

Planning and Rights of Way Panel

Tuesday, 19th June, 2018
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 & 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Coombs (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mitchell
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

| 2018 | |
|-------------|--------------|
| 29 May | 11 September |
| 19 June | 9 October |
| 10 July | 13 November |
| 31 July | 11 December |
| 21 August | |

| 2019 | |
|-------------|----------|
| 8 January | 12 March |
| 29 January | 2 April |
| 26 February | 23 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 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 29 May 2018 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 17/02368/FUL - FORMER REDBRIDGE SIDINGS

(Pages 9 - 38)

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.

6 PLANNING APPLICATION - 17/01690/FUL - PORTSWOOD TREATMENT WORKS

(Pages 39 - 68)

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

7 PLANNING APPLICATION - 18/00664/FUL - REAR OF 89 ALMA ROAD

(Pages 69 - 78)

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

8 PLANNING APPLICATION - 18/00358/FUL - 182-184 BITTERNE ROAD WEST
(Pages 79 - 106)

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 - 18/00129/FUL - 132 PERCY ROAD
(Pages 107 - 118)

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.

Monday, 11 June 2018

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 29 MAY 2018

Present: Councillors Savage (Chair), Claisse (except minutes numbers 5 & 6), Coombs, Mitchell, Murphy and Wilkinson

Apologies: Councillors L Harris

1. **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Coombs be elected as Vice-Chair for the 2018/2019 Municipal Year.

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

RESOLVED: that the minutes for the Panel meeting on 24 April 2018 be approved and signed as a correct record.

3. **PLANNING APPLICATION - 18/00115/FUL - 88 WILTON AVENUE**

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.

Conversion of existing 2 flats (1 x 3-bedroom HMO, 1 x 2-bedroom) into a 4-bed house for use as either a house in multiple occupation (HMO, class C4) or a dwelling house (class C3)

Lorraine Barter (local resident objecting), and Dr E Fogg (applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there were no further updates for the application. The Panel requested that officers amend the condition set out in the report to ensure that adequate cycle storage was available for the residents, 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.

RESOLVED that conditional planning permission be approved subject to the conditions within the report and any amended conditions set out below.

Amended Condition

CONDITION 05:

CYCLE PARKING (Performance Condition)

Notwithstanding the approved plans, secure and covered storage for a minimum of 4 bicycles shall be provided and made available prior to first occupation of the development hereby approved and thereafter retained.

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

4. **PLANNING APPLICATION - 18/00035/FUL - 14 THE BROADWAY PORTSWOOD 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.

Proposed change of use from coffee shop (A1 use) to drinking establishment (micro pub) (Class A4) - submitted in conjunction with 18/00036/ADV

Dr Buckle and Lorraine Barter (local residents/ objecting), Neil Davis (Applicant) and Councillor Claisse (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported description of development had been amended to include the canopies and confirmed that Hampshire Police had raised no objection to the application. Panel Members considered adding a further condition relating to the canopy but upon the matter being put to the vote choose not to add any further condition that related to the canopy.

The Panel expressed concerns about the outside seating encouraging drinking outside and requested that a condition be added that would restrict drinking from taking place outside of the premises and any seating on the public highway 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.

RESOLVED that conditional planning permission be approved subject to the conditions within the report and any additional or amended conditions set out below.

Additional condition

APPROVAL CONDITION, Internal drinks consumption/use of tables and chairs - [Performance Condition]

At no time shall drinks bought on the premises be taken outside for consumption and at no time shall tables and chairs be placed on the public highway in associated with the permission hereby granted.

REASON: To protect the amenities of the occupiers of nearby residential properties, the appearance and accessibility of the area; and to prevent drinking alcohol on Portswood High Street.

NOTE: Councillor Claisse declared an interest and withdrew from the Panel.

5. **PLANNING APPLICATION - 18/00551/FUL - 24 CARLTON PLACE**

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

Application for variation of condition 2 (Opening Hours) of planning permission 08/00371/VC to extend opening hours from 2:00 am - 3:00 am Monday - Sunday.

Lorraine Barter (local residents objecting) and Ian Johnson (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that Hampshire Police had raised no objection to the application but drew attention to the additional information circulated to the Panel that detailed the number of licensed premises and their opening hours within the area.

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

RESOLVED that the Panel refused to grant conditional planning permission for the reasons set out below:

Reasons for refusal

The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning by an additional hour would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises. Furthermore, approval would set a difficult precedent to defend against and could lead to further impacts. The proposal would thereby, having regard to similar appeal decisions in the locality for extended hours of use, prove contrary to and conflict with 'saved' policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) and Policy AP8 of the City Centre Area Action Plan (adopted 2015).

NOTE Councillor Claisse declared a personal interest and withdrew from the Panel for this item.

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 19 June 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

| Main Agenda Item Number | Officer | Recommendation | PSA | Application Number / Site Address |
|-------------------------|---------|----------------|-----|--|
| 5 | SH | DEL | 5 | 17/02368/FUL Former Redbridge Sidings |
| 6 | MP | CAP | 5 | 17/01690/FUL Portswood Treatment Works |
| 7 | JF | CAP | 5 | 18/00664/FUL r/o 89 Alma Road |
| 8 | MP | DEL | 5 | 18/00358/FUL 182-184 Bitterne Road West |
| 9 | MP | DEL | 5 | 18/00129/FUL 132 Percy Road |

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

Case Officers:

SH – Stephen Harrison

MP – Mat Pidgeon

JF – John Fanning

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 5

Planning and Rights of Way Panel 19 June 2018 Planning Application Report of the Service Lead – Infrastructure, Planning & Development

| | | | |
|--|---|-----------------------------|---|
| Application address: Former Redbridge Sidings, Old Redbridge Road, Southampton | | | |
| Proposed development: Change of use of land from open space and landscaping into operational railway use and construction of new railway sidings, with associated works and proposed change of use of Network Rail land to public open space (resubmission 15/00306/FUL) - Amended submission following initial consultation | | | |
| Application number | 17/02368/FUL | Application type | Minor |
| Case officer | Stephen Harrison | Public speaking time | 5 minutes |
| Last date for determination: | 17.01.2018 - ETA | Ward | Redbridge |
| Reason for Panel Referral: | Request by Ward Member and subject to five or more letters of objection | Ward Councillors | Cllr McEwing Cllr Pope Cllr Whitbread |
| Referred to Panel by: | Cllr Pope | Reason: | Loss of open space and trees without appropriate mitigation; in addition to those reasons listed in full objection dated 30.11.17 |

| | |
|--|-------------------|
| Applicant: Network Rail Infrastructure Limited | Agent: N/A |
|--|-------------------|

| | |
|-------------------------------|--|
| Recommendation Summary | Delegate to Service Lead – Infrastructure, Planning & Development to grant planning permission subject to criteria listed in report |
|-------------------------------|--|

| | |
|---|-----|
| Community Infrastructure Levy Liable | N/A |
|---|-----|

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered by the Council's Planning and Rights of Way Panel on 19th June 2018, including the loss of open space, the loss of mature trees and the impacts of the development upon existing residential amenity – particularly as this scheme enables more freight trucks rather than engines - and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. Officers consider that in this instance the loss of the open space is acceptable given that:

- Network Rail have amended their scheme and now propose to provide the Council with 1,043sq.m of land, and sufficient funds to enable its change of use from a carpark to public open space;

- The existing open space to be lost has been reduced from 2,008sq.m (proposed under LPA ref: 15/00306/FUL) to 1,592sq.m and will serve a wider benefit in terms of freight movement and its associated economic and environmental benefits in terms of removing HGVs from the highway network;
- In terms of useable open space the scheme now proposes a net increase of 196sq.m (1,043sq.m proposed less 847 designated open space lost);
- The open space to be lost is currently characterised by mature planting with the more useable parts of the Park to be retained. There will be no change to the waterside access enjoyed by this Park and the number of trees to be felled has been reduced from 118 (proposed under LPA ref: 15/00306/FUL) to 95 (all Category B and C); and
- The proposed tree loss, whilst significant, does not affect existing residential outlook across the railway (as this relationship already exists) and is mitigated by their replacement with 332 trees (increased from 236 previously proposed under LPA ref: 15/00306/FUL) including the reinstatement of a tree belt along the northern boundary of the reconfigured Wharf Park;

The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP11, SDP12, SDP13, SDP16, SDP17, SDP22, NE4, NE6, NE7, HE6, CLT3 and TI2 of the City of Southampton Local Plan Review (2015) and CS6, CS9, CS13, CS14, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (2015) as supported by the NPPF (2012).

| | | | |
|--------------------------|--|---|--------------------|
| Appendix attached | | | |
| 1 | 1 st August 2017 Panel Minute | 2 | S.106 Contribution |
| 3 | Development Plan Policies | | |

Recommendation in Full

1. Delegate to the Service Lead – Infrastructure, Planning & 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. The provision for approval, in writing by the Council, and subsequent implementation of a fully designed public open space scheme by Network Rail in line with the current submission or financial contributions towards open space, public realm and replacement landscaping (and a commuted maintenance sum where appropriate) within the application site and Wharf Park, including lighting with light scatter diagrams and CCTV (if required), at least 2:1 tree loss commitment (minimum 190 trees) including a replacement tree belt to Wharf Park’s northern boundary, improved signage to the Park(s) and the re-provision of the cycle track, as required by LDF Core Strategy policies CS21 and CS25; with the submission of a phasing plan linking the (re)provision of the open space, and its transfer to the Council, to the delivery of the approved Sidings.
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.

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 planning system gives the applicant, Network Rail, 'permitted development' to undertake development relating to the movement of traffic by rail on their operational land (General Permitted Development Order Part 8 Class A refers). There is a nationwide initiative to remove capacity constraints in the rail freight network and where possible Network Rail are utilises their permitted development allowances. Network Rail's 'Freight Utilisation Strategy' (March 2007) identified the Port of Southampton to various destinations in the West Midlands and West Coast Main Line as a capacity gap requiring further investment. Freight capacity expansion is a necessity for Southampton according to the applicant and their findings as the City currently is a bottleneck for the movement of freight.

In this instance the proposed development is located upon Council owned open space where planning permission is then required as this is not 'operational land' for the purposes of permitted development. Should the Panel support the officer recommendation to approve the Council would then need to advertise its intention to dispose of the land and, if subject to objection, the Council's Cabinet would then decide whether or not to sell the land subject of this planning application.

This application follows the refusal of a similar scheme (LPA ref: 15/00306/FUL), which previously failed to mitigate for the proposed loss of public open space. The revised scheme seeks to address the previous reason for refusal to enable the project to proceed, but is again subject to significant local objection. The previous application was refused by the Planning Panel on 1st August 2017 for the following reason:

Refusal Reason - Loss of Open Space

The proposed change of use results in the loss of public open space to the detriment of the usability of the Park, its access and, with the associated removal of 118 mature trees, its appearance contrary to Policy CS21 of the LDF Core Strategy (Amended 2015), which seeks to retain the quantity of open space in the City.

A copy of the relevant Panel Minute is attached at **Appendix 1**. The key change to the project is that less open space is now needed for the sidings, and Network Rail have offered a piece of compensatory land to the Council, and a financial contribution, to enable its use as replacement open space. This is material change to the scheme. The Panel are reminded that introducing new reasons for refusal to the application could be construed as unreasonable behaviour; whilst noting that the proposed 'pocket park' is new development to that previously considered and requires a full assessment.

1.0 The site and its context

- 1.1 This planning application concerns a linear piece of Council land which runs along the southern boundary of the existing railway line, and associated sidings, at Redbridge Station on the edge of the Council's administrative boundary. The land is currently planted with mature trees and forms part of a wider piece of public open

space, with a total area of 16,600sq.m, which is triangular in nature with extensive views across the River Test to the south with pedestrian access taken from the Redbridge Station bridge link. The operational port forms the site's eastern boundary.

1.2 The land was formerly owned and used for railway sidings but was sold to the Port of Southampton. In 1992 outline planning permission was granted for industrial and storage development to enable disposal by British Rail to the Port of Southampton for its expansion proposals. As part of this decision the Redbridge Wharf Park was transferred to the Council in 2002 with the extension of the footbridge to provide full pedestrian access.

1.3 This application also includes land to the north of the railway line, which is currently used for temporary, secure parking in connection with the City's cruise operation. This piece of land is offered to the Council in lieu of that required for the main works and has an area of 1043 sq.m. This land has been referred to as a 'pocket park'.

1.4 There are a number of designated sites near the proposed development site. European designated sites include the Solent Maritime Special Area of Conservation (SAC) and the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. UK designated sites include the Eling and Bury Marshes Site of Special Scientific Interest (SSSI), the Lower Test SSSI and the River Test SSSI.

2.0 Proposal

2.1 As with planning application 15/00306/FUL full planning permission is sought to change the use of land from public open space to operation land for network rail to enable them to increase network capacity by two additional sidings for freight, particularly serving the Port of Southampton. At present the average length of freight trains running from Southampton to the West Midlands and WCML is around 520 metres. The aim of the project is to provide additional sidings to accommodate 775 metre-long trains, and provide for additional manoeuvres to and from the Port of Southampton. This project is just one of 10 such initiatives to improve freight movement across the UK. It is estimated that each additional freight train on the network removes between 43 and 76 HGVs from the highway network, with each tonne transferred reducing carbon emissions by 76%. Currently freight operates across the network on a 24 hour/day operation and the existing sidings form part of that network. This application seeks to extend the existing capacity and improve the logistics of moving freight along the same network as passengers and, if approved, would operate on the same 24 hour/day basis as existing. Network Rail advise that longer sidings allow for longer trains rather than more diesel engines on the network

2.2 Some existing vegetation on the site will be cleared, including significant tree loss, and track formation works will be undertaken to provide for drainage, relocated and new fencing to make ready for the development of operational sidings (formed of ballast, sleepers and rails). Small technical equipment boxes and some signalling equipment will also be installed. In total some 1,592sq.m of designated (847sq.m) and undesignated (745sq.m) open space is required with the removal of 95 trees in total followed by appropriate mitigation and replanting. The existing trees range in height from 6 to 12 metres. The previous application required 2008sq.m of open space to facilitate the development; comprising 1,268sq.m of designated open space and 740sq.m of undesignated open space. The scheme, therefore, represents a reduction in open space loss and a potential net gain in useable (designated) open space.

2.3 A comprehensive tree survey has been carried out on all the trees alongside the railway boundary east of the footbridge and in the balance of Redbridge Wharf Park (west of the footbridge). The survey found that the trees along the railway

boundary are generally ‘spindly’, and have co-dependent crowns which are suppressing each other. In total the report identifies that no ‘A’ category trees will be felled and in total 95 trees will be felled. A variety of species including Field Maple, Silver Birch, Oak, Hornbeam, Alder, Holly, Aspen, Rowan, Hawthorn, Hazel and Blackthorn are earmarked for removal. A 2:1 tree planting scheme is proposed as discussed later in this report and secured through a s.106 legal agreement.

2.4 The current application has been revised following submission with more detail provided. It seeks to address the previous reason for refusal by reinstating a tree belt along Wharf Park’s northern boundary and making provision for new public open space on the opposite side of the railway line. As proposed the scheme represents a net increase in useable public open space with less Council land now required to fulfil the scheme. The following table summarises the changes:

| | 15/00306/FUL - Refused | 17/02368/FUL - Proposed |
|-------------------------|---------------------------|----------------------------|
| Open Space Loss | 2,008sq.m made up of: | 1,592sq.m made up of: |
| • Designated | 1,268sq.m | 847sq.m |
| • Undesignated | 740sq.m | 745sq.m |
| Open Space Replacement | - | 1043sq.m |
| Proposed Tree Loss | 118 | 95 |
| Proposed Tree Planting | 236 | 332 |
| Financial Mitigation | £242,458 | £428,028 |
| Ongoing Maintenance Sum | - | £29,295 |

2.5 A breakdown of Network Rail’s proposed financial contribution is attached at **Appendix 2**. These figures do not include lighting and CCTV, which are under negotiation following the comments of Hampshire Constabulary and can be secured through the s.106 delegation (if appropriate)

2.6 In addition to the above Network Rail are also exploring the possibility of undertaking further community-based and maintenance works to support the project, including:

- Painting of a mural celebrating local history (including anti-graffiti coating) located on the grey vertical panels on Redbridge footbridge on Redbridge Wharf Park side. To be delivered by W. Rosie (All About Art Ltd) in collaboration with young people at Redbridge Junior School;
- Infill planting between Railway Cottages and track (subject to relevant residents’ approval for access); and
- Washing, painting and treating the ramps on both sides of the footbridge and replacing the downpipe guttering. Additional work to be carried out by the train operator focussing on re-tred of steps on the station platform staircases and double height hand rails also on the staircases with warm touch covering.

Whilst clearly welcome these extras are not a requirement of the planning system and should not be afforded weight in the determination of the application

3.0 **Relevant Planning Policy**

3.1 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.

3.2 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 3**.

3.3 Policy CS21 (Protecting and Enhancing Open Space) explains that *‘the Council will retain the quantity and improve the quality and accessibility of the city’s diverse and multi – functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups through*

1. *Protecting and enhancing key open spaces including Southampton Common, central, district and local parks;*
2. *Replacing or reconfiguring other open spaces in order to achieve wider community benefits such as improving the quality of open space, or providing a more even distribution across the city;*
3. *Safeguarding and, when opportunities arise, extending the green grid (see Policy 22);*
4. *Seeking developer contributions to provide high quality, accessible open spaces.’*

3.4 The application has been formerly advertised as a departure to Policy CS21 as, if supported, will not retain the quantity of open space in the City

3.5 Furthermore, Policy CS6 (Economic Growth) and Policy CS9 (Port of Southampton) specifically promote rail freight, and Policy CS18 (Transport Policy) supports freight movements to and from the Port. Providing for a growing and sustainable freight transport network is also supported by the NPPF. In particular paragraph 30, which states that *‘encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion’*. Paragraph 31 requires Local Authorities to work with transport providers to provide large scale facilities and the framework lists ‘rail freight interchanges’ as an example.

4.0 Relevant Planning History

4.1 The land was previously used for railway purposes and is affected by a previous s106 legal agreement (associated with LPA reference no: 931276/24941/W), which enabled the land to be used for port related activities and public open space. It was then sold to the Port of Southampton who in turn transferred the retained open space to the Council in 2002 in order to provide public open space with waterside access.

4.2 15/00306/FUL – Refused 03.08.2017

Change of use of land from open space and landscaping into operational railway use and construction of new railway sidings.

