent Salvation Army building. Design, scale and appearance of buildings locally vary considerably. Without a defined character to conform to there is scope to provide an architecturally independent building. It is also noted that Shirley Towers is close by, which is significantly taller and more imposing. Accordingly the proposed building is judged to be an acceptable height for this part of the city, offers scope for regeneration of a tired site and has not received an objection from the Council's design advisor.
- 5.10 **Overshadowing nearby school, nursery and doctors surgery.** RESPONSE: The shadow created by the building would not be significantly harmful. Our guidance does not seek to protect the amenity of such uses.
- 5.11 **Overlooking the school playground.** RESPONSE: Not a material planning consideration but the school building itself separates the Wordsworth playing field from the development and the nursery school is screened from the street in any event.
- 5.12 **Overlooking properties in Ridding Close.** RESPONSE: The residential amenity enjoyed by occupants of Ridding Close will not be significantly harmed as a consequence. The separation distances are suitable to prevent harm. Note that at its closest the building containing flats 1 – 36, as accessed from Ridding Close, is 38m from the application site.
- 5.13 **Fails to address housing need (excessive number of one bed flats) and insufficient family dwellings.** RESPONSE: To comply with policy CS16 30% of the units should be family units (defined as three bedroom units with direct

access to private gardens). There are mitigating circumstances which allow Officers to support the proposal in light of the fact that only five three bedroom dwellings are proposed; they are discussed below but do not meet our description of family dwellings as they have limited external private space.

- 5.14 **Air quality during demolition and construction.** RESPONSE: Not objected to by Environmental Health. Building regulations will determine the safe method of demolition and construction and all development will have impacts during the construction phase. This in itself is not a sufficient reason to oppose new development.
- 5.15 **Loss of community area for families and children.** RESPONSE: There are no planning policy restrictions which prevent the change of use/redevelopment of the site, which is currently used as a privately operated soft play centre (i.e. not a designated community use protected by Policy CS3).
- 5.16 **Impact on education provided at the nearby school (noise).** RESPONSE: Construction/demolition will be managed through relevant conditions and building regulations. It is unreasonable to prevent the development on the basis of the proximity to a school. The school itself continued to function when it was recently redeveloped and provided.
- 5.17 **Poor residential environment (noise from adjacent roads, no usable outside space, small bedrooms within the 2 bed units.** RESPONSE: The site is located within walking distance of St. James Park and has direct links with the City Centre and the associated public parks. Each flat will have some private outside space in the form of a balcony. The Council does not have minimum room size standards but officers acknowledge that the scheme does not satisfy the external space standards for gardens of 20sq.m per flat.
- 5.18 **Poor environment for families in the three bed units.** RESPONSE: The quality of the three bed units and their ability to accommodate families will be discussed in section three below.

Consultation Responses

- 5.19 **SCC Design:** No objection. The timber fence proposed to define the podium is a poor solution and therefore needs to be amended to ensure that the boundary is more in keeping with the rest of the architectural aesthetic of the building.
- 5.20 **SCC Highways:** The site is situated within a district centre location and is within walking distance of many public facilities as well as a busy bus corridor. Due to the accessibility of the site, the level of parking is considered to be acceptable. In addition, within 200m of the site, there is little scope for overspill parking due to parking restrictions.
- 5.21 The main concerns regarding the highway in this area is the problem with congestion during school peak hours. Due to the high demand of pedestrian movements there is a conflict between pedestrians and vehicular movements which is quite high during peak hours also. Although it is an existing situation, the addition of 45 residential units could exacerbate this problem. Therefore any possible improvements should be considered to help mitigate any

additional impact.

- 5.22 There is a lack of pedestrian dropped crossing linking this site to the south-western section of the car park which can be dealt via the Section 106.
- 5.23 The existing site does contain a vehicular access but only for one small vehicle. The proposal will increase the vehicular activity along Crown Street but the level of impact is considered to be acceptable subject to sufficient sightline being secured, mainly ensuring visibility can be achieved looking pass the proposed landscaping looking right when exiting the site.
- 5.24 The refuse store should have its doors fronting Crown Street so access to them is easy and practical with a secured door.
- 5.25 No objection subject to relevant conditions and a Section 106 agreement that includes site specific highway contributions to mitigate the impact of the development in highway terms.
- 5.26 **SCC Employ:** An Employment and Skills Plan obligation will be required via the S106 Agreement.
- 5.27 **SCC Flooding:** Major development is expected to utilise sustainable drainage systems to manage runoff, unless demonstrated to be inappropriate. No objection subject to recommended condition.
- 5.28 **SCC Sustainability Team:** No objection subject to the imposition of relevant conditions seeking energy and water efficiency improvements (equivalent to code for sustainable home level 4). As such the scheme enables the sustainability of the site, through water and energy efficiency, to be improved.
- 5.29 **Southern Water:** No objection subject to the imposition of relevant conditions and informatives.
- 5.30 **SCC Archaeology:** There is the potential for archaeological deposits to be discovered during construction. The existing building on site is not of any historical merit. No objection is raised subject to the imposition of relevant conditions.
- 5.31 **SCC Ecology:** The application site consists of a building and small area of hard standing which have negligible biodiversity value. The probability of a bat roost being present in the building is negligible due to the high levels of night time illumination, with street lights adjacent to two sides of the building and low levels of vegetation. If a biodiverse green roof is included in the design of the development this would be of benefit from an ecological perspective and will also help to create optimum ambient air temperatures for the operation of solar panels. It will also assist in the management of surface water runoff.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of development;
 - Design;

- Neighbouring residential amenity;
- Quality of the living environment;
- Highway safety and parking;
- Landscaping; and
- Development Mitigation.

Principle of development

- 6.2 This site is identified in the Local Plan Review as being within the boundary of Shirley Town Centre. Policy CS3 therefore relates. Policy CS3 does not support proposals that result in the loss of a community facility if it is viable for the commercial, public or community sector to operate it. It is understood that currently the building is occupied by a commercial business associated with a children's play centre and, as such, the scheme proposed does not represent the loss of a community facility.
- 6.3 The site is white land on the adopted proposals map for Southampton. As such the site is not allocated for housing. Whilst the primary role of town, district and local centres is to provide shopping and community centres as the site is not within the main retail frontage area and currently provides a soft play facility the principle of residential development is not opposed. This view is formed having considered the NPPF which encourages release of previously developed land for housing in sustainable locations. The Council acknowledge that there are residential properties nearby as the site is within the Town Centre and there are advantages to siting residential flats close to a Town Centre.
- 6.4 Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy sets a minimum density of 100 dwellings per hectare for new residential development in high accessibility areas. As the site is located within Shirley Town Centre and the proposed density is 346 dwellings per hectare the scheme is compliant with policy CS5. Furthermore the City has a housing need; as detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026.
- 6.5 Policy CS16 seeks a target of 30% family housing on sites where 10 or more residential properties are proposed. Family units are defined as three bedroom units with direct access to private amenity space. The amenity space should be fit for its intended purpose and should measure (in the case of flatted schemes) 20 sq.m per flat. To comply with policy CS16 the scheme should therefore provide at least 13 (rounded down) family units. The proposal however fails to provide any three bed flats with direct access to suitable garden space. That said there are five three bed flats proposed on site and two of which will have direct access to the first floor roof terrace with private spaces being provided for them. In addition the other three three bedroom units will have access to balconies. Whilst this is not deemed to achieve the requirements for family housing given the constraints of the site; namely the use of this previously developed land, the position of the site adjacent to a potentially busy junction and limited available space on the site to form garden space and the location

within Shirley Town Centre it is considered that the site is not conducive to family housing. Officers are of the opinion that this site should be optimised for housing delivery and a scheme of family housing would not achieve this.

- 6.6 In principle the scheme is considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended in NPPF and local planning policies. A lower density could be secured with family units however this isn't deemed to be the best use for the site. The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Therefore the principle of a high density development is generally supported if the Panel agree that it meets design and environmental policies as discussed further in this report.

Design

- 6.7 The proposal is to be a simple contemporary design with the main element being brickwork. Recesses in the facade provide each flat with amenity areas whilst breaking up the mass and providing interest from the street scene. A small element of cladding would also be used. The recesses in each of the facades will also provide each flat with amenity areas in the form of inset balconies. The smaller fifth floor is set back which minimises the impact of the upper floor.
- 6.8 There is no uniform character to the buildings within the vicinity and therefore the materials and design chosen are acceptable. Building sizes also vary significantly in the neighbourhood including 2 storey Doctors Surgery, 2 storey Salvation Army building, 3 storey school building, 3 storey buildings fronting Church Street, 4 storey flats fronting Ridding Close and the 16 storey Shirley Towers building and as such the proposed building is deemed acceptable.

Neighbouring residential amenity

- 6.9 The development is unlikely to cause direct significant harm in terms of overshadowing, privacy or visual impact to neighbouring amenity due to the distance between the site and the closest residential properties (38m). The scheme also safeguards the future development potential of the neighbouring site to the east by not adding windows within the eastern flank elevation.
- 6.10 To ensure that the amenity of nearby residents is not significantly harmed during construction a Demolition and Construction Management Plan is recommended by planning condition. If piling for foundations is needed the timing that the piling works takes place will also be controlled by the construction hours condition. A standard condition restricting construction hours to 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 will also be applied.

As such the proposal is considered to be acceptable in terms of its impact on nearby residential amenity and accordingly is deemed compliant with policy SDP1(i).

Quality of the living environment

- 6.11 All habitable rooms within the proposed building would have access to natural light, outlook and would benefit from sufficient levels of privacy. Ground floor units would have windows positioned fairly close to the pavement edge however defensible space has been formed by the use of boundary treatment (a low level brick wall with painted railings over) and landscaping, the details of which will be provided at the Reserved Matters stage. All flats receive good daylight and outlook however 12 of the flats are solely north facing with outlook across Victor Street.
- 6.12 In Southampton, a minimum of 20 sq.m of amenity space is required for new flats. With flatted development the amenity space can be provided in the form of a communal garden. Any amenity space should be usable and fit for purpose. In the case of the proposed scheme, all flats would have access to the south facing communal garden space measuring 110sq.m. In addition inset balconies of 5sq.m are provided for the majority of the flats (typically nine per floor with two having Juliette balconies). Inset balconies are preferred to 'bolt on' balconies given that privacy is improved as is shelter from the weather. Where inset balconies are not provided Juliette balconies are provided instead. It is also noted that Juliette balconies are used instead of inset balconies in response to the architectural form of the proposed building.
- 6.13 The amount of amenity space provided does not accord with the space requirements recommended in the residential design guide i.e. 900sq.m. This deficiency must be set against the advantages of living in a central location within easy walking distance of local shops and services. Planning Inspectors have supported this view in the recent past where similar situations have been proposed at other sites in the city.
- 6.14 The pedestrian entrance to the block of flats (from Crown Street) will benefit from natural surveillance. The car parking area, positioned below the shared amenity space, will be controlled by a barrier to ensure that site is secured appropriately and rough sleeping is not encouraged within the undercroft area.
- 6.15 Overall, having balanced the positive and negative elements of the scheme the quality of the residential environment is considered to be acceptable.

Highway Safety and Parking

- 6.16 The Highways Development Management Team is satisfied that the proposal will not directly lead to a decrease in highway safety. However it is clear that the area is highly trafficked as many objectors have raised congestion and associated highways problems within the local area (particularly at peak hours including school start and finish times) as an issue. Along with congestion existing on street parking pressure and the associated potential impact caused by the proposal have been raised. Congestion and parking pressure are however not deemed to be sufficient reasons to justify opposing the application on planning grounds because car ownership is not necessary for potential occupants in order to gain access to facilities necessary for day to day living. In

addition provided that vehicle drivers behave responsibly and drive in accordance with the highway law the safety of other highway users should not be impacted upon by the proposal.

- 6.17 A large cycle store is proposed within the ground floor of the building and spaces would be provided at a ratio of 1:1. The storage area will also be accessed internally. The storage system will be a 'Josta' 2-tier racking system. Additionally, secure hoops will also be provided within the undercroft area for visitors to use.
- 6.18 Sufficient bin storage can also be provided. To improve access to the bins on collection day doors will need to be added within the southern elevation of the building, this can be achieved by adding a condition.
- 6.19 In coming to the conclusion not to oppose the scheme in highway terms officers have taken into account the location of the development which is within a town centre and, thus, is within walking distance of many public facilities as well as a busy bus corridor. Within 200m of the site there is little scope for overspill parking also due to parking restrictions. With only seven car parking spaces proposed (to be allocated to specific occupants) and given that the site is within the Town Centre where on street parking is not convenient to access nearby it is anticipated that car ownership within a development of this nature will not be proportionally high. The level of parking is considered to be acceptable. In addition it is important to take into account saved policy SDP5 of the Local Plan which confirms that the provision of car parking is a key determinant in the mode of travel and the adopted Development Plan seeks to reduce the reliance on the private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling.
- 6.20 Where appropriate the Council will seek site specific highways contributions to facilitate the direct impact of the development through the Section 106 process.

Landscaping

- 6.21 Outline permission has been applied for with landscaping being the reserved matter for consideration at a later date. The indicative landscaping layout does however demonstrate that there is the opportunity to add soft landscaping on the boundary of the site adjacent to Victor Street and Crown Street. Officers consider that there will also be scope to add at least one tree adjacent to the corner junction of Victor and Crown Street. The scheme will also enable the Council to seek drainage improvements on the site.

Development Mitigation

- 6.22 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. The scheme triggers the Community Infrastructure Levy (CIL), affordable housing and the need for site specific highways works.

- 6.23 Policy CS15 seeks 35% affordable housing for development of 15 or more dwellings and the application is recommended on this basis. Should the applicant however seek to have the affordable housing provision viability tested the application will need to be brought back to Panel.
- 6.24 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7 Summary

- 7.1 Overall the scheme is acceptable and the level of development proposed will not result in significant material impact on the amenities enjoyed by surrounding occupiers or the character and appearance of the area. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.
- 7.2 A suitable balance has been achieved between securing residential accommodation in a sustainable location and increasing the efficiency of this brownfield site whilst not detrimentally harming local amenity or highway safety.

8 Conclusion

- 8.1 As such, the application is recommended for approval, subject to securing the matters set out in the recommendations section of this report and the conditions set out below.

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

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

MP for 13/03/2018 PROW Panel

PLANNING CONDITIONS

1. 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, and the landscaping (both hard, soft and including enclosure details) of the site 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 schedule.
- (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).

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. 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, balcony balustrading, balcony underside, the roof of the proposed buildings and the boundary treatment to the first floor amenity space. 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.

Notwithstanding the approved plans detailing timber cladding

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.

Note to applicant. Use of close boarded timber fencing will not be acceptable to define the amenity space at first floor level. The boundary treatment defining the amenity space, visible from the public realm will need to be in keeping with the rest of the architectural aesthetic of the building. The most appropriate way to achieve this will be to use brick which matches one of the bricks used for the building.

4. Window reveal details [Performance Condition]

The reveals for the windows hereby approved shall be at least 100mm deep.

Reason: To ensure the quality of all window reveals.

5. Archaeological watching brief with provision for excavation 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 with provision for excavation 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. Cycle storage facilities [Performance Condition]

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

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

8. Refuse & Recycling [Performance Condition]

Before the development hereby approved first comes into occupation, the storage of refuse and recycling shall be provided in accordance with the hereby approved plans (as amended by condition 9) and the details listed below, and thereafter retained as approved.

- 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 must operate when doors are open.
- Tap and wash down gully must be provided with suitable falls to the floor.
- Internal doors/walls/pipework/tap/conduits must 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.
- 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 developer must contact the City Council's refuse team eight weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. Email 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.

9. Bin Store Door [Pre-Occupation Condition]

Notwithstanding the approved plans there will need to be doors to the bin store added into the southern/Crown Street elevation; accordingly a revised southern elevation, and ground floor plan showing bin store doors, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Once approved the development shall be carried out in accordance with the approved plans and the bin store doors shall remain in place in perpetuity. The doors to the bin store shall be closed and securely locked during times of the day when they are not in use by refuse collectors or residents of the hereby approved development.

Reason: To assist refuse collection and in the interests of safety and security.

10. Security gate [Pre-Commencement Condition]

Prior to the occupation of the development the car park must be secured by an electric gate, the details of which (including its design how it will be operated) will be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in accordance with the approved details and the approved security gate shall be maintained in perpetuity.

The gates to the vehicular access shall be closed and securely locked during times of the day when they are not in use by residents of the hereby approved development.

Reason: To avoid loitering, rough sleeping, to improve security and in the interests of residential amenity.

11. Sightlines [Performance Condition]

As indicated on the approved plans the sightlines from the vehicular parking area out to Crown Street shall remain unobstructed by solid boundary treatment or landscaping features in perpetuity once the development hereby approved is occupied. The sightlines shall be measured two metres either side of the entrance to the undercroft parking area and shall terminate at the boundary of the site with Crown Street. The sightlines shall be provided before the occupation of the building and maintained in perpetuity.

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

12. On site vehicular parking [Pre-Occupation Condition]

The approved vehicular parking spaces (measuring at least 5m x 2.4m) and adjacent vehicular manoeuvring space (measuring at least 6m wide) shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the hereby approved development. Throughout the occupation the development hereby approved the parking spaces and manoeuvring space adjacent shall not be used for any other purpose. The hereby approved car parking spaces shall not be free to use by any occupant without restriction. Car parking spaces must be allocated to and used by specific occupants/residents of the approved flats only; on no more than one space per dwelling.

Reason: To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed; and to remove confusion of occupants in the interests of discouraging car ownership by a large proportion of residents by not providing car parking spaces free for any occupant to use.

13. 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 demolition and construction;
- (f) details of construction vehicles wheel cleaning;
- (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.

14. 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.

15. Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

16. Energy & Water [Pre-Commencement Condition]

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 Adopted Core Strategy (Amended 2015).

17. 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 Adopted Core Strategy (Amended 2015).

18. Sustainable Drainage [Pre-Commencement Condition].

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

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

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

19. Land Contamination investigation and remediation [Pre-Commencement & Occupation]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

20. Use of uncontaminated soils and fill [Performance Condition]

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

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

21. 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.

22. Surface / foul water drainage [Pre-commencement Condition]

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.

23. Green roof feasibility study [Pre-Commencement]

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason: To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility and Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

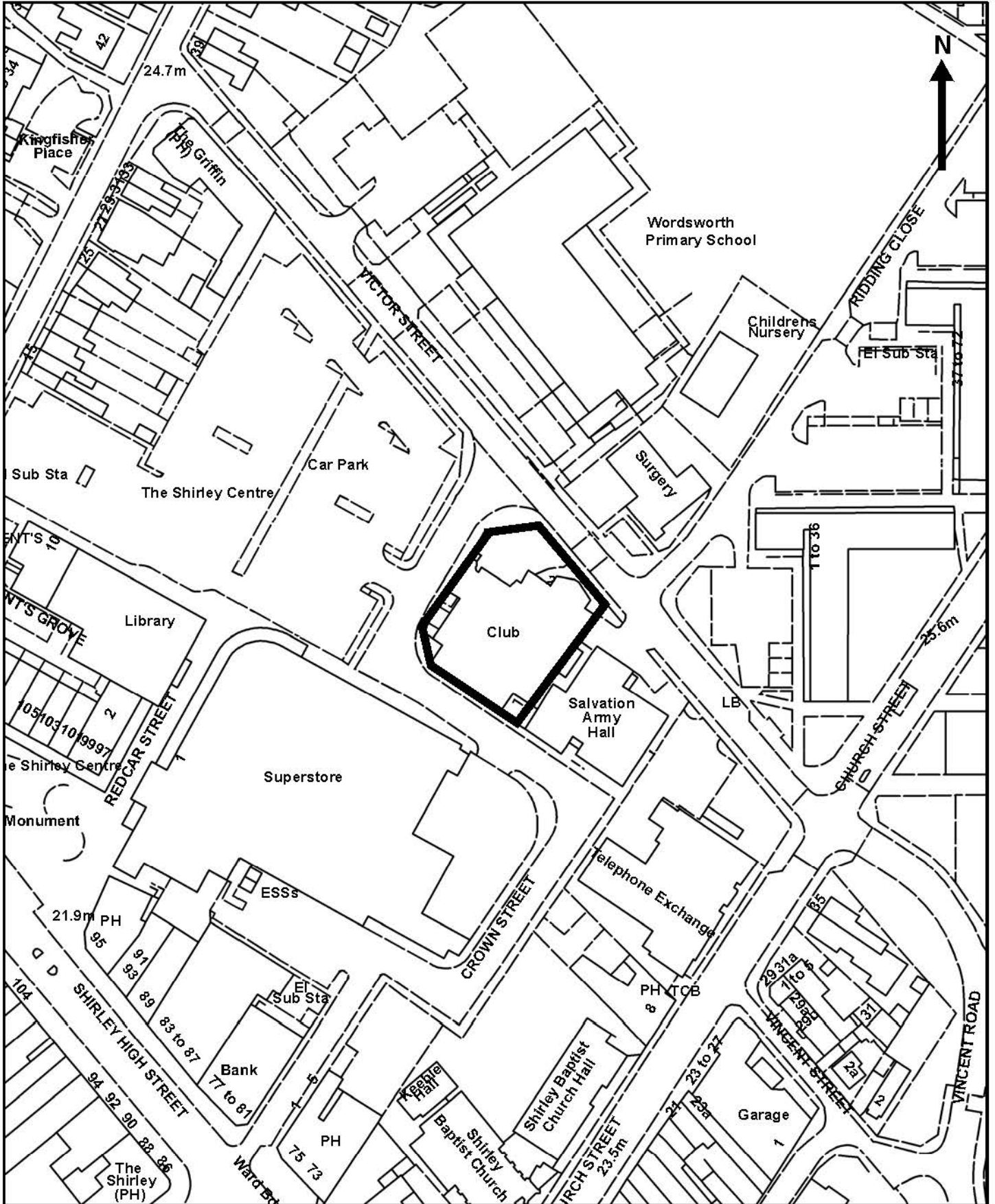
Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:1,250

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

Application address: 17 - 21 Portsmouth Road, Southampton			
Proposed development: Erection of a 4-storey building incorporating retention of building facade to provide 10 flats (8 x one-bedroom and 2 x two-bedroom) and a ground floor commercial gym / fitness area with associated storage and refuse facilities.			
Application number	18/00032/FUL	Application type	Major Dwellings
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	24.04.2018	Ward	Peartree
Reason for Panel Referral:	Major development with five or more letters of objection have been received.	Ward Councillors	Cllr Lewzey Cllr Houghton Cllr Keogh

Applicant: Mr Anjuim Moied	Agent: No agent
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Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, protecting and incorporating the buildings locally listed facade and retaining ground floor commercial use within Woolston District Centre. The Bingo Hall has been closed since 2007 and is not protected a protected community facility. Permission 13/00614/OUT is a significant material consideration in this case. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, REI4 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework.

Appendix attached			
1	Development Plan Policies	3	Planning History 13/00614/OUT
2	Panel Minutes for 13/00614/OUT		

Recommendation in Full

1. Delegate to the Service Lead – Infrastructure, Planning and 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. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - iv. All occupiers of Residential Units are to be notified in writing that they are ineligible to be granted a Residents Parking Permit to park a vehicle within a Residents Parking Bay located in the vicinity of the Land (holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 being exempt from the requirement to display a Residents Parking Permit when parked in a Residents Parking Bay).
 - v. Employment and Skills Plan to secure training and employment initiatives.
2. 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.
3. That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Background

The Bingo Hall has been vacant for over 10 years following its closure in October 2007. The building was designated as a Locally Listed building in 2009 and has the following list description:

“Former Woolston Picture House built in 1913 in neo-classical style. Stucco façade with semi-circular central pediment. 4 no figure motifs above first floor ‘blind’ windows. Now a bingo hall. 600 seats. Southampton’s second purpose-built cinema (after The Atherley, 1912). Built by William Dalton Buck (1878-1966). Last film shown 1973.”

On 23 July 2013 The Planning and Rights of Way Panel resolved to delegate to the Planning and Development Manger to grant outline planning permission for the erection of a new building to provide 11 flats (10 x one-bedroom and 1 x two-bedroom) and a ground floor retail unit with associated storage and refuse facilities to the rear of the retained building facade (Outline application seeking approval for Layout, Scale, Access and Appearance) – LPA ref: 13/00614/OUT.

The outline planning approval was not progressed and has now lapsed. The current applicants purchased the building in October 2015 and have indicated that during their time of ownership, apart from one person that inquired about opening a private dance studio on the ground floor, there has been no other interest in the commercial floor space. The current application is largely the same as 13/00614/OUT although internal changes mean that 1 less flat is now proposed and the ground floor is now proposed as a gym. Although 13/00614/OUT is no longer capable of being implemented lawfully it is a significant material consideration in the determination process of this latest scheme.

1.0 The site and its context

1.1 The application site comprises a Bingo hall, originally constructed as Woolston Cinema in 1913 in neo-classical style. The facade has been locally listed (designated 19.1.09). The building has been vacant since 2007. The site is located within the Woolston District Centre, fronting Portsmouth Road and backing onto an access road and public car park. The area comprises ground floor commercial uses with upper floors occupied for ancillary purposes or residential use. The topography of the area falls from east to west with build height of 2-3 storeys.

1.2 There is no on-site car parking. Restricted parking is available within Victoria Road. Cycle parking hoops are located on the footway to the front of the site. The site is not in a designated conservation area.

2 Proposal

2.1 The proposal seeks to redevelop the site with the erection of a four-storey building comprising a gym and 10 flats. The scheme proposes façade retention with the new build element tying into the locally listed façade at the front. Minimal alterations are proposed to the facade with existing openings utilised, however the existing steps to the main entrance will be removed with a level approach proposed for accessibility reasons. The commercial use would be accessed from Portsmouth Road with all the flats accessed from the rear.

2.2 The scheme provides nil car parking, as was the case previously, however 1:1 cycle parking is provided at ground floor level. Bin storage is also provided at the rear of the ground floor.

2.3 A residential mix of 8 x one-bedroom and 2 x two-bedroom flats is proposed. The rear part of the ground floor is occupied by a 2-bed flat with a small amenity terrace. The first floor comprises 4 flats served by a central courtyard area with balconies

at the rear. The second floor again comprises 4 flats, set back from the façade to provide small terrace areas; again with balconies to the rear. The top / third floor comprises a 2-bed flat, set back behind a flat roof, with a rear balcony.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 The site is located within defined secondary retail frontage within Woolston District Centre where ground floor uses with direct service to the public at ground floor and residential use on upper floors are supported under saved policy REI4 of the Local Plan Review and CS3 of the Core Strategy. Furthermore the site is identified in the Council’s Strategy Housing Land Availability Assessment (SHLAA) as having the potential for 10 residential dwellings, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026.
- 3.4 Bingo Halls are not defined as community facilities under paragraph 70 of the National Planning Policy Framework or policy CS3 of the Core Strategy and therefore there is no policy requirement for community use facilities to be incorporated into this mixed commercial and residential scheme. The glossary in the National Planning Policy Framework includes Bingo Halls as defined town centre leisure facilities.

4. Relevant Planning History

- 4.1 In July 2014 outline planning permission was granted for the erection of a new building to provide 11 flats (10 x one-bedroom and 1 x two-bedroom) and a ground floor retail unit with associated storage and refuse facilities to the rear of the retained building facade (Outline application seeking approval for Layout, Scale, Access and Appearance). This outline planning approval was not progressed and has now lapsed - 13/00614/OUT
- 4.2 Prior to that planning permission was refused under delegated authority on 11.12.2012 for the erection of a new building to provide 13 flats (4 x one bedroom, 6 x two bedroom, 3 x three bedroom) with associated storage and refuse facilities to the rear of the retained building facade (outline application seeking approval for layout, scale, access and appearance).
- 4.3 The 2012 scheme was firstly refused because the proposed scheme of facade retention, involving divorcing the facade from the new building with a steel support frame and formation of enlarged openings within the facade for day lighting and outlook purposes, represented an unacceptable design approach. The proposal was also refused because it resulted in the loss of ground floor commercial use

within the defined Woolston District Centre and would, therefore, detract from the vitality and viability of the District Centre. Southampton City Council Reference 12/01281/OUT.

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 (02.02.2018) and erecting a site notice (02.02.2018). At the time of writing the report **11 representations (including a petition with 16 signatories)** have been received. Some of the representations are from local residents, however some of from further afield such as Dewsbury and Dibden Purlieu. It is unclear if the signatories on the petition are local residents because no addresses have been provided. The following is a summary of the points raised:

5.2 Against

The building should be retained for a similar use according to the original design - ie a theatre or other arts-based use, as its part of the history of the area.