Refusal Reason - Loss of Open Space

4.3 The proposed change of use results in the loss of public open space to the detriment of the usability of the Park, its access and, with the associated removal of 118 mature trees, its appearance contrary to Policy CS21 of the LDF Core Strategy (Amended 2015), which seeks to retain the quantity of open space in the City. This refusal is a significant material consideration in this case. The Panel need to decide whether or not the current proposals address the Council’s previous concerns.

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 (269 letters sent – mainly to residents living between Old Redbridge Road and the railway), placing a press advertisement (01/12/17) and erecting a site notice (01/12/17).

- 5.2 Following criticism from this exercise that no pre-application community engagement had taken place the applicant held a series of events to explain their scheme further and seek residents' comments. This included 2 public exhibitions (20th March and 4th April 2018) whilst the application was 'live'. The original scheme has now been amended/clarified and neighbours were re-notified. An additional site notice was posted following the second submission (22/05/18). The closing date for formal comments was 5th June 2018.
- 5.3 At the time of writing the report **18 representations (17 objection and 1 support)** have been received from surrounding residents; excluding the representations from local amenity groups and ward Cllrs set out more fully below.
- 5.4 The supporter of the scheme comments that the application will enable longer freight trains to operate to and from the port, making more efficient use of the rail infrastructure, boosting the city's economy and potentially removing HGVs from the highway network.
- The following is a summary of the points raised by objectors:
- 5.5
- Objectors suggest that whilst the project seeks to reduce HGV trips all that will happen is, with the current expected growth of the Port, there will be an increase in both HGV and rail freight leading to further air pollution and noise problems in the locality. This impact will be exacerbated by the removal of 95 mature trees. The submission cannot commit to a reduction in HGV traffic – as this is not with the gift of Network Rail - and does not explain the impacts of additional freight on air quality or noise

Response

Network Rail have previously responded to this point by stating that 'the project does not seek to reduce HGVs it is just a benefit and positive output of our project. Due to the increase in the Port Network Rail are assisting in providing more wagons which enables more goods to be carried by the trains and to support the growth in demand of UK trade. There is no additional freight we are just running longer trains. The scheme's aim is to enable freight train lengthening / extra wagons – not to increase the number of trains. We don't hold any specific studies on the impact of the additional freight / additional wagons - from this scheme - on air quality and noise. However there have been some reports which address air quality in general including the Rail Delivery Group's 'Freight Britain' Report (2015) which suggests that in comparison to road, which dominates the market, rail offers significant environmental benefits including:

- Reducing CO2 emissions: rail freight reduces CO2 emissions by up to 76 per cent compared to road; and
- Reducing air pollution: rail freight produces up to 10 times less small particulate matter than road haulage and as much as 15 times less nitrogen oxide for the equivalent mass hauled.'

In response to the possible noise impacts it should be noted that the existing railway network operates a significant freight operation from Southampton Docks and this project will facilitate longer trains rather than more of them. Colleagues in Environmental Health have not raised an objection to the possible intensification of use created by permitting this change of use. The Panel will note that this concern, including air quality and noise impacts, did not form a reason for refusal previously and should not be introduced as a concern with this second application for a similar development.

- 5.6
- The new sidings (both during construction and at the operational phase) will bring additional light and noise pollution

Response

In relation to the principal works to create the sidings the nearest affected residents live on the opposite side of the railway line (at 11 Railway Cottages) some 21

metres from the existing boundary fence to Redbridge Wharf Park. A Construction and Environmental Management Plan (CEMP) can be secured to confirm that directional or shielded lighting would be used during construction and once the site is operational. Clearly some additional lighting will be required although the site already abuts, in part, the Redbridge Station and some lighting is already in place. A planning condition is proposed to secure details of the lighting with scatter diagrams to ensure that any additional light spill is carefully considered and the impacts mitigated.

Network Rail previously commented that 'there may be noise and light pollution in a localised area during the construction phase. This will be minimised through a Construction Environmental Management Plan. Following the project being completed there won't be noticeable increases in noise and light pollution. The number of trains running from Redbridge will not increase in the short term, but the train length will increase. Any effect will be localised to the houses adjacent to the operational railway at Redbridge. As a result of the project there will be an overall positive benefit on the noise and light pollution for the city of Southampton. More freight can be transported by rail rather than road subsequently leading to the reduction of congestion as a result of road movements'.

Again, without an objection from the Council's Environmental Health Officer it is considered that the proposals can be supported given the existing relationship between the residential property and the existing railway line. Longer trains will not result in more diesel engines and on that basis the noise and air quality concerns, whilst noted, should not significantly change. The Panel will note that this concern did not form a reason for refusal previously and should not be introduced as a concern with this second application for a similar development

- 5.7
- The new 'pocket park' will result in additional noise, disturbance and anti-social behaviour

Response

In trying to address the previous reason for refusal the applicants are proposing to introduce public open space in close proximity to existing residential property. These properties currently back onto a secure compound and the proposed change needs further examination. Residents' concerns are noted but the comments of Hampshire Constabulary are also relevant, and raise no objection to the 'pocket park' subject to appropriate lighting and CCTV. At the time of writing negotiations are ongoing as to whether these measures will form part of the proposal and an update will be given at the Panel meeting. The scheme has been designed to improve fencing along the boundary of the immediate neighbour, and planting can be used to deter some anti-social behaviour. Ultimately, the planning system can be used to design out crime but persistent offenders are a matter for the police.

- 5.8
- The existing footbridge is poorly maintained with solid panelling and should be redesigned to provide better access to the Park.

Response

Network Rail previously commented that 'the panelling cannot be removed as it prevents damage to ABPs property. There have been previous instances of members of the public throwing items into ABPs land, causing damage to the cars'. Network Rail suggest that it would cost £80,000 to give the existing bridge a deep clean. In response to this last point officers would suggest that requiring Network Rail to clean the bridge through the planning process does not meet the tests of the relevant s.106 regulations that govern how and when mitigation and financial contributions should be secured. The maintenance of the bridge is an ongoing requirement of Network Rail and the train operators.

- 5.9
- Local residents complain that the application was submitted ahead of any real public engagement.

Response

Noted. Officers suggested proper pre-application engagement and Network Rail have now carried out a fresh round of consultation that has resulted in changes to the scheme and additional information.

5.10 **Ward Cllr Pope – Panel Referral & Objection**

Overall, as per the previous application, the "new" proposal has NOT listened to the concerns of local residents. Network Rail makes many claims in their application which are false. This includes listening to the concerns of residents - because they clearly have not. They don't appear to have learned from having the previous application refused.

- As per the previous application, the proposal to remove open space is unacceptable.
- As per the previous application the proposal to remove park land is unacceptable.
- As per the previous application, the development will result in too many mature trees being lost.
- As suggested in the proposal, and as per the previous application, planting trees outside the local area is totally unacceptable. Plus the trees would not be mature, as the current ones are.
- As per the previous application, this proposal will have an intolerable impact on residents of light, noise and dust pollution.
- As per the previous application, the proposed screening for residents is inadequate.
- As per the previous application, the extra pollution from shunting diesel trains will create further air pollution in an area that already suffers high levels from the docks and major roads.
- The replacement open space is totally unsuitable. Is it some kind of sick joke on Redbridge residents? The land is currently used for car storage and will be useless as public open space. Worst of all, it will create a nuisance for nearby residents. It is separate from the park and will just become a problem.
- It is unclear whether operations will be twenty-four hours. This would be unacceptable for residents' amenity.
- Network Rail claims to have looked for suitable land. They said this at one of the site meetings. Their claim is untrue. The Redbridge Bridges is nearby. It is suitable. It needs work. It needs to be developed. CoSS and SCAPPS both agreed their support to develop that area, and to open it up. Network Rail have ignored it, again. And so has the Parks and Open Spaces Manager, who I understand agreed this new proposal. Residents want that area developed - not to be given a godforsaken car lot previously operated by an irresponsible and nuisance company next to a railway line as a false mitigation for losing their beloved park land.

5.11 **Ward Cllr McEwing - Objection**

I object to this planning application as no consultation has taken place with local councillors or the local community.

- Out of character
- Loss of trees and other important landscape
- Disturbance such as noise, lighting and odour

5.12 **Ward Cllr Whitbread – Objection**

I wish to place on record my formal objection to this planning application. I'm extremely disappointed that Network Rail have failed to engage with Councillors, residents and other key stakeholders in shaping their resubmission to Southampton City Councils planning department. The proposals set out by Network Rail fail to

adequately offset the loss of public open space. The suggested replacement of land is completely inappropriate given how disconnected it is from the park and given its current use as a car storage. I'm also concerned about the close proximity to residential dwellings and potential for antisocial behaviour. I'm deeply concerned about the number of trees planned to be removed. The proposed screening is inadequate and will have a detrimental impact on residents' visual amenity. The increase in air pollution from diesel trains in a part of the city already severely polluted is unacceptable

5.13 **Redbridge Residents Association – Objection**

At a recent Committee meeting it was confirmed no one had been consulted on the plans submitted, we see little change from the previous application! Green Space is being removed with no provision made for the same within the Redbridge Area, a concrete slab is being offered, this provides little or no compensation to the Residents of Redbridge and any use of that slabbed area will impact on neighbouring properties. Network Rail must consider the affect removal of the trees will have on an existing over polluted area and must compensate Residents of REDBRIDGE with additional planting and adequate Green Space.

5.14 **Consultation Responses**

5.15 **SCC Highways – No objection**

The application is to increase rail/freight capacity which will have minimal direct impact on the highway. The previous application was also for a similar proposal which did not have a highway related reason for refusal. However, a “purchasing plan” has been submitted which shows areas which are public highway (not maintained at public's expense) shaded in green. Clarification will be needed what is happening to these areas (namely sections of Tate Road and Stratton Road). If there is any purchase of land or development, then the public's right to pass and repass will need to be retained via other means such as legal agreements and further information will be needed to know what is proposed in these areas

5.16 **SCC Parks & Open Spaces Manager – No objection**

The offer of replacement open space, following the loss to Wharf Park, is an improvement on the previous proposals, and the replacement tree planting is also welcomed. Our preference is that the applicant undertakes the proposed works to the new park and then hand it over to the Council to maintain. We would, equally accept the financial contribution on offer and implement a similar scheme to that shown on the amended plans (probably following further neighbour consultation) although there is a risk of additional cost with this option. Whilst the use of gates to limit the potential for anti-social behaviour is noted the Council does not have the resources to ensure that these gates are locked and unlocked on a daily basis and further discussion on this point would be needed.

5.17 **SCC Tree Team – No objection**

118 Trees originally marked for removal has been downgraded to 95 with some of the groups that were to be removed totally now only partial removals. Meaning more mature cover being retained throughout the construction process. A total of 332 new trees being planted, 111 standards and 221 whips plus an additional 200 hedge mix trees. This is welcome to the area and once established will add to the overall canopy cover of the area and provide valuable wildlife habitat. Species choice is native in the majority and the range of ages is beneficial to overall site. In the long term this proposal will bring more canopy cover to the area, re-establishing the screening and creating additional parkland with associated tree cover, whilst potentially lowering the amount of traffic entering the City via the A33. For the reasons above I support the proposal.

5.18 **Hampshire Constabulary – Objection if lighting/CCTV to pocket park not provided.**

Whilst the station approach and adjoining streets do suffer from an amount of crime and anti-social behaviour (ASB) it is not considered to be exceptional. However the introduction of a new recreation space could attract such issues and it does have the potential to affect the amenity of the adjoining dwellings in Pat Bear Close and Tate Road and these must be protected as much as possible from potential noise and ASB.

- 5.19 Opening up the existing secured car park will increase the vulnerability of the northern boundary and in particular Tate Mews and 13 Pat Bear Close and I am not convinced that the proposed tree planting here will address these issues. I recommend that the existing chain link fence sitting atop the northern retaining wall is replaced with either an acoustic or solid timber fence or alternatively a robust hedge.
- 5.20 The area surrounding the space currently looks 'unloved' and on my inspection I found it to be untidy, overgrown and with areas of fly tipping/rubbish. This lack of care and maintenance is considered to lead to a 'broken window' syndrome whereby it becomes less and less attractive and open to further abuse and degradation. The danger is that the new open space will follow this pattern if not managed properly.
- 5.21 The applicant states they have taken into account crime prevention advice and the need for the space and routes to be overlooked by surrounding buildings and activity but looking at the surrounding area I doubt this will happen on a regular basis. There are very few surveillance opportunities from adjacent buildings and little signs of activity when the station isn't being used. The inclusion of CCTV cameras at either end of the open space is also recommended. Managed by Network Rail they would be beneficial both in monitoring the space and the existing station and bridge.
- 5.22 I cannot see a lighting scheme for the space, and whilst the existing column lighting may be appropriate in the immediate area of the station and bridge, there is a distinct lack on the routes leading to the open space, particularly at the Tate Road entrance where a large Leylandii is situated (it is not clear to me if this is to be removed). I recommend that a lighting survey is carried out with a view to installing appropriate lighting (not bollards) to achieve BS 5489: 2013 with a uniformity of no less than 0.25. The open space will not only attract people to use it but will also create a new through route and the existing lighting is extremely poor in parts, particularly at the Tait Road end. It is essential that the routes and the open space are safe areas. 'Manual For Streets' agrees that "adequate lighting helps reduce crime and the fear of crime, and can encourage increased pedestrian activity". If appropriate lighting is not to be installed then I will be forced to withdraw Police support for this application.
- 5.23 Officer Response
The comments from the Police align with their objection to other developments within the City's parks; including the recently completed playground on the Common where the Panel accepted the new scheme without CCTV or additional lighting despite the concerns raised by the Police (LPA ref: 16/01883/R3CFL). A clear rationale for additional lighting and CCTV to prevent antisocial behaviour is, however, given. Whilst the applicants are willing to provide both further commitment and detail has yet to be agreed. Additional lighting may result in amenity issues for the nearest neighbours whilst encouraging antisocial behaviour later into the evening. The scheme for the 'pocket park' includes provision for improved fencing, as requested, but not lighting and the recommendation is made on that basis. A verbal update will, however, be given at the meeting once Network Rail decide how they wish to proceed. The recommendation above

enables lighting and CCTV issues to be provided through the s.106 process without the need for additional planning conditions.

5.25 **SCC Environmental Health (Pollution & Safety) – No objection**

Following a careful consideration of the associated documents and in particular the Planning Statement the Environmental Health Service have no objections to the proposed development but would ask for a construction management plan, to include the hours of work and good practices to minimise nuisances (as detailed already in the planning statement and to be expanded upon as necessary) to be submitted and agreed with the LPA prior to the commencement of work should the application be granted.

5.26 **SCC Ecology – Holding objection**

I would like to lodge an objection to this planning application. The ecology survey submitted in support of this planning application is out of date and will need to be updated.

5.27 There is potential for indirect impacts on European sites, including the Solent and Southampton Water SPA, and as such a Habitats Regulations Assessment (HRA) will be required. Mitigation measures in respect of construction phase impacts will need to be set out in a Construction Environmental Management Plan (CEMP). This document will be required before the planning application can be determined. The need for such a document was identified previously.

5.28 The proposed development will result in a number of ecological impacts including loss of habitat and potentially disturbance of protected species however, no ecological mitigation plan has been provided.

5.29 The application site comprises a small area of public open space supporting amenity grassland, two blocks of trees, a linear belt of scrub and planted trees and areas of hard standing. The site lies approximately 100m to the north east of a section of the Solent Maritime Special Area of Conservation, Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are classed as European designated sites. The Eling & Bury Marshes Site of Special Scientific Interest (SSSI) and Lower Test Valley SSSI lie approximately 100m to the south-west and 185 m to the north-west respectively. Adjacent to the site is an area of inter-tidal mudflats which forms part of the Redbridge Wharf Site of Importance for Nature Conservation (SINC). Further mudflats within the channel of the River Test are designated as the Redbridge Mud Flats SINC.

5.30 The application site is physically separated from the statutorily designated sites by the River Test and as such there is a negligible risk of direct impacts arising from the proposed development. A section of the Redbridge Wharf SINC lies adjacent to the application site however, this is below the level of the development and again will not be directly impacted. The other SINC, the Redbridge Mud Flats is located within the river channel and as such is too distant to be affected.

5.31 The habitats on the site are not of high intrinsic ecological value they do, however, provide habitat for a range of breeding birds and are a stopping off point for passage migrants. The key areas of habitat in this respect are the trees and scrub alongside the railway line and the block of woodland along the eastern boundary. Much of the habitat along the railway line will be lost which will result in adverse impacts on breeding and migrating birds. Suitable mitigation will be required to minimise these impacts. Replacement planting should be of native species and comprise a mixture of scrub and trees species

5.32 There is also suitable habitat for slow worms and foraging bats. The removal of some of this habitat will result in a general reduction in foraging capacity and poses a risk of injury or death to reptiles which is an offence under the Wildlife and

Countryside Act 1981 (as amended). Appropriate mitigation to avoid physical injury to reptiles and replace lost foraging habitat will be therefore required

- 5.33 The trees on the site appear to be unsuitable for supporting bat roosts there is therefore a negligible risk of direct impact upon bat roosts.
- 5.34 Although there is a negligible risk of direct impacts upon European sites there is some potential for indirect impacts. These include disturbance from sudden loud noises, visual disturbance by people wearing high visibility clothing, illumination of the water and contamination of the water from spillages of chemicals.
- 5.35 A number of appropriate mitigation measures designed to avoid adverse impacts are mentioned in the ecology survey report however, this is insufficient. In order for the Local Planning Authority (LPA) to conclude that there will be no likely significant effects these measures will need to be included in a Construction Environmental Management Plan which must be submitted prior to determination of the planning application.
- 5.36 An additional issue, recreational disturbance, has not been considered. The application site includes part of a small public open space which is clearly used for dog walking. Research undertaken as part of the Solent Disturbance and Mitigation Project established that dog walking is a key source of disturbance to overwintering wildfowl and that existing levels of recreational activity are leading to significant adverse impacts on a number of species. Although the loss of open space is less than in the earlier version of the scheme it is important that access to the park is maintained during the construction phase to ensure that recreational activity is not displaced into the Lower Test Marshes Nature Reserve which contains sections of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site and is located 1.2km to the north west of the application site.
- 5.37 **Conclusion**
The proposed development has the potential to result in indirect impacts upon European designated sites and direct impacts on habitats and species on the application site. Details of suitable mitigation measures will need to be provided to the LPA before consent can be granted. An HRA will be required.
- 5.38 **Officer Response:**
Following the receipt of the amended Ecological Mitigation Plan and the AECOM Ecological Appraisal (April 2018) the Council's Ecologist has been re-consulted. A verbal update will be given at the Panel meeting but it is anticipated that, providing a Habitats Regulations Assessment is prepared (and approved by the Panel), that no objection will be made on ecological grounds.
- 5.39 **SCC Heritage – No objection**
The site lies within Local Area of Archaeological Potential 1 (Redbridge). This includes both the existing open space and landscaping, and the current Network Rail land. A brief analysis of the historic maps shows that the whole area was given over to rail tracks, sidings and wharfage, prior to the formation of the open space. While archaeological deposits may survive in the area, the extent of 19th century industrial activity is likely to have compromised any surviving remains, to the extent that archaeological evaluation would not be suitable. I would therefore recommend that an archaeological Watching Brief is commissioned for the duration of any groundworks, and that if the application is granted, conditions are placed on any decision notice.
- 5.40 **SCC Contaminated Land**
I have no concerns regarding the change of use of open space to railway land. I am happy with the assessment made and agree with the recommendation to

undertake environmental watching brief combined with some shallow soil validation sampling. On the basis that the applicant is happy to undertake these recommendations I would be happy for groundworks to commence. Discharge in full can only be recommended once the findings of the watching brief additional sampling have been submitted for approval. A condition is recommended.

5.41 **Environment Agency** – No objection subject to conditions

5.42 **Southern Water** – No objection

There is a public water distribution main crossing the site that should be fully understood before the layout of the proposed development is finalised. An informative is recommended.

5.43 **Natural England** – No objection

The application site is in close proximity to the following protected sites:

- Solent & Southampton Water Special Protection Area (SPA) and RAMSAR
- Solent & Dorset Coast proposed SPA
- Solent Maritime Special Area of Conservation (SAC)
- Eling and Bury Marshes Site of Special Scientific Interest (SSSI)
- Lower Test Valley SSSI

5.44 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

5.45 The application is supported by a Supplementary Planning Statement (Network Rail, May 2018) which includes an Ecological Appraisal and Habitats Regulations Assessment (AECOM, April 2018) as an appendix. The report includes an updated Ecology Report and Habitat Survey, Construction Environmental Management Plan and Habitat Regulations Assessment. The HRA identifies the proposals may have an impact on protected sites via poor water quality. Section 5.1 of the Ecological Appraisal outlines a Construction Environmental Management Plan (CEMP) which includes measures to offset construction impacts on protected sites and species. Section 5.3 outlines that 'an interceptor system to trap pollutants and ensure that there is no decrease in the quality of water discharged into the River Test' will be installed for the operational phase of the development. Details of the system have not been provided.

5.46 It is Natural England's advice that the measures outlined have the potential to fully mitigate any adverse effects on the integrity of the designated sites. In determining the application your authority will however need to be satisfied that the 'interceptor system' proposed is of an appropriate design and sufficient measures are secured to ensure its ongoing maintenance so as to ensure any risk of contamination of the designated sites is avoided.

5.47 Your authority should also be aware that recent case law ('Sweetman II') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE) rather avoidance/mitigation measures should be considered through an Appropriate Assessment. Therefore where impacts are identified as having a LSE, the HRA will need to move on to the Appropriate Assessment stage where avoidance/mitigation measures can be fully assessed.

5.48 As the competent authority you should therefore consider what measures, in your view, are an integral part of the project (i.e. would be required irrespective of the European Sites) and what measures have been included in order to avoid or reduce effects on a European site. If the CEMP and oil interceptor are considered as mitigating measures designed specifically to avoid a likely significant effect on a

European Site then in light of the above ruling Natural England advises that an Appropriate Assessment should be undertaken to assess the implications of the proposal for the European site(s). Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

5.49 Issues relating to biodiversity and greenspace

Natural England welcomes the provision of new greenspace and recommends that any permission includes a condition to prepare a Biodiversity Mitigation and Enhancement Plan (BMEP) for the new areas of the green infrastructure. The BMEP should be approved by your local authority ecologist, or equivalent party.

5.50 **City of Southampton Society** – Objection removed

The Society is well aware of the serious air pollution in Redbridge, partly caused by so many large lorries entering and leaving the Docks. This project by Network Rail plans to remove at least 35 lorries per day when the new longer freight trains operate. To that end, we fully support Network Rail's intentions. Also, now that replacement land has been offered in mitigation for that which will be lost in Redbridge Wharf Park, this removes the main objection CoSS had had to the previous planning application (15/00306/FUL).

5.51 After careful consideration the Society notes that most of our concerns regarding this planning application have now been met. In fact, only the park entrance pinch point remains unresolved. Network Rail claim that new fencing will slightly improve/increase the space, but this is debatable. However, after four years of negotiating, the Society has decided not to seek any further amendments to this Planning Application.

5.52 **Southampton Common & Parks Protection Society** – Objection removed

SCAPPS is satisfied that the replacement public open space is part of the application (appendix 8 of the Planning Statement, amending the plan defining the application site). The additional submission provides a satisfactory indication of intended layout & landscape planting of the replacement public open space; SCAPPS is satisfied that conditions & section 106 agreement can safeguard laying out of the replacement public open space as shown in the Landscape Masterplan & expanding on specification in sections 3 & 5 of the Planning Statement. SCAPPS asks that conditions or section 106 agreement specify work to be undertaken by Network Rail & work to be undertaken by City Council. SCAPPS accepts that the Landscape Masterplan now submitted shows replacement planting to provide satisfactory visual screening. SCAPPS asks for conditions & section 106 agreement securing what is shown, & securing the proposed arrangements for management & maintenance of the new planting. This remains a concern. SCAPPS welcomes the proposals in the additional submission for environmental improvements in the station forecourt & northern approach to the footbridge. SCAPPS hopes Network Rail & train operating company will honour the undertakings given about cleaning/repainting the footbridge. Both will help make more attractive the only access route to the Park. Appendix 7 to the newly submitted Planning Statement shows how the current proposal requires less land-take than the previous (2015) application. The Landscape Masterplan indicates planting less oppressive than previously proposed. It is however only indicative & SCAPPS asks for careful consideration of this extremely sensitive part of the landscaping plan to prevent the inevitable further narrowing of the approach path becoming a deterrent to Park use.

5.53 **Hampshire Chamber of Commerce** - Support

The track enhancement scheme will address rail freight constraints from the Port of Southampton to the Midlands and the North of England. It will assist the Port in growing the modal share of containers carried by rail, by allowing current container trains of circa 520m long to be increased to 775m long; this in turn will provide additional rail carrying capacity through the provision of longer trains, without

impacting upon current rail performance and scarce railway paths on the rail network. Furthermore, this will lead to more efficient use of the rail network.

The transfer of more containers from road to rail, as this scheme will help to deliver, will also ensure the lowering of noxious emissions, in line with several policies both in place and under consideration by Southampton City Council.

5.54 **Three Rivers Community Rail Partnership – Support**

The additional rail siding capacity will provide for longer container trains, up from 520m to 775m long, which will allow for additional containers to be carried by rail without the need to take up valuable railway paths. The additional capacity to carry more containers by rail supports Government Policy, in matching Government aspirations to improve rail freight in line with the Department for Transport, Strategic Rail Freight Network proposals. Additional rail borne containers will reduce road borne containers, will reduce lorry movements to and from the Container Port, in turn reducing carbon emissions across the City, further in line with Government directions; supporting the City Council's recently launched 'Clean Air Network'. The proposals put back rail sidings and rail provision removed in the past. Should the City Council grant planning approval the proposals will support low carbon transport, reduce road transport, provide direct benefits to the local economy and provide direct benefits to the local community.

6.0 **Planning Consideration Key Issues**

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

1. Principle of Development & Loss of Open Space
2. Impact on Residential Amenity
3. Tree Loss
4. Highways Impact
5. Mitigation Strategy & Ecological Impacts

6.2 Principle of Development

6.2.1 This planning application seeks to expand capacity on the rail network for freight but requires Council owned land in order to do so. The land is currently protected by the Development Plan and totals some 1,592sq.m of designated (847sq.m) and undesignated (745sq.m) open space.

6.2.2

LDF Policy CS21 stipulates that *'the Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi – functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups through*

5. *Protecting and enhancing key open spaces including Southampton Common, central, district and local parks;*
6. *Replacing or reconfiguring other open spaces in order to achieve wider community benefits such as improving the quality of open space, or providing a more even distribution across the city;*
7. *Safeguarding and, when opportunities arise, extending the green grid (see Policy 22);*
- 6.2.3 8. *Seeking developer contributions to provide high quality, accessible open spaces.'*

Despite the provision of 'pocket park' the loss of 1,592sq.m (549sq.m net when the 'pocket park' is included) of open space represents a departure from this policy, and

6.2.4 local amenity groups including SCAPPS and the City of Southampton Society were initially opposed to any further loss of this open space. In order to support a departure the Panel need to decide whether or not other material considerations outweigh the loss of this open space. In making a similar assessment officers have also had regard to LDF Policy CS6 which explains how the Council will contribute to the objectives of increased economic/employment growth by *'providing appropriate support to the Port of Southampton'*. LDF Policy CS9 adds that *'the Council will facilitate growth by... supporting an increase in transhipments (ship to ship), rail freight to/from the port and appropriate road improvements...'*. LDF Policy CS18 confirms that *'in relation to strategic transport the Council will work with adjoining authorities and through Transport for South Hampshire to support Southampton's role as an international gateway and regional transport hub by supporting freight movements to and from the Port of Southampton, with a presumption in favour of rail freight and 'transhipment' (ship to ship)'*. Weight should also be afforded to these policy aims.

As such a balance needs to be considered between the protectionist open space policy and those policies that support economic growth, port related activity and the modal shift of freight from road to rail. Officers consider that in this instance the loss of the open space, and the subsequent departure to Policy CS21, is acceptable given that:

- Network Rail have amended their scheme and now propose to provide the Council with 1,043sq.m of their land, and sufficient funds to enable its change of use from a carpark to public open space – **Appendix 2** refers;
- The existing open space to be lost has been reduced from 2,008sq.m (proposed under LPA ref: 15/00306/FUL) to 1,592sq.m and will serve a wider benefit in terms of freight movement and its associated economic and environmental benefits in terms of removing HGVs from the highway network;
- In terms of useable open space the scheme now proposes a net increase of 196sq.m (1,043sq.m proposed less 847 designated open space lost);
- The open space to be lost is currently characterised by mature planting with the more useable parts of the Park to be retained. There will be no change to the waterside access enjoyed by this Park and the number of trees to be felled has been reduced from 118 (proposed under LPA ref: 15/00306/FUL) to 95 (all Category B and C); and
- The proposed tree loss, whilst significant, does not affect existing residential outlook across the railway (as this relationship already exists) and is mitigated by their replacement with 332 trees (increased from 236 previously proposed under LPA ref: 15/00306/FUL) including the reinstatement of a tree belt along the northern boundary of the reconfigured Wharf Park.

6.2.5 It is considered that this mitigation is sufficient to warrant the loss of open space in this instance, despite the significant objection received to doing so and, as such, the previous reason for refusal has been addressed.

6.2.6 Whilst it is considered that the principle of development can be supported the direct impacts of the proposals still require further assessment before the grant of planning permission could be entertained:

6.3

Impact on Residential Amenity

6.3.1

The residential amenity impacts of this development need to be assessed in two parts; with the physical works to Wharf Park to create the Sidings separated from the creation of a new public 'pocket park' to the north.

6.3.2

Adopted Local Plan Review Policy SDP1(i) states that *'planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens'*. Policy SDP15 adds that *'planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards'*. Policy SDP16 states that *'proposals for noise generating development will not be permitted if it would cause an unacceptable level of noise impact'*. This is the policy framework against which this planning application's impacts upon existing residential amenity should be primarily assessed.

6.3.3

i) Wharf Park

Wharf Park was originally used as railway sidings before it was set out as public open space. Whilst the site is removed from its residential neighbours by the railway itself, the closest residents are located approximately 21 metres from the networks existing boundary fencing. The railway predated the purchase of these properties by these neighbours. The application does not seek to facilitate more trains on the network, although this may be possible, but allows for longer trains and improved logistics to operate on the wider network thereby removing Southampton as a bottleneck. As such there will not be a significant expansion of diesel engines using the sidings. The existing sidings operate on a 24 hour basis, along with the wider network, and the additional sidings are proposed to operate on the same basis so some growth may be possible. Residents have objected to increased lighting, noise and air quality issues and these concerns are material to the Panel's deliberations. Given the existing network and sidings at Redbridge Station, its significant existing operations on a 24 hour basis, and the intention simply to improve wider network capacity and increase train length (rather than increasing the number of freight trains and diesel engines sitting idle) the localised impacts on residential amenity are, on balance, considered to be off-set, providing a condition is imposed to control light spill, due to the potentially wider benefits of removing HGVs from the highway network. It is estimated that each additional freight train on the network removes between 43 and 76 HGVs from the highway network, with each tonne transferred reducing carbon emissions by 76%. Rail freight produces up to 10 times less small particulate matter than road haulage and as much as 15 times less nitrogen oxide for the equivalent mass hauled. These benefits are relevant to the Panel's deliberations.

6.3.4

6.3.5

ii) 'Pocket Park' linking Station Road and Tate Road

The applicants have offered to change their existing hardstanding between Station Road and Tate Road into public open space. Currently this land is fenced off, provides no public access and is used for secured car parking. The change would provide full public access and improved pedestrian linkages from Tate Road to the Station. This open space offer has the support of the Council's Parks & Open Spaces Manager and satisfies the requirements of both LDF Policy CS21 and the previous reason for refusal in that the open space loss at Wharf Park is replaced. However, the opening up of this land to public access has attracted objection from nearby residents who are concerned about the possibility of increased noise, disturbance and anti-social behaviour.

6.3.6

Local Plan Review saved Policy SDP10 states that *'development will only be permitted where it provides... safe and secure public routes which seek to minimise both actual and perceived opportunities for criminal activity and satisfactory lighting'*.

6.3.7

The scheme as designed includes improved fencing and planting to affected boundaries. The addition of lighting has been omitted at this stage as it, in itself, could lead to additional nuisance to nearby neighbours and carries an upfront and ongoing maintenance cost. Hampshire Constabulary are supportive of the application providing suitable lighting and CCTV is installed to discourage such activity, and the applicant has offered to erect lockable gates to enable the park to be closed and has agreed 'in principle' to further measures; albeit their expectation is that the Council will be responsible for their daily management. These requirements all come with an additional cost and at the time of writing further negotiation is needed between the applicant and the Council's Parks & Open Spaces Manager to understand whether the requirements of the Police can be fully met. A verbal update will be given at the Panel meeting.

6.4

6.4.1

iii) Other Matters

Network Rail accept the need for a condition limiting the hours of construction although officers consider that some flexibility (as necessary to Network Rail) can be supported. The Panel should refer to the relevant planning condition, which enables overnight working on no more than 9 occasions so that the approved works do not disrupt the ongoing safety and operation of the existing rail network. Officers accept that this is not ideal, but note that Network Rail could undertake works to their existing network (and closer to existing residents) without the need for planning permission should the need arise. Finally, the Panel will note that the Council's Environmental Health Team have not objected to this application, but should complaints be received following the works they would be duty bound to investigate any statutory nuisance arising.

6.4.2

6.4.3 Tree Loss

The planning application proposes the removal of 95 existing trees, principally along Wharf Park's existing northern boundary. These trees provide a screen from the park to the railway, but offer no screening of the railway from the existing residents on the opposite (northern) side of the tracks. The loss of these trees will not affect this existing outlook across the railway from these neighbours, but will clearly change the wider setting of the Station and the Park itself. These trees offer a significant green screen along the Parks' boundary and are an attractive component of the area. It is also acknowledged that these trees are providing certain air quality mitigation and improvements to the locality.

6.5

6.5.1

- Without the loss of 95 trees the change of use to Wharf Park cannot occur. The Council's Tree Officer agrees with the findings of the applicant's arboricultural report that none of the trees identified for removal are of the highest category (A) with only Category B trees (ie. of moderate quality or value capable of making a significant contribution to the area for 20 or more years) and Category C trees (ie. of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15cms in diameter which should be considered for re-planting where they impinge significantly on the proposed development) affected. The Tree Officer has confirmed that providing this tree loss is properly mitigated and that every tree felled is replaced by 2 trees then the loss can be supported.

Tree loss formed part of the previous reason for refusal. Network Rail have now proposed to replace the tree belt along the Wharf Park northern boundary. In

addition tree planting is proposed on the new 'pocket park'. In total the applicants have offered to plant a minimum of 332 new trees on the application site, which represents a significant improvement to the earlier scheme and satisfies the previous reason for refusal. The precise detail can be resolved through the s.106 process although plans have been submitted with the revised planning application.

Highways Impact

The proposed development has only a limited impact upon the highway network. The works themselves affect existing open space and Network Rail anticipate that the construction phase can be managed using the existing rail network. A condition is recommended to secure further details of how the sidings will be constructed and a Construction Management Plan will secure details of where site operatives will park during the build to avoid overspill into local roads. On this basis the Council's Highways Officer has raised no objection to the application. Issues with regards to rights of access can be resolved should permission be granted and the land transfer between applicant and the Council occur.

6.6 Mitigation Strategy & Ecological Impacts

6.6.1 The relevant regulations - The Community Infrastructure Levy Regulations 2010 - stipulate that *a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

(a) *necessary to make the development acceptable in planning terms;*

(b) *directly related to the development; and*

6.6.2 (c) *fairly and reasonably related in scale and kind to the development.*

6.6.3 Network Rail have prepared and costed a scheme for the enhancement of Redbridge Wharf Park, which includes replacement tree planting. In addition to this Network Rail have also offered to provide land and monies towards additional open space (ie. the 'pocket park'). A commuted sum is included to enable ongoing maintenance of the new/reconfigured parks. **Appendix 2** provides the full details and have been negotiated with the Council's Parks & Open Spaces Manager.

Finally, 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. A Phase 1 Habitat survey has been completed and has found that construction and operational impacts will not affect habitat values, but recommends appropriate management measures through the Construction Environment Management Plan (secured with the recommended condition). It is anticipated that a Habitats Regulations Assessment is needed to support this recommendation and a verbal update will be given at the Panel meeting.