Officer Response – The building has been closed since 2007. The current applicants purchased the building in October 2015 and have indicated that during their time of ownership, apart from one person that inquired about opening a private dance studio on the ground floor, there has been no other interest in the commercial floor space. The site is within private ownership and is not listed as an asset of community value and, therefore, the current owners are under no obligation to sell or lease the building to any interested community groups. The applicant has a right to expect the Planning Panel to determine their application for the uses proposed – both of which are suited to this part of Woolston.

5.3 **Woolston would benefit more from a space to be used for the whole community rather than more flats.**

Officer Response – Whilst officers do not necessarily disagree the site is identified in the Council's Strategy Housing Land Availability Assessment (SHLAA) as having the potential for 10 residential dwellings, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The ground floor is to be retained as commercial floor space (a gym in this case).

5.4 **A gym is mentioned, but from other local gyms this causes parking problems, parking in Woolston has reduced significantly especially with the car park near the bridge closed.**

Officer Response – A gym represents a good fit commercial use for the ground floor because the retained façade does not include a shop front. A gym is an appropriate use for secondary shopping frontage within the district centre and compliant with policies CS3 of the Core Strategy and RE14 of the Local Plan Review. Bringing the ground floor commercial space back into use will enhance the vitality and viability of the District Centre. Traffic Regulation Orders are in place within the District Centre to control on street parking. Peak demand for gym use is likely to be outside the hours of existing retail use within the District Centre.

In Favour

- 5.5 **It would be an excellent opportunity for local residents to have a new gym in the area, currently there is not one in the vicinity of Woolston and I believe that this would be a great idea in a great location! I am all for this idea!**

Consultation Responses

- 5.6 **SCC Highways (comments the previously approved outline application)** – No objection subject to conditions to secure the following: A suitable surfacing treatment for access into the building; A drop kerb to the rear for bin collection purposes; wheel cleaning facilities during the construction phase; and management of plant and materials during the construction phase. Any revised comments will be reported verbally at the Panel meeting.
- 5.7 **SCC Housing** - This is under the affordable housing threshold, so there is no affordable housing requirement, the site is also recorded on the Council's list of stalled housing delivery sites.
- 5.8 **Design Advisory Panel (comments from the previously approved outline application)** – No objection and should be approved with conditions. Facade retention is acceptable and welcomed.
- 5.9 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions to secure management of the demolition and construction phase, hours of work and bin storage provision.
- 5.10 **SCC Environmental Health (Contaminated Land)** - Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning condition recommended.
- 5.11 **SCC Ecology** – No objection
- 5.12 **SCC Conservation & Heritage (comments from the previously approved outline application)** - No objection subject to condition to control the materials and colour of finishes. The main element of the building is the façade to Portsmouth Road. Major refurbishment in 1957 led to the loss of the majority of the internal décor, and the hall behind the façade is now rather plain, in poor condition, and of little merit.

There have been a number of proposals to redevelop the site since the closure of the Bingo Hall. Initially these involve the loss of the façade, but more recently there have been several attempts to negotiate a solution that retained the façade while enabling wholesale redevelopment behind it. This proposal has elegantly both retained the façade and made better use of the land behind it. The design solution, which incorporates existing window openings and steps back at third floor level minimises the impact of the development from Portsmouth Road. In terms of Layout, scale, access and appearance it is my view that the proposals can be supported.

- 5.13 **Southern Water** – No objection subject to conditions regarding surface water drainage and infrastructure protection.

Airport Safeguarding – No objection subject to a condition to control glare from

- 5.14 the solar panels and an informative regarding the use of crane.
- 5.15 **SCC Sustainability Team - No objection**
Subject to the imposition of conditions securing energy and water restriction.
- 5.16 **Southern Water – No objection**
Request a condition to secure details of means of surface and foul water disposal.
- 5.17 **SCC Drainage – Sustainable Urban Drainage should be considered.**
Officer Response – Southern Water have requested details of surface water disposal. SUDS measures would be difficult to incorporate having regard to the amount of site building coverage and extent of solar panels and amenity terraces to flat roof areas.
- 5.18 **City of Southampton Society - Objection**
Please reject this Application on grounds of overdevelopment. This former cinema should be retained as an Asset of Community Value.
Officer Response – The building is not listed as an asset of community value and is not defined as a community facility under national and local planning policy. The building is within private ownership and has been vacant since 2007. Outline Planning permission for mixed use commercial residential development was granted in 2014 and the site is identified as having potential for residential development in the Council's Strategic Housing Land Availability Assessment.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration during the determination of this planning application are:
- Principle of development;
 - Design, layout and impact on established character;
 - Impact on residential amenity;
 - Residential standards;
 - Highways; and
 - Habitat Regulations.

Principle of Development

- 6.2 There has not been a significant change in national and local planning policies in relation to mixed use commercial and residential development on this site since the previous outline planning permission was granted in 2014. The reuse of previously developed land to assist in housing delivery is still supported by local and national planning policy. This current scheme is very similar to the previous approval with the only differences being a reduction in the number of dwelling units from 11 to 10 and a gym is now proposed rather than ground floor retail use.
- 6.3 Redevelopment of the site for intensified residential purposes whilst maintaining ground floor commercial use and incorporating and maintaining the locally listed facade is acceptable in principle and accords with the policies within the development plan and central government's guidance (through the National Planning Policy Framework). The facade retention scheme is welcomed given the facade is locally listed and represents an important part of Woolston's heritage and important visual amenity within the Portsmouth Road street scene. It is accepted that facade retention has constrained the way the site can be developed and a

compromise is needed to make the scheme viable.

- 6.4 The site is located within Woolston District Centre and therefore the provision of a gym on the ground floor with residential on the upper floors is supported and policy compliant in accordance with 'saved' policies REI4 and REI5 of the City of Southampton Local Plan Review and policy CS3 of the Core Strategy. Retention of ground floor commercial use is important to maintain the vitality and viability of the District Centre.
- 6.5 The development has a density of 275 dwellings per hectare. Density levels in excess of 100 dwellings per hectare can be supported in high accessibility locations such as this (Woolston District Centre) in accordance with policy CS5 of the Core Strategy. The scheme proposes a residential mix of 8 x one-bedroom flats and 2 x two-bedroom flat. The residential mix and level of development sought has been informed by the constraints and viability implications of working with the locally listed façade and the efficient reuse of previously developed land is encouraged by the planning system.
- 6.6 The proposal is not considered to result in the loss of a community facility on the basis that a bingo hall is not defined as a community facility under paragraph 70 of the National Planning Policy Framework and policy CS3 of the Core Strategy and given the premises has been vacant since 2007.

Design, layout and impact on established character

- 6.7 The proposed design approach involving façade retention and was previously supported by the Council's City Design and Heritage Teams, as well as the Design Advisory Panel. Conditions are recommended to ensure that the façade is not damaged during the demolition and construction phases. The design proposal works with the existing façade and will have no adverse impact on the appearance of the locally listed structure.
- 6.8 The proposed part three-storey part four-storey scale will have no adverse impact on the Portsmouth Road street scene. The three-storey element is not higher than the existing façade and is set back from the façade. The four storey element is set back deep into the plot (by 10.5 metres) and will appear as a separate building to the rear. It is considered that the area to the rear can accommodate an increase in scale to four-storey without adversely harming the character and appearance of the area which is largely dominated by the Itchen Bridge. Higher densities and taller scale development can work within high accessibility areas such as this. Finishing materials should be secured by condition.

Impact on Residential Amenity

- 6.9 The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy to nearby flats. The proposed flats will have a typical front and rear aspect with outlook across highway and commercial use to the front and a car park at the rear.
- 6.10 There are flats on the upper floors of the adjoining properties at 15 and 23 Portsmouth Road. These flats will not have their view or outlook interrupted however they may be subject to increased enclosure from the proposed four-storey

element. However the use of a light coloured finishing treatment will reduce the dominance of the building and this impact needs to be balanced with the merits of bringing 17-21 Portsmouth Road back into use. As already stated, an increased scale is needed to achieve a viable façade retention scheme.

Residential Standards

- 6.11 The residential environment for future residents is acceptable having regard to the constraints of the site in terms of working with the locally listed facade. All habitable rooms will receive acceptable outlook and day lighting. It is unfortunate that the flats to the rear only have a north facing aspect however the upper floor flats will receive natural lighting through the obscure glazed windows facing onto the internal courtyard area. All the flats are provided with private amenity space in the form of balconies and terraces ranging in area from 6.7sq.m to 28.8sq.m. This is acceptable given the size of the flats, the site constraints and the district centre location.

Highway Issues

- 6.12 The application site is within an area, which is defined as a “high” accessibility Zone, this is defined in relation to principle bus routes and railway stations. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPG, which are maximums. The scheme proposes nil parking. Parking restrictions exist within the area to prevent parking overspill into surrounding streets. 1:1 cycle storage provision has been made to promote sustainable travel.
- 6.13 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:
- Pedestrian enhancements at the front and rear of the Development including tactile paving and kerbing;
 - Restriction to prevent new residents applying for a Residents Parking Permits to prevent increased demand for Residents Parking Bays located in the vicinity of the site;
 - A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

6.14 Habitat Regulations

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent

Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This will be secured through a S106 agreement as detailed above.

7 Summary

7.1 Overall a suitable balance has been achieved between securing additional housing, protecting and incorporating the buildings locally listed facade and retaining ground floor commercial use within Woolston District Centre. On balance, the development will not adversely harm the residential amenities of neighbouring occupiers. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is again consistent with adopted local planning policies and the National Planning Policy Framework and has addressed previous reasons for refusal. The previous permission has been largely followed with this layout and should be afforded significant weight in the Panel's deliberations.

8 Conclusion

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

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

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

AG for 13/03/2018 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)

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

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

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Surfacing treatment

Prior to the commencement of development details of the proposed surfacing treatment to the front entrance shall be submitted and agreed in writing by the Local Planning Authority. The surfacing treatment shall be installed and maintained as agreed.

Reason: To secure a satisfactory form of development.

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. APPROVAL CONDITION Demolition - Dust Suppression (Pre-Commencement)

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason: To protect the amenities of users of the surrounding area.

06. APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

Reason: In the interests of the visual appearance of the building and the area in general.

07. APPROVAL CONDITION - Cycle storage

The building shall not be occupied in full or in part until secure, covered space has been laid out within the site for a minimum of 10 bicycles to be stored for the benefit of the occupants in accordance with the plans hereby approved. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

08. APPROVAL CONDITION Energy & Water [Pre-Commencement Condition]

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 Adopted Core Strategy (Amended 2015).

09. APPROVAL CONDITION 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 Adopted Core Strategy (Amended 2015)

10. 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.

11. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed ground floor retail use, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

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

12. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the

Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

13. Use of uncontaminated soils and fill (Performance)

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

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

14. Unsuspected Contamination (Performance)

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

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

15. APPROVAL CONDITION - Facade Retention

Prior to any development commencing, including any works of demolition, a detailed methodology statement for the demolition of the building and the retention of the front facade shall be submitted to and agreed in writing with the Local Planning Authority. The statement must demonstrate the manner in which all elements of the front facade are to be retained and protected during demolition and construction and development shall be completed in accordance with the agreed details.

Reason: In the interests of the character of the Conservation Area and the amenities of surrounding occupiers.

16. APPROVAL CONDITION - Hours of use for ground floor gym [Performance Condition]

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

Monday to Saturday 6.00am to 10.00pm

Saturday, Sunday and recognised public holidays 7.00am to 10.00pm

Unless otherwise agreed in writing by the Local Planning Authority.

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

17. APPROVAL CONDITION - Balustrade Details (Pre-commencement condition)

Prior to the commencement of development details of the balustrade treatment to the internal first floor roof terraces shall be submitted to the Local Planning Authority and agreed in writing.

Details shall include the height, design and materials to be used for the balustrades.

The development shall be carried out strictly in accordance with the agreed details and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To secure a satisfactory form of development and to protect the privacy of neighbouring occupiers.

18. APPROVAL CONDITION - Roof design and drainage (Pre-commencement condition)
Before the development commences, detailed drawings at no less than 1:50 scale shall be submitted to and approved in writing by the local planning authority indicating the flat roof design and system of roof drainage. Development shall be carried out in accordance with the approved details.

REASON: For the avoidance of doubt and to secure a satisfactory form of development.

19. APPROVAL CONDITION - Site security

Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out and retained with the following design security measures:

- a. The entrance door meets British Standard - LPS 1175 SR2,
- b. Ground Floor windows to meet British Standard BS 7950 (or new standard PAS 24-2012)
- c. Install a video/audio access control system to manage visitors,
- d. The building entrance should be fitted with low energy light fitting operated by a photo electric cell (dusk to dawn lighting).

REASON: In the interests of site security and crime safety.

20. APPROVAL CONDITION – Airport Safeguarding

Solar Panels: No light, reflection or glare of any kind shall be exhibited from the development at any time which is liable to endanger aircraft taking off or landing from Southampton Airport. Southampton Airport Limited shall have sole discretion to determine if a particular condition or structure is liable to endanger aircraft and have it adjusted or removed at the expense of the developer and/or land owner.

The aerodrome must be entitled to recover any costs from the developer and/or land owner incurred as a result of non-compliance with the proposed condition, including but not limited to any resultant airport closures or flight delays.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Southampton Airport through confusion with aeronautical ground lights or glare.

21. Public Sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect/divert the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

22. 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.

23. 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.

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18/00032/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
HE4	Local List
REI4	Secondary Retail Frontage
REI5	District Centres

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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APPENDIX 2

SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 23 JULY 2013

Present: Councillors Mrs Blatchford (Chair), Cunio (Vice-Chair), L Harris, Lewzey and Norris

Apologies: Councillors Claisse and Lloyd

31. 17-21 PORTSMOUTH ROAD SO19 9BA /13/00614/OUT

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of a new building to provide 11 flats (10 x one-bedroom and 1 x two-bedroom) and a ground floor retail unit with associated storage and refuse facilities to the rear of the retained building facade (Outline application seeking approval for Layout, Scale, Access and Appearance).

Mr Puplampu (Architect) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional two conditions.

RESOLVED

- i) to delegate to the Planning and Development Manger to grant planning permission subject to the completion of a S106 Legal Agreement to secure the conditions listed in the report and the three additional conditions, set out below;
- ii) to delegate to the Planning and Development Manager to undertake further consultation with the police to investigate the potential for improved site security (including security lighting) at the rear of the site;
- iii) that in the event that the legal agreement is not completed after 2 months following the date of this panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- iv) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 Agreement and to delete, vary or add conditions as necessary.

Additional Conditions

18. APPROVAL CONDITION - Balustrade Details (Pre-commencement condition)

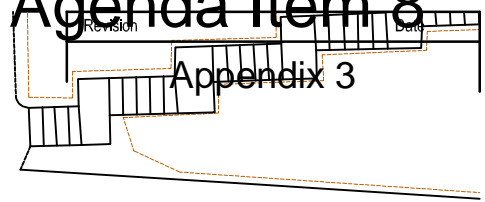
Prior to the commencement of development details of the balustrade treatment to the internal first floor roof terraces shall be submitted to the Local Planning Authority and agreed in writing. Details shall include the height, design and materials to be used for the balustrades. The development shall be carried out strictly in accordance with the agreed details and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To secure a satisfactory form of development and to protect the privacy of neighbouring occupiers.

19. APPROVAL CONDITION - Roof design and drainage (Pre-commencement condition)

Before the development commences, detailed drawings at no less than 1:50 scale shall be submitted to and approved in writing by the local planning authority indicating the flat roof design and system of roof drainage. Development shall be carried out in accordance with the approved details.

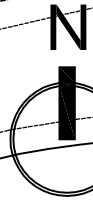
REASON: For the avoidance of doubt and to secure a satisfactory form of development.



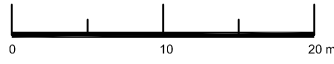
Appendix 3

Lorry Park

g Station

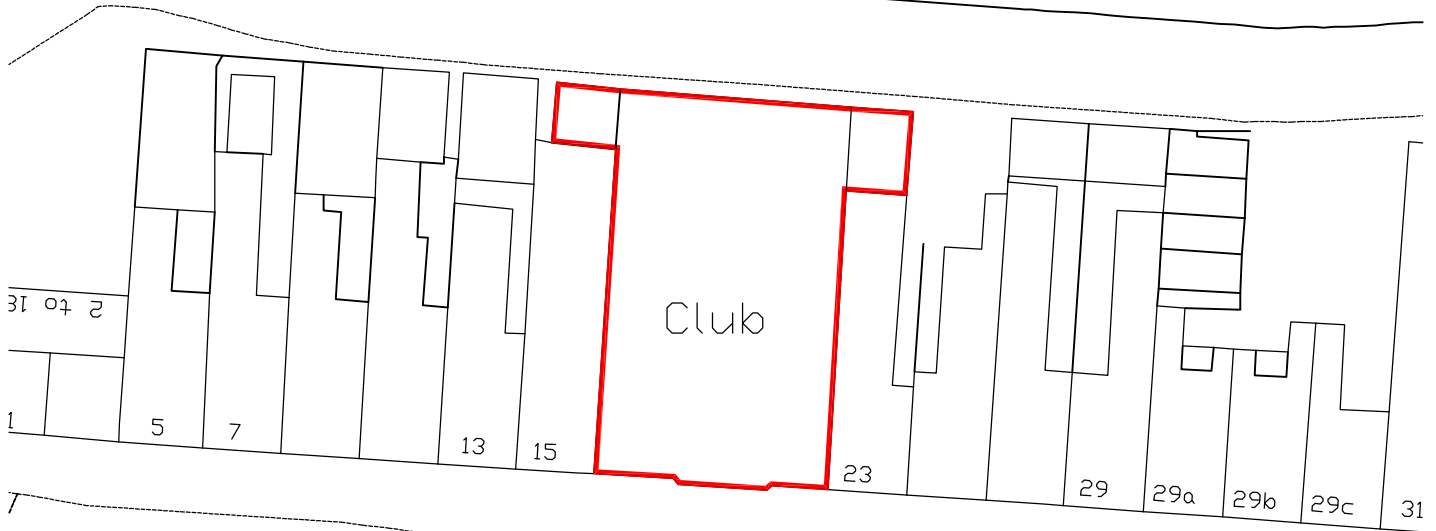


DAKBANK ROAD



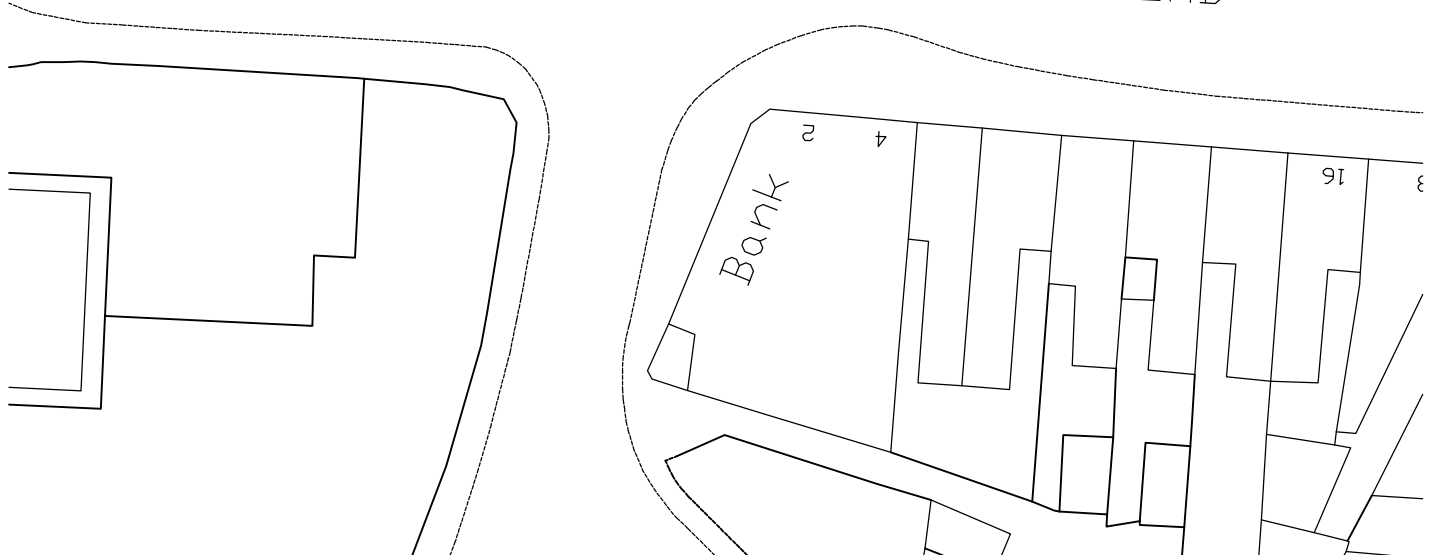
SCALE 1:500

Car Po



+ 6.4m

PORTSMOUTH ROAD



Drawing Title	Location Plan
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Client	P. Jones
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Scale	1:500	Drawn	
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Project	17-21 Portsmouth Road, Woolston Southampton
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Date	07.12.12	Checked	
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Drawing No	NP01	Revision	<table border="1"> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td> </tr> </table>										

Project No	100605
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Tony Oldfield Architects

Unit 5 Freemantle Business Centre
152 Millbrook Road East
Southampton
Hampshire
SO15 1JR
Tel : 023 80236165
Fax : 023 80632466
Email : toldfieldarchitect.co.uk

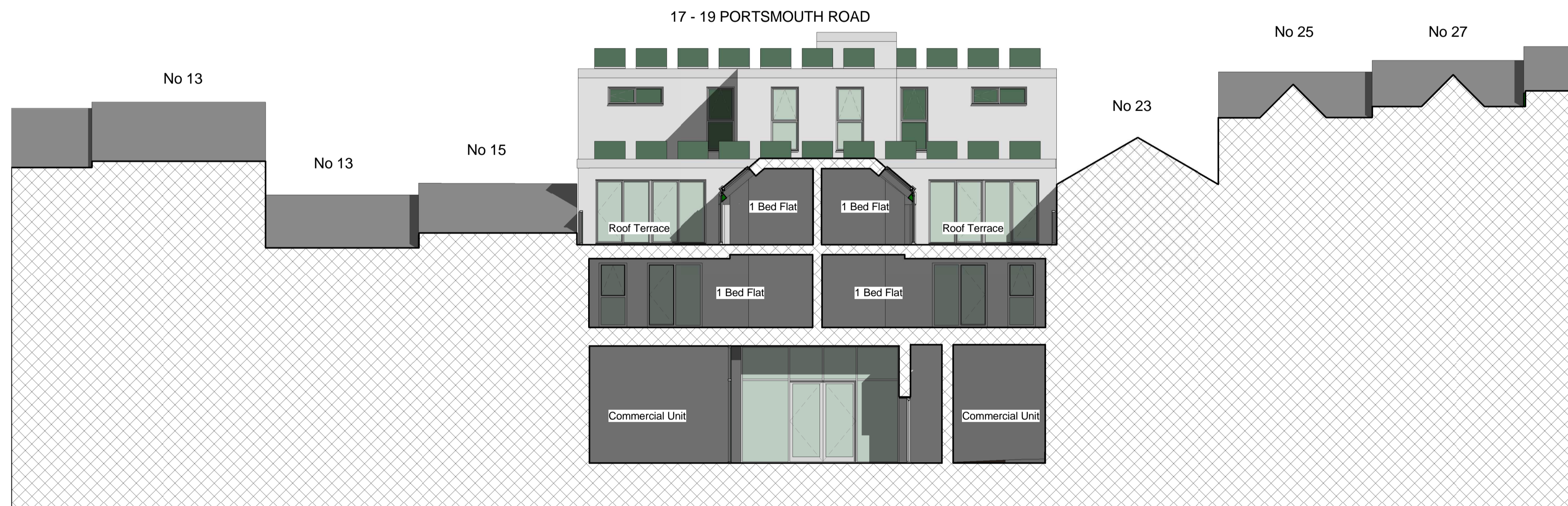




1 South Elevation to Portsmouth Road
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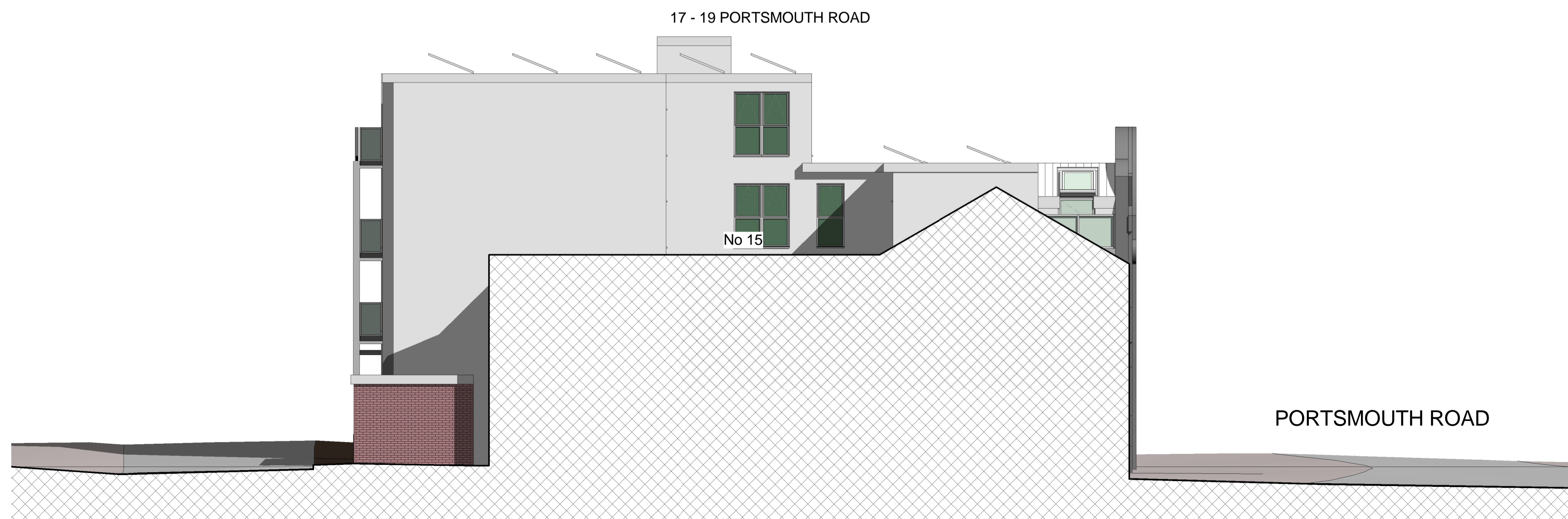
6 Perspective View from the South-West



2 South Elevation beyond retained Facade
1 : 100



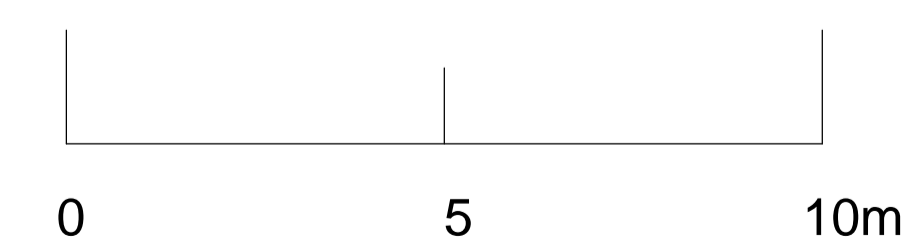
5 Perspective View from the South



3 West elevation
1 : 100

PROPOSED MATERIALS:

- ROOF - ZINC OR SIMILAR
- WALLS - BLOCK RENDERED OR BRICK WHERE HIGHLIGHTED
- DOORS - PVC-U GREY FRAME FINISH (A-RATED / DOUBLE GLAZED)
- WINDOWS - PVC-U GREY FRAME FINISH (A-RATED / DOUBLE GLAZED)
- BALCONIES - POWDER COATED STEEL / DARK GREY FINISH)
- BALCONY GLASS - TOUGHENED
- SOLAR PANLES - ROOFTOP ARRAY OF 48.no 250w PANELS