7.0 Summary

- 7.1 The Panel are being asked to consider the benefits of improving the Redbridge sidings to enable longer freight trains to service the Port of Southampton and remove a capacity bottleneck, against the negative impacts of using existing public open space, felling 95 mature trees and the associated impacts of the works upon existing residential amenity in terms of noise, antisocial behaviour, air quality and light spill.
- 7.2 A similar application was rejected by the Panel last year due to the net loss in public open space and significant tree loss without appropriate mitigation. The current application seeks to address these concerns by replacing tree loss within Wharf Park and providing additional open space close to Wharf Park. Matters such as noise, air quality and highway impacts were not previously cited as a concern and should not be introduced in respect of this resubmission.
- 7.3

Officers consider that in this instance the loss of the open space, and the subsequent departure to Policy CS21, is acceptable given that:

- Network Rail have amended their scheme and now propose to provide the Council with 1,043sq.m of land, and sufficient funds to enable its change of use from a carpark to public open space – **Appendix 2** refers;
- The existing open space to be lost has been reduced from 2,008sq.m (proposed under LPA ref: 15/00306/FUL) to 1,592sq.m and will serve a wider benefit in terms of freight movement and its associated economic and environmental benefits in terms of removing HGVs from the highway network;
- In terms of useable open space the scheme now proposes a net increase of 196sq.m (1,043sq.m proposed less 847 designated open space lost);
- The open space to be lost is currently characterised by mature planting with the more useable parts of the Park to be retained. There will be no change to the waterside access enjoyed by this Park and the number of trees to be felled has been reduced from 118 (proposed under LPA ref: 15/00306/FUL) to 95 (all Category B and C); and
- The proposed tree loss, whilst significant, does not affect existing residential outlook across the railway (as this relationship already exists) and is mitigated by their replacement with 332 trees (increased from 236 previously proposed under LPA ref: 15/00306/FUL) including the reinstatement of a tree belt along the northern boundary of the reconfigured Wharf Park.

7.4 It is considered that the application has addressed the previous reason for refusal and can be supported.

8.0 Conclusion

8.1 It is recommended that the Panel delegate this application to the Service Lead – Infrastructure, Planning and Development to grant conditional planning permission following the completion of the s.106 legal agreement as set out above.

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/f, 4 f/g/k and 6 a/b

SH2 for 19/06/18 PROW Panel

PLANNING CONDITIONS to include:

1.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).

2.Open Space – Continuous Public Use

The Redbridge Wharf Park shall be kept open for public use, with full access, throughout the construction phase.

Reason:

To ensure that the existing users of the Park are not affected during the construction phase.

3.Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason:

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

4.Vegetation retention and protection (Pre-Commencement)

No development, including site works of any description, shall take place on the site unless and until all the existing trees, bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems at a distance calculated in line with BS5837:2012 Trees in relation to design, demolition & construction or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised nor lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or

stored thereon without the prior written approval of the Local Planning Authority. No excavations or other operations including vehicle or pedestrian movements will take place within the fenced off area until and unless explicit written permission is agreed in advance.

Reason:

To ensure the retention and maintenance of vegetation which is an important feature of the area.

5. Protection of nesting birds (Performance)

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

6. Natural England – Piling

No percussive piling or works with heavy machinery (ie. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) is to be undertaken during the bird overwintering period (ie. October to March inclusive)

Reason:

To protect the Special Protection Area and its supporting habitat

7. Ecological Mitigation Plan & Construction Environment Management Plan (CEMP)

The development shall be carried out in accordance with the recommendations of the AECOM Ecological Appraisal (April 2018). Notwithstanding the AECOM Appraisal prior to the commencement of development a revised Construction and Environmental Management Plan (CEMP) and Biodiversity Mitigation and Enhancement Plan (BMEP) as required by Natural England shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP and BMEP shall include details of how the mitigation required by the Habitats Regulations Assessment will be secured and detail how lighting will be designed (at both the construction and development phases) to mitigate direct impacts. The development will proceed in accordance with the agreed CEMP and BMEP

Reason:

To protect the Special Protection Area and its supporting habitat and to ensure that the construction phase adequately mitigates its direct impacts upon local ecology

8. 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;
- (g) details of how noise emanating from the site during construction will be mitigated; and

(h) a method statement for how the sidings will be delivered and laid including a scheme of measures to reduce impacts upon existing residential neighbours, particularly during night time working;

(i) construction lighting with scatter diagrams and means for shielding light spill

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.

9.Archaeological watching brief investigation [Pre-Commencement Condition]

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

Reason:

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

10.Archaeological watching brief work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed

11.Validation of Land Remediation

On completion of recommendations made in section 7 of AECOM' Phase 1 Land Contamination Report (watching brief and validation sampling) 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 operational use of any stage of the development.

Reason:

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

12.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.

13.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 a maximum of 9 weekends (ie.Sat/Sun) only where working between 13:00 on Saturday and 18:00 on Sunday (ie. Saturday night and Sunday working) are permitted following notification by the applicant to the Council's Planning Department, Redbridge Ward Cllrs and residents living within 100 metres of the application site.

Reason: To protect the amenities of the occupiers of existing nearby residential properties and to enable works to take place outside of peak passenger times in the interests of continuous rail provision and health and safety.

14. Surface Water Drainage (EA)

Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the first use of the development and shall, thereafter, be retained and maintained throughout the lifetime of the development. Vehicle washdowns and detergents shall not be passed through the interceptor.

Reason:

To reduce the risk of pollution to the water environment. There is currently no information available detailing the operational element of the site. Further information regarding the management of the run off once the site is active is required.

Note to Applicant: Southern Water informative

You are advised to review the response from Southern Water dated 14th December 2017 to this application. Further advice can be obtained from Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW – T.0330 303 0119.

Note to Applicant: EA Informative (see full response dated 15th December 2017)

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Itchen, which is designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

15/00306/FUL PLANNING PANEL MINUTE

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.

Change of use of land from open space and landscaping into operational railway use and construction of new railway sidings.

Graham Linecar (Southampton Commons and Parks Protection Society) Denise Wyatt and John Davies (local residents objecting), Alec Samuels (City of Southampton Society) Santana Deen (applicant), and Councillors McEwing and Pope (Ward Councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel Members noted that the development was contrary to the Local Plan and that the Panel had to protect the wellbeing and the amenities of residents within the City.

The Panel 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 delegate approval to the Service Lead: Planning, Infrastructure and Development for the reasons set out below was then proposed by Councillor Barnes-Andrews and seconded by Councillor Claisse.

RECORDED VOTE to refuse planning permission
FOR: Councillors Barnes-Andrews, Claisse, Murphy, and
Wilkinson
AGAINST: Councillors Coombs and Hecks
ABSTAINED: Councillor Denness

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

REFUSAL REASON – LOSS OF OPEN SPACE

The proposed change of use results in the loss of public open space to the detriment of the usability of the Park, its access and, with the associated removal of 118 mature trees, its appearance contrary to Policy CS21 of the LDF Core Strategy (Amended 2015), which seeks to retain the quantity of open space in the City.

PROPOSED NETWORK RAIL FINANCIAL CONTRIBUTION

Open Space - Green Space

| Quantity | Unit | £ Rate | Total |
|---|---------|--------|----------------|
| Excavate & Dispose Existing Material | 510 m3 | 55 | 28,050 |
| Break-out Existing Surface | 1020 m2 | 15 | 15,300 |
| Environmental watching brief / soil samples | | | 4,800 |
| Fill to make up Levels | 255 m3 | 40 | 10,200 |
| Subsoil | 153 m3 | 35 | 5,355 |
| Topsoil | 153 m3 | 55 | 8,415 |
| Turf/Grass | 190 m2 | 5 | 950 |
| Planting Shrubs & Ground Cover | 710 m2 | 55 | 39,050 |
| Trees | 32 nr | 250 | 8,000 |
| Footpath Surfacing Incl Edgings | 110 m2 | 140 | 15,400 |
| Hedgerows | 50 m | 20 | 1,000 |
| Fencing to neighbours | 30 m | 45 | 1,350 |
| | | | 137,870 |

Open Space Station Square

| | | | |
|----------------------------|--------|-----|---------------|
| Excavate & Dispose | 300 m3 | 55 | 16,500 |
| Break-out Existing Surface | 600 m2 | 15 | 9,000 |
| Fill to make up Levels | 150 m3 | 40 | 6,000 |
| Hardscape / Paving | 400 m2 | 60 | 24,000 |
| Planting Beds | 70 m2 | 55 | 3,850 |
| Street Furniture Prov Sum | | | 10,000 |
| Gravel Areas | 200 m2 | 15 | 3,000 |
| Trees | 9 nr | 250 | 2,250 |
| Retaining Walls | 10 m | 220 | 2,200 |
| | | | 76,800 |

Wharf Park

| | | | |
|----------------------------------|-----------|-----|----------------|
| Site Clearance | | | |
| Existing Landscape & Disposal | 158.75 m3 | 35 | 5,556 |
| Topsoil | 95.25 m3 | 55 | 5,239 |
| Turf/Grass | 1472 m2 | 5 | 7,360 |
| Felling Trees | 95 nr | 400 | 38,000 |
| Tree Planting | 70 nr | 250 | 17,500 |
| Gravel Area | 200 m2 | 15 | 3,000 |
| Footpath Surfacing | 60 m2 | 140 | 8,400 |
| New Whip Planting Along Boundary | 221 Nr | 15 | 3,315 |
| Signage (Prov sum) | | | 20,000 |
| | | | 108,370 |

SUB TOTAL

323,040

Prelims – 15%

48,456

OH+P - 7.5%

24,228

Contingency - 10%

32,304

TOTAL

428,028

Outline Commuted Sum - Maintenance Costs

Total commuted sum @ yrs 10

29295

POLICY CONTEXT

Core Strategy - (as amended 2015)

| | |
|------|--|
| CS6 | Economic Growth |
| CS9 | Port of Southampton |
| CS13 | Fundamentals of Design |
| CS14 | Historic Environment |
| 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 |
| CS24 | Access to Jobs |
| 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 |
| SDP11 | Accessibility & Movement |
| SDP12 | Landscape & Biodiversity |
| SDP13 | Resource Conservation |
| SDP16 | Noise |
| SDP17 | Lighting |
| SDP22 | Contaminated Land |
| NE4 | Protected Species |
| NE6 | Protection / Improvement of Character |
| NE7 | Rail Corridor |
| HE6 | Archaeological Remains |
| CLT3 | Protection of Open Spaces |
| TI2 | Vehicular Access |

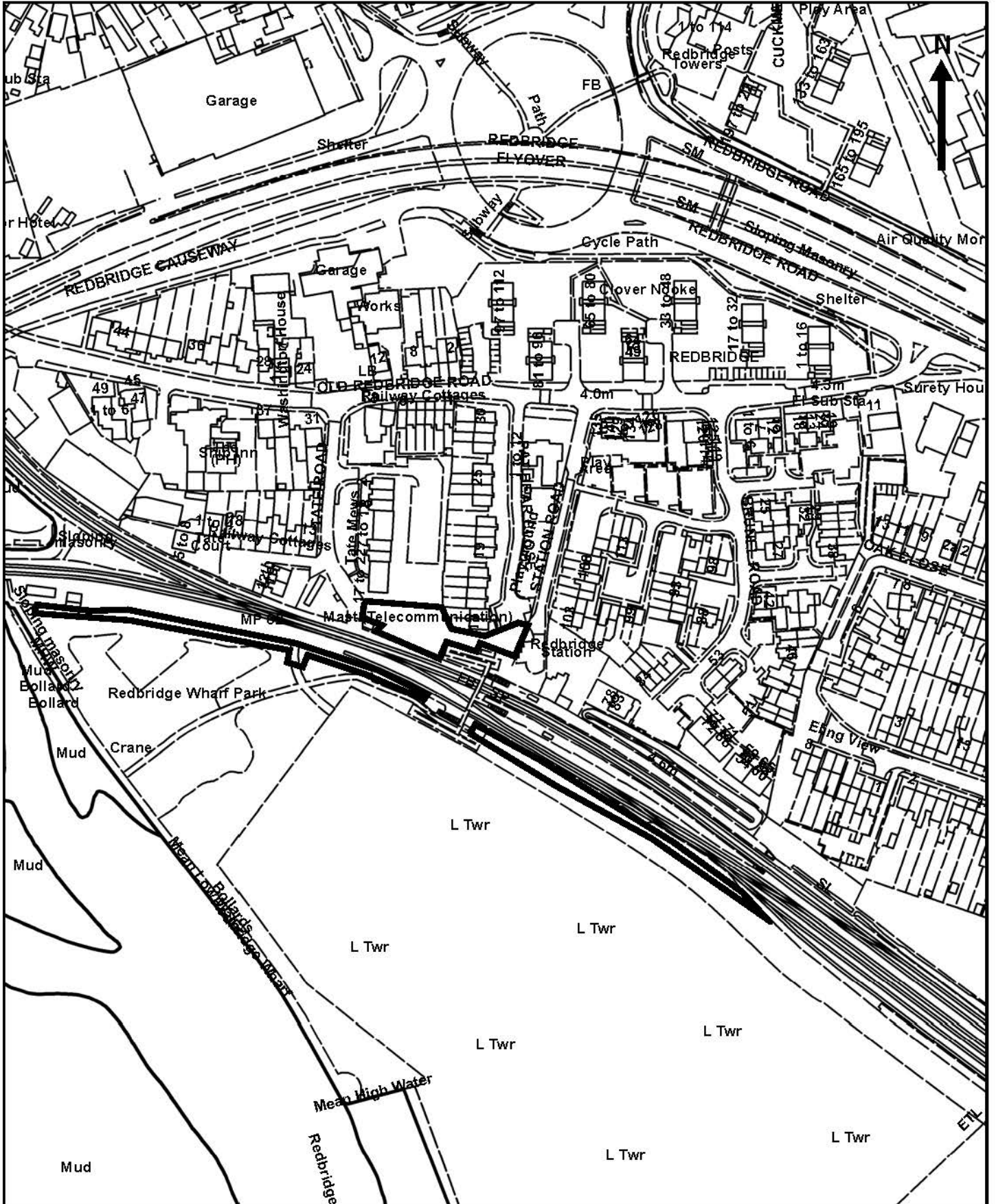
Supplementary Planning Guidance

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)

Agenda Item 5 17/02368/FUL



Scale: 1:2,500

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Planning and Rights of Way Panel 19th June 2018
Planning Application Report of the Service Lead Infrastructure, Planning and Development

| | | | |
|---|------------------------|-----------------------------|--|
| Application address: Portswood Water Treatment Works, Southern Water Services, Kent Road, Southampton SO17 2LJ | | | |
| Proposed development: Construction of a 20 Mega Watt gas standby facility at Portswood Waste Water Treatment Works. | | | |
| Application number | 17/01690/FUL | Application type | FUL |
| Case officer | Mathew Pidgeon | Public speaking time | 5 minutes |
| Last date for determination: | 23.02.2018 | Ward | Portswood |
| Reason for Panel Referral: | Request by Ward Member | Ward Councillors | Cllr Mitchell Cllr Savage Cllr Claisse |
| Referred to Panel by: | Cllr Savage | Reason: | Construction related traffic & over development of the site. |

| | |
|---|-----------------------------|
| Applicant: AMDC Energy Ltd | Agent: Enzygo Ltd |
| Recommendation Summary | Conditional approval |
| Community Infrastructure Levy Liable | No |

| | |
|--------------------------|---|
| Appendix attached | |
| 1 | Development Plan Policies |
| 2 | Construction Traffic Management Plan (CTMP) |

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact caused by construction traffic, the impact on the character of the area, noise, local ecology, archaeology and flooding have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP16, NE1, NE2, NE4 and HE6 of the City of Southampton Local Plan Review (Amended 2015) and policies CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Recommendation in full:

Conditionally Approve.

1 The site and its context

- 1.1 The application site is located within the confines of the existing Waste Water Treatment Works (WWTW), accessed from Kent Road. The proposed development occupies an area of 1810 sqm of land.
- 1.2 The site is currently undeveloped consisting of mown grass. The site is not accessible to the public and cannot be seen clearly from outside of the site. There are no registered Public Rights of Way into or across the site, and the site is not accessible to the public. The site and its immediate context is industrial in nature.
- 1.3 Construction related vehicles would need to use Kent Road to access the site. Kent Road links to St Denys Road (A3035) to the south and to Portswood Road to the north via a railway and road bridge. There is a height restriction for vehicles passing under the railway and road bridges to the north of 8ft 9in (2.6m).
- 1.4 The nearest residential properties to the application site are located over 200m to the south of the site off Saltmead. To the east of the site lies the River Itchen. To the west lies the WWTW, and beyond this a railway line and the A335. To the north of the site lies an area of dense vegetation.

2 Proposal

- 2.1 The proposal seeks to develop a 20MW gas powered standby generation plant. Gas would be imported into the facility through an underground pipeline and when required by National Grid the facility will be capable of producing up to 20MW of energy. This will be exported into the Grid network and distributed to where it is required. The facility would provide a key source of flexibility to help address some of the challenges associated with the transition to a low-carbon electricity sector. By being able to generate energy immediately and for a short length of time, the development will help the energy sector cope with the peaks in demand for energy they face on a daily basis. The kit is industrial in appearance with a height of up to 8m.
- 2.2 The proposal will require traffic movement associated with the transportation of plant, equipment and materials relating to the construction of the 20MW gas powered standby generation plant only. Once construction has been completed there will be very little need for any vehicle trips associated with the development. The operation of the equipment will be automated and no permanent staff will be needed on site to operate it.

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 not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5 ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape.

4 Relevant Planning History

- 4.1 There is no planning history relating to the site that relates to the proposed development of a 20MW gas powered standby electricity generation plant.
- 4.2 The earliest planning history for the site, detailing the use as a waste water treatment works, held by the City Council, is 1959 whereby an extension to the existing works was approved.

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, including erecting a site notice (05/01/2018). At the time of writing the report **5 representations** have been received from surrounding residents (including Cllr Savage). The following is a summary of the relevant points raised:
- 5.2 Traffic movement associated with this development including vehicles associated with maintenance and ongoing use must not come via the residential streets of Kent Rd and Priory Rd. Deliveries should be made by barge. This is owing to damage to houses caused by road traffic (HGV's). **RESPONSE:**
- Damage to houses locally cannot be categorically attributed to construction related traffic with sufficient confidence to prevent the access of construction related vehicles on Kent Road, Aberdeen Road and Priory Road. If it could this would be a civil matter for the affected residents.
 - It would be unreasonable to restrict deliveries of construction materials and equipment to the site by barge when the site is served by the public highway.
 - Residents would need to settle any disputes with contractors as a civil matter.
 - The low bridge access to the north prevents the delivery of much of the equipment associated with the development via that route.
 - The submitted Construction Traffic Management Plan (Appended at **Appendix 2**) attempts to create as considerate an approach as possible for what will be a comparatively short duration in construction terms, approximately 4 – 6 months.
 - The Highways Development Management Team have supported the Construction Traffic Management Plan. A planning condition can be used to control this element of the proposal.
 - Traffic associated with the development will be limited predominantly to the construction phase. The equipment will be controlled remotely meaning that there will not be the need for staff on site on a frequent basis.
 - The equipment does not rely on and deliveries to ensure its operation once installed.
 - The site will only be visited once the equipment has been installed in the event that equipment is in need of servicing.

5.3 Road Safety. **RESPONSE:**

- The applicant has responded to the Highways safety concerns within the supplementary document titled Construction Traffic Management Plan.
- Provided that road traffic laws are adhered to and, in accordance with the Construction Traffic Management Plan, a banksman is used if required to assist in manoeuvring where there are parked cars obstructing views, there should not be any significant impact of the development on highways safety.
- The Council must also plan for reasonable behaviour including use of motor vehicles.
- Deliveries are also planned to take place during periods outside of times when there will be high levels of onstreet parking.

5.4 Highways congestion. **RESPONSE:** Delivery times can be restricted by condition so that deliveries are not made to the site during times of peak traffic movement.

5.5 Impact of noise from the facility on the surrounding area (including at night). **RESPONSE:** The Environmental Health Team have reviewed the submitted Noise Assessment. After discussing the project with the applicant, including querying specific elements of the report, the Environmental Health Team are satisfied that the details set out in the report and are confident that there will not be any significant harm to local environmental conditions through impact of noise caused by the development. It is noteworthy that percussive piling is not proposed during construction of the foundations.

5.6 Disruption caused by construction (laying of gas pipes and electric cables) **RESPONSE:** The equipment required to facilitate the standby gas generation plant will be located within the Portswood Waste Water Treatment Works site rather than within the public realm therefore limiting the impact of its construction on local residents.

5.7 Impact of air pollution from the facility on the surrounding area. **RESPONSE:** The Council's Environmental Health Team have raised no objection in relation to this matter. Separate legislation is used to control air quality/emissions.

5.8 Effect on wildlife. **RESPONSE:** Percussive piling, which can effect wildlife within the River Itchen (in particular migrating Salmon), will not be used in the construction of the foundations. A relevant condition will be added if permission is granted.

5.9 Amenity/enjoyment of Riverside Park. **RESPONSE:** The equipment is not likely to be visible from Riverside Park given the density and height of the vegetation positioned on the western bank of the River Itchen. Noise (as mentioned above) is also not deemed to cause a significant impact on users of the park.

5.10 Overdevelopment at the waste water treatment facility. **RESPONSE:** Overdevelopment is a term that tends to be reserved for schemes that cannot be adequately accommodated on sites and as such trade offs/compromises are made. In this particular case there is adequate space within the site for the equipment required and the scheme will not result in existing infrastructure associated with the Waste Water Treatment Works being displaced. There is no direct amenity impacts caused by the physical development.

- 5.11 Potential pollution to the river Itchen/increased risk at times of flood. **RESPONSE:** No objection has been raised by the Councils Environmental Health Team or Planning Ecologist as a result of the consultation exercise that has been undertaken.
- 5.12 Are there more suitable sites? Why was this particular site chosen? **RESPONSE:** The site is considered to be a suitable location by the applicant owing to its position close to a suitable gas supply and an electrical sub-station/connection point. The Local Planning Authority must judge each application on its own merits and therefore it is not reasonable to object on this basis. The matter raised is not therefore a material planning consideration.
- 5.13 Would the use of methane be possible in the future? **RESPONSE:** This matter is not material to the determination of the application.

Consultation Responses

- 5.14 **SCC Highways:** No objection subject to compliance with the submitted and agreed Construction Traffic Management Plan.
- 5.15 **SCC Ecology:** No objection, apply recommended conditions: no percussive piling.
- 5.16 **SCC Environmental Health (Pollution and Safety):** No objection, apply recommended conditions.
- Compliance with submitted Noise Assessment.
 - No percussive piling.
 - Gas (no oil) as the only permitted fuel.
- 5.17 **SCC Contamination:** No objection.
- 5.18 **SCC Sustainability:** No objection.
- 5.19 **SCC Archaeology:** No objection subject to recommended conditions.
- 5.20 **SCC Flooding:** No objection subject to recommended conditions.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of the development.
 - Highways impact
 - Character and appearance; and neighbouring visual amenity.
 - Ecology.
 - Pollution control.

Principle of the development

- 6.2 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape. The proposal is not deemed to be at odds with policy NE5 ii in principle. The scale of the proposal and whether or not it can be seen from the public realm surrounding the River Itchen will determine if the scheme is contrary to that policy.

- 6.3 The proposal seeks the installation of eight gas powered generators which at full capacity have the potential to generate 20 MW of power. The facility would provide a key source of flexibility to help ensure a reliable energy supply. By being able to generate energy immediately and for a short length of time, the development will help the energy sector cope with the peaks in demand for energy they face on a daily basis.
- 6.4 The applicant has worked closely with Southern Water to identify an appropriate piece of land within their ownership to accommodate the proposed development. The incorporation of waste water treatment and energy production within the same site is considered to be acceptable as both uses are similar in terms of land use.
- 6.5 Accordingly the proposal is considered to represent an efficient use of the site which is not opposed in principle.

Highways impact

- 6.6 The nature of the development would result in the installation of eight x 2.5MW electricity generators. The generators will be operated manually and fuel, in the form of gas, will be transported to the generators by pipe. As a consequence once the construction phase of the development has been completed there will be very little impact on the public highway. Once the construction works associated with the development have been completed use of the highway will only be required in the event that the equipment is required to be serviced and/or repaired. It is anticipated that the impact of vehicles associated with servicing and repairs will be negligible on the local transport network.
- 6.7 The main highway impact caused as a consequence of the development therefore would be from construction related traffic. Following the receipt of objections to the proposal on the basis of highway impact (congestion and damaged caused by Heavy Goods Vehicles potentially to the road surface and private housing) the developer has submitted a Construction Traffic Management Plan (CTMP) (See **Appendix 2**) in order to address local concerns. The CTMP details the following:
- The overall construction programme will be approximately 4 – 6 months, with construction restricted between the hours of 09:00 to 16:00 and 18:00 – 20:00 hours Monday to Friday and 09:00 to 13:00 Saturday.
 - During the site establishment and construction phases of the development, the number of construction staff on the site will be a maximum of 10.
 - To allow construction traffic vibration and also the concerns relating to available carriageway widths, due to the on-street parking, all construction related vehicles should reduce speeds as much as possible. Furthermore, if it is considered necessary a banksmen could be provided to aid manoeuvring vehicles.
 - Traffic associated with the construction of the proposed development will be a maximum size of a Heavy Goods Vehicle, with the exception of the abnormal route vehicles as outlined below.
 - Construction traffic will access the development site outside peak highway periods to avoid adding to heavy traffic on local roads surrounding the development site.
 - From experience of delivering similar projects, we would assume the construction period will typically generate a total of 50 HGV movements. As the majority of the larger equipment is brought to site in the early phase, the split of movements will typically comprise of 20 HGV movements in

month 1, a further 20 HGV movements in month 2 and the remaining 10 HGV movements spread across months 3 and 4.

- All drivers and operatives should be given information and/or a formal induction to inform them of the sensitive issues and resident concerns as well as adherence to this Construction Management Plan.
- The height restrictions for HGVS make impossible for any HGV traffic to access the site from Portswood Road, under the bridges of the A335 Thomas Lewis Way and the Railway. This would be the preferred route choice but the restrictions make it impossible.
- To mitigate the concerns of councillors and residents, routing of construction vehicles will be distributed between Kent Road, Aberdeen Road and Priory Road to reduce impact on individual roads and on Kent Road. These roads will also be used at agreed times to minimise distribution. It should be noted that, as stated above, the HGV movements will be concentrated in the first 2 months of construction and that during these times there is still only predicted to less than 2 HGV movements a day.
- Parking sensitivity tests will be undertaken by AMDC Energy Ltd to establish periods of the day when on-street parking levels are low that will enable large vehicles to manoeuvre safely along the residential routes.
- The scheme will require eight generators which would be considered abnormal loads. The development will require approximately eight generators, which would be delivered to site in month 2 of the construction period. As with the other construction traffic these will be delivered outside the peaks to reduce the impact on the highway network.
- Any abnormal loads, as defined in the national standards, will be subject to a further application which will be controlled via that process.
- Any damages caused to the highway by the movement of construction traffic will be rectified once construction is completed following the completion of a pre and post construction highway condition survey.

6.8 The Highways Development Management Team are satisfied with the details of the submitted Construction Traffic Management Plan. The plan seeks to minimise the impact of construction related traffic. On the basis of the information provided Officers recommend that the application is not opposed on this basis and accordingly the details within the plan should be secured by condition. For clarity the following conditions will therefore be needed:

- Compliance with the CTMP.
- Appropriate delivery hours study results and delivery hours shall be submitted to be approved in writing by the Council.

Character and appearance; and neighbouring visual amenity

6.9 The proposal would consist of the following:

- Eight 2.5 MW generator units. Each generator would measure 12m long by 3.2m wide; and they would be 5.7m in height.
- Each generator would also include a stack measuring 7.8m in height.
- Four transformers are also required measuring 4.2m x 5m x 5m.
- One gas module is required measuring 3m x 3m x 2.4m.

- A substation/switchroom will also be incorporated measuring 6m x 5m x 4m.
 - The facility shall be enclosed by a 1.8m high weld mesh fence.
 - Gas would be brought into the site via an underground pipeline in order to power the generators.
- 6.10 The site is currently undeveloped consisting of mown grass. The land is within the Portswood WWTWs, and is not accessible to the public, and cannot be seen clearly from outside of the site. There are no registered Public Rights of Way access routes into or across the site, and the site is not accessible to the public.
- 6.11 The generators and associated equipment are not anticipated as being visible from any residential building owing to the distance from the site to the nearest residential properties which are in excess of 200m to the south. Furthermore between the plant equipment and the nearest residential properties is existing infrastructure associated with the Waste Water Treatment Works and industrial style buildings.
- 6.12 To the west the site is surrounded by additional equipment associated with the waste water treatment works and beyond this is a railway line screened by mature vegetation. Beyond the railway line is Belgrave Road Industrial Estate.
- 6.13 The north and to the east the site is bordered by mature vegetation including trees. Further to the north and east is the River Itchen which broadly curves around the site.
- 6.14 The generators and other plant equipment associated with the project are not considered to be visible from the public realm including Riverside Park owing to the scale of the development and the height and density of vegetative boundary bordering the River Itchen. In addition the distance between the site and the eastern bank of the river will mean that there is little visual effect of the development even if it is visible through the vegetation.
- 6.15 Taking all of the above points into consideration (existing waste water treatment equipment on site, distance to the nearest public areas, distance to the nearest residential properties, vegetative screening and industrial buildings nearby) it is not anticipated that the proposed development will have any visual impact on the surrounding environment including from residential and public amenity viewpoints. As such the character and appearance of the area; and the visual amenity of neighbouring residents, will not be harmed as a consequence. Policy NE5 ii is not judged to be compromised as a consequence of the development.

Ecology

- 6.16 With the use of planning conditions there would be no significant harm posed to local biodiversity as a consequence of the development. The Planning Ecologist has supported the scheme provided that percussive piling is not used when Salmon are migrating in the River Itchen.

Pollution control

- 6.17 Noise impact was originally raised as a concern by the Environmental Health Team. Their concerns have since been alleviated and objections removed following further discussions with applicant which has included further clarification of the submitted noise survey. The Environmental Health Team are now satisfied that with the imposition of relevant conditions that the proposal is acceptable and will not harm the amenity of neighbouring residents or users of the nearby public amenity area (Riverside Park).

- 6.18 It is noted that the proposal will have to comply with nationally set emissions standards. As such separate legislation will be used to control the quality of the exhaust fumes.

7 Summary

- 7.1 The application is recommended for approval as the applicant has provided additional information to satisfy the concerns raised by Officers. The applicant has also responded to the concerns raised by local residents and Cllr Savage and again Officers are satisfied that the additional information adequately addresses those concerns.
- 7.2 The key issue relates to the construction phase, where all development has an impact, and the significance of this impact to Kent Road can be mitigated. It would not be reasonable to refuse permission on this basis alone.

8 Conclusion

- 8.1 Subject to relevant conditions the application can be approved.

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

1a, b, c, d, 2b, d, 3a, 6a,

MP3 for 19/06/2018 PROW Panel

Conditions.

1.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).

2.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.

3. 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).

4. Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

5. 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.

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

6. Archaeological work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

7. 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 20:00 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.

8. Construction related materials, equipment and vehicular storage/parking (Performance Condition)

No work shall be carried out on site unless and until provision is available within the site or on nearby private sites for all temporary contractors' buildings, plant and stacks of materials and equipment; and contractors parking associated with the development; and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or construction related equipment (including construction related vehicles) be stored or operated from the public highway.

Reason: To avoid undue congestion on the site and consequent obstruction to access.

10. Full compliance with Construction Traffic Management Plan [Performance Condition]

Unless otherwise agreed in writing by the local planning authority the development hereby approved will be carried out in full accordance with the submitted and agreed Construction Traffic Management Plan, with reference CRM.341.003.PL.R.002 as completed by nezygo environmental consultants and received by the Local Planning Authority 27/04/2018.

Reason: To protect the amenities of nearby residents owing to the route which construction traffic will be required to take to access the development site.

11. Appropriate delivery hours study results and delivery hours. (Pre-commencement condition)

No development shall take place within the site until the results and conclusions of the parking sensitivity test, referred to in paragraph 2.3.4 of the Construction Traffic Management Plan, have been submitted to and agreed in writing by the Local Planning Authority. Once the periods of the day when on-street parking levels are low have been established and agreed by the Local Planning Authority delivery's involving HGVs and abnormal loads shall take place during the agreed times.

Reason: To minimise disturbance to local residents and to reduce the potential risk of damage to cars parked with the roads required for site access.

12. Full compliance with Noise Assessment [Performance Condition]

Unless otherwise agreed in writing by the local planning authority the development hereby approved will be carried out in full accordance with the Noise Assessment, with reference CRM..341.003.NO.R.001 as completed by nezygo environmental consultants and received by the Local Planning Authority 29/12/2017.

Reason: To protect the amenities of nearby residents and users of the nearby public open space (Riverside Park).

13. No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason: In the interests of protecting the amenities of occupiers of nearby properties and nearby ecology sensitive to noise (migrating salmon).

14. Wheel Cleaning Facilities (Pre-commencement)

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

15. Control of fuel type [Performance Condition]

At no time shall any other fuel be used to power the generators other than gas without prior written approval of the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby residential properties and users of the nearby public open space (Riverside Park) with specific regard to noise and emissions.

Application 17/00732/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS22 Promoting Biodiversity and Protecting Habitats
CS23 Flood Risk

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

SDP1 Quality of Development
SDP7 Development Access
SDP9 Scale, Massing and Appearance
SDP16 Noise
NE1 International Sites
NE2 National Sites
NE4 Protected Species
HE6 Archaeological Remains

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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Construction Traffic Management Plan

20MW gas powered standby generation plant

Portswood Waste Water Treatment Works (WWTWs)

AMDC Energy Ltd

CRM.341.003.PL.R.002



Contact Details:

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Sheffield
S36 2AA

tel: 0114 3215151
fax: 0114 2903688
email: barry.roberts@enzygo.com
www: enzygo.com

Construction Traffic Management Plan at Portswold Waste Water Treatment Works (WWTWs)

| | |
|-----------|--|
| Project: | Traffic Management Plan at Portswold Waste Water Treatment Works |
| For: | AMDC Energy Ltd |
| Status: | Final |
| Date: | March 2018 |
| Author: | Sarah Strauther – Senior Transport Planner |
| Reviewer: | Andrew Fosbueary -Principal Transport Planner |
| Approver: | Barry Roberts BSc (Hons) IEng MICE MIHT – Director of Traffic & Transportation |

Disclaimer:

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1.0 Introduction

1.1 Background

- 1.1.1 Enzygo has been instructed by AMDC Energy Ltd to provide a Traffic Management Plan (TMP) to alleviate concern and reduce objection to the scheme that relates to the works required to develop a 20MW gas powered standby generation plant at land at Portswood Waste Water Treatment Works (WWTWs). Gas would be imported into the facility through an underground pipeline, and when required by National Grid, the facility would be capable of producing up to 20MW of energy.
- 1.1.2 Following correspondence with Mat Pidgeon from Southampton City Council (SCC) Planning and Development Team, it was apparent that the request from Highways was to provide details of the construction management with specific regard to vehicular movement. Therefore, the purpose of the Traffic Management Plan is to address concerns raised by local residents and ward Councillors.
- 1.1.3 The proposed site is located within the administrative boundary of Southampton City Council, with the nearest postal code being SO17 2LJ. The Grid Reference of the site is SU 43565 14764. The proposed development occupies an area of 1810 sqm of land. The application area is shown on the Proposed Site Layout Plan (CRM.341.003.P.D.003).
- 1.1.4 The nearest residential properties to the application site are located 215m south of the site off Saltmead. To the east of the site lies the River Itchen. To the west lies the WWTW, and beyond this a railway line and the A335. To the north of the site lies the WWTW and beyond this an area of dense vegetation.
- 1.1.5 The site currently comprises undeveloped (Figure 1) consisting of mown grass. The land is within the Portswood WWTWs, and is not accessible to the public, and cannot be seen clearly from outside of the site.
- 1.1.6 There are no registered Public Rights of Way access routes into or across the site, and the site is not accessible to the public. In terms of vehicular access, there is an existing access into the WWTWs off Kent Road.