SCALE 1:100

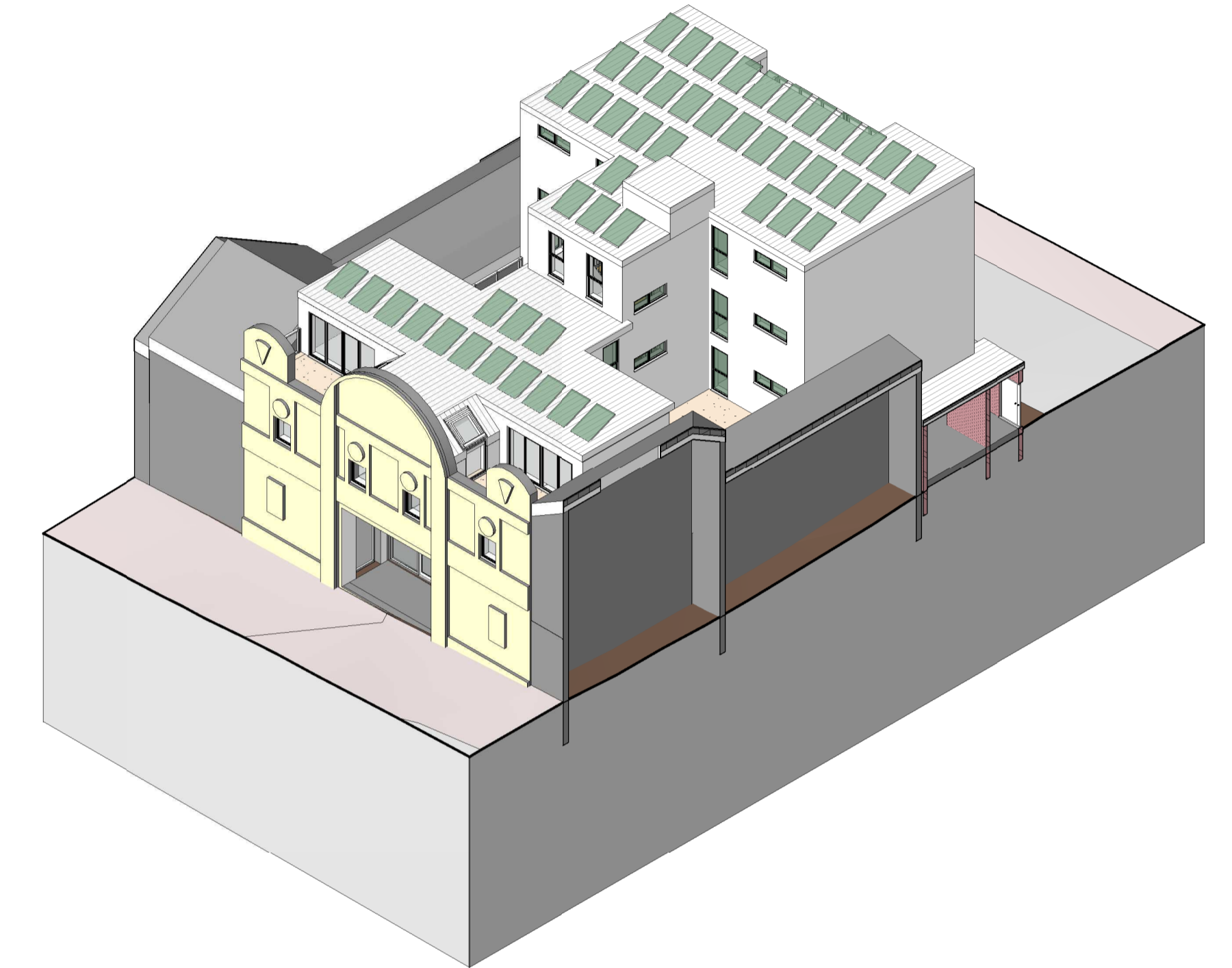
Revision	Date
Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel : 023 80236165 Fax : 023 80632466 Email : t.olds@oldfieldarchitect.co.uk	
Client	P. Jones
Project	17-19 Portsmouth Road, Woolston, Southampton
Drawing Title	South & West Elevations with Front Perspective Views
Scale	1:100
Date	10/08/12
Project Number	100605
Drawing No	NP010
Revision	

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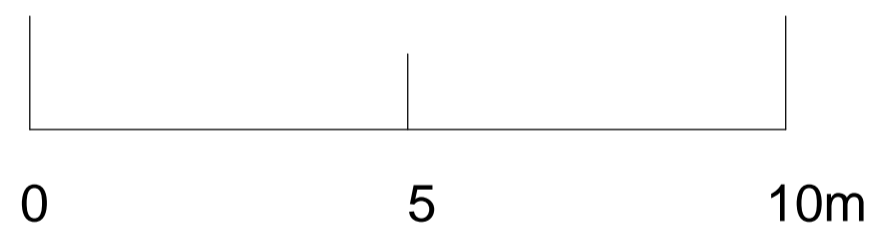


PROPOSED MATERIALS:

- ROOF - ZINC OR SIMILAR
- WALLS - BLOCK RENDERED
- DOORS - PVC-U GREY FRAME FINISH (A-RATED / DOUBLE GLAZED)
- WINDOWS - PVC-U GREY FRAME FINISH (A-RATED / DOUBLE GLAZED)
- BALCONIES - POWDER COATED STEEL / DARK GREY FINISH
- BALCONY GLASS - TOUGHENED
- SOLAR PANLES - ROOFTOP ARRAY OF 48.no 250w PANELS



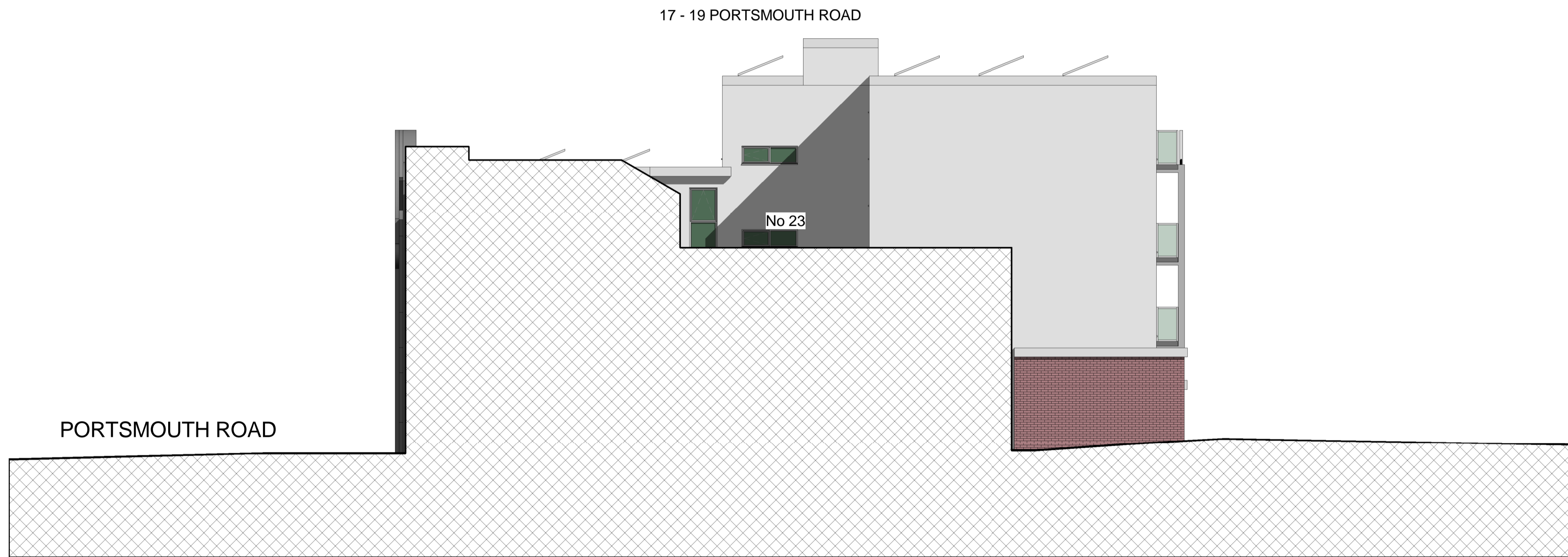
5 Isometric Image of the Proposed Scheme from the North-East



SCALE 1:100

1 North Elevation
1 : 100

Page 101



2 East Elevation
1 : 100



3 Perspective View from the North-East



4 Perspective View from the North-West

Revision	Date
Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel : 023 80236165 Fax : 023 80632466 Email : t.olds@oldfieldarchitect.co.uk	
Client	P. Jones
Project	17-19 Portsmouth Road, Woolston, Southampton
Drawing Title	North and East Elevations with Perspective Views
Scale	1:100
Date	10/08/12
Project Number	100605
Drawing No	NPO11
Revision	

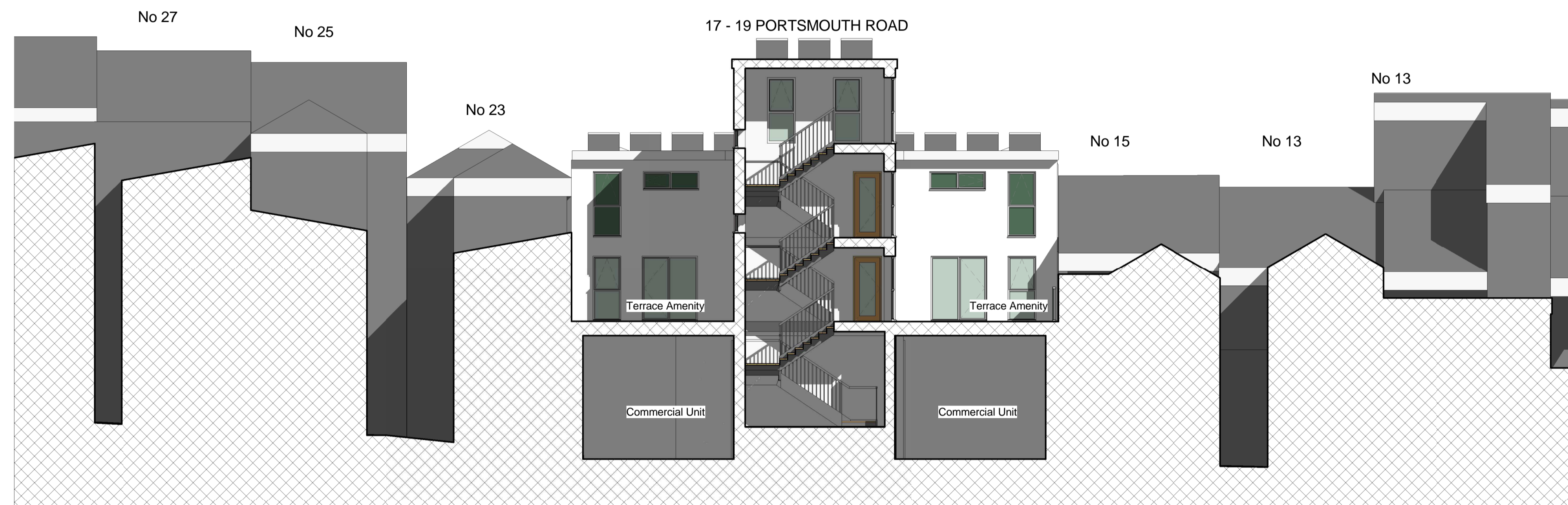
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PROPOSED MATERIALS:

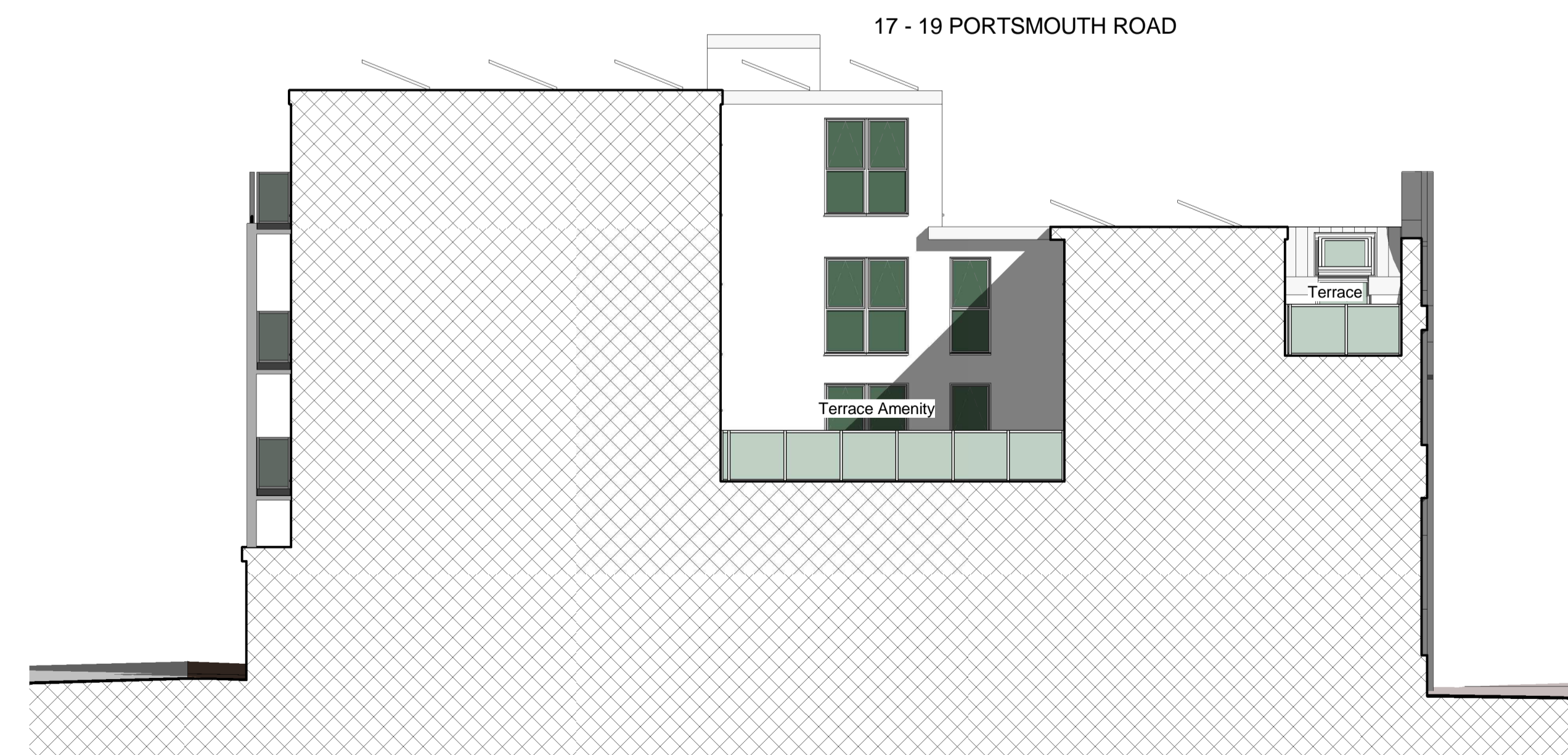
- ROOF - ZINC OR SIMILAR
- WALLS - BLOCK RENDERED
- DOORS - PVC-U GREY FRAME FINISH (A-RATED / DOUBLE GLAZED)
- WINDOWS - PVC-U GREY FRAME FINISH (A-RATED / DOUBLE GLAZED)
- BALCONIES - POWDER COATED STEEL / DARK GREY FINISH
- BALCONY GLASS - TOUGHENED
- SOLAR PANLES - ROOFTOP ARRAY OF 48.no 250w PANELS



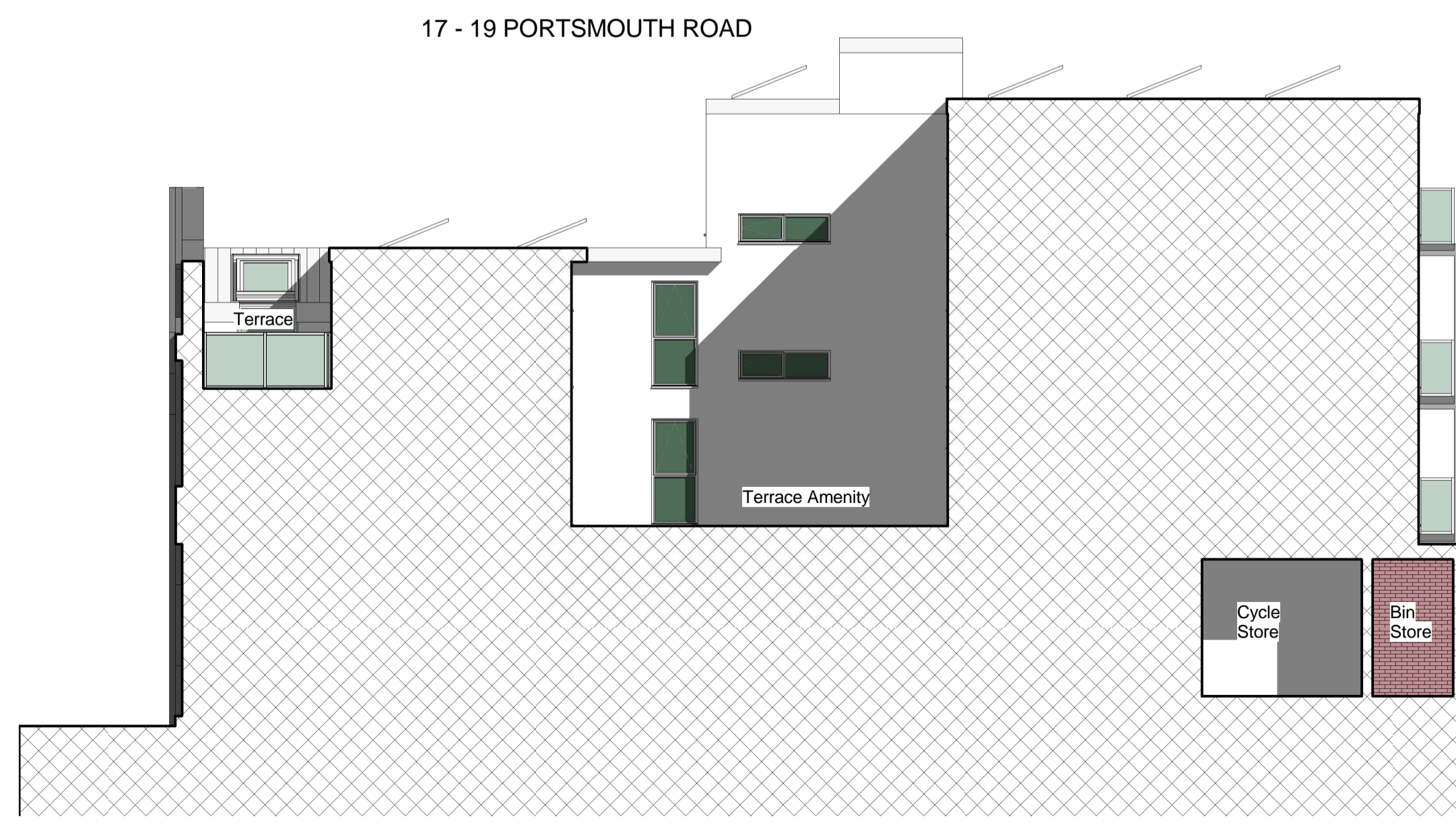
1 Southern Sectional Elevation
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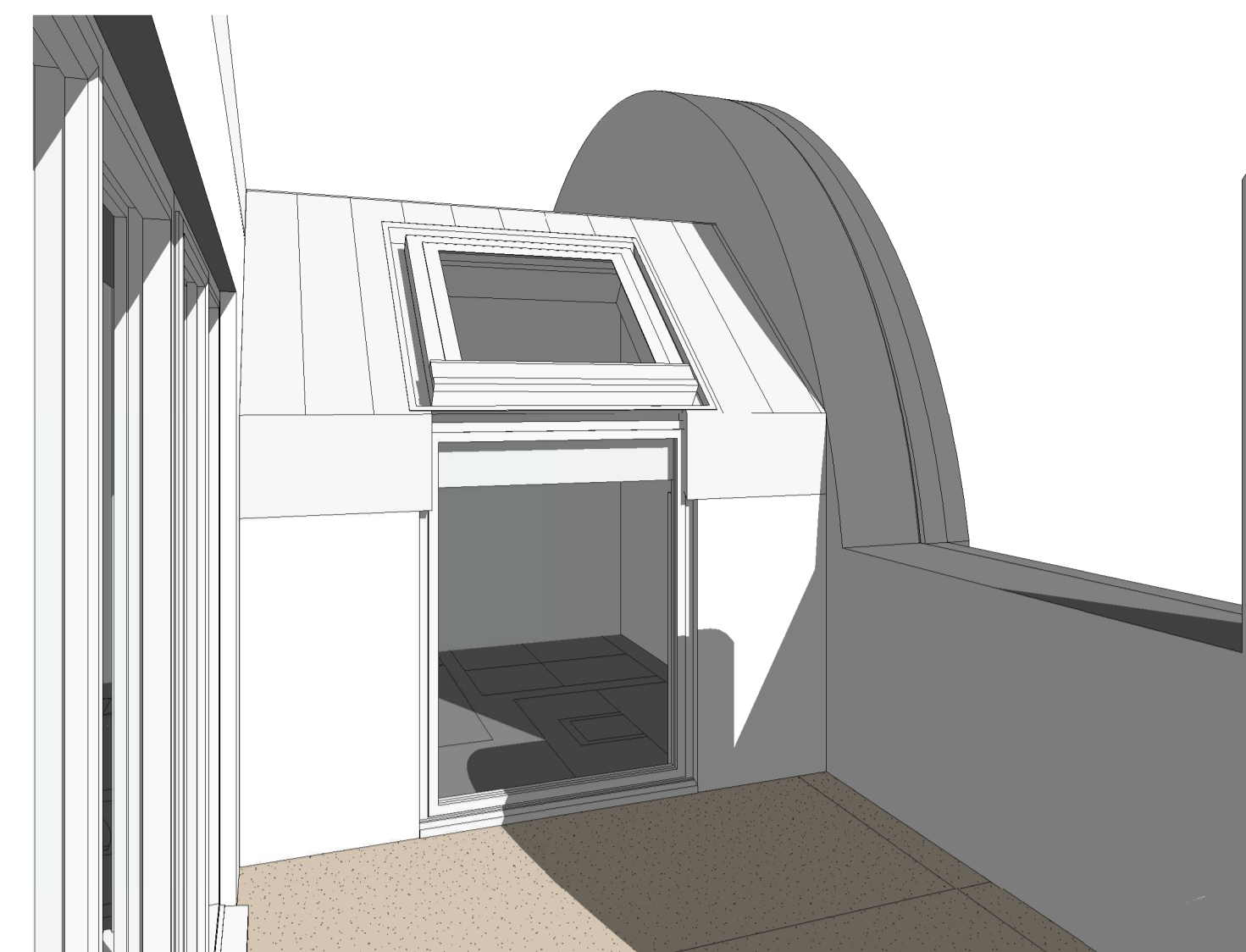
2 Northern Sectional Elevation
1 : 100



3 Western Sectional Elevation
1 : 100



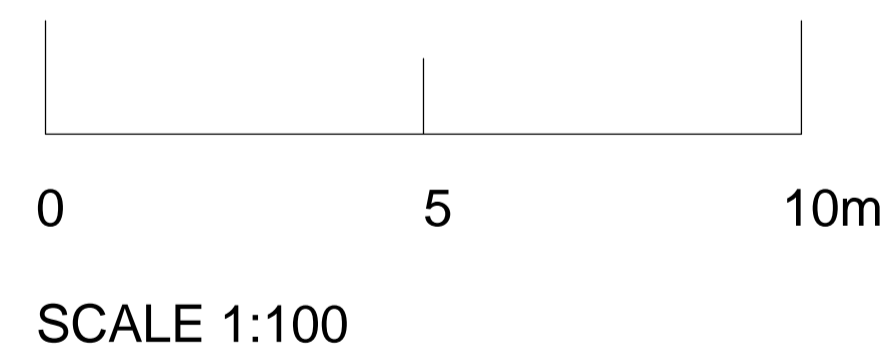
4 Eastern Sectional Elevation
1 : 100



6 View of Top Front Terrace

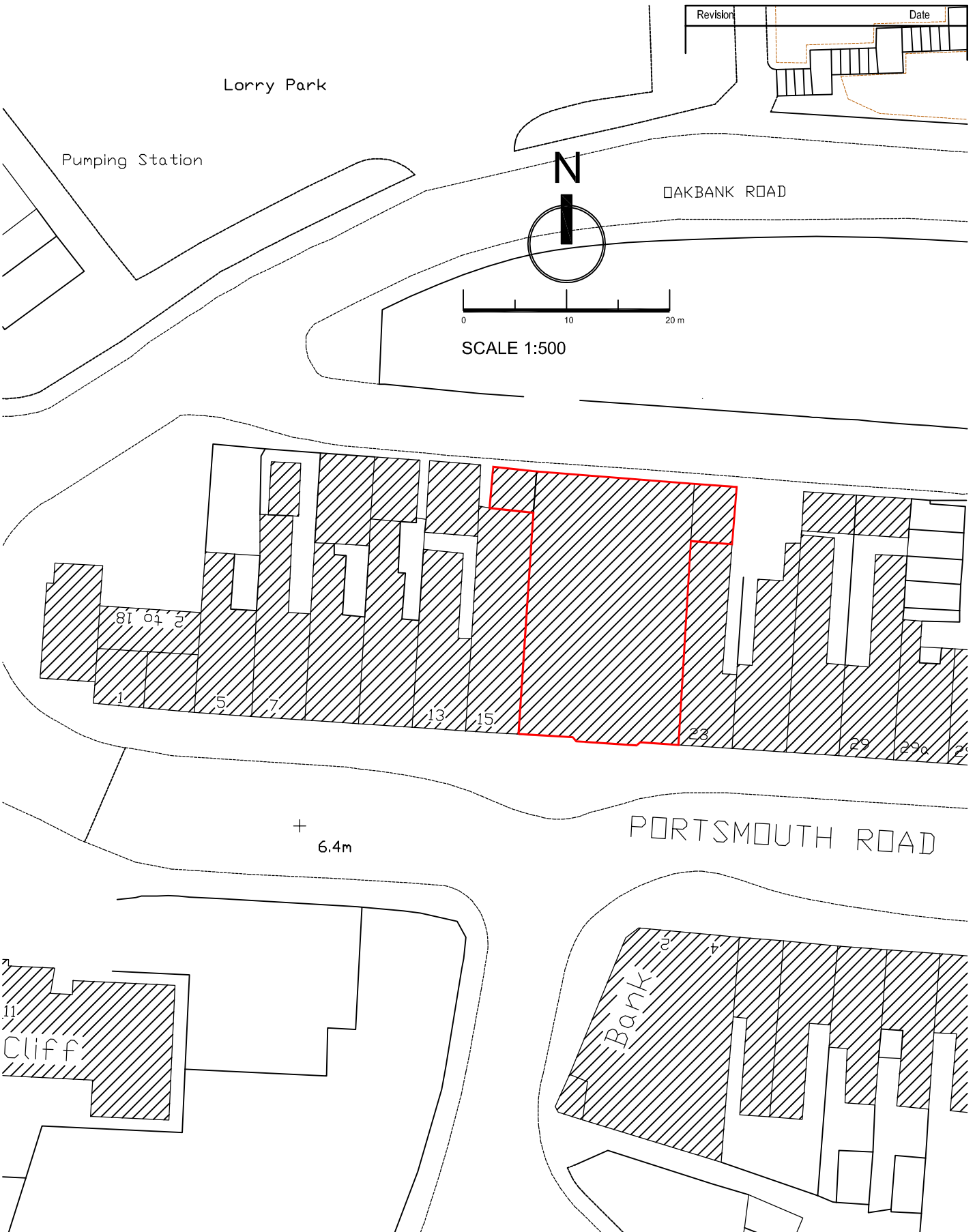


5 View of Internal Terrace



Revision	Date
Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel : 023 80236165 Fax : 023 80632466 Email : tol@oldfieldarchitect.co.uk	
Client	P. Jones
Project	17-19 Portsmouth Road, Woolston, Southampton
Drawing Title	Sectional Elevations and Terrace Views
Scale	1:100
Date	04/10/13
Project Number	100605
Drawing No	NP012
Revision	

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Drawing Title Block Plan

Client P. Jones

Scale 1:500 Drawn

Project 17-21 Portsmouth Road, Woolston
Southampton

Date 07.12.12 Checked

Drawing No NP02 Revision

Project No 100605

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KEY:	
bt	British Telecom
cb	Control Box
cl	Cover Level
ctv	Cable Television
dk	Drop Kerb
el	Electric
ep	Electricity Pole
fh	Fire Hydrant
gu	Gully
gsv	Gas Stop Valve
ht	Height
ic	Inspection Cover
il	Invert Level
lp	Lamp Post
mkr	Marker
o/h	Overhead
pb	Post Box
pxg	Piran Crossing
np	Name Plate
rs	Road Sign
sv	Stop Valve
tb	Telephone Box
tl	Traffic Light
tt	Top of Tree
th	Threshold
tw	Top of Wall
utl	Unable to Lift
vp	Vent pipe
wn	Water Meter
wsv	Water Stop Valve