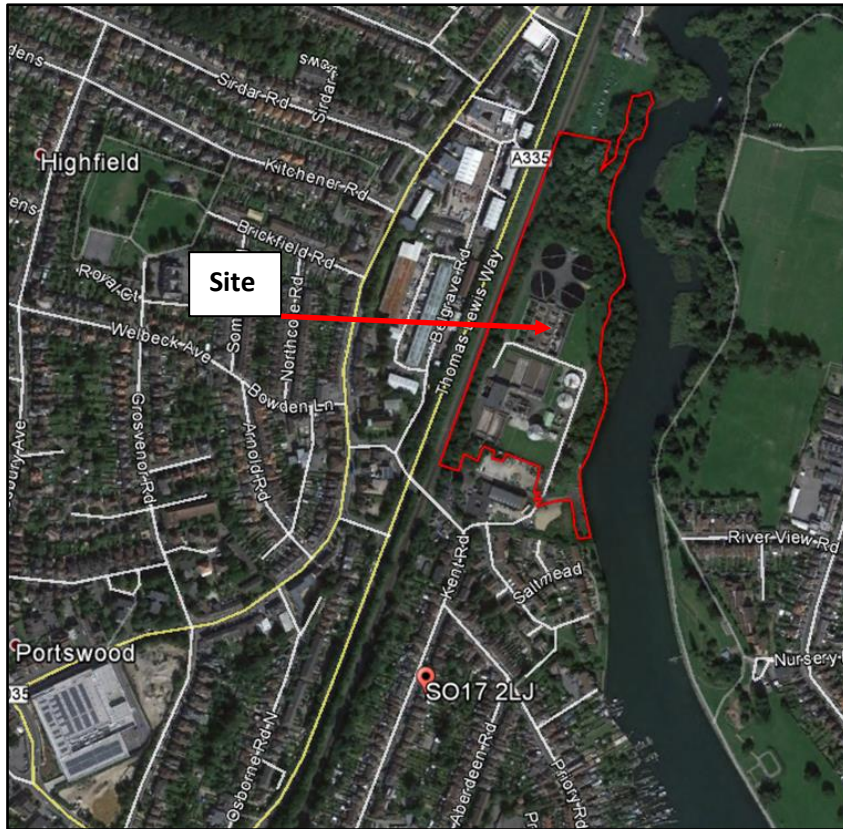


Figure 1: Site Location Plan



Figure 2: Site Access

2.0 Site Proposals

2.1 Site Proposals

- 2.1.1 The proposed development site would be for the provision of a 20MW gas powered standby generation plant. Gas would be brought into the site via an underground pipeline to power the genset units.
- 2.1.2 The primary function is to provide electricity to the local distribution network at times of peak demand. This mechanism for balancing the system ensures a sufficient supply of electricity is readily available to local homes and businesses at all times.
- 2.1.3 The proposed development will primarily respond to calls from National Grid in times referred to as 'stress events' – when the electricity networks' reserve power balance has been reduced due to a surge in demand, or reduced availability of large scale generation (i.e. coal, wind, solar).
- 2.1.4 Accordingly, when required by National Grid, the facility will be turned on remotely, the gas combusted and the combustion gas would spin a turbine to generate up to 20MW electricity which is exported to the local distribution network via the nearest appropriate substation.
- 2.1.5 The site layout will consist of the following equipment:
- 8 X 2.5 MW Gensets units (12m x 3.2m x 5.69m (h));
 - 8 X stacks, one associated with each engine, 7.8m from the ground;
 - 4 X transformers (4.2m x 5m x 4.96m);
 - 1 x gas module (3m x 3m x 2.4m);
 - Substation/ Switchroom (6m x 5m x 4m);
 - All infrastructure will be raised on plinths, above areas of flood risk; and
 - Access road.
- 2.1.6 A paladin fence will be situated around the entire site, and an access gate will be located to the south of the site. The fence, along with the existing WWTW security features will ensure the site is secure.
- 2.1.7 There will be sufficient space incorporated into the site layout to allow maintenance vehicle access into and around the site, and to aid fire safety.
- 2.1.8 The site will be connected to the National Grid via underground pipes.

2.2 Access Arrangements

- 2.2.1 There are no registered Public Rights of Way access routes into or across the site, and the site is not accessible to the public.
- 2.2.2 In terms of vehicle access, there is an existing access into the WWTWs off Kent Road (Figure 2). This would be utilised as part of the planning application, and the road will be extended into the sight, as shown within the site layout plan (CRM.341.003.P.D.003).

2.3 Concerns to Address

2.3.1 Following submission of planning application 17/01690/FUL for the proposed development, several comments were received from residents and councillors. A summary of the concerns relating to construction traffic are summarised below:

- Congested Roads in peak highway periods;
- Parked cars on street during the day;
- Possible river access for bulky construction materials;
- Maintenance and ongoing traffic to come from Portswood Road;
- Sludge is proposed to be removed by barge. Can plant and materials be delivered by water;
- Vibration would be a concern along Kent Road;
- Priory Road traffic is heavy during rush hour;
- No site access via Priory Road / Kent Road; and
- Access to be from Kent Road under the railway bridge to reduce nuisance and impact to Kent Road and Priory Road residents.

2.0 Construction Traffic

2.1 Construction Period

- 2.1.1 It should also be noted the team behind Shovel Ready Limited has delivered more than 500MW of new energy infrastructure including standby power (similar to the proposed development at Venture Road) and Combined Heat & Power facilities.
- 2.1.2 Accordingly, the information provided within this report has been provided using our teams' knowledge and expertise from its involvement in such projects over recent years. Further, the development partner, P3P Partners, possess a wealth of construction management experience on projects in the energy sector and will be responsible for the development of the proposed Venture Road scheme.
- 2.1.3 The overall construction programme will be approximately 4 – 6 months, with construction restricted between the hours of 09:00 to 16:00 and 18:00 – 20:00 hours Monday to Friday and 09:00 to 13:00 Saturday.
- 2.1.4 Flexibility is essential for the proposed development to be successful. However, it is useful to understand that in reality, the facility will operate infrequently. The operational hours of the generators will be dictated by the demands of the Grid, but are expected to be between 07:30 and 20:30 hours. However, the site may need to run outside these hours if National Grid instructs the site to run in an emergency situation to fulfil the site's duties under a standing reserve contract.
- 2.1.5 During the site establishment and construction phases of the development, the number of construction staff on the site will be a maximum of 10.

2.2 Vehicular Traffic

- 2.2.1 To allow construction traffic vibration and also the concerns relating to available carriageway widths, due to the on-street parking, all construction related vehicles should reduce speeds as much as possible. Furthermore, if it is considered necessary a banksman could be provided to aid manoeuvring vehicles.
- 2.2.2 Traffic associated with the construction of the proposed development will be a maximum size of a Heavy Goods Vehicle, with the exception of the abnormal route vehicles as outlined below.
- 2.2.3 Construction traffic will access the development side outside peak highway periods to avoid adding to heavy traffic on local roads surrounding the development site.
- 2.2.4 From experience of delivering similar projects, we would assume the construction period will typically generate a total of 50 HGV movements. As the majority of the larger equipment is brought to site in the early phase, the split of movements will typically comprise of 20 HGV movements in month 1, a further 20 HGV movements in month 2 and the remaining 10 HGV movements spread across months 3 and 4.

2.3 Vehicular routing

- 2.3.1 All drivers and operatives should be given information and/or a formal induction to inform them of the sensitive issues and resident concerns as well as adherence to this Construction Management Plan.

- 2.3.2 The height restrictions for HGVS make impossible for any HGV traffic to access the site from Portswood Road, under the bridges of the A335 Thomas Lewis Way and the Railway. This would be the preferred route choice but the restrictions make it impossible.
- 2.3.3 To mitigate the concerns of councillors and residents, routing of construction vehicles will be distributed between Kent Road, Aberdeen Road and Priory Road to reduce impact on individual roads and on Kent Road. These roads will also be used at agreed times to minimise distribution. It should be noted that, as stated above, the HGV movements will be concentrated in the first 2 months of construction and that during these times there is still only predicted to less than 2 HGV movements a day.
- 2.3.4 Parking sensitivity tests will be undertaken by AMDC Energy Ltd to establish periods of the day when on-street parking levels are low that will enable large vehicles to manoeuvre safely along the residential routes.

2.4 Abnormal Loads

- 2.4.1 The scheme will require 8 generators which would be considered abnormal loads. The development will require approximately 8 generators, which would be delivered to site in month 2 of the construction period. As with the other construction traffic these will be delivered outside the peaks to reduce the impact on the highway network.
- 2.4.2 Any abnormal loads, as defined in the national standards, will be subject to a further application which will be controlled via that process.

2.5 Remediation of damage to highways due to construction traffic

- 2.5.1 Any damages caused to the highway by the movement of construction traffic will be rectified once construction is completed following the completion of a pre and post construction highway condition survey.



Figure 3: Construction Traffic Routes

3.0 Construction Staff Vehicle Controls

3.1 Construction Staff routing

- 3.1.1 Staff construction vehicles which can will be told to use the A335 Kent Road (north route) to access the site, this will however be limited to the vehicles of a suitable height.

3.2 Construction Staff Parking Controls

- 3.2.1 All construction staff will park within the site to reduce the impact from parked vehicles on the surround streets.

4.0 Conclusions

4.1 Summary

- 4.1.1 It is considered that the proposed routing for construction traffic to access the site is very limited and the proposals within this document attempt to address the concerns of local residents as much as is reasonably possible.
- 4.1.2 Assuming the construction traffic uses these roads as instructed and the necessary parking surveys identify suitable periods to avoid high levels of on-street parking, there should be no detrimental impact on the surrounding community.
- 4.1.3 Banksman will be employed if required to assist in manoeuvring around parked vehicles.



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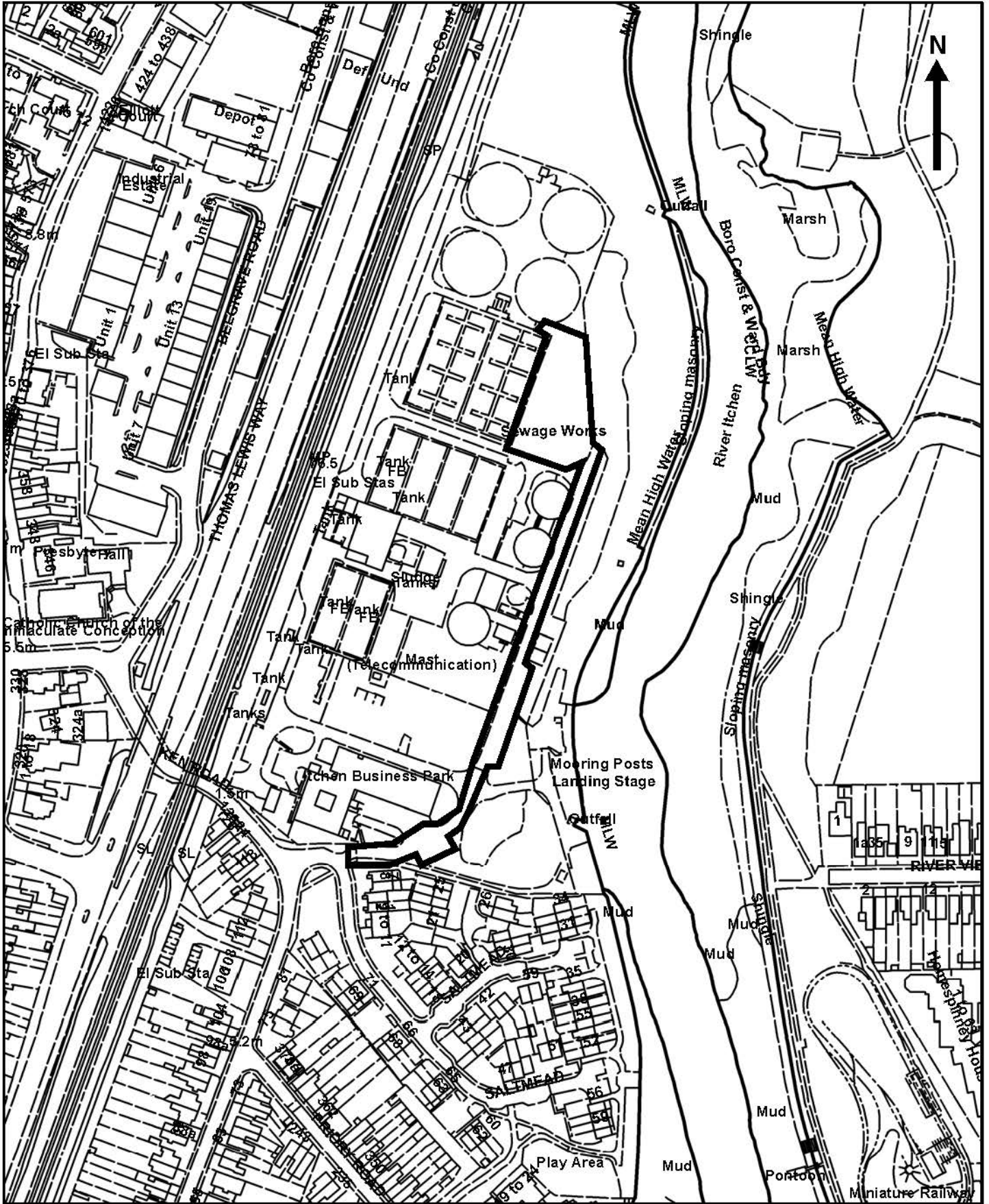
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Please visit our website for more information.

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Agenda Item 6 17/01690/FUL

Appendix 3



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Agenda Item 7

Planning and Rights of Way Panel 19th June 2018 Planning Application Report of Service Lead – Infrastructure, Planning and Development

| | | | |
|---|---|---|---|
| Application address: 89 Alma Road, Southampton | | | |
| Proposed development: Erection of a garage block to the rear of the property. Amendments to permission 17/00673/FUL (Part Retrospective). | | | |
| Application number | 18/00664/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.06.2018 | Ward | Bevois |
| Reason for Panel Referral: | Request by Ward Member and five or more letters of objection have been received | Ward Councillors | Cllr Kataria Cllr Rayment Cllr Barnes-Andrews |
| Referred to Panel by: | Cllr Barnes-Andrews | Reason: | Intended for residential use, rear facing windows overlook neighbours |
| Applicant: Mr J Rai | | Agent: ACAA Design Limited (Mr Amrik Chahal) | |
| Recommendation Summary | | Conditionally approve | |
| Community Infrastructure Levy Liable | | Not applicable | |

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The site is occupied by a block of 10 flats which was granted consent on 22nd April 1998 with parking and communal space to the rear (with an open boundary with the neighbouring property at 87). The surrounding area contains a mix of different property types but is primarily residential in nature.

2.0 Proposal

- 2.1 The application proposes a single storey structure to the rear of the site, intended to be used as a communal storage space for the occupiers of the flats.

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 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 There have been a number of applications on the site relating to the erection of a similar structure (see *Appendix 2* for a full summary).
- 4.2 An initial application was submitted mid 2016 (16/01044/FUL) for an outbuilding to the rear of the site (which is occupied by a flatted block). The structure was proposed as storage for the occupants of the flats. This application was approved on 05.12.2016. The consent included a condition which restricted the use of the building to serve as only ancillary garage/storage for the occupants of the flats.
- 4.3 A subsequent application was then submitted in late 2016 (16/02220/FUL) for an amended design changing the layout and scale of the building. This application was approved on 28.03.2017. The consent included conditions restricting the use of the building.
- 4.4 A further application was then submitted (17/00673/FUL) both to address some landownership issues and seek further alterations to the scheme in the form of a reduced footprint (but additional increase in height). This application was approved on 11.08.2017 and included a condition restricting the use of the building as a garage/ancillary storage space for the occupiers of the flats.
- 4.5 Following this application building works began to implement the consent. The building was constructed as approved in terms of siting, footprint, size and form. However alterations were made to the doors/windows – specifically the garage doors originally proposed were replaced with doors and windows and additional doors and windows were installed in the rear. The applicant sought to regularise the structure as built through the submission of a non-material amendment

application to the consent scheme (18/00114/NMA) but the Council determined that the alterations were a material alteration to the appearance of the building and therefore could not agree the changes through the non-material amendment procedures. The applicant was encouraged to make a formal planning application.

- 4.6 The applicant has now come forward with a new application which seeks permission to retain the doors and windows to the front but not the windows and doors to the rear. The main bulk of the structure otherwise remains as per the previous approved scheme, which should be afforded significant weight in the Panel's deliberations.

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 (27.04.2018). At the time of writing the report **8 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 Concern that development will be used as additional residential accommodation. Footings/walls/drainage installed imply residential use proposed

RESPONSE: The Council do not consider that an independent dwelling would be appropriate here and have been clear on this with every application on the site. All applications have included conditions to secure a non-residential use of the structure. If at any point local residents are concerned that the building has become occupied for residential use they should contact the Planning Enforcement team who will investigate and take action as necessary.

- 5.3 Additional windows and doors overlook neighbouring properties

RESPONSE: It is noted that this application contains a single rear facing window, which the recommendation requires to be obscured. The main windows and doors presently in the building as constructed are not part of the current application and will be required to be removed.

- 5.4 Building will not/cannot be used as a garage

RESPONSE: The Council's understanding (as per conditions on previous applications) has always been that the primary intention was to use the structure as ancillary storage space for the occupiers of the flat units. Given the size of the building and layout of the site it is not considered practicable for most of the structure to be used as a garage (other than for motorbikes and other smaller vehicles).

- 5.5 Parking spaces lost to the rear

RESPONSE: Given the previous use of the space as open land and the fact that vehicular access is not expected to be required for the western section of the structure it is not clear that a significant amount of parking will be lost following the completion of development.

- 5.6 Scale of structure is excessive in proximity to the boundary

RESPONSE: This issue is discussed in more detail in section 6. It is noted that one representation letter raised concerns about the plans referring to a first floor level. For clarity the 'first floor plan' identified in Drawing No 2017/01 Rev H is a roof plan, showing a top down view of the roof of the building.

- 5.7 The application is retrospective/the applicant will convert the premises at a later date/the applicant does not respect the planning process

R The Councils enforcement team were promptly made aware of the deviations in the built form compared to the previously consented structure. If any residents have concerns that the structure is not being built or occupied in accordance with the plans and conditions imposed, they should contact the Councils enforcement team. The application itself should be judged on its own merits.

Consultation Responses

5.8 **Outer Avenue Residents Association –**

- Vehicle access is not possible so cannot be a garage
- Inadequate parking to meet the needs of the site
- Concern regarding potential installation of drains
- Building in close proximity to neighbouring properties
- Windows as built overlook neighbouring property – enforcement action should be pursued
- Building looks intended to be residential

5.9 **Cllr Barnes-Andrews –**

- Support comments of neighbours
- Concern that building will be used for residential purposes
- Rear facing windows overlook neighbouring properties

6.0 Planning Consideration Key Issues

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

- Principle of Development & Planning History;
- Use; and
- Character & Amenity

6.1 Principle of Development & Planning History

6.2.1 As outlined in section 4, a number of other applications have already been submitted and granted consent on the site for similar structures. The current application has been submitted following the structure commencing construction and some elements not having been built in accordance with the approved plans. Specifically, the main design and massing of the structure remain identical to the most recently approved application (17/00673/FUL).

6.2.2 The key difference between the previous and current proposal are the replacement of the 'garage' style doors on the eastern segment of the structure with doors and window and the addition of a rear facing window on the eastern most section. The applicant has advised these are intended to provide some degree of additional light for users.

6.3 Use

6.3.1 A number of concerns have been raised by local residents about the potential use of the structure for residential purposes. For clarity, given the layout of the site and the position of the structure the Council do not (and did not under previous applications) expect that the structure would primarily be used as a

garage, but rather as a general external store solely for the use of the residents at 89 Alma Road. The applicant has not applied for a residential use and the Panel should consider the application on this basis. All previous applications have included conditions restricting the use of the structure on this basis and the recommendation on this application also includes a condition restricting the use of the premises in this fashion. Any subsequent breach will be investigated and enforced where expedient to do so.

6.4 Character and Amenity

- 6.4.1 As noted above, the scale and design of the structure is identical to that previously approved under application 17/00673/FUL. As part of that proposal the overall scale of the structure and proximity to the boundary were considered but given the open space and set back between neighbouring properties, on balance was not considered to be significantly harmful.
- 6.4.2 A number of concerns relate to the presence of windows in the rear of the structure. For clarity, these openings were not granted permission as part of 17/00673/FUL and have not been included as part of the current proposal (with the exception of a single rear facing window on the eastern section of the site). As such a condition is recommended to secure regularisation of the development in line with the agreed plans in a timely fashion.
- 6.4.3 The rear facing window is at ground floor level and is partially screened by the existing boundary treatment between properties. Taking into account the use of the premises as an ancillary store to the flats it is considered that there will be a generally low intensity of use, however it is considered reasonable to require the window be obscured.
- 6.4.4 In terms of the alterations to the front, the application proposes the change from two garage style doors to two sets of doors and windows. Broadly no objection is raised to the alteration in terms of the overall appearance of the structure. While it is noted that this does give the building a more 'residential' appearance, for clarity, the Council still do not consider the site appropriate for the use of an independent residential structure and the planning application is not for this use. To determine the application as a new dwelling(s) at this stage would be unreasonable.

7.0 Summary

- 7.1 The general scale and design of the structure has been previously agreed by the Council. The proposed alterations have a relatively minor impact on the overall appearance of the structure and are considered to be acceptable subject to suitable conditions restricting the property. The Council would continue to insist on a condition restricting the use of the structure an ancillary storage for the occupiers of the flats and for no other use.

8.0 Conclusion

- 8.1 Subject to the conditions laid out in the recommendation, the application is 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)(d), 4(f)(vv), 6(a)(b), 7(a)

JF for 19/06/18 PROW Panel

PLANNING CONDITIONS

01. Regularisation timing (Performance)

Within 2 months of the date of this consent the unauthorised openings to the rear (south elevation – not shown on plan ref: 2017/01 Rev H) shall be closed up using materials to match the existing structure. The building shall be retained without additional openings to those shown on this approved drawing.

Reason: In the interests of the amenities of neighbouring occupiers and to regularise the development in an expedient fashion.

02. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building at 89 Alma Road.

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 and satisfactory visual relationship of the new development to the existing.

03. Limitation of use of outbuilding as ancillary storage (Performance)

The outbuilding hereby approved shall only be utilised as a garage/ancillary storage space for the occupiers of the flats and not for any other use unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid any unacceptable intensification of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies.

04. Obscure Glazing (Performance Condition)

The proposed rear facing window shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The window shall be thereafter retained in this manner.

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

05. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

18/00114/NMA, Non material amendment sought to planning permission 17/00673/FUL to amend condition 4 (approved plans) to enable elevation change and reconfiguration of internal layout.

Objection, 09.02.2018

17/00673/FUL, Construction of a single storey garage block to the rear of the property.

Amendments to permission 16/02220/FUL

Conditionally Approved, 11.08.2017

16/02220/FUL, Construction of a single storey garage block to the rear of the property.

Amendments to permission 16/01044/FUL.

Conditionally Approved, 28.03.2017

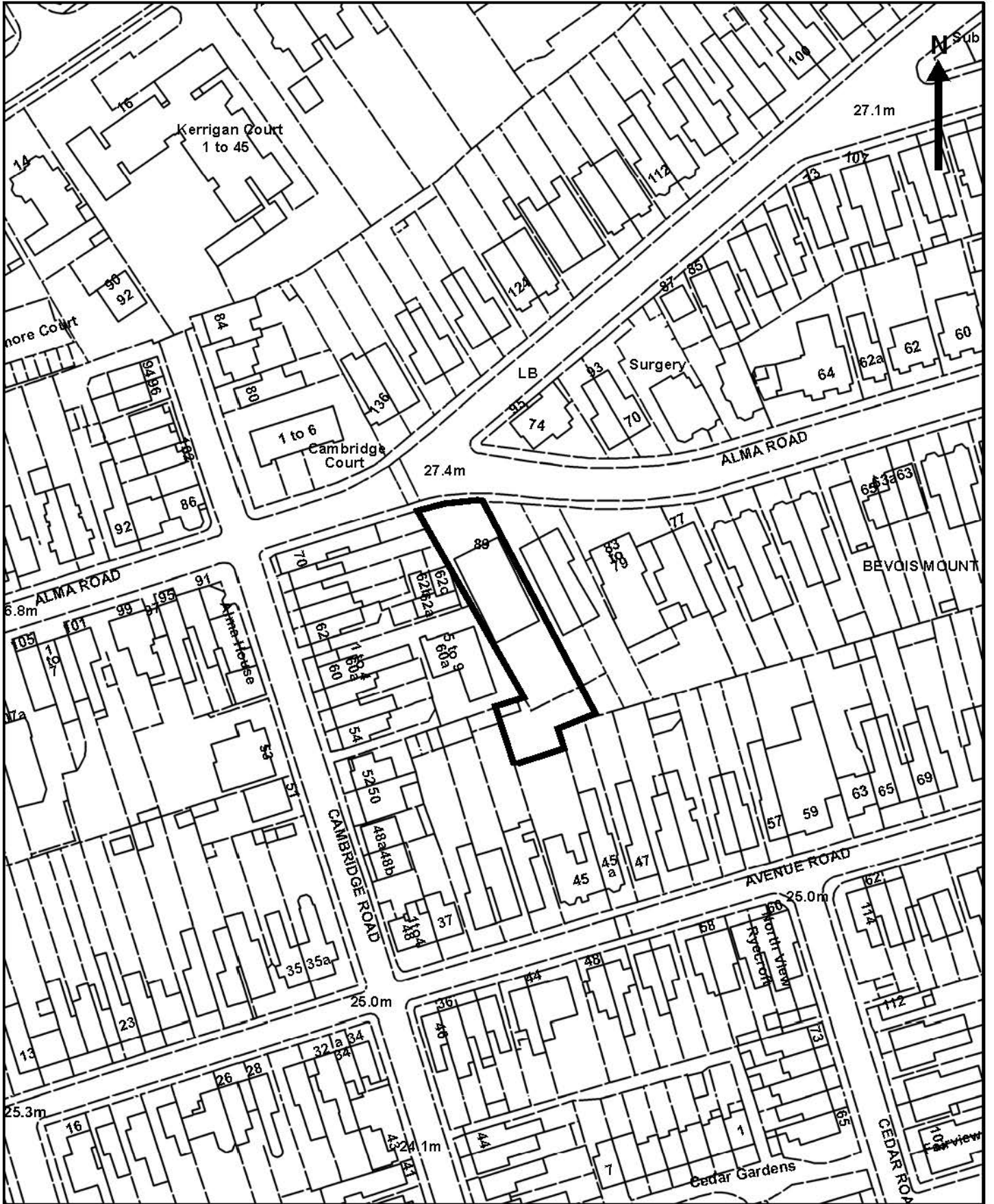
16/01044/FUL, Construction of a single storey garage and storage building to the rear of the property

Conditionally Approved, 05.12.2016

980169/W, Re-development of the site by the erection of a 3-storey block of 10 no. flats (2x2-bed and 8x1-bed) and associated – renewal of planning consent 921490/26076/W (allowed on appeal) prior to expiry

Conditionally Approved, 22.04.1998

18/00664/FUL



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Agenda Item 8

Planning and Rights of Way Panel 19 June 2018 Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

| | | | |
|--|-------------------------|-----------------------------|--|
| Application address: 182-184, Bitterne Road West, Southampton, SO18 1BE. | | | |
| Proposed development: Erection of a three storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building. | | | |
| Application number | 18/00358/FUL | Application type | Minor Dwellings |
| Case officer | Mat Pidgeon | Public speaking time | 5 minutes |
| Last date for determination: | 3rd July 2018 | Ward | Peartree |
| Reason for Panel Referral: | Request by Ward Member. | Ward Councillors | Cllr Bell Cllr Houghton Cllr Keogh |
| Referred to panel by: | Cllr Keogh | Reason | 3 storey impact on neighbours, parking pressure. |

| | |
|-----------------------------------|--------------------------------------|
| Applicant: Mr Andrew Jones | Agent: Studio Four Architects |
|-----------------------------------|--------------------------------------|

| | |
|-------------------------------|---|
| Recommendation Summary | Delegate to service lead – Infrastructure, Planning and Development to grant planning permission subject to content listed in the report. |
|-------------------------------|---|

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

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on neighbouring amenity and on street car parking pressure have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

| | |
|--------------------------|------------------------------------|
| Appendix attached | |
| 1 | Development Plan Policies |
| 2 | 10/00374/FUL - Reasons for refusal |
| 3 | 10/00374/FUL - Refused plans |

Recommendation in Full

Delegate to Service Lead – Planning, Infrastructure and Development to grant planning permission subject to receipt of a Solent Disturbance Mitigation Project payment/alternative provision. In the event that this issue is not resolved within 1 month from the date of the Planning Panel delegation also given to refuse the application for failure to accord with the Development Plan.

1 The site and its context

- 1.1 The application site is located on the corner of Bitterne Road West and Athelstan Road. The site is occupied by a single storey detached commercial unit operated most recently as a hairdressers under the A1 use class. The site is open and not bounded by boundary treatment at present adjacent to Bitterne Road West and Athelstan Road. Lack of boundary treatment allows members of the public to walk through the site from Bitterne Road West to Athelstan Road. Vehicles are also capable of using the side access between the application site and 186 Bitterne Road West although the route appears informal and seldom used. The proposed development would result in the loss of this access for vehicles.
- 1.2 To the rear of the site there is a vehicular access route allowing access to the backs of the properties 186 – 194 Bitterne Road West. The route is not a public highway and residents benefit from a right of access. Many residents of 186 – 194 use the space behind their properties for parking purposes.
- 1.3 The adjacent building to the east (186 Bitterne Road West) is a traditional two-storey design with a hipped roof. There is a commercial use at ground floor (A5) and residential above. To the rear of the site, along Athelstan Road, are two-storey residential dwellings, to the west is a terrace of two and a half storey buildings with commercial or residential uses at ground floor and flats above whilst to the north on the opposite side of Bitterne Road West are single storey retail units for bulky goods.
- 1.4 The site is not within a primary or secondary retail frontage area nor is it within a District or Local Centre. The site falls within a medium accessibility area and is also within an Air Quality Management Area (AQMA).
- 1.5 Parking on Bitterne Road West and Athelstan Road near to the site is controlled by Traffic Regulation Orders in the form of double yellow lines. The highway adjacent to the site is also controlled by 'no waiting at any time' restrictions.
- 1.6 The wider surrounding area is residential, comprising a mix of terraced houses, semi-detached houses and detached houses. There are commercial uses opposite and Bitterne Train Station is 0.1 mile away to the north west. The nearest defined commercial centres are Bitterne Triangle Local Centre which is half a mile to the north and Bitterne District Centre which is a little less than a mile to the east.

2 Proposal

- 2.1 Erection of a three storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building. The site is triangular in shape which is a constraint to development potential.

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.

4. Relevant Planning History

- 4.1 Application 10/00374/FUL was refused in May 2010. The application sought planning permission for the redevelopment of the site following demolition of existing shop unit and erection of 5 flats comprising 1 x 1 bed and 4 x 2 bed (two storey with accommodation in roof) with detached single storey bike store and refuse enclosure and new site boundary wall/railings/gates. Five reasons for refusal were listed and can be summarised as follows (full reasons are included as **Appendix 2** and the plans are included as **Appendix 3**):

1. Design; responds poorly and fails to integrate with its local surroundings by reason of its design, including flat roofed form, its relationship with the existing pattern of development along Bitterne Road West and the excessive site coverage. Overdevelopment of the site.
2. Residential Environment; insufficient amenity space, failure to detail adequate mitigation measures (noise, odour, air quality), poorly location refuse and cycle store, lack of defensible space in front of habitable room windows.
3. Highways Safety; doors and windows overhanging public highway when open.
4. Code for Sustainable Homes; no commitment or details submitted.
5. Section 106 – Financial obligations were required to offset the impact of the development.

- 4.2 07/02064/OUT- Redevelopment of the site. Demolition of the existing building and erection of a two-storey building to provide 12 one-bedroom flats (Outline application seeking approval for layout and scale of development) – Withdrawn.
- 4.3 05/00184/OUT - Redevelopment of the site by the erection of a two-storey building comprising four flats and a commercial retail unit (outline application for means of access and siting). Conditionally Approve.
- 4.4 930240/E – Erection of a first floor to form self-contained flat with ground floor extensions – Refused, April 1993, refusal reasons included: overdevelopment, coverage of site, lack of amenity space, out of character and insufficient parking.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (13/03/2018). At the time of writing the report **10 representations** have been received from surrounding residents, including Cllr Keogh. The following is a summary of the relevant points raised:

- 5.2 Poor design/out of character with the surroundings.
RESPONSE: The position of the dwelling on a corner and opposite three storey development on the south west side corner of the junction of Bitterne Road West and Athelstan Road provides scope for variety of design. The chosen design is acceptable within this varied context.
- 5.3 Overlooking/neighbouring privacy.
RESPONSE: The layout of the flats means that habitable room windows will not face towards neighbouring residential properties or gardens. Privacy screens are proposed on the side of the raised terraces. Further details of measures required to ensure that the privacy of neighbours will be protected can be secured by planning condition.
- 5.4 Overshadowing neighbouring properties.
RESPONSE: A shadow diagram has been provided which indicates that whilst the neighbouring site will be cast in shadow by the development after 4pm there will remain areas of the neighbouring site that will be unaffected. This is deemed acceptable.
- 5.5 Increased potential for vehicles to unlawfully park on and therefore block the rear access to 186 – 194 Bitterne Road West.
RESPONSE: This is a civil matter to be resolved outside of the planning system. It would be unreasonable to penalise the applicant for the behaviour of other vehicle owners choosing to park illegally.
- 5.6 Highways danger/obstruction when servicing of the proposed commercial unit.
RESPONSE: There is currently space at the rear of the site for a vehicle to park for servicing purposes. The proposal includes a space on site to ensure that servicing can still occur from the site.
- 5.7 Highways Safety – sightlines from vehicular access to rear of properties 186 – 194 Bitterne Road West.
RESPONSE: No objection from the Highways Development Management Team has been raised.
- 5.8 Increased traffic generally as a consequence of the development. Increased parking pressure, parking survey does not reflect problems that currently exist.
RESPONSE: The proposal is fairly modest and is unlikely to result in a significant increase in road traffic. Occupants would have access to public transport and cycle storage. Reliance on private vehicles in this location is not necessary for access to public services, employment and amenities. The parking survey submitted by the applicant (undertaken Tuesday 27th June, 20.00 and Wednesday 28th June, 06.30) also demonstrates that locally (within 250m of the site) there is sufficient available capacity to accommodate parking that may be required as a consequence of the development.
- 5.9 Construction – Disturbance on the public highway (roads and footpath).
RESPONSE: A construction environment management plan can be added to control parking of construction related traffic and location of construction compound.
- 5.10 Construction – Disturbance (noise).
RESPONSE: Planning conditions can be used to prevent construction at unreasonable hours.

- 5.11 Construction – Damage to the highway and neighbouring properties.
RESPONSE: The scale of the development is such that it is not anticipated that damage will occur thus it would be unreasonable/disproportionate to add a condition to monitor damage to the highway. Damage to private property is a civil matter. The Highways Act includes provisions for securing works to remedy damage by a third party.
- 5.12 Impact on the public sewer and increased potential for surface level flooding.
RESPONSE: No objection received from Southern Water. The proposal also provides the potential to improve drainage locally and help to prevent flooding given that the site is currently 100% hardsurfaced and is unlikely to include soakaways for surface water drainage. Surface water drainage through the use of soakaways will be controlled through Building Regulations.

Consultation Responses

- 5.13 **Southern Water** - No objection subject to conditions.
- 5.14 **CIL** – The development is CIL liable.
- 5.15 **SCC Environmental Health** – Reports submitted in relation to noise, odour and air quality have allayed previous concerns. No objection is raised subject to the recommendations/conclusions of the reports submitted and imposition of relevant conditions.
- 5.16 **SCC Archaeology** – No objection subject to conditions.
- 5.17 **SCC Sustainability Team** – No objection. Apply recommended conditions.
- 5.18 **SCC Highways** - No objection raised. Amended plans have been sought. It is deemed that there will be no significant change in terms of highways safety. Apply recommended conditions.
- 5.20 **SCC Ecology** – No objection is raised.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration during the determination of this planning application are:
- the principle of the development;
 - the impact of the design of the building on the character of the area;
 - the quality of the residential environment produced for prospective residents;
 - the impact on the amenities of neighbouring and surrounding residents;
 - highways safety, car parking and access for servicing.
 - Habits regulations

Principle of Development.

- 6.2 The scheme would make efficient use of previously developed land to provide a mixed use development that includes housing, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates two x two bedroom flats. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy H8 of the Local Plan Review states that for medium accessibility areas net density levels should generally accord with the range for density of between 50 and 100 dwellings per hectare for new residential development. The area of the site proposed for development is 0.016 hectares.

With two dwellings the density would be 120 units per hectare. The scheme therefore slightly exceeds the council's density requirements which is deemed acceptable in this location given the site constraints and access to public services and amenities, including Bitterne Train Station which is 0.1 mile to the north east.

6.3 The principle of the development is acceptable.

The impact of the design of the building on the character of the area.