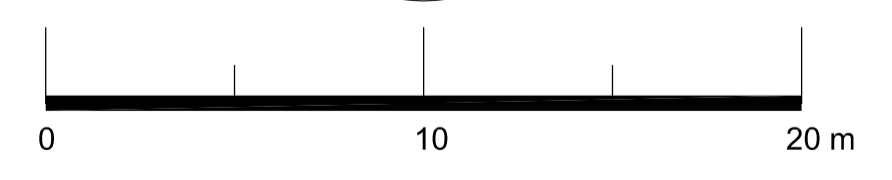
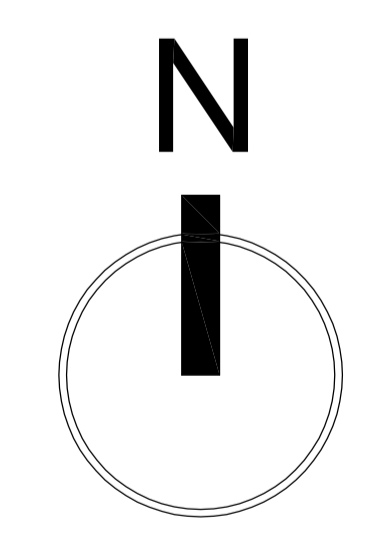
NOTES:
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 TREE SPECIES SHOULD BE VERIFIED WHERE OF CRITICAL IMPORTANCE
 THE ARCHITECT SHOULD SATISFY HIMSELF THAT ALL TREES LIKELY TO AFFECT HIS DESIGN HAVE BEEN SHOWN
 INTER CONNECTION OF MANHOLES SHOULD BE VERIFIED WHERE OF CRITICAL IMPORTANCE USING CCTV
 PIPE SIZES & INVERTS DETERMINED WITHOUT ENTRY INTO MANHOLE

P STUBBINGTON LAND SURVEYS LTD

THE MEAD
 DURLEY BROOK ROAD
 DURLEY
 SOUTHAMPTON
 HAMPSHIRE
 SO32 2AR

TEL : 023 8060 1876
 FAX : 023 8060 1839
 MOBILE - 07973 348165
 EMAIL - PAULSTUBBINGTON@BTINTERNET.COM

CLIENT: - LUCKY SEVEN LTD
 CONTRACT: - 17-19 PORTSMOUTH ROAD SOUTHAMPTON
 TITLE: - EXISTING SURVEY
 SCALE: - 1: 100 @A1
 DRAWING NO. 1207/01
 DATE: - JUNE 2011
 SURVEYOR: - PS



SCALE 1:100

EXISTING SURVEY

SCALE 1:100

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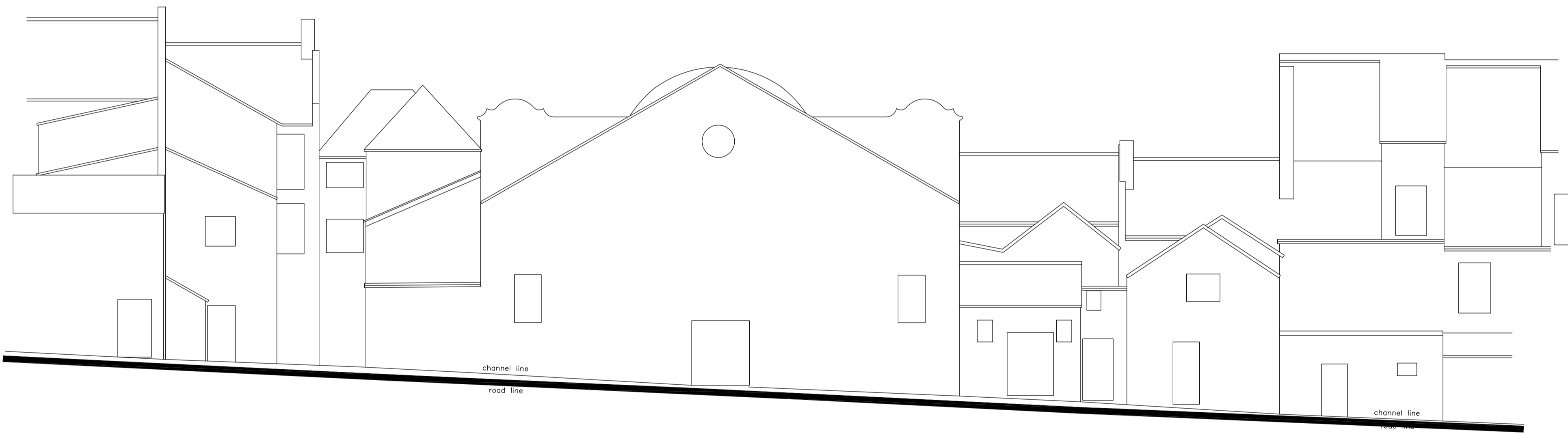
500E

Revision	Date
<p>Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Milbrook Road East Southampton Hampshire SO15 1JR Tel: 023 80236165 Fax: 023 80632466 Email: t.oidfield@architect.co.uk</p>	
Client	P. Jones
Project	17-21 Portsmouth Road, Woolston, Southampton
Drawing Title	Existing Site Survey
Scale	1:100
Date	07.12.12
Project Number	100605
Drawing No	NP03

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5.00m above O.S DATUM
EXISTING SOUTH ELEVATION TO PORTSMOUTH ROAD



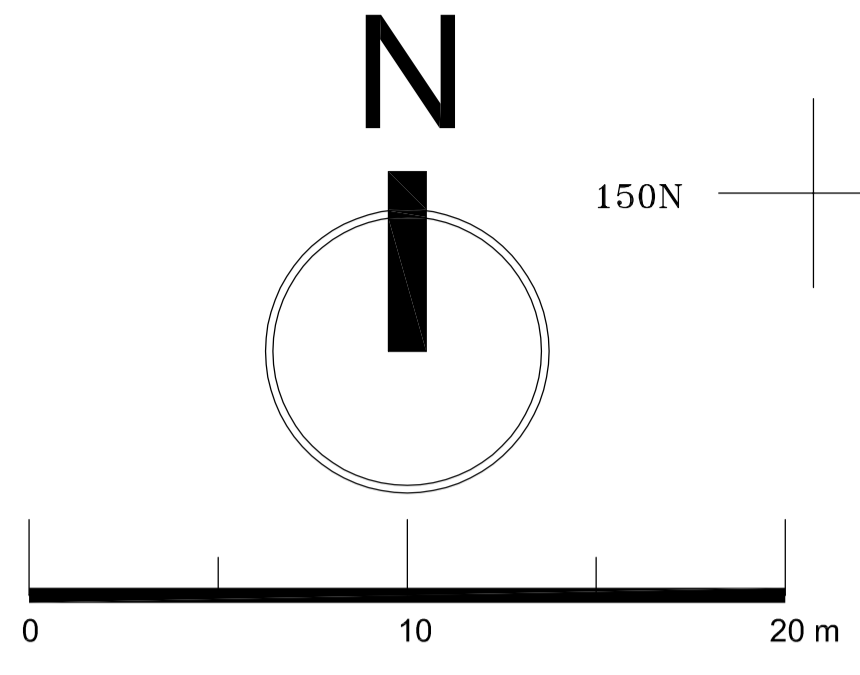
5.00m above O.S DATUM
EXISTING NORTH ELEVATION TO CARPARK



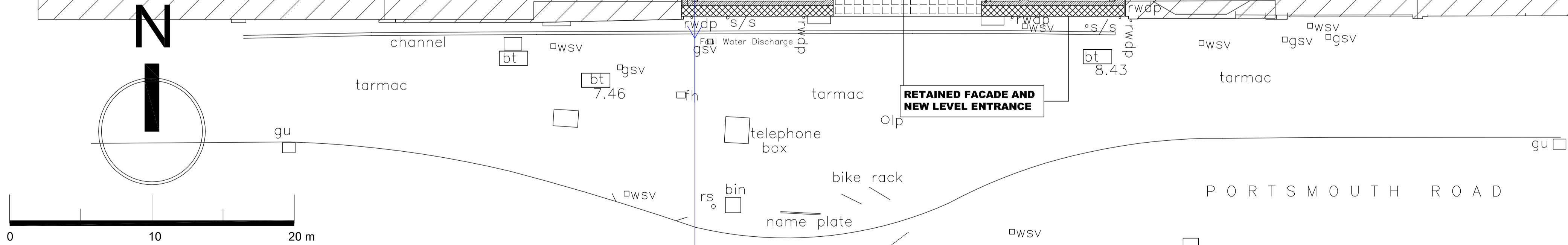
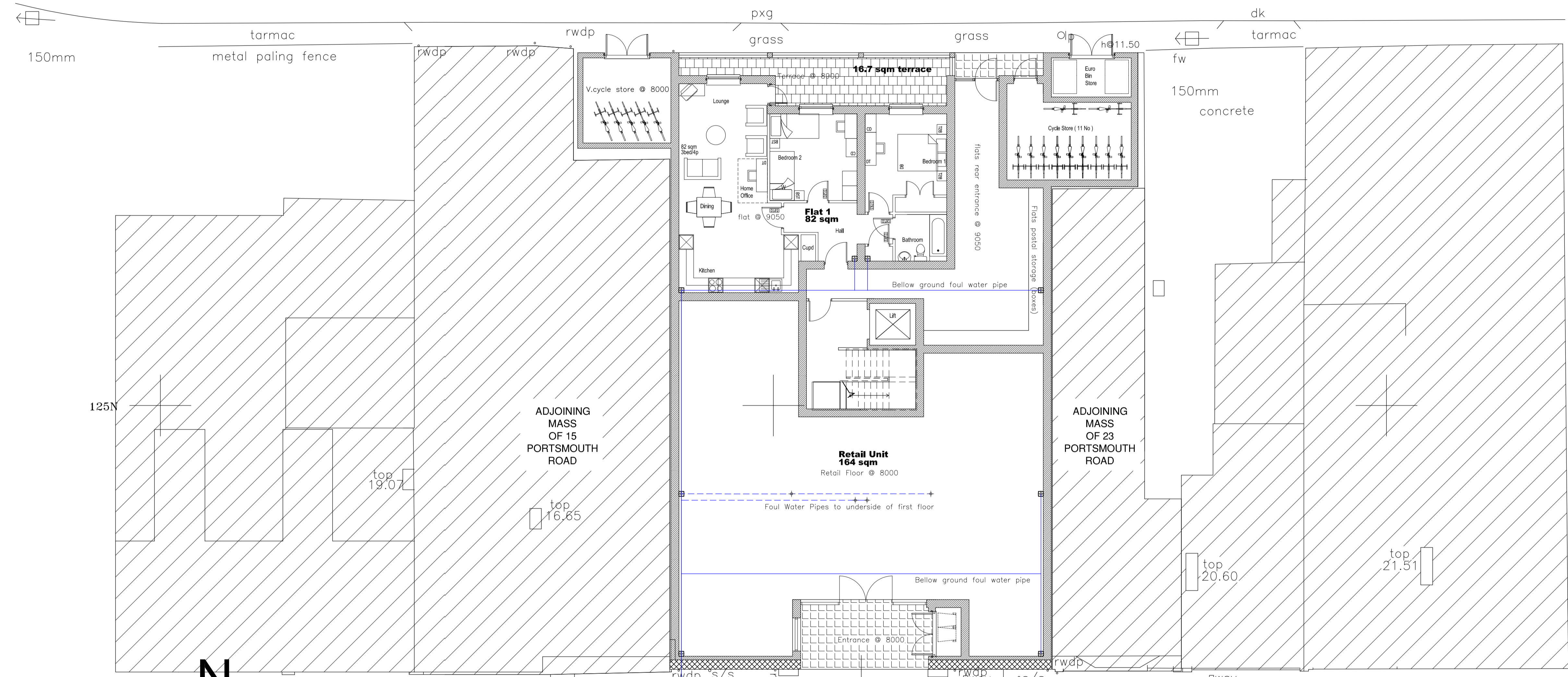
5.00m above O.S DATUM
PROPOSED SOUTH ELEVATION TO PORTSMOUTH ROAD

Revision	Date
Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel : 023 80236165 Fax : 023 80632466 Email : toldfieldarchitect.co.uk	
Client	P. Jones
Project	17-21 Portsmouth Road, Woolston, Southampton
Drawing Title	Existing Front & Rear Elevations Proposed Front Elevation
Scale	1:100 Drawn
Date	07.12.12 Checked
Project Number	100605
Drawing No	NP04 Revision

SITE ACCOMMODATION SCHEDULE			
FLATS	BEDROOM No:	AREA m ² :	AMENITY AREA m ² :
FLAT 01	02	82.0	16.7
FLAT 02	01	54.3	6.9
FLAT 03	01	54.3	6.9
FLAT 04	01	52.0	28.8
FLAT 05	01	52.0	28.8
FLAT 06	01	54.3	6.9
FLAT 07	01	54.3	6.9
FLAT 08	01	39.7	10.9
FLAT 09	01	39.7	10.9
FLAT 10	01	54.3	6.9
FLAT 11	01	54.3	6.9
SITE ACCOMMODATION	No:	AREA m ² :	TOTAL AMENITY = 137.5m ²
SECURE CYCLE SPACE	11	17.1	
VISITOR CYCLE SPACE	05	12.4	
RESIDENTIAL EURO BINS	02	5.2	
RETAIL UNIT	01	16.4.0	
RETAIL UNIT EURO BINS	02	2.1	



SCALE 1:100



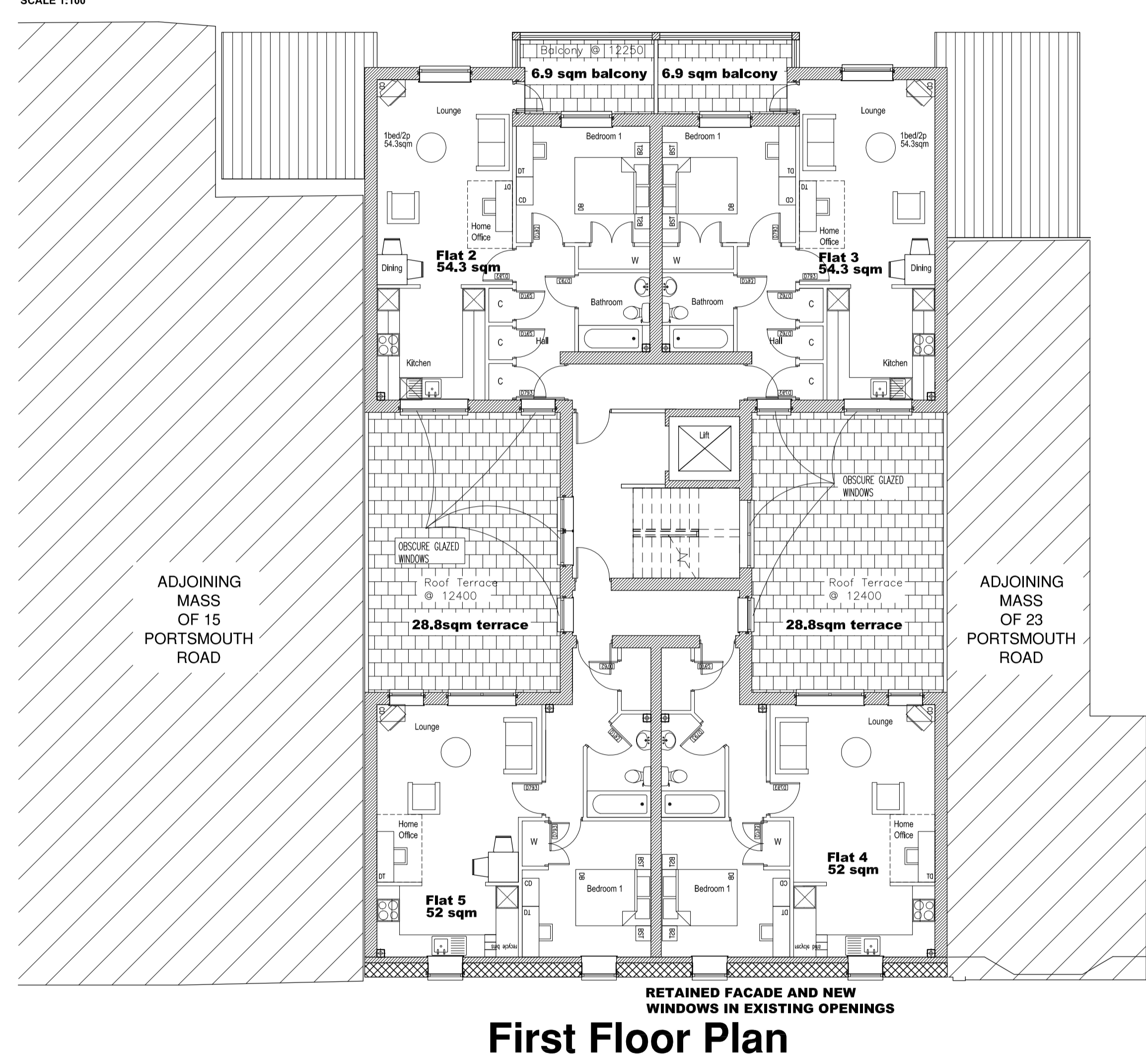
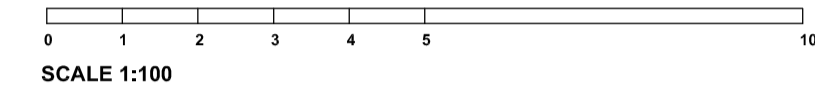
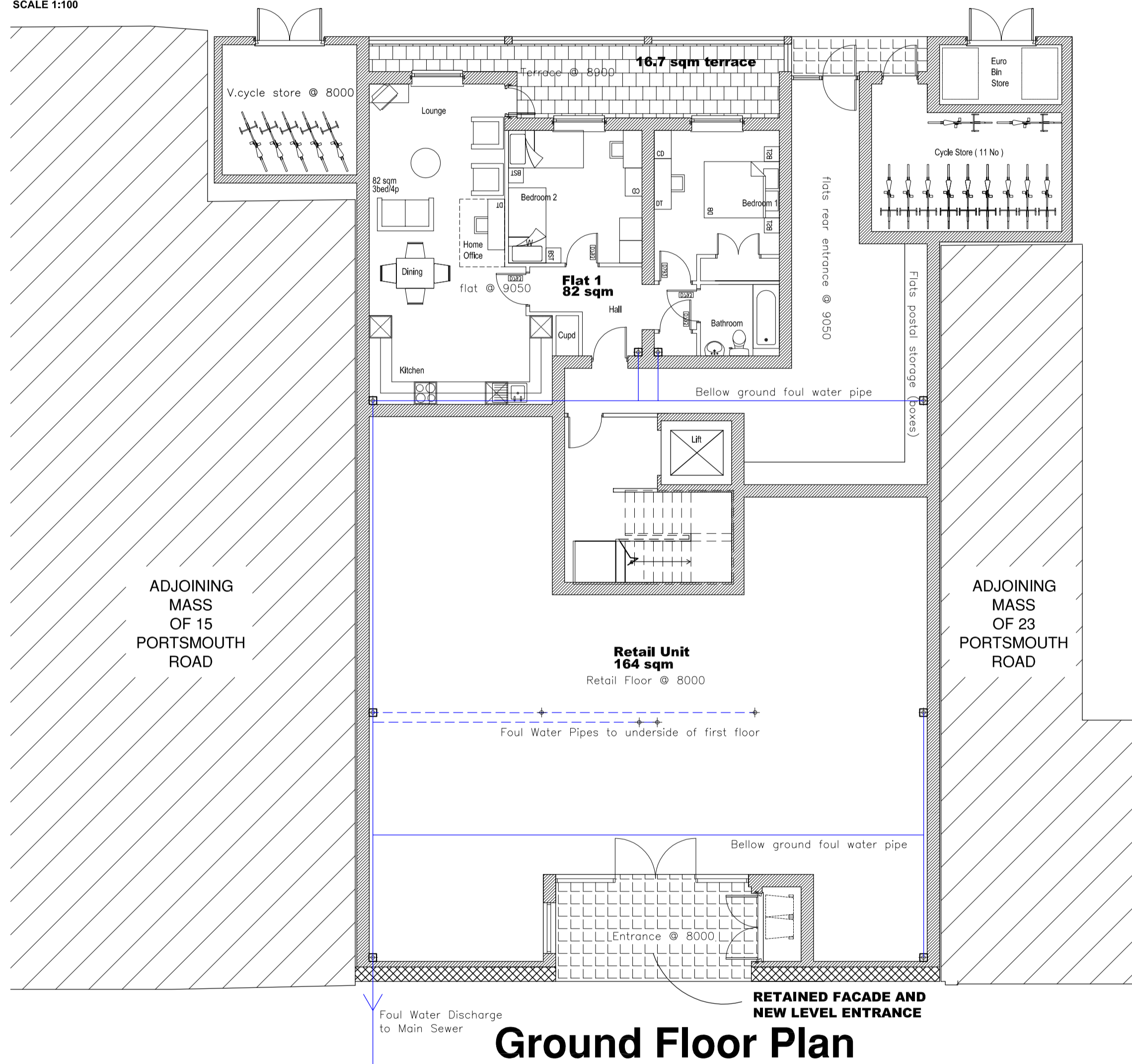
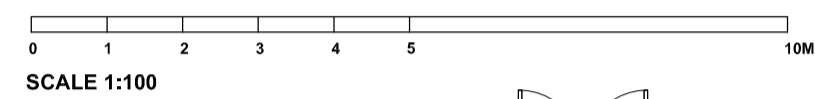
SITE PLAN
SCALE 1:100

Page 106

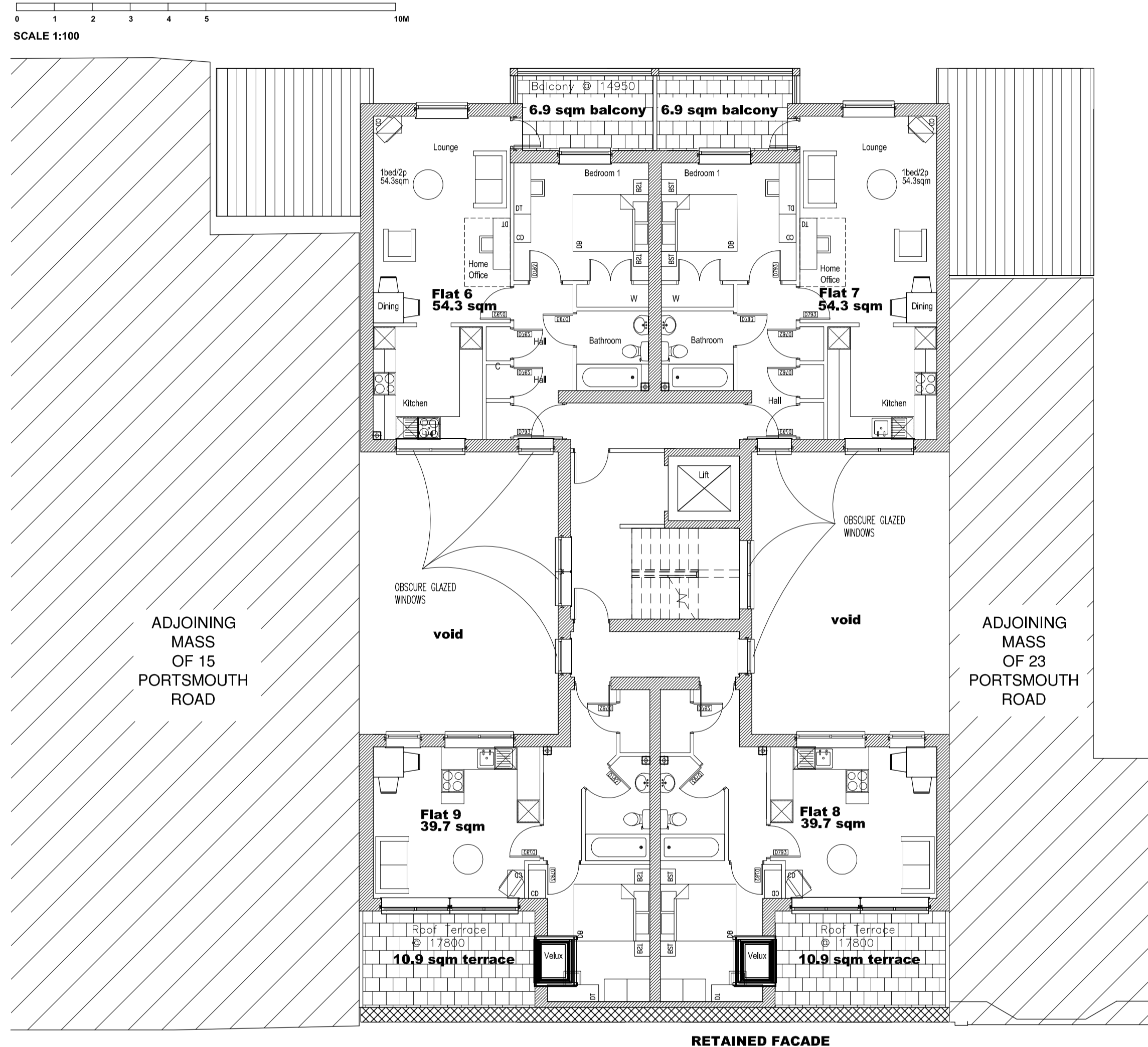
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Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel: 023 80236165 Fax: 023 80632466 Email: t.oidfield@architect.co.uk	
Client	P. Jones
Project	17-21 Portsmouth Road, Woolston Southampton
Drawing Title	Site Layout
Scale	1:100
Date	11.04.13
Project Number	100605
Drawing No	NP05

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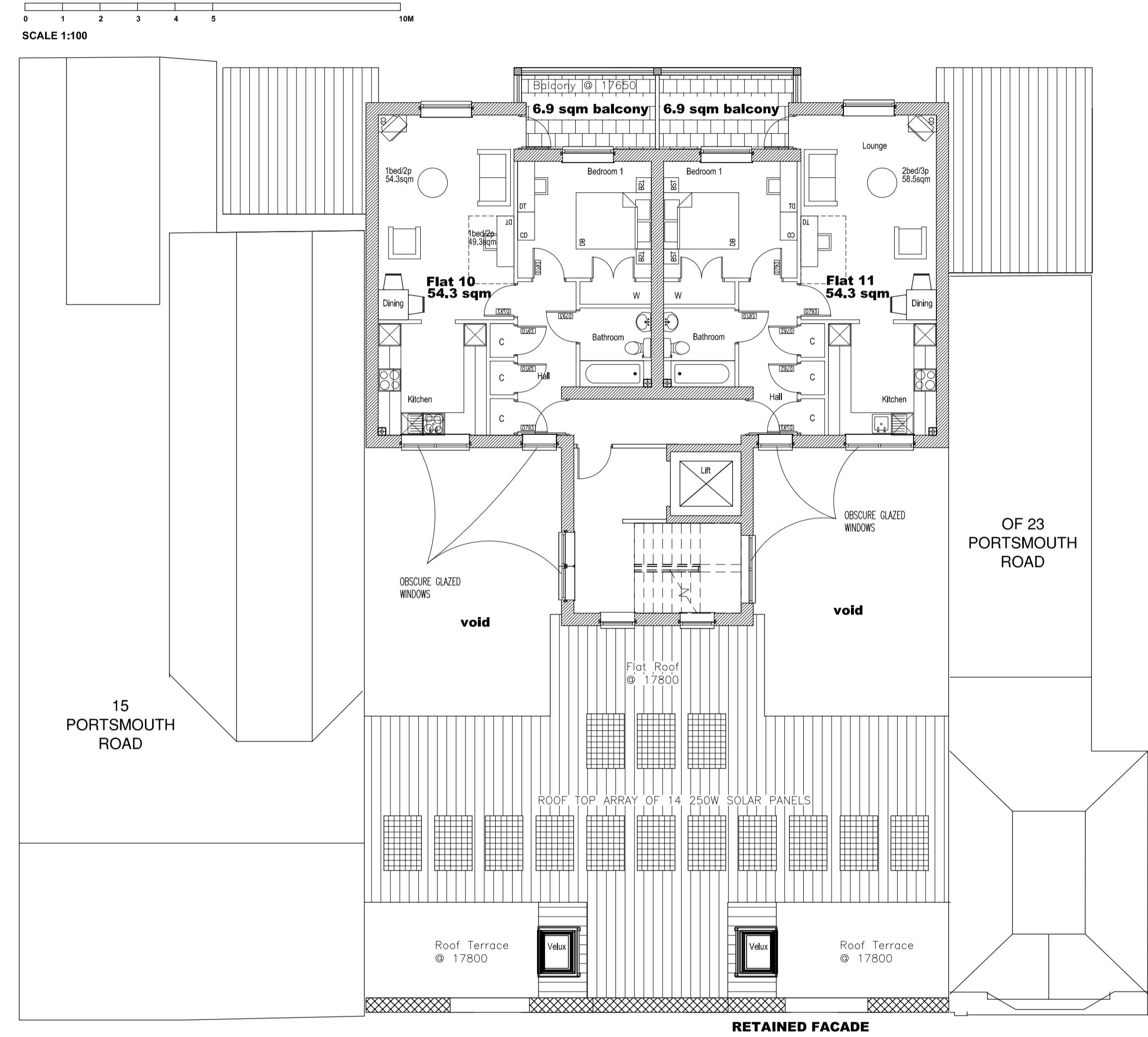
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FLATS	BEDROOM No:	AREA m ² :	AMENITY AREA m ² :
FLAT 01	02	82.6	16.7
FLAT 02	01	54.3	6.9
FLAT 03	01	54.3	6.9
FLAT 04	01	52.0	28.8
FLAT 05	01	52.0	28.8
FLAT 06	01	54.3	6.9
FLAT 07	01	54.3	6.9
FLAT 08	01	39.7	10.9
FLAT 09	01	39.7	10.9
FLAT 10	01	54.3	6.9
FLAT 11	01	54.3	6.9
SITE ACCOMMODATION No:		AREA m ² :	TOTAL AMENITY = 137.5m ²
BEDROOM CYCLE SPACE		11	171
LIVINOR CYCLE SPACE		08	12.4
RESIDENTIAL EURO SPKS		02	5.2
RETAIL UNIT		01	164.0
RETAIL UNIT EURO SPKS		02	2.1



Revision	Date
Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel: 023 80236165 Fax: 023 80632466 Email: t.olds@oldfieldarchitect.co.uk	
Client	P. Jones
Project	17-21 Portsmouth Road, Woolston Southampton
Drawing Title	Ground and First Floor Plans
Scale	1:100
Date	11.04.13
Project Number	100605
Drawing No	NP06



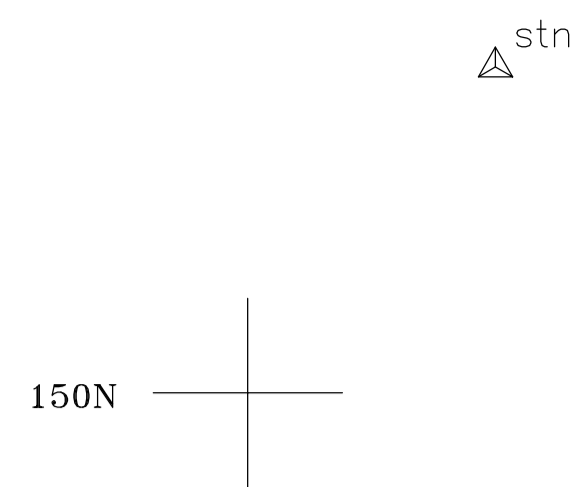
Second Floor Plan



Third Floor Plan

Revision	Date
Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel: 023 80236165 Fax: 023 80632466 Email: toldfieldarchitect.co.uk	
Client	P. Jones
Project	17-21 Portsmouth Road, Woolston Southampton
Drawing Title	Second and Third Floor Plans
Scale	1:100
Date	11.04.13
Project Number	100605
Drawing No	NP07

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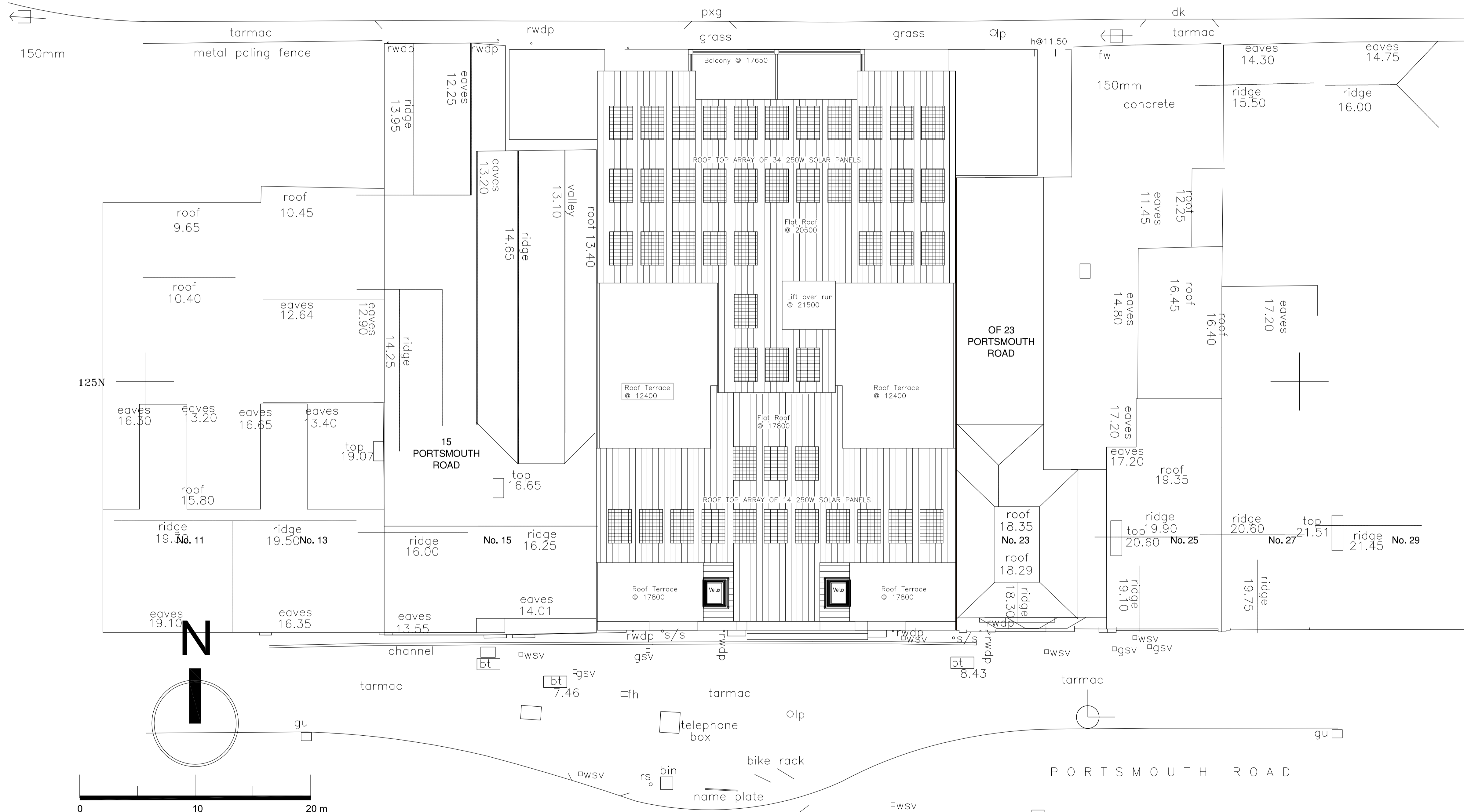


car park

dk

SERVICE ROAD

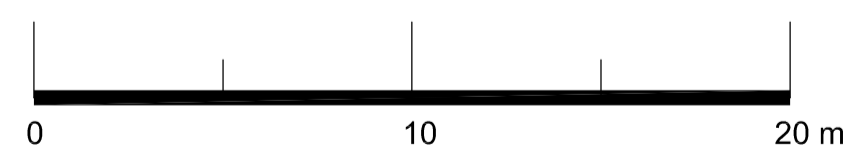
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FLAT 03	01	54.3	6.9
FLAT 04	01	52.0	28.8
FLAT 05	01	52.0	28.8
FLAT 06	01	54.3	6.9
FLAT 07	01	54.3	6.9
FLAT 08	01	39.7	10.9
FLAT 09	01	39.7	10.9
FLAT 10	01	54.3	6.9
FLAT 11	01	54.3	6.9
SITE ACCOMMODATION	No:	AREA m ² :	TOTAL AMENITY = 137.5m ²
SECURE CYCLE SPACE	11	17.1	
VISITOR CYCLE SPACE	05	12.4	
RESIDENTIAL EURO BINS	02	5.2	
RETAIL UNIT	01	164.0	
RETAIL UNIT EURO BINS	02	2.1	



HATCHING KEY

- Paved Patio Areas
- Zinc or similar Roofing

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SCALE 1:100 **SITE ROOF PLAN**
SCALE 1:100



Revision	Date
Tony Oldfield Architects Unit 5 Freemantle Business Centre 152 Millbrook Road East Southampton Hampshire SO15 1JR Tel: 023 80236165 Fax: 023 80632466 Email: toldfieldarchitect.co.uk	
Client	P. Jones
Project	17-19 Portsmouth Road, Woolston Ex Cinema / Bingo Hall
Drawing Title	Site Roof Plan
Scale	1:100
Date	11.04.13
Project Number	100605
Drawing No	NP08

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150N

car park

car park



INDICATIVE

dk

dk

**PORTION OF BUILDING
DUE TO BE DEMOLISHED**

SERVICE ROAD

pxg

grass

grass

dk

tarmac

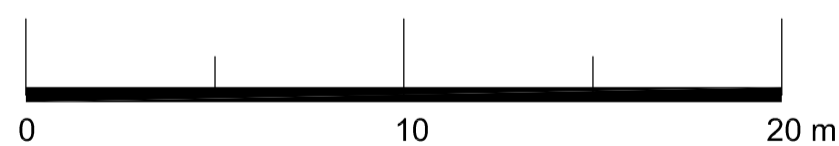
tarmac

metal paling fence

concrete

125N

N



SCALE 1:100

RETAINED AND REMOVED PORTIONS OF EXISTING BUILDING

SCALE 1:100

**EXISTING FACADE
PROPOSED
FOR RETENTION**

telephone box

bike rack

PORTSMOUTH ROAD

Revision	Date

Tony Oldfield Architects
 Unit 5 Freemantle Business Centre
 152 Millbrook Road East
 Southampton
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 SO15 1JR
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Client P. Jones

Project 17-19 Portsmouth Road, Woolston
Ex Cinema / Bingo Hall

Drawing Title Retained and Removed Portions of Existing Building

Scale 1:100 Drawn

Date 17.09.12 Checked

Project Number 100605

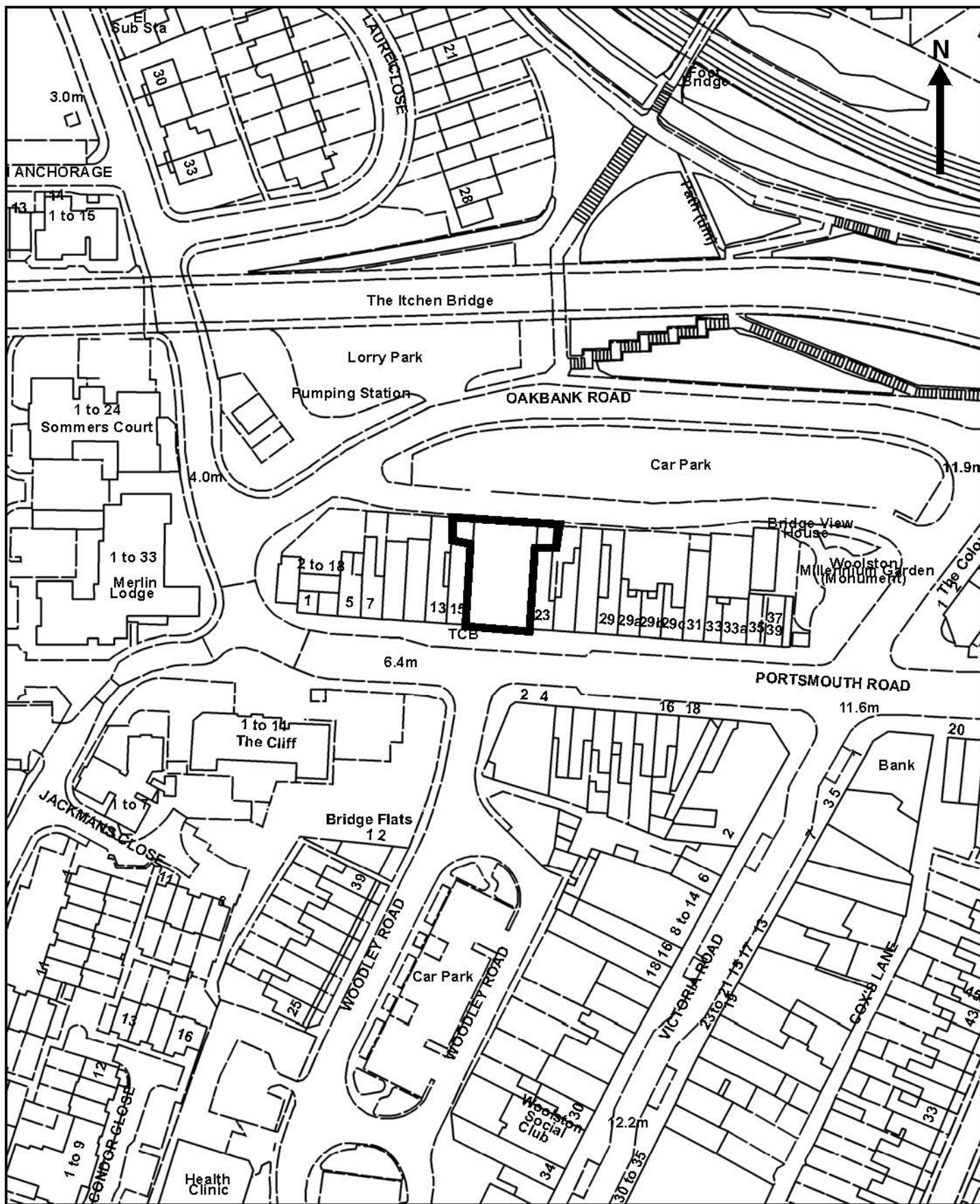
Drawing No P012 Revision

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Agenda Item 8

18/00032/FUL

Appendix 4



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Agenda Item 9

Planning and Rights of Way Panel 13th March 2018
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 10 Furze Close, Southampton			
Proposed development: Erection of 4 x 3 bed dwellings with associated car parking, bin/refuse and cycle storage.			
Application number	17/02476/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	20.03.2018 (Extension of Time Agreed)	Ward	Sholing
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Baillie Cllr Hecks Cllr Wilkinson

Applicant: Mr J Pickerill	Agent: Mark Le Grand & Co
----------------------------------	----------------------------------

Recommendation Summary	Delegate to the Service Lead - Infrastructure, Planning and Development to grant planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations such as the impact on the character of the area, impact on neighbouring residential properties, the adjacent Shoreburs Greenway, amount of parking and the loss of vegetation and habitat 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. Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, H1, H2, H6 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS6, CS13, CS16, CS18, CS19, CS20 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

1. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and to secure financial contribution towards Solent Disturbance Mitigation Project (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.
2. That the Service Lead be given delegated powers to add, vary and /or delete relevant conditions as necessary.
3. In the event the SDMP is not resolved the service lead to be given delegated powers for failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010.

1.0 The site and its context

- 1.1 The application site occupies the side garden area of no 10 Furze Close, in addition to part of the rear gardens of no 218 and 220 Middle Road and is 0.11 hectares in size. Opposite the site is the Shoreburs Greenway, which is a Site of Importance for Nature Conservation (SINC).
- 1.2 The site is located within a predominantly residential area characterised by a mix of dwelling houses with differing style and design. Furze Close is a narrow road with a very small turning area located outside of no 13 and 14 Furze Close.

2.0 Proposal

- 2.1 Full planning permission is sought to retain no 10 Furze Close and construct two pairs of 3 bed semi-detached dwellings. The dwellings are two storey in height to a height of 7.5 metres. The existing dwellings at 10 and 11 Furze Close are 7.3 metres high, but are at a higher level than the proposed units by approximately 20 centimetres. The materials chosen for construction are brick with lintel and porch detailing. The neighbouring properties within the area have chimneys and to maintain the character of those properties a condition to secure a chimney is proposed.
- 2.2 The proposed garden depth for plots 1 and 2 is 8.4 metres and plots 3 and 4 is 9.5 metres. Two car parking spaces have been provided to the front for each unit and for the existing property at no 10 Furze Close. Landscaping to break up the frontage has been provided. A private drive is proposed to serve the units accessed in front no 10 Furze Close. Each unit would comprise a kitchen/ family room, separate lounge and WC at ground floor level, and three bedrooms and a bathroom at first floor level. All the units have the main entrance on the front elevation and separate entrance to the rear is also provided.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 All developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy

SDP13.

- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 Relevant history for the existing unit at no 10 Furze Close
1416/84/10 Conditionally approved 25.05.1971
Erection of two pairs of semi-detached houses

5.0 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 (05.01.2018). 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 **Concern regarding the width of Furze Close for refuse collection and access and parking problems that would arise from the increase in dwellings.**

Response

Agreed in part. The Council's Highways Development Management team have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Furze Close provides sufficient width for vehicle access, and is currently used as such. No objection has been received on these grounds. It is noted, however, that refuse collection is an issue for Furze Road and Highway Officers have agreed that private refuse collection would be the best course of action for this development due to the access issues and limited turning area. Officers feel that it is better to secure 4 family dwellings with private refuse collection, rather than refuse a scheme because safe refuse collection may not be possible using Council vehicles.

Two parking spaces are proposed per unit and this meets the maximum parking standards in this location (i.e. 2 spaces per dwelling). As the scheme complies with the Council's parking standards for this location there is no justifiable reason for refusal on these grounds.

- 5.3 **Concerned about construction traffic and damage to highway verges**

Response

A construction management plan condition is suggested which requires details of where construction traffic will park and the storage of materials will be located therefore seeking limit the harm to the surrounding area.

- 5.4 **Road safety**

Response

No objection has been raised on highway safety grounds with respect to road safety. It is noted that there will be an increase in trips along Furze Close but it does not mean highway safety is compromised.

- 5.5 **Overlooking, over bearing and over shadowing**

Response

Sufficient separation distances are provided to the properties on Middle Road, the distance between 218 and 220 Middle Road and the new dwellings is 29 and 30 metres, and between 222 and 226 Middle Road is 36 and 38 metres respectively. The separation distances required to comply with the adopted Residential Design Guide is 21 metres and the separation distances proposed exceed this resulting in a development that will not result in detrimental overlooking. The same is true in terms of it being overbearing and it causing shadowing as the dwellings are an acceptable distance away from the properties to the rear. The level of development equates to 44 dwelling per hectare and is in line with the density recommended for this part of the City (35-50 dph) having regard to criteria 1 of policy CS5 of the LDF Core Strategy. In addition, sufficient residential amenities in terms of garden area and parking have been provided therefore demonstrating the scheme is not an overdevelopment of the site (see also response below).

5.6 Overdevelopment of the site and that it would be out of context with the character of the surrounding area

Response.

The amount of the site occupied by hard standing areas and buildings exceeds the 50% limit as recommended in the Residential Design Guide (RDG) with the parking areas and buildings accounting for approximately 70% of the site area. However, the scheme is similar in layout to the adjacent properties at 11-13 Furze Close. This proposed scheme generally continues the building line and the proposed units would be of comparable height to neighbouring houses. As such, it cannot be considered as out of character with the specific circumstances of this site and its context.

5.7 Damage to trees on site and loss of vegetation and habitat

Response

The proposal will not result in the loss of any important or protected trees within and adjacent SINC, and no objection has been raised by the Council's Tree Team. The tree report submitted notes that the development, if approved, has to be carried out having regard to protecting the root protection areas (RPA) of the affected trees. These measures will be secured via a condition.

Consultation Responses

5.8 SCC Highways – No objection raised

The reversing distance for the parking on plot 4 is still 5.5m which is short of the standard requirement of 6m. Although the tracking shows a vehicle turning, the tracking overruns the soft landscaping a little and is very tight to the other parking space as well as the tree. A suggested solution is to widen these spaces to 3m which appears to be achievable – though the paved footway to the house will need to be extended.

5.9 With regard to the refuse collection. The refuse team did raise concerns about current access and turning space. The narrow width of the highway and the on-street car parking does restrict access by the refuse collection vehicle, with the team having recorded instances of not being able to access the existing dwellings at the end of the street. Given the location of the dwellings, at the end of the street, which is subject to the most issues, future residents could have issues in having their refuse collected. Furthermore, the design does not incorporate turning for the refuse truck and given the constraints of the site, there isn't scope to incorporate this into the design. The scheme would, therefore, perpetuate the existing refuse collection issues to the detriment of the amenity of existing residents.

- 5.10 Although it can be argued that due to the scale of development, the impact and the exacerbation of the problem is not considered 'extreme'. However as part of the Council's policy, developments should contribute and improve on the amenity and local public realm. This proposal, regardless of scale exacerbates a problem which could be mitigated but is not being provided as part of the proposal.
Following discussions with the applicants it has been agreed that a private refuse collection would be the best course of action. Subject to conditions relating to parking, refuse collection, construction management plan and road construction being imposed no objection is raised.
- 5.11 **SCC Sustainability Team – No objection raised**
Conditions are recommended in order to ensure compliance with Policy CS20 which relate to energy and water restrictions.
- 5.12 **SCC Community Infrastructure Levy (CIL) – No objection raised**
The development is CIL liable.
- 5.13 **SCC Environmental Health (Contaminated Land): No objection**
No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.
- 5.14 **SCC Tree Team – No objection raised**
The tree team raises no objection to the proposed development provided the proposal is secured via a conditions. The proposed location of the properties will be outside of the root protection area (RPA) of the trees, therefore the construction of the dwellings presents no risk to the trees.
- 5.15 The A J Scott arboricultural impact assessment (AIA) and arboricultural method statement (AMS), dated the 27th November 2017, gives details around the location of the protective fencing and ground protection, but it has raised further questions. Section 3.7 states that soakaways could be located within the RPA, the Tree Officer is not in agreement with this statement. The plan shows the location of the soakaways being to the rear of the properties, which will have no impact to the trees, therefore there should be no requirement to consider soakaways within the RPA.
- 5.16 Section 4.4 gives some specification relating to the use of a cellular confinement system (CCS), which would be a requirement in any area of hardstanding within the RPA. It accepts that there will be a requirement for a permeable surface, which will be provided at a later date. This information should be provided as part of the full application and form part of the method statement. Section 4.7 gives details regarding the plotting of the RPA's and that in reality it could be offset to the east due to the topography. If the project arboriculturalist wishes to adjust the RPA, an explanation as to why the adjustment has been made will be required. Section 5.3 deals with the installation of the CCS and that if it is installed prior to construction, then a working surface will be required. Details of the working surface will be required to ensure that it is not detrimental to the trees. If the CCS is not installed prior to construction, details on ground protection will be required to form part of the AMS.
- 5.17 Section 7.4 of the AMS gives details regarding the tree protection fencing. The details in this section state that the fence will be Heras panels erected on their own support feet, as shown in Appendix C, but when reviewing the specification in Appendix C, the description given in section 7.4 does not match with the specification of Appendix C. The specification in the appendix is the default fencing specification from BS5837, which should be the specification for the site,

therefore the Tree Officer is not in support of the fencing specification as described in section 7.4.

- 5.18 Section 7.8 gives an indication that there will be a joint services trench located along the edge of the new driveway. As a majority of the new driveway sits within the RPA of the neighbouring trees, there are to be no excavations within the RPA, therefore a plan showing the location of any subterranean services will be required and these are to be outside of the RPA's.
- 5.19 Overall, the Tree Officer is not in objection to the proposal, but there will be a requirement for additional information to be provided that will clearly demonstrate that the driveway can be constructed with no impact to the trees. The wearing surface would be vital to this design as it would have to be porous and remain porous for many years, therefore loose stone should be a consideration rather than tarmac. Therefore conditions are requested to secure the following;
- Tree Retention and Safeguarding
 - No storage under tree canopy
 - Overhanging tree loss
 - Arboricultural Protection Measures to safeguard the root protection of the trees

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Design and amenity;
- Parking, Access and Highway safety;
- Impact on adjacent SINC and landscaping; and
- Development Mitigation

6.2 Principle of Development

The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, and the use of previously developed land. The redevelopment of this site for residential use, and particularly genuine family housing, is acceptable in principle and accords with the policies within the development and central government's guidance (through the NPPF) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised.

6.2.1 The proposal does result in the development of garden land but the resultant plot sizes are comparable to those which already exist within the area. The existing character of the properties along Furze Close are of sites that have been historically subdivided. The proposed density (of 44 dwelling per hectare - dph) is in line with the guide of 35-50 dph for the site having regard to criteria 1 of policy CS5 of the LDF Core Strategy. Policy CS5 indicates that the development density should have regard to the character, and appearance of the existing neighbourhood, meaning that density is only one planning consideration. This proposal will sit comfortably within its immediate context by providing semi-detached dwellings similar to the adjacent neighbouring development; each with gardens similar to existing gardens depth whilst retaining a suitable level of garden depth for the existing properties on Middle Road. Parking for two cars is

provided to the front of each development. The principle of development and its relationship with the established pattern of development is considered to be acceptable.

6.3 Design and amenity

Existing properties within this close comprise two storey, semi-detached dwellinghouses. The majority of the properties are of brick construction with tiled roofs and double height box bay features bar properties 10 to 15 where cladding and porches are a feature. Some of the properties are accessed through the front elevation and some are accessed via the side elevation. Drives and parking are provided for each of the existing units within the Close. There is a level change as the dwellings are set at a higher height than the road. The roofslopes of these properties are typically hipped to the front and rear with gables present to the side. The proposed dwellings would have a more contemporary appearance, but with a similar roof design and inclusion of chimneys, this is acceptable in this part of Furze Close.

- 6.3.1 The garden depth is similar in depth to those found at 11 to 13 Furze Road and although the depth does not comply with the ten metre depth set out in the RDG it compares with the general character of the area. The garden areas proposed are as follows; no 10 Furze Close retains 57 sq.m, plots 1 and 2 have 59 sq.m and plot 3 and 4 have 76 sq.m and 81 sq.m respectively. Although, a garden area of 90 sq.m is the guidance for detached properties in the RDG, looking at the existing character of the area where no 12 and 13 Furze Close have 82 sq.m so they are similar in size. In summary, the resulting garden areas are very useable areas to sit out and use.
- 6.3.2 With respect to the impact on the neighbours, the separation distance between the proposed units and Middle Road vary in distance from 29 metres to 36 metres and therefore comply with the adopted separation distances. This is considered to be in accordance with paragraph 2.2.4 of the Residential Design Guide which advises that a minimum back to back distance of 21m should be retained. Therefore, the proposal does not lead to detrimental harm to the properties to the rear.
- 6.3.3 The application site forms the side garden of no. 10 Furze Close and it is, therefore, necessary to assess the impact of the proposed scheme on the residential amenities of the occupiers of this property. There are no habitable windows on the side elevation of no 10 Furze Close so there is unlikely to be detrimental harm to the property in terms of loss of privacy. It is noted that the new units will have views into the rear garden of the property but this is a normal relationship between neighbouring properties. There is sufficient usable garden space retained for this neighbouring property and the main most usable part of the garden (to the rear of the house itself) remains unaffected.
- 6.3.4 With respect to the proposed units, there are ground floor secondary windows proposed on the side elevation to allow light into the kitchen areas. Due to the ground floor location of these windows no detrimental harm will arise from the windows. There are no side windows proposed at first floor level. With regard to the accommodation provided all rooms have an outlook and adequate light and all the units have adequate amenity space and cycle and refuse storage is provided. It is noted that during part of the year the front of the properties mainly plot four could be in shadow due to the adjacent tree line. However, this shading would not be detrimentally harmful.
- 6.3.5 Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, loss of light and/or privacy

and accords with Local Plan Review Policy SDP1.

6.4 Parking, Access and Highway Safety

The application site is within an area that is served by public transport as the nearest bus stops are only a 10 minute walk from Bitterne Road West. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. Therefore, careful consideration needs to be made of the implications of the proposed number of parking spaces. The scheme proposes two spaces per unit, which is the maximum for a three bed unit within the Council's standards. There are no national or local policy requirements for the developer to design in visitor parking.

- 6.4.1 The 2011 Census suggested that for the Ward of Sholing, 19% of households do not have access to a private car, 46% had access to one car and 35% had access to two cars therefore meaning that two spaces per unit should be sufficient. Amended plans have been received addressing the size of the parking spaces at plot 4 to provide three metre wide spaces to allow for sufficient access. Refuse storage and its collection is to be secured by condition to prevent issues of highway safety (as detailed above). The provision of the cycle storage shown is also secured via condition. Therefore on this basis the proposal is considered to address the concerns relating to parking and highway safety.

6.5 Impact on adjacent SINC and landscaping

The proposal will result in the loss of trees and shrubs that are not considered significant in terms of size and amenity. None of the trees or shrubs within the site are protected and nor has an objection been raised by the Council's Tree Officer. A landscaping condition and Council policy requires the loss of any trees to be replaced on a two for one basis. The character of the area will be altered by the loss of the vegetation but it could be removed without permission in any event. The provision of strong landscaping to the front of the units is key for a development where parking is going to dominate the frontage. Therefore, subject to the submission of replacement landscaping and safeguarding conditions to prevent harm to the Council's trees the proposal is considered to be acceptable.

6.6 Development Mitigation

As with all new development the application needs to address and mitigate the additional pressure on the environmental, social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). As.106 legal agreement is normally triggered by schemes of 5 or more dwellings so one is not required for the size of the development proposed. The area of contribution for this development, in order to mitigate against its wider impact, is only towards the Solent Disturbance Mitigation Project. The application is delegated for approval subject to the payment of this contribution or an alternative mechanism for securing appropriate informal greenspace mitigation.

- 6.6.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research

undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted in this case and £724 is required for this level of development. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Following receipt of this payment this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

- 7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers nor the character and appearance of the area. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.
- 7.2 A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking within Furze Close having regard to the Council's maximum car parking standards. Furthermore significant weight is given to the merits of (family) housing delivery on this site.

8.0 Conclusion

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

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), 4(f), (g), (vv), 6(a), (b), 7(a)

ARL for 13/03/2018 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)

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

Reason:

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

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

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

Reason:

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

03. Details of chimneys (Pre-Commencement Condition)

Prior to development commencing (with the exception of site clearance, demolition and preparation works) amended plans detailing brick chimneys for each unit shall be submitted to and approved in writing by the Local Planning Authority. The approved chimneys shall be constructed and retained in accordance with the approved plans unless agreed otherwise in writing by the Local Planning Authority.

Reason:

In the interests of the character of the area.

04. Residential - Permitted Development Restriction (Performance Condition)

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

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),

Class C (other alteration to the roof), or
Class E (curtilage structures), including a garage, shed, greenhouse, etc...

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

05. No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no 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.

06. Amenity Space Access (Pre-Occupation)

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

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

07. Landscaping & means of enclosure detailed plan (Pre-Commencement Condition)

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. hard surfacing materials;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate - to be agreed;
- iii. details of any proposed boundary treatment (including a brick wall to Crabwood Road and around the parking area rather than timber fencing to replace the existing hedge) and;
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking and boundary treatment) 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 the boundary treatment which shall be retained 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

08. Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence in line with BS5837:2012 trees in relation to design, demolition and construction. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

09. No storage under tree canopy (Performance Condition)

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

Reason:

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

10. Overhanging tree loss (Performance Condition)

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

Reason:

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

11. Arboricultural Protection Measures (Pre-Commencement Condition)

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates

- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees

12. Refuse & Recycling (Pre- Occupation condition)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it including details of a private refuse collection solution, 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. Furthermore unless agreed in writing with the Local Planning Authority the approved private refuse collection solution shall be retained in perpetuity.

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

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.

13. Cycle parking (Pre- Occupation 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.

14. Parking (Pre-Occupation)

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

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

15. Road Construction (Pre-Commencement)

Road Construction (Pre-Commencement Condition)

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

1. A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management process which will maintain these areas in the future.

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

16. Land Contamination investigation and remediation (Pre-Commencement Condition)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

17. Use of uncontaminated soils and fill (Performance)

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

Reason:

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

18. Unsuspected Contamination (Performance)

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

Reason:

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

19. Energy & Water (Pre-Commencement Condition)

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).

20. 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).

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

Reason:

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

22. Construction Management Plan (Pre-Commencement Condition)

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.

23. 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.

NOTES TO APPLICANT

1. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Application 16/01125/FUL

POLICY CONTEXT

Core Strategy - (January 2010 – Amended 2015)

CS4- Housing Delivery
CS6- Housing Density
CS13- Fundamentals of Design
CS16- Housing Mix and Type
CS18-Transport: Reduce-Manage-Invest
CS19- Car & Cycle Parking
CS20- Tackling and Adapting to Climate Change
CS22- Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006 - Amended 2015)

SDP1- Quality of Development
SDP4- Development Access
SDP5- Parking
SDP7- Urban Design Context
SDP9- Scale, Massing & Appearance
SDP10- Safety & Security
SDP11- Accessibility & Movement
SDP12- Landscape & Biodiversity
SDP13- Resource Conservation
SDP14- Renewable Energy
SDP15- Air Quality
SDP16- Noise
SDP17- Lighting
SDP22- Contaminated Land
H1- Housing Supply
H2- Previously Developed Land
H7- The Residential Environment

Supplementary Planning Guidance

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

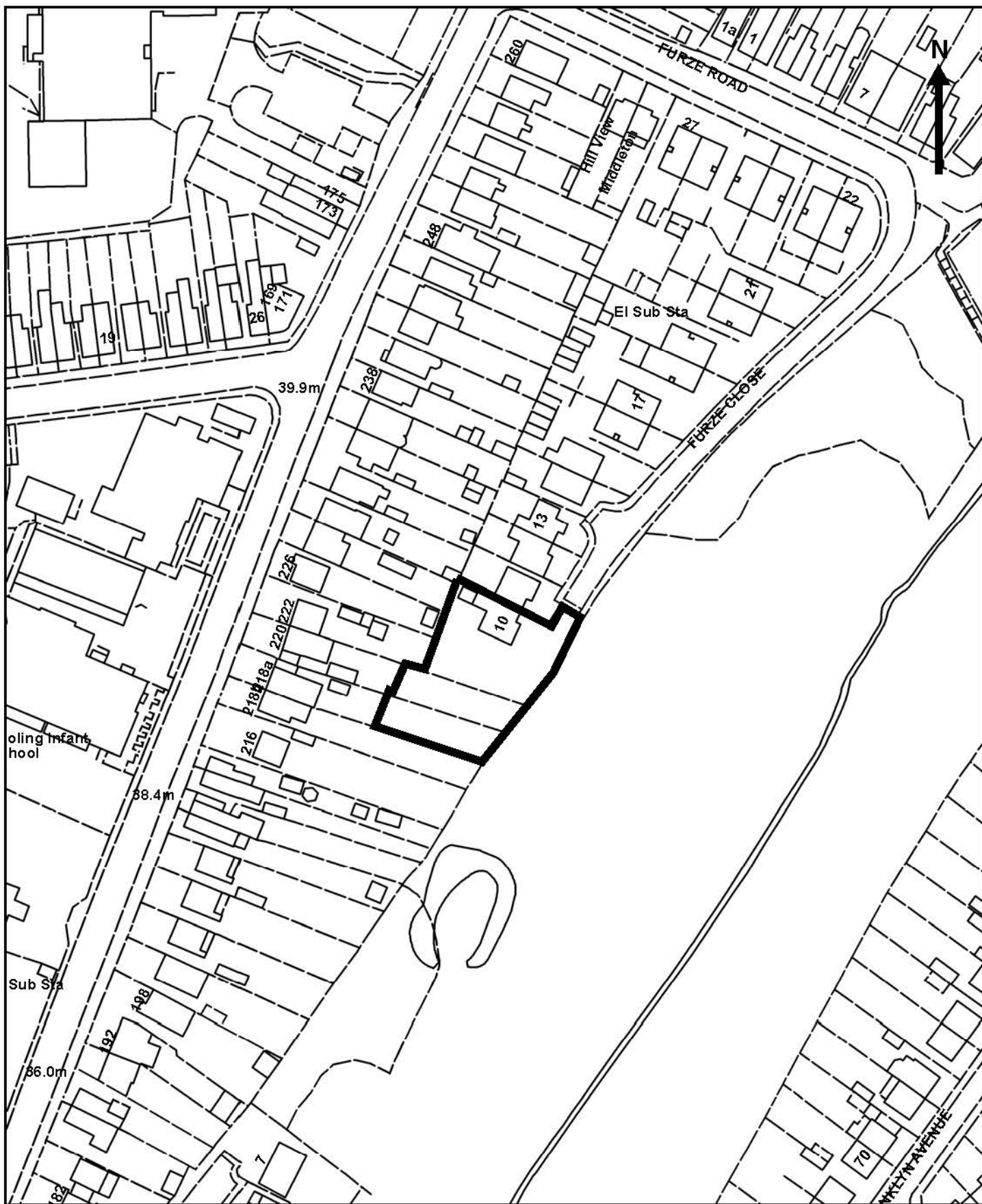
Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 9 17/02476/FUL

Appendix 2



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Planning and Rights of Way Panel 13th March 2018
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: Land At junction of Brownhill Way and Lower Brownhill Road, Southampton			
Proposed development: Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.			
Application number	12/00596/FUL	Application type	FUL
Case officer	Simon Mackie	Public speaking time	15 minutes
Last date for determination:	N/A	Ward	Redbridge
Reason for Panel Referral:	Request to vary Affordable Housing obligation within the Section 106 by way of a Deed of Variation – previously approved by Panel	Ward Councillors	Cllr Whitbread Cllr Pope Cllr McEwing
Referred by:	N/A	Reason:	Viability Issues

Applicant: The Trustees of The Barker Mill Estates	Agent: Nigel Jacobs (Intelligent Land)
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Recommendation Summary	Delegate to the Service Lead - Infrastructure, Planning and Development to agree a deed of variation to the Section 106 Agreement dated the 30th August 2013
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Community Infrastructure Levy Liable	No
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Appendix attached	
1	Original Section 106 Agreement (30 th August 2013)
2	Planning & Rights of Way Panel Report (21 st August 2012)
3	DVS Viability Appraisal Report

Recommendation in Full

Delegate to the Service Lead – Infrastructure, Planning and Development to make a Deed of Variation to vary the Section 106 Agreement dated the 30th August 2013 to reduce the Affordable Housing provision, on viability grounds, to the provision of (i) one on-site unit, identified as Plot 3 (a two-bed detached unit) with a small surplus provided as a financial contribution and (ii) the imposition of the council’s standard viability review mechanism clause.

1.0 **Proposal & Background**

- 1.1 This application was approved by the Planning & Rights of Way Panel in August 2012, subject to the completion of a Section 106 Agreement, a copy of which can be found at Appendix 1. A copy of the officer's report is also appended at Appendix 2.
- 1.2 Planning permission was granted and initial site works commenced. The site has stalled and has remained undeveloped for a number of years, with the current consented scheme having been demonstrated to be unviable and therefore unlikely to come forward with the current level of planning obligation being sought through the Section 106 Agreement dated the 30th August 2013.
- 1.3 The applicant has submitted a viability assessment which has been appraised by the Council's independent expert (DVS) and it has been found to be unviable, for the full policy compliant level of affordable housing, based on the current market conditions and established viability guidelines. A copy of the DVS Viability Appraisal Report can be found at Appendix 3 of this report.
- 1.4 A Deed of Variation is therefore sought to reduce the Affordable Housing provision from three (3) units to one (1) unit, provided on-site, based on the inclusion of the council's standard viability review and completion clauses, to ensure that if the development does not come forward for development in the short term, the council has the ability to review the viability position at a fixed point in the future.

2.0 **Relevant Planning Policy**

- 2.1 The Development Plan for Southampton currently allows viability to be taken into account as set out within the "saved" policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) at Policy CS15 – Affordable Housing. It states:

2.2 ***"Policy CS 15 - Affordable Housing***

... On sites where 5 – 14 net dwellings are proposed the Council will seek provision, through negotiation, of 20% affordable housing. The proportion of affordable housing to be provided by a particular site will take into account:-

- 1. The costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)***
- 2. The need to contribute towards the sub-regional target whereby the total provision of affordable housing is made up of 65% social rented and 35% intermediate affordable housing*
- 3. The proximity of local services and the accessibility of the site to public transport*
- 4. Constraints on the development of the site imposed by other planning objectives*
- 5. The need to achieve a successful housing development in terms of the location and mix of affordable homes..."*

3.0 **Relevant Planning History**

- 3.1 This scheme was approved by the Planning Panel in August 2012, and was implemented but has become stalled due to viability issues of building out the consented scheme.

4.0 Planning Consideration Key Issues

- 4.1 The key issue for consideration is whether the Planning & Rights of Way Panel are willing to vary the terms of the original Section 106 Agreement by way of reducing the provision of the policy compliant Affordable Housing obligation, on viability grounds, with the aim of encouraging the development proposal to be built out in the short term and make provision for one unit of Affordable Housing alongside the completion of 13 additional private family homes.
- 4.2 If the proposal is rejected it is unlikely that the consented development will come forward and a revised planning application will be required. The resubmission would again include a viability appraisal in respect of affordable housing.

5.0 Conclusion

- 5.1 As such, the proposal is recommended for approval subject to securing the matters set out in the recommendations section of this report.

SM for 13/03/2018 PROW Panel

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Planning Obligation by Deed under Section 106 of the Town and Country Planning Act

1990

relating to the development of land at the Triangle Site, South of Brownhill Way, Nursling,
Southampton SO16 9LL

Dated :

30th August

2013

SOUTHAMPTON CITY COUNCIL (1)

TIMOTHY JOBLING AND RICHARD MICHAEL MOYSE (2)

DATE

30th August

2013

PARTIES

- (1) **SOUTHAMPTON CITY COUNCIL** of Civic Centre Southampton SO14 7PE ("the Council")
- (2) **TIMOTHY JOBLING AND RICHARD MICHAEL MOYSE** of New Kings Court, Tollgate, Chandler's Ford, Eastleigh Hampshire SO53 3LG and of The Estate Office, Longdown, Marchwood, Southampton, Hampshire SO40 4UH (together the Owner")

RECITALS

- A The Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- B The Owner is the freehold owner of the Land being part of the title land registered with title absolute at the Land Registry under Title Number HP606431.
- C The Owner has submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- D The Council has resolved to grant the Permission subject to the prior completion of this Deed.
- E The Owner has agreed that the Development shall be carried out only in accordance with the rights and obligations set out in this Deed.
- F The Owner has agreed to be a party to this Deed and consent to this Deed being entered into and to the obligations becoming binding on the Land.

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

"the Act"	The Town and Country Planning Act 1990 (as amended)
"Additional Amount"	The amount calculated in accordance with Clause 17.1 and 17.3 hereof (and references to "the Revised Amount" shall mean the original amount of any contribution plus the Additional Amount)
"Affordable Housing"	Affordable housing as defined in policy CS15 and the glossary the Southampton City Council Local Development

	Framework Core Strategy January 2010
"Affordable Housing Units"	3 of the Residential Units within the Development which are identified for use for the purposes of Affordable Housing in accordance with the terms of this Deed
"Application"	The application for full planning permission dated 20 th April 2012 submitted to the Council for the Development and allocated reference number 12/00596/FUL.
"Chargee"	Any mortgagee or chargee of the Registered Provider or the successors in title to such mortgagee or chargee or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or other relevant legislation or the successors in title to such receiver or manager
"Completed"	Practically complete save for minor snagging items such that it is reasonably fit for occupation (and "Completed" and "Completion" shall be construed accordingly)
"Conditions Precedent"	The conditions contained in clause 4
"Contributions"	The Highway Works Contribution, the Open Space Contribution and the Sports Pitches Contribution
"Deed"	This planning obligation made by deed
"Development"	The Development of the Land with the erection of 14 dwellings (11 x 3 bedroom detached, 2 x 2 bedroom terrace and 1 x 3 bedroom terrace) with associated parking, vehicular and pedestrian access and space for children's play as set out in the Application.
"the Development Plan"	The City of Southampton Local Plan (2006) and the Local Development Framework Core Strategy Development Plan Document January 2010
"the Enabling Powers"	Section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000, Section 1 of the Localism Act 2011 and all other enabling powers which may be relevant for the purpose of giving validity to or facilitating the enforcement of the obligations created by this Deed.
"Highway Condition Survey"	A survey to identify the current condition of the adopted highway in the vicinity of the Land namely Lower Brownhill Road from the junction with Brownhill Way to the Site which shall include:- <ul style="list-style-type: none"> ▪ a plan which identifies the area covered by the survey; ▪ a written report detailing the current condition of the adopted roads and footways in the vicinity of the Land;

	<ul style="list-style-type: none"> ▪ a list of defects in the adopted highway that exist prior to Implementation including specific photographs identifying the individual defects; ▪ a photographic overview of the adopted roads and footways in the vicinity of the Land; and ▪ an estimate of the size, types and level of construction traffic expected to service the Land during the construction of the Development
"Highway Works"	<p>The provision of:-</p> <p>1. Site Specific Transport Contribution</p> <ul style="list-style-type: none"> ▪ A contribution towards parking improvements in the near vicinity of the site to reduce the demand of on carriageway parking and to provide a pedestrian link facility and improvement to the footpaths on the far side of Lower Brownhill Road £20,000.00 ▪ A contribution towards the making of a Traffic Regulation Order to prevent parking adjacent to the entrance to the Land to keep sight lines clear of obstruction £4,500.00 <p>Total: £24,500.00</p> <p>2. Strategic Transport Contribution</p> <ul style="list-style-type: none"> • Contributions addressing the wider transport impact of the Development and funding Transport Infrastructure projects beyond the Land and its immediate surroundings, located on the transport corridor/s serving the Development <p>14 Houses x £720 =£10,080.00</p> <p>Total= £10,080.00</p>
"Implementation"	<p>Commencement of development pursuant to the Permission by the carrying out of a "material operation" (as defined in section 56(4) of the Act) save that for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements shall not be included (and "Implement" and "Implemented" shall be construed accordingly)</p>
"Index"	<ul style="list-style-type: none"> ▪ (in the case of amounts referred to in Clause 17.1) the Civil Engineering Prices Formula and ▪ (in the case of amounts referred to in Clause 17.3) the

	<p>Retail Prices Index issued by the Office for National Statistics;</p> <ul style="list-style-type: none"> ▪ or during any period when no such indices exist the Index which replaces the same or is the nearest equivalent thereto as the Council shall reasonably nominate taking into account any official reconciliation of changes in its basis of calculation
"Interest"	Means interest at 4 per cent above the base lending rate of the Barclays Bank Plc (calculated on a daily basis from the date on which it fell due)
"the Land"	The land against which this Deed may be enforced shown edged with a bold black line on the Plan
"Legal Costs"	The Council's legal costs in connection with the preparation and completion of this Deed in the sum of £950.00
"Market Housing Units"	Residential Units within the Development which are not Affordable Housing Units
"the Monitoring Charge"	The costs of the council's Planning Agreements Officer for monitoring compliance with the terms of this Deed in the sum of £825.00
"Occupation" and "Occupied"	Occupation for the purposes permitted by the Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations
"On –Site Play Area Scheme"	<p>A scheme for the provision and future maintenance of the On-Site Play Area, to include:-</p> <ul style="list-style-type: none"> ▪ a scaled plan identifying the location of the On-Site Play Area ▪ a scheme of works for the provision of the On-Site Play Area identifying the equipment, surfacing and boundary treatment conforming to National Playing Fields Association standards for a Local Area for Play (LAP) ▪ a scheme for future maintenance of the On-Site Play Area in compliance with standard BSEN1176 ensuring that the On-Site Play Area is maintained by way of a transfer to the Council together with the Council required commuted maintenance sum
"On Site Play Area"	A Local Area for Play conforming to the National Playing Fields Association Standards to be provided for and maintained in accordance with the "On Site Play Area



1. The location of the site is shown on the map.
 2. The site location and ownership plan.
 3. The site location and ownership plan.
 4. The site location and ownership plan.
 5. The site location and ownership plan.
 6. The site location and ownership plan.
 7. The site location and ownership plan.
 8. The site location and ownership plan.
 9. The site location and ownership plan.
 10. The site location and ownership plan.

TURLEY ASSOCIATES
 www.turleyassociates.co.uk

**ANNOUNCED
 LABORATORY**

Richard Michael Hoyn
by his attorney
W. D. H. B. S. A.
Trusty John by
his attorney
J. S. A.

100
 metres
 1:2,500

Promap
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	Scheme”
“the Open Space Contribution”	The sum of £3,782.00 towards the upgrade and improvement to the existing public open space at Lordshill Recreation Ground or such other areas of public open space that the Council notifies to the Owner.
“Plan”	The plan attached to this Deed
“the Permission”	The full planning permission subject to conditions to be granted by the Council pursuant to the Application as set out in Schedule 3
“Post Development Highway Condition Survey”	A survey of the area outlined in the Highway Condition Survey to identify; <ul style="list-style-type: none"> ▪ any damage to the adopted highway caused by and during the construction of the Development, and; ▪ a list of repairs which are required to put the adopted highway into the condition it was in prior to the construction of the Development as recorded in the Highway Condition Survey
“Qualifying Occupiers”	Meaning residents who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and income
“Registered Provider”	A registered provider as such under the Housing and Regeneration Act 2008 who has been agreed between the Owner and the Council for the purposes of this Deed
“Residential Units”	Individual units within the Development to be used for residential purposes.
“Sports Pitches Contribution”	The sum of £4,186.00 towards the upgrade of Southampton City’s stock of playing
“Working Day(s)”	Days on which banks in the City of London are open to the public

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all words shall be construed interchangeable in that manner.
- 2.3 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.

- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successors to their respective statutory functions.
- 2.7 The headings and contents list are for reference only and shall not affect construction.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act and the Enabling Powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.

4 CONDITIONS PRECEDENT

This Deed is conditional upon:-

- 4.1 the grant of the Permission; and
- 4.2 the Implementation of the Permission

save for the provisions of Clauses 13 20 22 23 which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS

The Owner **HEREBY** covenants with the Council that it will observe and perform the covenants on its part contained in Schedule One.

6 THE COUNCIL'S COVENANTS

Subject to the performance by the Owner of its obligations under this Deed the Council hereby covenants with the Owner that it will observe and perform the covenants on its part contained in Schedule Two.

7 RELEASE AND LAPSE

- 7.1 It is hereby agreed that the Owner shall not be liable for a breach of any of its obligations under this Deed (save for antecedent breaches) after they shall have parted with all of their respective interests in the Land.
- 7.2 It is further agreed that this Deed shall lapse and be of no further effect if:
 - 7.2.1 the Permission shall lapse without having been Implemented; or
 - 7.2.2 the Permission shall be varied or revoked other than with the consent of the Owner; or
 - 7.2.3 the Permission is quashed following a successful legal challenge
- 7.3 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Deed.

8 LOCAL LAND CHARGE

- 8.1 This Deed is a local land charge and shall be registered as such by the Council.
- 8.2 Upon the full satisfaction of all the terms of this Deed the Owner shall request that the Council procure that all entries in the register of local land charges relating to it, other than those obligations which are of continuing effect, be removed as soon as reasonably practicable.

9 DUTY TO ACT REASONABLY

All parties to this Deed acknowledge that they are under a duty to act reasonably and (without prejudice to generality) if any Deed consent approval or expression of satisfaction is due from one party to another under the terms of this Deed the same shall not be unreasonably withheld or delayed.

10 NO FETTER ON DISCRETION OR WAIVER

- 10.1 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.
- 10.2 Nothing in this Deed shall impose any contractual or other obligations on the Council to grant the Permission.
- 10.3 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

11 WARRANTY AS TO TITLE

The Owner hereby warrants to the Council that the title details referred to in Recital B are complete and accurate in every respect.

12 SEVERABILITY

It is agreed that if any part of this Deed shall be declared unlawful or invalid by a Court of competent jurisdiction then (to the extent possible) the remainder of this Deed shall continue in full force and effect.

13 THE COUNCIL'S COSTS

13.1 The Owner hereby covenants with the Council that it will before the date of this Deed pay the Council's reasonable Legal Costs.

13.2 The Owner hereby covenants with the Council that it will on or before the date of this Deed pay the Council's Monitoring Charge.

14 CONTRACT (RIGHTS OF THIRD PARTIES) ACT 1999

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Deed shall be enforceable by a third party who is not a party to the Deed and for the avoidance of doubt the terms of this Deed may be varied by Deed between the parties and the Council without the consent of any such third party.

15 NOTIFICATION OF COMMENCEMENT/OCCUPATION

The Owner covenants with the Council that it will:

15.1 notify the Council in writing of the date of Implementation within five Working Days of it occurring; and

15.2 notify the Council in writing of the date of Occupation for the first time of any part of the Development within five Working Days of it occurring together with the name and contact address of the party occupying; and

15.3 pay to the Council upon written demand its reasonable fees for additional monitoring caused by the Owner's non compliance with 15.1 or 15.2.

16 NOTICES

Any notices required to be served by one party on another under this Deed shall be served by First Class prepaid post or by facsimile transmission in the following manner:

16.1 on the Council at the address shown above marked "for the attention of the Planning Agreements Officer" and bearing the reference S106 Agreement - 12/00596/FUL - Triangle Site at Lower Brownhill Way"

16.2 on the Owner at the address as detailed above or as notified by the Owner in writing to the Council;

17 CALCULATION OF THE ADDITIONAL AMOUNT

The formulae in Clause 17.1 and 17.3 shall apply in relation to the Contributions specified in Clauses 17.1 and 17.3.

17.1 Highway Works Contribution

The Additional Amount shall be calculated as follows:-

The Highway Works costs shall be apportioned to the following elements in accordance with the percentages quoted alongside each.

Labour	30%
Plant	15%
Aggregates	5%
Bricks	0%
Cement	5%
Roadstone etc.	25%
Gas Oil	10%
Timber	5%
Steel reinforcement	5%
Metal sections	0%
(Total)	(100%)

For each element the revised cost shall be calculated by applying the formula:

$$\text{Amount after variation} = A \times (B + C) - A$$

Where:

A = the apportioned amount for that element

B = the Index for the element is at the date the Contribution is due; and

C = the Index for that element as at 16 August 2012 being the date when the works were costed.

17.2 The Payment of the Additional Amount

The Additional Amount shall only be payable on or after 16 August 2013 if the Highway Works Contribution remains unpaid at that time.

17.3 Open Space Contribution and Sports Pitches Contribution

In the event of any increase (but not decrease) in the Index the Additional Amount shall be the difference between the amount of the whole or any part of the relevant Contribution and the sum calculated as follows:-

$$\text{Amount after variation} = A \times (B \div C) - A$$

Where:-

A = the relevant Contribution to be varied;

B = the Index at the date at which the relevant Contribution was paid; and

C = the Index at the date of this Deed

18 PAYMENT OF THE CONTRIBUTIONS

18.1 The Owner must pay the Contributions and the Additional Amount (if any) as detailed in Schedule 1 to the Council by either:

18.1.1 cheque made payable to Southampton City Council;

18.1.2 by BACS or telegraphic transfer

18.2 All payments must state the Application reference number and the address to which this Deed relates.

18.3 Payment by either method referred to in 18.1 must be made for the attention of the Planning Agreements Officer at Southampton City Council Civic Centre Southampton SO14 7PE.

18.4 Payment by either BACS or TT must also include in its reference that payment is for the attention of the Planning Agreements Officer.

19 INTEREST ON LATE PAYMENTS

Any amount due from the Owner under this Deed which is not paid on the due date shall be payable with Interest in addition to the Additional Amount.

20 NOTIFICATION OF SUCCESSORS IN TITLE

21.1 The Owner covenants with the Council that it will give immediate written notice to the Council of any change of ownership of the Land if at such time the obligations contained within this Deed have not fully been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation purchased by reference to a plan.

21 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

22 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

23 DELIVERY

This Deed is for the purposes of the Regulatory Reform (Execution of Deeds and Documents) Order 2005 a deed and for the avoidance of doubt the Deed shall be deemed not delivered despite being executed by the parties until such time as actual delivery of the Deed is authorised and agreed between the respective parties' appointed legal representatives or in the absence of one or more parties appointing a legal representative between the parties directly.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

SCHEDULE ONE

The Owner's Covenants with the Council

The Owner covenants with the Council as follows:-

- 1 Highway works**
 - 1.1 Prior to Implementation to pay to the Council the Site Specific Transport Contribution plus the Additional Amount (if any).
 - 1.2 Prior to Implementation to pay to the Council the Strategic Transport Contribution plus the Additional Amount (if any).

- 2 On Site Play Area**
 - 2.1 Not to Implement the Development until the On Site Play Area Scheme has been submitted to and approved by the Council.
 - 2.2 Not to Occupy the Development until the approved On Site Play Area Scheme has been Implemented in full to the satisfaction of the Council.
 - 2.3 To keep the On Site Play Area maintained in accordance with the approved On Site Play Area Scheme and to transfer the On Site Play Area to the body approved under the On Site Play Area Scheme and to pay the Councils reasonable legal fees if the transfer is to the Council

- 3 Open Space**
 - 3.1 Prior to Implementation to pay to the Council the Open Space Contribution plus the Additional Amount (if any).

- 4 Sports Pitches**
 - 4.1 Prior to Implementation to pay to the Council the Sports Pitches Contribution plus the Additional Amount (if any).

- 5 Highway Condition Survey**
 - 5.1 Prior to Implementation to submit to the Council for its approval a Highway Condition Survey.
 - 5.2 Not to Implement the Development until the Highway Condition Survey has been approved in writing by the Council.
 - 5.3 Not to Occupy any part of the Development until a Post Development Highway Condition Survey has been submitted to the Council for its approval.
 - 5.4 To secure the repairs identified in the Post Development Highway Condition Survey to rectify damage caused to the adopted highway during the

construction of the Development in line with the Council's quality standards by complying with either 5.4.1 or 5.4.2 below at the owner's election:

- 5.4.1 to carry out the repair works identified in the Post- Development Highway Condition Survey by no later than a date to be agreed in writing with the Council; or
- 5.4.2 to pay to the Council prior to first Occupation of any part of the Development or on an alternative date agreed with the Council a financial contribution (the amount of which is to be agreed between the Council and the Developer/Owner) in lieu of the owner undertaking the repair works identified in the Post Development Highway Condition Survey.

6 Affordable Housing

In relation to Affordable Housing:-

- 6.1 To comply with the Council's requirements in relation to the site signage for the Affordable Housing Units.
- 6.2 The location size and tenure mixes of the Affordable Housing Units within the Development shall be as shown on a plan to be agreed in writing by the Owner and the Council prior to Implementation .
- 6.3 To procure that the Affordable Housing Units are completed no later than the date on which the last of the Market Housing Units is completed.
- 6.4 To ensure that the Affordable Housing Units remain affordable (subject to the provisions in paragraphs 6.9.2 and 6.10 hereof) to subsequent as well as initial Qualifying Occupiers and to include in any service charge provision to which the Affordable Housing Units are subject conditions which provide that the service charges and any ground rent payable by any Qualifying Occupier (or his successors in title) would not exceed an amount which would if payable result in the Affordable Housing Unit not being classed by the Council (acting reasonably) as low cost accommodation.
- 6.5 (Unless otherwise agreed in writing with the Council)
 - 6.5.1 (if the Owner is not a Registered Provider) not to Occupy any of the Market Housing Units without first having procured the disposal of the Affordable Housing Units (either freehold or leasehold (in the case of individual flats only) for a period of not less than 125 years) to a Registered Provider on terms which ensure that the Affordable Housing Units are and remain bound by the obligations in this paragraph 6
 - 6.5.2 to construct the Affordable Housing Units in accordance with the Homes and Communities Agency's (or its successor's) quality or other funding compliance standards applicable at the time of entering into a development agreement JCT contract or building agreement with a Registered Provider.

- 6.6 (If the Owner is not a Registered Provider) to transfer the Affordable Housing Units to a Registered Provider at nil land value and the Registered Provider will pay to the Owner a reasonable build cost.
- 6.7 To procure that the Affordable Housing Units are constructed fully in accordance with all material consents and legal requirements and are free from defects fit for Occupation and provided with a safe means of access and egress from the public highway prior to their handover or transfer (whichever the case may be) to a Registered Provider.
- 6.8 With effect from the date on which they are Completed the Affordable Housing Units shall not be Occupied other than by Qualifying Occupiers and for the avoidance of doubt this restriction shall apply not just to the first occupier of any of the Affordable Housing Units but to all subsequent occupiers of them.
- 6.9 It is agreed and declared that:
- 6.9.1 nothing in this Agreement shall be construed as imposing or otherwise implying any obligation on the Council to grant or make available any public subsidy or other financial support (or to assist the Developer in obtaining such public subsidy or other financial support) in respect of the Affordable Housing Units;
- 6.9.2 the provisions of paragraph 6.4 and 6.8 above shall cease to bind any of the Affordable Housing Units if in relation to that Affordable Housing Unit:
- 6.9.2.1 a statutory right to buy or to acquire pursuant to the Housing Act 1985 or Housing Act 1996 or the Housing and Regeneration Act 2008 (or any statutory re-enactment amendment or replacement thereof) has been exercised; or
- 6.9.2.2 it shall have been sold under a shared ownership lease and the leaseholder (or its mortgagee) has staircased his ownership under the lease to 100 percent; and
- 6.9.3 in the event of any dispute as to whether any proposed occupier of any Affordable Housing Unit is a Qualifying Occupier the matter shall be determined by the Council (acting reasonably).
- 6.10 In the event that any Affordable Housing Unit is the subject of a legal charge or mortgage and there is a default under any legal charge or mortgage of the Affordable Housing Units then the Chargee shall be entitled to exercise its power of sale free from the restrictions set out in paragraph 6 of this Schedule provided that the Chargee shall first have followed the procedure set out below:
- 6.10.1 the Chargee shall give a written and dated notice ("the Sale Notice") to the Council of its intention to exercise its power of sale and the date of this notice shall be the start date ("Start Date") for the purposes of clause 6.10.

- 6.10.2 at the same time as giving the Sale Notice the Chargee shall make an offer ("the Offer") being an amount based on their open market valuation ("the OMV") of the Affordable Housing Units (in accordance with the principles in 6.10.4.2) to sell the Affordable Housing Units to the Council (or to any nominated Registered Provider with the Council's consent) for the amount set out in the OMV or determined in accordance with sub-paragraph 6.10.6 ("the Purchase Price")
- 6.10.3 the Council may notify the Chargee in writing within one month of the Start Date whether or not it wishes to:-
- 6.10.3.1 accept the Offer based on the OMV; or
- 6.10.3.2 whether it can arrange for the Offer to be accepted by a Registered Provider who will accept the transfer of the Affordable Housing Units; or
- 6.10.3.3 refer the Offer to an independent surveyor under 6.10.6 below; or
- 6.10.3.4 whether it wishes to refuse the Offer.
- 6.10.4 if the Council shall notify the Chargee within the time specified within sub-paragraph 6.10.3 that either it wishes to accept the Offer or that a Registered Provider will accept the Offer then:
- 6.10.4.1 the Chargee shall co-operate with the Council to secure the transfer; and
- 6.10.4.2 the transfer to the Council or the Registered Provider shall be completed within two months of the date of notification under either 6.10.3.1 or 6.10.3.2 (or such longer period as may be agreed between the Chargee and the Council) ("the Completion Period").
- 6.10.5 The OMV shall represent the open market value of the Affordable Housing Units but subject to all or any tenancies of the Affordable Housing Units as may be subsisting at the date of the Sale Notice and disregarding the provisions of paragraph 6.4 and 6.8 of this Schedule
- 6.10.6 In the event that the Council serves a notice under 6.10.3.3 the Purchase Price shall be determined on the same basis of valuation as set out in 6.10.5 by an independent surveyor ("the Surveyor") (appointed not later than 7 days thereafter) experienced in valuing residential land and property who shall act as an expert and whose costs shall be borne by the Council and the Chargee in equal shares and the Surveyor shall be appointed in default of agreement between the parties on the application of either party by or on behalf of the President for the time being of the Royal Institute of Chartered Surveyors (or successor organisation) and the Surveyor's determination shall be binding on both parties and such appointment shall be made and accepted

upon the basis that he will be required to give his determination within one month of the date of his appointment

- 6.10.7 In the event that the Purchase Price is determined under the provisions of sub-paragraph 6.10.6 the transfer to the Council or to a Registered Provider shall be completed within 21 days of the date the Purchase Price is determined (or such longer period as may be agreed between the Chargee and the Council) ("the Shortened Completion Period").
- 6.10.8 if the Chargee does not wish to exercise its power of sale at any time after giving the Sale Notice or the Council does not wish to continue with the exercise of its power under the provisions of paragraph 6.10.3 that party shall give to the other not less than seven days' written notice of its intention to discontinue.
- 6.10.9 If either:
- 6.10.9.1 the Council fails to give notification to the Chargee within the time specified in sub-paragraph 6.10.3; or
 - 6.10.9.2 the Council having complied with the time periods specified in sub-paragraph 6.10.3 the transfer to either the Council or to a Registered Provider shall not be completed within the Completion Period or, if applicable, the Shortened Completion Period; or
 - 6.10.9.3 the Council shall serve notice of its intention to discontinue under sub-paragraph 6.10.8.
- then the Chargee shall be under no obligation to sell the Affordable Housing Units either to the Council or to a Registered Provider and shall be entitled to exercise its powers of sale without any of the provisions of paragraph 6 of this Schedule being binding on the purchaser or purchasers of the Affordable Housing Units or any part thereof or any successor in title hereto.
- 6.10.10 the Council shall in formulating or promoting any arrangements referred to in sub-paragraph 6.10.3 give consideration to protecting the interests of the Chargee in respect of monies outstanding under the charge or mortgage.

SCHEDULE TWO

Council's Covenants

The Council covenants with the Owner as follows:-

- 1 It will issue the Permission as soon as is reasonably practicable after the date of this Deed.
- 2 Where any payment referred to in Schedule One is paid for a particular purpose it will not be used by the Council otherwise than for that purpose or for such other purpose for the benefit of the Development as the Owner and the Council shall agree.
- 3 In the event that the Contributions or any element or part of the Contributions remains unspent or committed unconditionally to be spent within 10 5 years after the date on which it is paid to the Council then the Council shall on written demand return to the Owner the unexpended or uncommitted (as the case may be) part of the Contributions.
- 4 Upon written request from the Owner and upon payment of the Council's reasonable administration fee the Council shall provide to the Owner such evidence as it considers is reasonable to confirm the expenditure of the sums paid by the Owner under this Deed.
- 5 At the written request of the Owner and upon payment of the Council's reasonable administrative fee the Council shall provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed.

SCHEDULE THREE

Form of notice of planning permission



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Turley Associates
Mrs Rachel Lamb
6th Floor North
2 Charlotte Place
Southampton
SO14 0TB

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: Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.

Site Address: Land At junction of Brownhill Way and Lower Brownhill Road

Application No: 12/00596/FUL

Subject to the following conditions.

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works 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. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings.

Reason:

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

12/00596/FUL/32918
03.APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan
[Pre-Commencement Condition]

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

- i. proposed finished ground levels or contours; public open space details; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and lighting;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment, including retaining walls; and acoustic barrier and;
- iv. a landscape management scheme.

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.

Unless otherwise agreed in writing by the Local Planning Authority, the approved hard and soft landscaping scheme (including parking) for the 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.

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

04.APPROVAL CONDITION - Retention of Boundary Hedge [performance condition]

With the exception of areas of hedgerow to be removed to accommodate existing and future vehicular and pedestrian accesses, The existing hedgerow on the boundaries of the site with Brownhill Way and Lower Brownhill Road shall be retained in accordance with the landscape management plan (pursuant to condition 03 above). With the exception of maintenance works, including highway maintenance, no part of the hedge shall be cut back, cut down, uprooted or removed. In the event of any unauthorised damage to or removal of any part of the hedge occurring, replacement screen planting and/or boundary screening to a specification to be provided by the Local Planning Authority shall be carried out by the owner of the site within six months of the date at which the damage or removal was first brought to the attention of the landowner by the Local Planning Authority.

Reason:

In the interests of the character of the area and the local biodiversity.

05.APPROVAL CONDITION - Permitted Development Restriction - Access [performance condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no vehicular access other than that shown on the approved plan shall be formed to the site.

Reason

In the interests of highway safety and to ensure the retention of the boundary hedgerow in the interests of the character of the area.

06. APPROVAL CONDITION - Noise mitigation measures [pre-occupation condition]

Unless otherwise agreed in writing by the Local Planning Authority, the noise mitigation measures as set out in the submitted Mott MacDonald Noise Assessment dated 2011 shall be implemented before the development hereby approved first comes into occupation and thereafter retained as approved.

Reason:

To ensure future

07. APPROVAL CONDITION - Ecological Mitigation Statement [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the Ecological Mitigation measures shall be implemented in accordance with the recommendations as set out in the submitted Ecosa Phase 2 Ecological Surveys dated May 2012.

Reason

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

08. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity.

09. APPROVAL CONDITION - Tree Retention and Safeguarding [Performance Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be safeguarded during the course of all site works including preparation, demolition, excavation, construction, and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as set out in the submitted Barrel Tree Consultancy Arboricultural Impact Appraisal and Method Statement has been put in place. The tree protection measures shall remain in place for the duration of the construction works.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

10. APPROVAL CONDITION - Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

11. APPROVAL CONDITION - Archaeological 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 in writing.

Reason:

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

12. APPROVAL CONDITION - Archaeological work programme [performance condition]

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

Reason:

To ensure that the archaeological investigation is completed.

13. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)
 Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)
 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 intrusive 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.

14. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for

maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

15. APPROVAL CONDITION- 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.

Any changes to the agreed remediation actions will require the express written consent of 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.

16. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

17. APPROVAL CONDITION - Refuse & Recycling Bin Storage [performance condition]

The refuse and recycling bin storage shall be provided in accordance with the plans hereby approved before the dwellings to which the stores relate first come into occupation and thereafter retained as approved.

Reason:

In the interests of the visual appearance of the building and the area in general.

18. APPROVAL CONDITION - Cycle Storage [performance condition]

The cycle storage shall be provided in accordance with the plans hereby approved before the dwellings to which the storage relates first come into occupation and thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

19. APPROVAL CONDITION - Amenity Space Access [performance condition]

The gardens for the dwellings shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of each dwelling hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

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

20. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

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 Statement (CMS) for the development. The CMS 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 CMS 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.

21. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, 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).

22. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-commencement Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with 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.

23.APPROVAL CONDITION - Telecom masts [Performance Condition]

The mast and equipment hereby approved and any subsequent replacement(s) shall comply with the International Commission on Non-ionising Radiation Protection Guidelines in respect of radio frequency emissions. Once fully installed and operational, the developer shall demonstrate to the Local Planning Authority compliance with the relevant guidelines.

Reason:

To ensure that the installation complies and continues to comply with the guidelines and does not represent a threat to public health.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 21.08.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

"Saved" Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.



Chris Lyons
Planning & Development Manager

If you have any further enquiries please contact:
Jenna Turner

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
TA01		Location Plan		Approved
811-09	C	Elevational Plan		Approved

811-10	C	Elevational Plan	Approved
811-12	B	Elevational Plan	Approved
811-14	B	Elevational Plan	Approved
811-16	B	Elevational Plan	Approved
811-18	B	Elevational Plan	Approved
811-20	B	Elevational Plan	Approved
811-22	B	Elevational Plan	Approved
811-24	B	Elevational Plan	Approved
811-26	B	Elevational Plan	Approved
811-28	A	Elevational Plan	Approved
811-30	A	Elevational Plan	Approved
811-32	A	Elevational Plan	Approved
811-34	A	Roof Plan	Approved
811-35	A	Roof Plan	Approved
811/SHD1		General Plan	Approved
811-06	D	Site Plan	Approved
811-07	A	Floor Plan	Approved
811-08	A	Floor Plan	Approved
811-11	A	Floor Plan	Approved
811-13	A	Floor Plan	Approved
811-15	A	Floor Plan	Approved
811-17	A	Floor Plan	Approved
811-19	A	Floor Plan	Approved
811-21	A	Floor Plan	Approved
811-23	A	Floor Plan	Approved
811-25	A	Floor Plan	Approved
811-27	A	Floor Plan	Approved
811-29	A	Floor Plan	Approved
811-31	A	Floor Plan	Approved
811-33	B	Sections	Approved

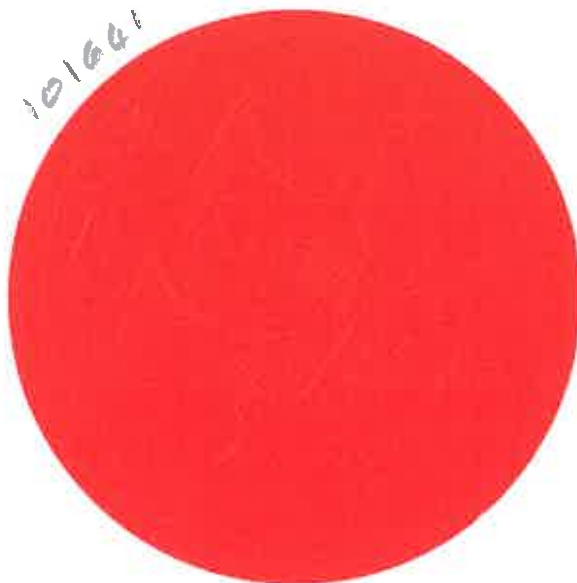
NOTES

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 for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals can be submitted on line www.planning-inspectorate.gov.uk or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.
 4. 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.
 5. 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 plane application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
 6. 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.
 7. 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 B300:2004 Design of buildings and their approaches to meet the needs of disabled people code of practice.
 8. The applicant is recommended to retain this form with the title deeds of the property.
 9. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012)
- Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**

THE COMMON SEAL OF)
SOUTHAMPTON CITY COUNCIL)
was affixed in the presence of:)



Authorised Signatory:



SIGNED as a deed by)
RICHARD MICHAEL MOYSE)
Trustee of The Barker Mills Estates)
In the presence of:)

Richard Michael Moyse by his
attorney Whitford

Witness Signature: 

Name: FELICITY MARSHALL
Address: BLAKE CARTHORP
NEW KINGS COURT
TOLLGATE
CHANDLER'S FORD SO53 5LQ
Occupation SOLICITOR


SIGNED as a deed by)
TIM JOBLING)
In the presence of:)

Timothy Jobling by his
attorney W. Steel

Witness Signature: J. Karfoot

Name: Jane Karfoot
Address: Blake Carthorp
New Kings Court
Tollgate
Eastergh SO53 3LQ
Occupation Secretary

Dated 23 January 2013

We certify this to be a true and complete copy of the original
this 24 day of January 2013
 **Blake Laphorn**
New Kings Court, Tollgate
Chandler's Ford, Eastleigh SO53 3LG

R M Moyse (1)

and

J R Steel and WOH Sowton (2)

TRUSTEE POWER OF ATTORNEY

Blake Laphorn
New Kings Court
Tollgate
Chandlers Ford Eastleigh
SO53 3LG
Ref: JRS

THIS POWER OF ATTORNEY is given the 23 day of January 2013

by me RICHARD MICHAEL MOYSE of 89 New Bond Street London W1

WHEREAS:-

- (1) Under and by virtue of the Settlements and other documents listed or mentioned in the First Schedule hereto the land and premises comprised in and assured by the several Conveyances and other documents listed or mentioned in Part 1 of the Second Schedule hereto and comprised in the Title Numbers listed in Part 2 of the Second Schedule hereto together with divers stocks shares and other investments and sums of cash with bankers building societies nominees and elsewhere (hereinafter called "the Trust Assets") are now held in the names of TIMOTHY JOBLING Chartered Accountant and RICHARD MICHAEL MOYSE Solicitor care of The Estate Office Longdown Marchwood Southampton SO40 4UH (hereinafter called the "Trustees" which expression includes the Trustees for the time being thereof) upon trust that the Trustees should sell the same with power to postpone sale and the Trustees are directed to hold the income of the Trust Assets until sale and the net proceeds of sale and the income thereof upon the trusts declared by the said Settlements and by divers Appointments made in exercise of powers herein contained
- (2) By virtue of the said Settlements the other documents mentioned in the First and Second Schedules hereto the Title Numbers mentioned in the Second Schedule hereto various deeds of appointment and discharge of trustees and the statutes in that behalf divers powers of management sale purchase leasing accepting surrenders of leases partition lending borrowing investment and other powers and discretions over or in relation to the Trust Assets are vested in the Trustees
- (3) I desire to appoint JOHN ROBERT STEEL and WILLIAM OLIVER HUGO SOWTON of New Kings Court Tollgate Chandlers Ford Eastleigh Hants SO53 3LG jointly and severally to be my Attorney during a forthcoming period when I shall not be available to act in person TO ACT on my behalf in the matter of the Trust Assets and to delegate to him such trusts and such powers and discretions over or in relation to the Trust Assets as are hereinafter mentioned

NOW THIS DEED WITNESSETH as follows:-

1. IN pursuance of the power for that purpose conferred on me by Section 25 of the Trustee Act 1925 (as amended by section 9 of the Powers of Attorney Act 1971 and section 5(1) of the Trustee Delegation Act 1999) and of any and every other power enabling me in that behalf I

HEREBY APPOINT the said JOHN ROBERT STEEL and WILLIAM OLIVER HUGO SOWTON jointly and severally my Attorney during the period commencing on the 10th February 2013 until 9th February 2014 in my name and on my behalf jointly with the other Trustees or any person or persons or corporations who may be appointed trustee or trustees of the said Settlements Conveyances Title Numbers and other documents (or any one or more of them) in place of or in addition to the Trustees or any one or more of them to do all and any of the following acts and things

2. TO execute and exercise over or in relation to the Trust Assets and any property for the time being comprised in or subject to the said Settlements Conveyances Title Numbers and other documents all trusts powers and discretions for the time being vested in me as such trustee as aforesaid or in the Trustees under or by virtue of the said Settlements or any of the said Conveyances or Title Numbers and other documents listed or referred to in the Second Schedule hereto or any statute
3. FOR the purpose of executing or exercising any power or discretion hereby conferred to prepare agree to and settle sign execute and deliver all such deeds releases cheques or other documents as my Attorney shall consider requisite or desirable
4. TO receive and give receipts for any money or property payable or transferable to the Trustees or to me as such trustee as aforesaid
5. GENERALLY to act as my Attorney or agent in respect of the Trust Assets or the said trusts AND I HEREBY RATIFY AND CONFIRM and agree to ratify and confirm whatever my Attorney shall lawfully do or purport to do by virtue of this deed

IN WITNESS whereof I have executed these presents the day and year first before written

THE FIRST SCHEDULE

No.3 Discretionary Trust and Derivative Trusts

Dated 29 March 1965 Settlement

B. No.4 Discretionary Trust

Dated 1 December 1999 Settlement

C. AV Barker-Mill 1976 Settlement

Dated 23 March 1976 Settlement

- D. AV Barker-Mill Accumulation and Maintenance Settlement
Dated 20 May 1997 Settlement
- E. Miss C.I. Barker-Mill 1997 Settlement of Reversionary Interests
Dated 5 December 1997 Settlement
- F. Miss C.I. Barker-Mill 1998 Voluntary Settlement
Dated 12 March 1998 Voluntary Settlement
- G. J. B. Barker-Mill 1997 Settlement of Reversionary Interests
Dated 5 December 1997 Settlement
- H. J. B. Barker-Mill 1998 Voluntary Settlement
Dated 12 March 1998 Voluntary Settlement
- I. Miss E. R. Hudson Davies 1997 Settlement of Reversionary Interests
Dated 30 April 1997 Settlement
- J. Miss E R Hudson Davies 1997 Voluntary Settlement
Dated 30 April 1997 Settlement
- K. Miss EV Hudson Davies 1997 Settlement of Reversionary Interests
Dated 30 April 1997 Settlement
- L. Miss E V Hudson Davies Voluntary Settlement
Dated 30 April 1997 Settlement
- M. Mrs AV Barker-Mill 1997 Discretionary Settlement
Dated 28 April 1997 Settlement
- N. Mrs AV Barker-Mill 1999 Settlement
Dated 19 January 1999 Settlement
- O. AV Barker-Mill 1999 Settlement
Dated 21 January 1999 Settlement
- P. AV Barker-Mill 2002 Discretionary Settlement
Dated 19 April 2002 Settlement
- Q. AV Barker-Mill 2002 Family Settlement
Dated 19 April 2002 Settlement
- R. Barker-Mill Hillyfields Trust
Dated 2 October 2008 Settlement

THE SECOND SCHEDULE

Part I

A. Documents relating to the Mill Estate

Dated 29 March 1965 Conveyance

B. Documents relating to the Eling Estate

Dated 29 March 1965 Conveyance

C. Documents relating to land adjoining the Village Hall Nursling

Dated 13 March 1967 Conveyance

D. Documents relating to Land at Foxes Lane Nursling

Dated 28 August 1987 Conveyance

Dated 24 January 1986 Conveyance

Part 2

The Property comprised in the following title number namely title numbers HP166514 HP168442
HP284252 HP 335111 HP353662 HP 381834 HP399945 HP410779 HP420038 HP432897 HP440285
HP461811 HP468659 HP485061 HP495178 HP495187 HP497951 HP530759 HP538050 HP605936
HP606356 HP606431 HP606433 HP607436 HP607437 HP609127 HP609128 HP625617 HP652698
HP625945 HP653882 HP653929 HP654017 HP654076 HP654115 HP654162 HP656844 HP657331
HP659093 HP659094 HP659095 HP659202 HP659203 HP659204 HP659205 HP659206 HP659208
HP659209 HP659210 HP659211 HP659212 HP659752 HP659756 HP673081 HP673082 HP673083
HP673087 HP673088 HP673089 HP676883 HP700602 HP717030 HP724026 HP736256 HP738735
HP741886 HP743382 WS41704 and any title substituted for or deriving from such title numbers

SIGNED as a Deed and Delivered
by the said RICHARD MICHAEL MOYSE
in the presence of:-

)
)
) *R. Moysa*


Simon Braker

*Simon Braker
Hill Farm
Botley
Southampton
SO32 2BP*



Dated 23 January 2013

We certify this to be a true and complete copy of the original this 24. day of January 2013

 **Blake Bale**
Laphorn Laphorn

New Kings Court, Tollgate
Chandler's Ford, Eastleigh SO53 3LG

T. Jobling (1)

and

J R Steel and WOH Sowton (2)

TRUSTEE POWER OF ATTORNEY

Blake Laphorn
New Kings Court
Tollgate
Chandlers Ford Eastleigh
S053 3LG
Ref: JRS

THIS POWER OF ATTORNEY is given the *23rd* day of *January* 2013

by me TIMOTHY JOBLING of Owslebury House Owslebury near Winchester Hants SO21 1LU

WHEREAS:-

- (1) Under and by virtue of the Settlements and other documents listed or mentioned in the First Schedule hereto the land and premises comprised in and assured by the several Conveyances and other documents listed or mentioned in Part 1 of the Second Schedule hereto and comprised in the Title Numbers listed in Part 2 of the Second Schedule hereto together with divers stocks shares and other investments and sums of cash with bankers building societies nominees and elsewhere (hereinafter called "the Trust Assets") are now held in the names of TIMOTHY JOBLING Chartered Accountant and RICHARD MICHAEL MOYSE Solicitor care of The Estate Office Longdown Marchwood Southampton SO40 4UH (hereinafter called the "Trustees" which expression includes the Trustees for the time being thereof) upon trust that the Trustees should sell the same with power to postpone sale and the Trustees are directed to hold the income of the Trust Assets until sale and the net proceeds of sale and the income thereof upon the trusts declared by the said Settlements and by divers Appointments made in exercise of powers herein contained
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3. FOR the purpose of executing or exercising any power or discretion hereby conferred to prepare agree to and settle sign execute and deliver all such deeds releases cheques or other documents as my Attorney shall consider requisite or desirable
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5. GENERALLY to act as my Attorney or agent in respect of the Trust Assets or the said trusts AND I HEREBY RATIFY AND CONFIRM and agree to ratify and confirm whatever my Attorney shall lawfully do or purport to do by virtue of this deed

IN WITNESS whereof I have executed these presents the day and year first before written

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HP741886 HP743382 WS41704 and any title substituted for or deriving from such title numbers

SIGNED as a Deed and Delivered
by the said TIMOTHY JOBLING
in the presence of:-

)

Tim Jobling

[Signature]

Simon Boulton

Hill Farm,

Batley

Saxton

SO32 2BP

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Southampton City Planning & Sustainability Appendix 2
Planning and Rights of Way Panel meeting 21st August 2012
Planning Application Report of the Planning and Development Manager

Application address: Land At junction of Brownhill Way and Lower Brownhill Road			
Proposed development: Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.			
Application number	12/00596/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	23.07.12	Ward	Redbridge
Reason for Panel Referral:	Major application with objections and departure to Development Plan	Ward Councillors	Cllr Whitbread Cllr Pope Cllr McEwing

Applicant: The Trustees Of The Barker Mill Estates	Agent: Turley Associates
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 21.08.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached			
1.	Development Plan Policies		

Recommendation in Full

Subject to the receipt of amended plans showing chimneys to the elevations of the dwellings:

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. The provision of affordable housing in accordance with adopted LDF Core Strategy Policy CS15.
 - iv. 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.
 - vi. Provision of agreed children's playspace prior to first occupation and submission of a management and maintenance plan for the open space.
2. That the Planning and Development Manager be given delegated authority to add to or vary planning conditions and relevant parts of the Section 106 agreement.
3. In the event that the legal agreement is not completed within two months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site is a 0.56 hectare piece of land which is broadly triangular in shape and lies between Brownhill Way and Lower Brownhill Road, on the edge of the city's administrative boundary. The site is bounded by mature hedgerow which contains some trees but the site itself is mainly an open grassed area. Beyond the south-west of the site is a pair of semi-detached properties known as New Cottages and an area of protected mature trees. The site was last used for the grazing of livestock and is therefore agricultural land.
- 1.2 The site lies to the north of the Millbrook residential area which typically comprises two-storey, terraced dwellings which are simply designed.

2. Proposal

- 2.1 The application seeks full planning permission for the construction of 14, 2-storey houses. A pair of semi-detached houses would be provided to the eastern end of the site and the remaining houses would be detached in nature. The dwellings would provide a mixture of two and three-bedroom accommodation.

- 2.2 In terms of design, the dwellings would have a traditional appearance with pitched roof and gable end roof design and brick elevations. Each dwelling would be served by a private rear garden.
- 2.3 A single point of vehicular access would be provided from Lower Brownhill Road and two off-road car parking spaces would be provided for every dwelling. The layout would retain the hedgerow to the boundary of the site.
- 2.4 To the northern boundary of the site, a 3 metre high acoustic barrier would be provided and would be positioned inside of the existing boundary screening.
- 2.5 The layout includes a proposed area of public open space to the eastern end of the site and a footpath link between Brownhill Way and Lower Brownhill Road.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The National Planning Policy Framework came into force on 27 March 2012. Paragraph 214 of the Framework sets out that local policies adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of Low Accessibility for Public Transport (Public Transport Accessibility Level Band 1).
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4. Relevant Planning History

- 4.1 There have been no previous planning applications relating to this site. In 2011 a Screening Opinion was submitted (reference 11/01095/SCR) to ascertain whether or not the residential development of the site would require an Environmental Impact Assessment (EIA). It was concluded that the proposal did not constitute EIA development of more than local significance.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was also undertaken which included notifying adjoining

and nearby landowners, placing a press advertisement (03.05.12) and erecting a site notice (30.04.12). At the time of writing the report 5 representations including a petition with 34 signatures have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposal, along with other planned development within the area, which includes the Lidl distribution depot, would result in a cumulative traffic increase which would exacerbate congestion and highway safety issues.***

5.3 **Response**

The Council's Highway Team have raised no objection to the scheme in this respect. Having regard to the likely vehicular trips associated with the development, it is not considered that the proposal would result in a significant increase in traffic on the surrounding road network. The transport impact of the nearby proposed Lidl distribution depot will need to be assessed as part of that application.

5.4 ***The development would be subject to traffic noise and disturbance and will therefore be undesirable to prospective residents.***

5.5 **Response**

A noise report has been submitted with the application and demonstrates that an acceptable residential environment can be achieved by incorporating an acoustic barrier to the north of the site together with a specification for the glazing of the dwellings. The Council's Pollution and Safety team are in agreement with the submitted report and recommendations. The scheme is therefore considered to be acceptable in this respect. Details of the acoustic barrier design will be secured by condition.

5.6 ***Loss of green space would result in a decline in wildlife, including impact on bat foraging.***

5.7 **Response**

The submitted Ecology reports demonstrates that the grassed area to the centre of the site, on which the proposed development would be sited, has limited ecological value. The hedge to the boundary of the site is of greatest biodiversity value and its retention will ensure no harmful impact on ecology. The Council's ecologist agrees with these conclusions and therefore raises no objection to the scheme.

5.8 ***The proposal would result in an increase in traffic noise disturbance to nearby residential properties.***

5.9 **Response**

As stated above, the proposal is not considered to result in a significant increase in vehicular movements on the nearby roads and as such would not result in harm to residential amenity.

5.10 ***The development would exacerbate drainage issues on the site.***

5.11 **Response**

It is anticipated that a Sustainable Urban Drainage System will be incorporated into the scheme. A condition is suggested to secure final drainage details to

ensure that the proposal would not create drainage issues.

5.12 ***The development is in close proximity to livestock kept at the smallholding of 2 New Cottages which would create noise and odour issues for prospective residents of the development, leading to complaints.***

5.13 **Response**

The proposed houses would be positioned no less than 5 metres from the boundary with New Cottages. As such, the Council's Environmental Health Team have raised no concerns with the proposal in this respect.

5.14 ***Having regard to other planned development within the vicinity of the site, including the Ordnance Survey development, there is no need for the additional housing proposed.***

5.15 **Response**

There is a recognised need for housing within the city and the delivery of family housing is welcomed.

5.16 ***Due to the proximity of proposed dwellings to trees, the proposal will result in result in pressure to cut back these trees.***

5.17 **Response**

There is sufficient separation between the proposed dwellings and the nearby protected trees to ensure that the retention of these trees are not compromised. Habitable room windows and gardens within the development would not be adversely affected by overhanging tree branches. As such, the Trees Team have raised no objection to the proposal.

Consultation Responses

5.18 **SCC Highways** - No objection subject to conditions and the developer entering into a section 106 legal agreement to secure site specific highway safety improvements and contributions to the improvement of the strategic road network.

5.19 **SCC Housing** – There is a requirement to provide 3 affordable housing units and the preference is for this to be provided on site. A planning obligation is recommended to secure the affordable housing units and ensure that they remain affordable in perpetuity.

5.20 **SCC Sustainability Team** – No objection. Suggests conditions to secure the necessary sustainability measures including level 4 of the Code for Sustainable Homes.

5.21 **SCC Architect's Panel** – Suggest that the proposed residential density is too low and the layout/design would benefit from a more intensive form of development. Suggest exploring the internal access being aligned along the northern site boundary.

Response:- Whilst these comments are noted, these changes have not been made as officers support the scheme with a lower density to enable a more open character with open space to be provided.

5.22 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests a

condition to secure satisfactory glazing to protect the prospective occupants from road transport noise disturbance. Conditions are also suggested to minimise disruption to nearby properties during the construction process.

- 5.23 **SCC Environmental Health (Contaminated Land)** - No objection. The site could be subject to historic land contamination and therefore conditions are suggested to investigate this and secure any necessary remediation.
- 5.24 **SCC Ecology** – No objection. The boundary hedgerow of the provides the greatest biodiversity value of the site and the retention of this will ensure that the proposal does not have a harmful impact on ecology. Two Ecology reports have been submitted and subject to conditions to secure the suggested mitigation measures, the proposal is considered to be acceptable.
- 5.25 **SCC Trees** – No objection. There is a group of protected trees beyond the western boundary of the site and the application details how these would be protected and retained. A condition is suggested to secure tree retention and safeguarding measures throughout the course of the development.
- 5.26 **SCC Archaeology** - No objection. Suggests conditions to secure an archaeological investigation and work programme.
- 5.27 **Hampshire Fire and Rescue** – No objection or conditions suggested.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development and loss of open space;
 - ii. The design of the proposal together with the impact on the character of the area;
 - iii. The impact on residential amenity;
 - iv. The quality of the residential environment proposed;
 - v. The impact on trees and ecology;
 - vi. Parking and highways and;
 - vii. Mitigation of direct local impacts and Affordable Housing.

6.2 Principle of Development and loss of Open Space

6.2.1 Policy CS21 of the Core Strategy safeguards all existing areas of open space within the city. In addition to this, the National Planning Policy Framework prioritises the development of previously developed land. As such, the principle of developing the application site needs careful consideration in terms of its function, landscape and biodiversity value.

6.2.2 Currently, the application site does not provide open space which is accessible to the public. The application proposal does however, incorporate genuine publicly accessible open space which will be secured through the section 106 agreement. The site's limited size, irregular shape and isolated nature, between two roads, means that it has limited appeal for long-term agricultural use. Furthermore, the applicants have indicated that there is also other land available within the Estate which could also be used for this purpose.

6.2.3 The Design and Access Statement submitted with the application includes an

analysis of the wider landscape value of the site which demonstrates that the development of the open space would not, in principle, have a harmful impact on the character of the area. This is discussed in more detail in section 6.3 below. It has also been demonstrated in the application submission that the proposal would not result in harm to either protected trees or the biodiversity value of the site.

6.2.4 Policy CS4 of the Core Strategy sets out the need to deliver housing within the city and moreover, the continual supply of family housing within the context of a difficult economic climate is welcome. In addition to this, the proposal incorporates genuine family housing, the need for which is set out in policy CS16 of the Core Strategy.

6.2.5 A residential density of 35dph would be achieved which is in accordance with the density range set out by policy CS5 for areas of Low Accessibility to public transport. A higher density, as suggested by the Architects Panel, would result in reduced spacing between buildings to the detriment of the established character of the area.

6.2.6 On balance, the benefits of providing genuine publicly accessible open space on the site is considered to justify the loss of private open space in this instance. As such, the Council's Planning Policy Team have raised no objection to the application and the principle of development is therefore considered to be acceptable.

6.3 Design and impact on character of the area

6.3.1 A key aspect of the proposed design approach is the use of a single point of vehicular access into the site from Lower Brownhill Road which enables the retention of the attractive boundary hedge and so protect the verdant character of the site. Furthermore, the hedge will help in significantly screening and softening the appearance of the development when viewed from public vantage points, ensuring that it would not have an adverse impact on the character of the area. The boundary treatment of the development (including the proposed acoustic barrier) would also run on the inside of the boundary hedge. A planning condition is suggested to protect the boundary hedge from removal and to prevent further points of access being created into and out of the site.

6.3.2 The proposal is designed to have a residential density which is at the lower end of the range suggested by the Core Strategy. This ensures that the scheme has a spacious and open character which does not harm the visual amenity of the area, whilst still achieving efficient use of the site. The low density nature of the scheme also enables additional tree planting and an area of public open space to be provided on the site, which are considered to be important characteristics of the scheme. In addition to this, the proposed dwellings would be set well away from the site boundaries to further contribute to a verdant and open character that would ensure the development of this open space is not visually harmful.

6.3.3 The proposed dwellings would be two-storey in scale, which reflects the surrounding residential development. In terms of design, the dwellings would appear well proportioned and their traditional appearance would be in keeping with the wider character of the area. The appearance of dwellings would benefit from the addition of chimneys and amended plans have been sought to resolve this.

6.4 Impact on residential amenity

6.4.1 Having regard to the separation of the proposed dwellings to residential neighbours and the landscape screening of the site, it is considered that the proposal would not have a significant harmful impact on residential amenity.

6.5 Quality of residential environment

6.5.1 A Noise Assessment has been submitted with the application which concludes that the impact of road transport noise on the proposed development can be mitigated against by provided an acoustic barrier to the northern boundary of the site and an appropriate specification of glazing. The Environmental Health Team agree with the conclusions of this report and planning conditions are suggested to secure the mitigation measures.

6.5.2 Each dwelling would be served by sufficient private and useable amenity space and outlook from habitable rooms would be acceptable. There is sufficient space on site to accommodate cycle and refuse storage and conditions are suggested to secure this.

6.5.3 The public routes and areas within the site would benefit from natural surveillance from the proposed dwellings. Each dwelling would benefit from an area of defensible space to the front and parking spaces would also relate well to the dwellings that they serve.

6.6 Impact on trees and ecology

6.6.1 The centre of the site is grassed and clear of mature trees and shrubs and thereby has a low biodiversity value. The boundary hedge of the site has the greatest ecological value including the providing habitat for bat foraging. As such, the retention of the boundary hedge will ensure that the proposal will not have a detrimental impact on the biodiversity of value of the site.

6.6.2 There is a group of protected trees beyond the western site boundary. A Arboricultural report has been submitted with the application and demonstrates that these trees could be retained within the proposed layout and the Tree Team have therefore raised no objection to the application.

6.7 Parking and Highways

6.7.1 The development provides 2 car parking spaces for each dwelling, which is the maximum number of car parking spaces permitted by the adopted Car Parking Standards Supplementary Planning Document. The Highways Team are satisfied that the access into the site would benefit from adequate site lines and that the development would not result in traffic congestion within the wider area. The internal road layout has been designed to accommodate a refuse collection vehicle and enable it to turn on site. The proposal is therefore considered to be acceptable in terms of parking and highways.

6.8 Mitigation of direct local impacts and affordable housing

6.8.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space, highway infrastructure improvements and affordable housing in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the

necessary obligations to mitigate against the scheme's direct local impacts and have indicated that the required three affordable housing units would be provided on site. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

7. Summary

7.1 The proposed development would make good use of the site to provide housing and it is considered that there is no demonstrable harm to the development of the open space in terms of use, visual impact or biodiversity. The replacement of private open land with some public open space represents a net benefit of the proposal.

8. Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for 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), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

JT for 21/08/12 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works 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. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

Reason:

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

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

- i. proposed finished ground levels or contours; means of enclosure; public open space details; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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.

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.

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

04. APPROVAL CONDITION – Retention of Boundary Hedge [performance condition]

The existing hedgerow on the boundaries of the site with Brownhill Way and Lower Brownhill Road shall be retained. No part of the hedge shall be damaged, cut back, cut down, uprooted or removed without the prior written agreement of the Local Planning Authority. In the event of any unauthorised damage to or removal of any part of the hedge occurring, replacement screen planting and/or boundary screening to a specification to be provided by the Local Planning Authority shall be carried out by the owner of the site within six months of the date at which the damage or removal was first brought to the attention of the landowner by the Local Planning Authority.

Reason:

In the interests of the character of the area and the local biodiversity.

05. APPROVAL CONDITION – Permitted Development Restriction – Access [performance condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no access other than that shown on the approved plan shall be formed to the site.

Reason

In the interests of highway safety and to ensure the retention of the boundary hedgerow in the interests of the character of the area.

06. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the fenestration shall be installed in accordance with the following specification:

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

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that 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 traffic noise.

07. APPROVAL CONDITION – Acoustic Barrier [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the acoustic barrier to be positioned south of the northern boundary hedge, shall be submitted to and approved by the Local Planning Authority in writing. The barrier shall be installed in accordance with the approved details before the development first comes into occupation and thereafter retained as approved.

Reason:

To ensure future occupants are not adversely affected by road transport noise.

08. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a

programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecology reports] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

09. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

10. APPROVAL CONDITION – Lighting Scheme [pre-occupation condition]

Prior to the commencement of the development hereby approved, a detailed lighting scheme shall be submitted to the Local Planning Authority and approved in writing. The lighting scheme shall be installed in accordance with the agreed details for the development first comes into occupation and thereafter retained as approved. There shall be no other external lighting on the site otherwise than hereby agreed.

Reason:

In the interests of residential amenity and to prevent disturbance to foraging bats.

11. APPROVAL CONDITION – Road Construction [Pre-Commencement Condition]

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

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority

Reason:

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

12. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position

of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period

13. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

14. APPROVAL CONDITION – Archaeological 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 in writing.

Reason:

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

15. APPROVAL CONDITION – Archaeological work programme [performance condition]

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

Reason:

To ensure that the archaeological investigation is completed.

16. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

17. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

18. APPROVAL CONDITION- 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.

Any changes to the agreed remediation actions will require the express written consent of

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.

19. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

20. APPROVAL CONDITION - Refuse & Recycling Bin Storage [pre-commencement condition]

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general.

21. APPROVAL CONDITION – Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

22. APPROVAL CONDITION - Amenity Space Access [performance condition]

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

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

23. APPROVAL CONDITION - Construction Method Statement [Pre-commencement

condition]

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 Statement (CMS) for the development. The CMS 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 CMS 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.

24. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes, in the form of a design stage assessment, 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).

25. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, 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).

26. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates

the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
NE4	Protected Species
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

Parking Standards (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

Private and Confidential

Simon Mackie
Planning Agreements Officer
Planning & Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Southampton Valuation Office
2nd Floor Overline House
Blechynden Terrace
Southampton
Hampshire. SO15 1GW

Our Reference: GAT/1652831
Your Reference: 12/00596/FUL

Please ask for : Gavin Tremeer
Tel : 03000 504331
Mobile : 07786 734080
E Mail : gavin.a.tremeer@voa.gsi.gov.uk

Date : 13th November 2017

Dear Simon,

**DESK TOP REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT
PROPOSED SCHEME: Land at junction of Brownhill Way and Lower Brownhill Road,
Southampton. SO16 9LF.**

I refer to our previous fee quote and your email dated 11th October 2017 confirming your formal instructions to carry out a desk top viability assessment in respect of the above proposed development.

This report is not a formal valuation.

The date of assessment is 13th November 2017.

We have reviewed the assessment provided by Intelligent Land on behalf of the applicant Barker Mill Estates.

The assessment has been made by comparing the residual value of the proposed scheme with an appropriate benchmark figure having regard to the National Planning Policy Framework and the published RICS Guidance Note into Financial Viability in Planning.

The principal objective of our Brief and the subject of this report are to establish whether there is financial justification for any affordable housing and section 106 contributions.

General Information

It is confirmed that the viability assessment has been carried out by Gavin Tremeer, a RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation.

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest. DVS has had no other previous material involvement with the property.

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006.

The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report unless previously agreed.

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Following the referendum held on 23 June 2016 concerning the UK's membership of the EU, the impact to date on the many factors that historically have acted as drivers of the property investment and letting markets has generally been muted in most sectors and localities. The outlook nevertheless remains cautious for market activity over the coming months as work proceeds on negotiating detailed arrangements for EU exit and sudden fluctuations in value remaining possible. We would therefore recommend that any valuation is kept under regular review.

You have forwarded the developers assessment to review. We have now undertaken our own research and assessment and would report as follows:

Background:

The planning reference for this site is 12/00596/FUL, and is as follows:

'Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.'

The proposed site extends to approximately 0.51 Ha (1.25 Ac) and sits within a predominantly residential location. It is bounded by roads with the exception of the western boundary which abuts neighbouring arable land (Lidl site) and an existing residential unit.

We understand that consent was granted in 2012 and that this has been implemented to protect the consent but that the development has now stalled. It is the contention of the applicant that at the policy level of section 106 contributions, CIL contributions and 3 affordable units, the scheme is not viable.

The applicant is stating that due to a number of significant unforeseen abnormal costs, that the scheme can no longer provide the policy level of affordable housing. Following their assessment of the policy compliant scheme, their appraisal shows a negative land value of -£315,142. Their 100% open market appraisal shows a profit on GDV of 18.74% and they therefore contend that no affordable housing contribution can be made.

The Scheme:

We have been provided with the assessment undertaken on behalf of the applicant.

For the purpose of this desk top assessment we assume the areas stated on the floor plans provided are correct. The scheme as proposed by the applicant is as follows:

Type	Number of Units	Average Unit Size (Sq m)	Gross Internal Area (Sq m)
Private Residential			
Two bed semi-det house	1	90.4	90.4
Two bed detached house	1	70.6	70.6
Three bed semi-det house	1	70.6	70.6
Three bed detached house	11	82.7	909.7
Total	14		1,141.3

Viability Assessment:

This report deals with each major input into the viability assessment of the scheme. This desk top assessment has been undertaken following our own research into both current sales values and current costs. We have used figures put forward by the applicant if we believe them to be reasonable.

We have used a bespoke excel based toolkit with cash flow to assess the scheme which is attached as Appendix 1.

We would summarise our assessment of the Scheme as follows:

1) Development Value -

a) Private Residential / Commercial:

The applicant has provided detailed comparable sales evidence from nearby new-build developments, and from existing properties. They have also commissioned estate agents Sequence Homes to provide their opinion of value and based on this have adopted the following average values compared to ours:

Type	Developer	DVS
Two bed semi-det house	£210,000	£210,000
Two bed detached house	£215,000	£215,000
Three bed semi-det house	£240,000	£240,000
Three bed detached house	£236,818	£236,818
Total	£3,270,000	£3,270,000

From our own research we consider the figures provided for the residential units to be reasonable and we have therefore used the same in our appraisal.

b) Gross Development Value (GDV):

On the basis of the proposed scheme, with no affordable housing, we assess the gross development value to be £3,270,000 in line with the applicant's submission.

2) Development Costs -

a) **Build Cost:**

The applicant has not provided a detailed breakdown of costs for this scheme but have instead relied on the BCIS guide. They have adopted the following base build rates:

Detached Houses - £1,371 per m²

Semi-Det. Houses - £1,138 per m²

In their report the applicant has stated that the scheme will be built out by a local builder; Barker Mill Estates in this instance.

For a scheme in a lower value location such as this we would normally expect to see build cost base rates closer to the Lower Quartile BCIS figures.

However, the applicant has indicated that a BCIS Median level of cost is appropriate as smaller schemes such as this will not benefit from quantum discounts available to volume housebuilders who are able to order in bulk and we would agree that with smaller developments such as this, economies of scale are less easily achieved when compared with larger green field schemes.

The above proposed figures put forward actually sit between the current Lower Quartile and Median costs, with the detached property costs (which make up the majority of the scheme) being close to the Lower Quartile figure. Current BCIS figures adjusted to the Southampton location are as follows:

Detached:

Lower Q = £1,346 per m²

Median = £1,606 per m²

Semi-detached:

Lower Q = 1,072 per m²

Median = £1,180 per m²

We therefore consider them not to be overstated and have included the same in our appraisal.

In addition an external works cost allowance of 15% of base construction costs has been included (to include the proposed children's play area), which again is roughly what we would expect to see for a scheme of this nature.

Overall we have included a base build cost of £1,526,861 (excluding contingency, professional fees or abnormal costs), plus external works costs of £229,029 which is in line with the applicant's submitted figures.

b) Build Contingency – The applicant has included a contingency of 5% which is reasonable and in line with other similar schemes we have previously assessed.

Professional Fees – The applicant has included professional fees totalling £190,858 which equates approximately **10.89%** of base build costs and externals. They assert that this is higher than usual due to quantum given the small size of the scheme, plus additional third party input as follows:

- Enhanced ecology work relating to CFSH.
- Enhanced design work relating to CFSH.
- CFSH calculations, reporting and advice.
- Enhanced drainage advice relating to CFSH.

Typically we would expect to see closer to 8% for these costs but this can be higher where the scheme is more complex and would require additional consultation.

The scheme we have assessed is on an all-private basis due to the contention of the applicant and with the policy compliant scheme already having consent.

We are informed by the applicant that on an all-private basis it is proposed that the CFSH condition be removed through variation to assist viability. Therefore if we are considering the scheme on this basis no regard should be had to the additional professional fees relating to this element.

However, overall £190,858 is not considered to be particularly excessive as a total professional fee cost but we have reduced it slightly to **10%** (total £175,516) instead to reflect the CFSH consultation fees.

c) Abnormal costs – The applicant has provided a breakdown of abnormal costs undertaken by Sutherland Surveyors. Costs totalling £415,000 have been stated in the applicant's report as a consequence of the current S.106 agreement, but they state that items relating to CFSH and air source heat pumps will be removed for an all-private scheme, thereby reducing the total to £267,000. The bulk of these costs are as follows:

- Foul pumping station and associated works and items - £113,000 total
- Ditch culverting - £52,000
- Permeable paving and attenuation tank - £30,000
- Over-extra for deep foundations - £40,000

We have briefly consulted our QS team to discuss these additional costs who have talked us through the circumstances where they will be required.

The costs are considered to be reasonable on the assumption that the items and works are required for this site and we have therefore included them in our assessment.

Sometimes an external works allowance can reflect some of these types of works. However, in this instance the external works allowance of 15% (reflected separately) is at the low end of the range we would expect to see and therefore the additional over-extra costs are considered to be justified.

d) Section 106/CIL Costs – The applicant included the following in their appraisal:
 S.106: £6,890
 CIL: £79,876

However, we are informed by you that the required contributions are actually:

S.106: £42,548
 CIL: £0

We have therefore included these figures in our appraisal instead but if this differs, it will affect our assessment.

e) **Sales and Marketing Fees** – The applicant has included a total of 2% for sales and marketing costs in their appraisal which is reasonable for this scheme.
In addition, they have included legal sales fees at £1,000 per unit which is also deemed reasonable and we have therefore included the same in our appraisal.

f) **Finance costs** - The applicant has adopted a rate of 6.5% which is within the range we would expect to see and in line with similar schemes that we have recently assessed.

g) **Developers Profit** – In the current market a range of 15% to 20% of GDV for private residential, 6% of GDV for affordable is considered reasonable.

The applicant has adopted a profit level of **20%** of gross development value in their appraisal which is deemed to be slightly high taking account the overall size and timeframe of the proposed development and the relative risk associated with it.

We consider a developer profit of **17.5%** on GDV to be sufficient for this scheme which is in line with other similar recent schemes we have assessed in this location and have therefore adopted this in our appraisal for the purposes of viability testing.

h) **Development Programme** – The applicant has assumed the following development timeframe for this scheme:

- Construction Period of 12 months (excluding **6 month** lead-in period)
- Sale period of **12 months** beginning directly after the construction period.

Usually with a scheme of this nature we would expect to see an overlap with the construction period and sales period but it is understood that due to the site only having one access point that the construction will need to be fully completed before the units can be sold.

We agree with the suggested construction period but have reduced the lead-in period to **4 months** due to this being a full planning application. We have also reduced the sales period to **8 months** which is calculated on a straight line basis within the cash flow of the appraisal.

i) **Land Value** – Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the existing use value, or alternative use value of the site.

The applicant has included a figure of £75,000 which is based on the existing use value of the site as grazing/scrub land plus a seller incentive as follows:

- Existing use value = £62,500 (based on £50,000 per acre)
- Plus 20% seller incentive of £12,500

Total = £75,000

They have provided evidence of grazing land sales within the New Forest location which indicate a value in the region of £40,000 per acre for a small parcel of equestrian use grazing land. They have increased this to £50,000 per acre for the subject site due to its close proximity to Southampton.

As an existing use value, taking account of the quality of land and lack of any equestrian facilities such as water supply, stables or sand school area we consider the existing use value to be at the higher end of the range but accept that being within convenient reach to a large city could make it a more attractive proposition.

Overall, taking account of potential hope value for development we consider that in the current market a prospective developer would pay up to £75,000 for this site even as a speculative purchase for development in the medium – long term future. Therefore, for the purposes of viability testing we have included the same in our appraisal.

In addition agent/legal fees have been included at a standard rate of 1.75%.

Overall assessment:

Following our desktop assessment we are of the opinion that the proposed scheme, with no affordable housing and a developer profit of 17.5% is borderline in terms of being viable. Our appraisal shows that a small potential surplus of up to £76,846 is available for an off-site affordable housing contribution (See Appendix 1).

We broadly agree with the figures put forward by the applicant with the exception of the following (as highlighted in bold above):

- Professional fees
- CIL/S.106 contributions
- Developer profit
- Development programme (lead-in, and sales periods)

The biggest difference between our figures is with the developer profit. With no affordable housing contribution our appraisal indicates that the scheme would achieve a profit level of approximately 20% on GDV but due to the relatively small scale nature of this scheme and short timeframe, we consider 17.5% to be a reasonable level of profit, thereby providing a small surplus for affordable housing. This is in line with numerous other agreements for similar schemes in the south of England.

The main factor impacting the viability of this scheme is the low value nature of the location, but it is also worth noting that 12 of the 14 proposed units at this site are detached.

Construction costs for detached units are higher than for equivalent sized terrace and semi-detached houses, although there would be a difference in achievable revenue between these types. However, by constructing terrace and/or semi-detached units the site density could be increased which would help to improve viability.

The newly identified abnormal costs also impact viability but to a slightly lesser extent.

Due to the sensitivity of the valuation appraisal, a slight reduction or increase in these figures will have a large influence on the surplus available for affordable housing.

We consider that it would be reasonable in these circumstances to require the applicant to enter into an agreement to build the site to core and shell within 18 months. If they had not achieved this within the timeframe then a second viability assessment would take place giving the Council the opportunity to achieve a higher commuted sum if sales prices had improved.

I trust this report deals with the issues as required but please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail.

Yours sincerely

Gavin Tremeer BSc MRICS
RICS Registered Valuer
Development Consultant
DVS South East

Reviewed by:

Tony Williams BSc MRICS
Head of Viability (Technical)
DVS South East

Appendix 1 – Viability Appraisal 100% Private Scheme

DRAFT