6.4 Since the previous scheme was refused in 2010 the building design has been amended. The proposal is now contemporary in form and is a significant improvement over the previously refused scheme. Officers are now of the opinion that the design more successfully responds to and integrates with the local surroundings for the following reasons:

- The amount of flat roof has been significantly reduced.
- The amount of site coverage has been reduced providing an improved setting to the building.
- The bulk and design responds better to the spatial characteristics of the pattern and proportions of buildings along the Bitterne Road West frontage.
- Given its corner location the building is no longer deemed to be excessive in depth.
- Also owing to its position on the corner and opposite three story buildings the height of the building and design, which includes rooms in the roof space, is not judged to be harmful to local character.
- Refuse and cycle storage can now be more successfully integrated into the design of the development.
- Residents will no longer have to exit the site and re-enter in order to access refuse and cycle storage.
- Amenity space has been provided in the form of private terraces for each flat measuring 16 sq.m.
- The proposal is no longer considered to represent an overdevelopment of the site.

6.5 The unusual shape and corner position of the site allows for some flexibility in design terms and diversion from the building design type found locally.

6.6 Whilst the design is not typical of the buildings found locally it is also not considered by officers to be sufficiently harmful to local character to be opposed on this basis. Use of high quality modern materials will be needed in order to ensure the visual success of the scheme. Materials will be controlled by condition.

The quality of the residential environment produced for prospective residents.

6.7 The proposed residential development is within walking and cycling distance of a range of local facilities and services with good access to public transport. In particular there is a small parade of shops close to the application site on Bitterne Road West and there is a larger parade of shops on Bitterne Triangle which is approximately half a mile to the north. Bitterne District Centre is also less than a mile away to the east.

- 6.8 The proposal incorporates two private balconies (16sq.m each) for the occupants of the two flats to use. The amenity space provided therefore does not accord with the space requirements recommended in the residential design guide.
- 6.9 The deficiency of amenity space must be set against the advantages of living in a location that is within walking and cycling distance of local shops and services and public open space including Riverside Park which is half a mile to the north, and Chessel Bay Nature Reserve that is 0.2 miles to the south.
- 6.10 The privacy experienced by residents will be acceptable and natural surveillance of the street is achieved from habitable room windows. The ground floor entrance to the flats is also located so that it will be visible from the street.
- 6.11 Habitable rooms within the proposed buildings will all have good access to outlook, and daylight. The proposed flats are dual aspect and the room sizes and overall flat sizes provide sufficient space to result in sufficient quality of residential environment (82 sq.m floor space per flat).
- 6.12 The site is positioned within an Air Quality Management Area and therefore officers asked for an air quality assessment to accompany the application. The report (Air Quality and Odour Assessment) that was commissioned identifies that the impacts of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable. The report author has reviewed nationally set standards for air quality and survey data provided by Southampton City Council for this location when compiling the report. The conclusion to the report does not therefore recommend any mitigation measures in respect of air quality and considers that there should be no constraints to residential occupation at the site, with regard to air quality. The Environmental Health Team agree.
- 6.13 In terms of odour the neighbouring hot food takeaway has a flue which is positioned adjacent to the application site. The impact of the flue on the occupiers of the unit has been mitigated by designing the building so that there are no windows within the flank wall of the building and next to the hot food takeaway unit. The Air Quality and Odour Assessment concludes that given that odour effects at the proposed development are likely to be negligible, the odour impacts are judged to be insignificant. The Environmental Health Team also agree to this approach.
- 6.14 With respect to both air quality and odour the Councils Environmental Health Team do not dispute the conclusions set out in the Air Quality and Odour Assessment and accordingly have not raised an objection to the proposed development.
- The impact on the amenities of neighbouring and surrounding residents.
- 6.15 The proposed building is considerably larger than the existing building on the site and as a consequence a greater shadow will be cast by it. The shadow diagram provided by the applicant indicates that in the evening the neighbouring site will in part be cast in shadow. However in the summer months when the sun is higher in the sky the impact will be less than during winter months. The impact caused by shadowing is considered acceptable when assessed against recognised BRE guidance.
- 6.16 The proposal will not harm outlook from habitable room windows of neighbouring property.

- 6.17 Provided that the occupiers of the proposed development behave reasonably neighbours residential amenity in terms of noise and disturbance will not be significantly harmed.

Highways safety, car parking and access for servicing.

- 6.18 The proposal indicates one dedicated space for car parking. The proposal identifies that the space will be used for servicing of the shop unit so that servicing vehicles do not park on Althelstan Road, Bitterne Road West or on the pavement adjacent to the application site. It is noted that the Highways Team is supportive of this approach and have not opposed the scheme. The Highways Team and the case officer acknowledge that servicing occurs from the rear of the site at present with servicing vehicles also parking at the rear. Whilst the proposal does not include turning provision on site existing servicing vehicles are also unlikely to currently be turning on site before re-entering the public highway. It is therefore deemed acceptable to support the current proposal given that the changes are not judged to be significant in terms of highways safety.
- 6.19 The site is within a medium accessibility area. The location is well served by public transport and it is not considered that the occupiers of the residential units will require cars in order to access employment as well as public goods and services which are necessary for day to day living.
- 6.20 Therefore whilst the adopted maximum parking standards would allow up to two parking spaces per residential unit that figure is an absolute maximum and sometimes the site may not be capable of delivering more parking. A suitable balance is needed and SCC standards do allow for car free development. In this particular case zero parking for residents on site is considered acceptable. This conclusion has been made having also taken account of the submitted car parking survey which shows that there is sufficient available capacity within the local area to accommodate parking that may be required as a consequence of the development.
- 6.21 The results of the surveys demonstrate that a minimum of 24 spaces were available within 250m of the site. In addition, of the available spaces, a minimum of 11 spaces were available on either Garfield Road or Athelstan Road, which enable access to parking without the need to cross Bitterne Road West.
- 6.22 SCC's Parking Standards SPD (2011) demonstrates that, for this particular site, a maximum of 4 car parking spaces could be provided for the occupants of the flats (2 for each flat). For the commercial unit a total of 3 spaces could be provided. Whilst the development provides just one space (for servicing of the retail unit and the flats) the parking surveys demonstrate that there is sufficient available capacity to accommodate a potential maximum demand of 7 vehicles. Accordingly the surrounding on street car parking survey demonstrates that the potential 7 spaces can be accommodated. As the parking standards SPD allows for this approach the scheme is not opposed by officers on this basis.
- 6.23 The historic or current arrangement whereby neighbours and visitors to the site and visitors to nearby commercial units park on the site is not a material planning consideration given that the current arrangement could be ended irrespective of planning permission being granted. This is again a civil matter.
- 6.24 Objectors to the scheme, in particular those who live within the row 186 – 194 Bitterne Road West and who have access over land to the rear of the site to access their properties (including by car), are concerned that as a direct result of the proposal current problems associated with gaining access to and from their

properties will be exacerbated. Whilst Officers understand the frustration that may occur in the event of the access being blocked the point is immaterial to the determination of this planning application. The applicant should not be penalised for the unlawful parking of vehicles on the service route. Local parking pressure and illegal parking practices are acknowledged however they cannot be directly attributed to the proposed development. The application must be determined with reasonable behaviour in mind.

- 6.25 No objection has been raised to the proposal from the Highways Development Management Team. Refuse and cycle storage, as well as parking on site, can be achieved.

Habitat Regulations

- 6.26 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 has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Once paid – see delegation above - this application will have complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7 Summary

- 7.1 The Council is committed to providing high quality residential environments for the citizens of the city and aim to work with developers to make efficient use of available land. Permission is sought for a well-designed mixed use scheme on previously developed land which is within close proximity to a train station. As such the scheme fulfils the requirements of the NPPF.

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

MP3 for 19/06/2018 PROW Panel

PLANNING CONDITIONS

1. 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).

2. 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.

3. Cycle parking (Performance Condition)

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

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

4. Refuse & Recycling (Pre-Commencement)

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

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

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

5. Details & samples of building materials to be used [Pre-Commencement Condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and cladding) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments formed. 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.

6. Balcony Access [Pre-Occupation Condition]

The external balcony spaces serving the development hereby approved shall be carried out in accordance with the approved plans and made available prior to the first occupation of the development hereby permitted. The balcony spaces shall be retained with access to them at all times for the use of the occupants thereafter in perpetuity. The balconies allocated to the flats shall be private to the flats they serve.

REASON: To ensure the provision of adequate amenity space in association with the approved development.

7. No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted at first and second floor level within the buildings hereby approved without further prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

8. Details & samples of measures to secure neighbouring privacy. [Pre-Commencement Condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until detailed plans, including sections, of the rear balcony's and in particular the measures proposed to prevent the loss of neighbouring privacy (as potentially enjoyed from within the space on the neighbouring site that could become a residential garden in the future) has been submitted to and approved in writing by the Local Planning Authority. Details shall include all building materials. The development shall be implemented only in accordance with the agreed details and retained thereafter.

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.

9. Details of windows (sill and recess) [Pre-Commencement Condition]

No development works shall be carried out unless and until details of the proposed windows, in terms of sill materials and design, window reveal depth (recess/relief) in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with the agreed details and retained thereafter.

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

10. 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.

11. Wheel Cleaning Facilities (Pre-commencement)

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no vehicle shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

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

The approved vehicular parking space shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. The parking space as approved shall be permanently retained for servicing of the retail unit and to assist residents when moving into and out of the flats and/or when delivering furniture and similar bulky goods only. At no other time shall the parking space be used by occupants of the flats.

Reason: To avoid congestion of the adjoining highway and in the interests of highways safety.

13. Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

14. Archaeological watching brief investigation [Pre-Commencement Condition]

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

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

15. Archaeological watching brief work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

16. 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 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)

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. Public Sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect 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.

20. Foul and surface water sewerage disposal – Pre-commencement Condition.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water. Once approved the development shall take place in accordance with the agreed details.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

21. 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).

22. 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).

23. Boundary treatment, hardsurfacing, lighting & landscaping 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, which includes:

- i. means of enclosure/boundary treatment;
- ii. hard surfacing materials;
- iii. 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;
- 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

Note the landscaping plans should:

- Not include excessive amounts of concrete or tarmac surfacing, block pavements should be used to the rear to define the private space at the rear. Migratory materials will not be accepted where spillage onto the public highway is likely to result.
- Identify that no surface water from the site shall run onto the public highway. Details shall be included explaining how this will be prevented.
- Boundary treatment will be needed to define the rear of the site. A brick built wall should be used to do this.
- Boundary treatment shall not include timber fencing adjacent to the public highway.

24. Remove PD for retail unit (Performance Condition).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order, no changes of use permitted within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise further control in this locality given that there is limited opportunity for amenity areas and the proximity of ground floor windows to the public highway resulting potentially unacceptable privacy for future occupants.

25. Hours of Use, A1 use. (Performance)

The A1 retail use hereby approved shall not operate outside the following hours:

Monday to Saturday - 07:00 – 19:00

Sunday and recognised public holidays – 07:00 – 13:00

Reason: To protect the amenities of the occupiers of existing nearby residential properties and occupiers of the upper floor flats.

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

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Application 18/00385/FUL

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 |
| SDP7 | Urban Design Context |
| SDP8 | Urban Form and Public Space |
| SDP9 | Scale, Massing & Appearance |
| SDP10 | Safety & Security |
| SDP12 | Landscape & Biodiversity |
| SDP13 | Resource Conservation |
| SDP14 | Renewable Energy |
| NE9 | Protection / Improvement of Character |
| 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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10/00374/FUL – Reasons for refusal.

1. REFUSAL REASON - Design

Whilst the principle of a flatted redevelopment scheme is accepted, the proposed development of this prominent corner site is considered to respond poorly and fails to integrate with its local surroundings by reason of its design, including flat roofed form, its relationship with the existing pattern of development along Bitterne Road West and the excessive site coverage (building and hard-standing) with a limited setting to the building. Furthermore:-

(a) The proposed building footprint and associated hard-standing results in an excessive site coverage that fails to respond to the spatial characteristics of the pattern and proportions of buildings along the Bitterne Road West frontage.

(b) The need to incorporate a flat roof form, due to the proposed proportions of the building ,including it's excessive depth , results in the design which is out keeping and character with the traditional ridged roof form of buildings in the surrounding area.

(c) Poorly located refuse and cycle storage facility; and amenity space is proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between the store/amenity space and the entrance to the flats. The poor functionality and accessibility of the arrangement is symptomatic of an overdevelopment.

In combination, these design issues result in a building that fails to respect the character of the area or the needs of its users and, as such, the proposed development is considered to be contrary to "saved" policies SDP1 (i) SDP7 (i) (iii) (iv) (v), SDP8 (i) (ii) and SDP9 (i) (iv) (v) of the adopted City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

2. REFUSAL REASON - Residential Environment

The Local Planning Authority is not satisfied that the proposed residential accommodation provides an attractive and acceptable living environment for prospective residents, in particular:

(a) The proposal fails to provide adequate external space which is fit for its intended purpose to serve the on-site amenity space needs of prospective residents, including external seating and areas for drying clothes, as required by adopted City of Southampton Local Plan Review (2006) Policy SDP1 (i) and SDP7 (v) as supported by paragraph 2.3.14 and section 4.4 of the Council's approved Residential Design Guide SPD (2006);

(b) Failure to provide details concerning the impact of poor air quality and noise generated within close proximity to the site; and an investigation of potential mitigation measures results in a development which fails to prove that the environmental conditions for residents shall be acceptable. As such the development would be contrary to policies SDP1 (i), SP15 (ii), SDP16 (ii) and H2 (iv) of the adopted City of Southampton Local Plan Review (March 2006)

(c) Poorly located refuse and cycle storage facilities and amenity space are proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between the cycle store and the entrance to the flats. Access to the amenity space is achieved via a gated

entrance which is within the immediate proximity of a habitable room window of one of the ground floor flats. Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

(d) Lack of defensible space in front of habitable room windows and proposed entrances to the flats would unacceptably affect the amenity and sense of safety and security of the occupants of the proposed residential units, as a consequence the development would poorly integrate into the local community. Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i), SDP8 (ii) and SDP10 (iii) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

3. REFUSAL REASON - Highway Safety

The proposed development by reason of its footprint and access arrangement, which includes door, window and gated openings which would overhang the public footpath which borders the site would give rise to highway safety concerns owing to the obstruction of the public highway. Accordingly the scheme fails to comply with "saved" policies SDP1 (i) and SDP7 (i), (iii) and (v) of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

4. REFUSAL REASON - Code for Sustainable Homes and Climate Change

In the absence of any commitment to the Code for Sustainable Homes, an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

5. REFUSAL REASON - Section 106

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

A) Measures towards the relevant elements of public open space required by the development in accordance with Policies CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005) in relation of amenity open space, play space and playing field. .

B) Measures to support site specific transport contributions for highway improvements in the vicinity of the site in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended)

C) Measures to support strategic transport projects for transportation improvements in the wider area in accordance with Policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

D) The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
(E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;

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PLANNING & SUSTAINABILITY PLANNING
 17 MAR 2010
 29 MAR 2010

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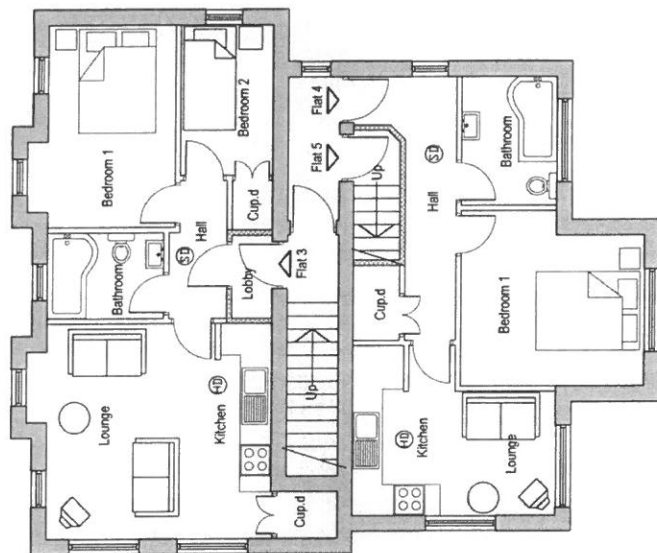
182-184 Bitterne Road West
 Southampton
 Hampshire

GA Ground and First Floor Plans
 Moor Construction

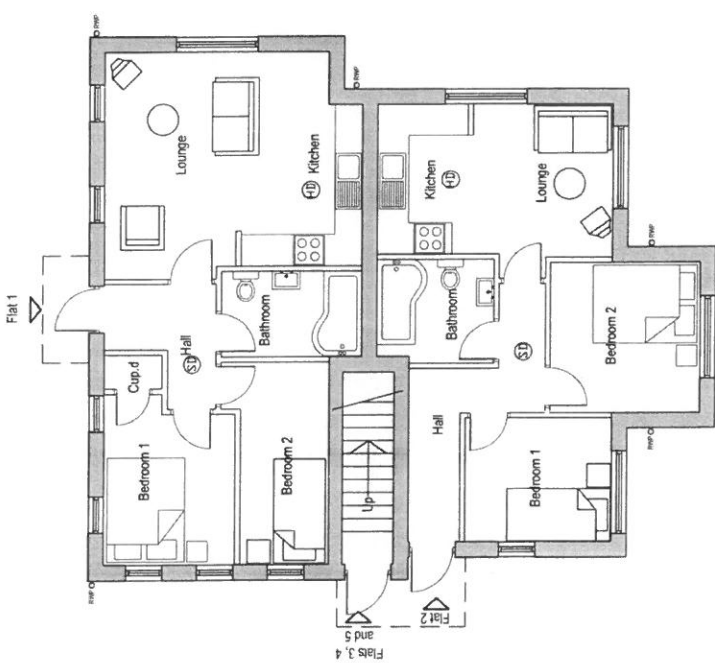
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 Drawing no: 101

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 PO16 7AR
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RICS
 Registered Surveyors
 Building Services



First Floor Plan



Ground Floor Plan

| Area Schedule | |
|---------------|-------|
| Ground Floor- | |
| Flat 1: 2bed | 46sqm |
| Flat 2: 2 bed | 41sqm |
| First Floor | |
| Flat 3: 2bed | 45sqm |
| Flat 4: 1bed | 35sqm |
| Second Floor | |
| Flat 5: 2bed | 67sqm |



10100374/AM

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 17 MAR 2010
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PROJECT
 182-184 Bitterne Road West
 Southampton
 Hampshire

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 GA Elevations

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 Moor Construction

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 TW

DATE
 11.03.10

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 090616

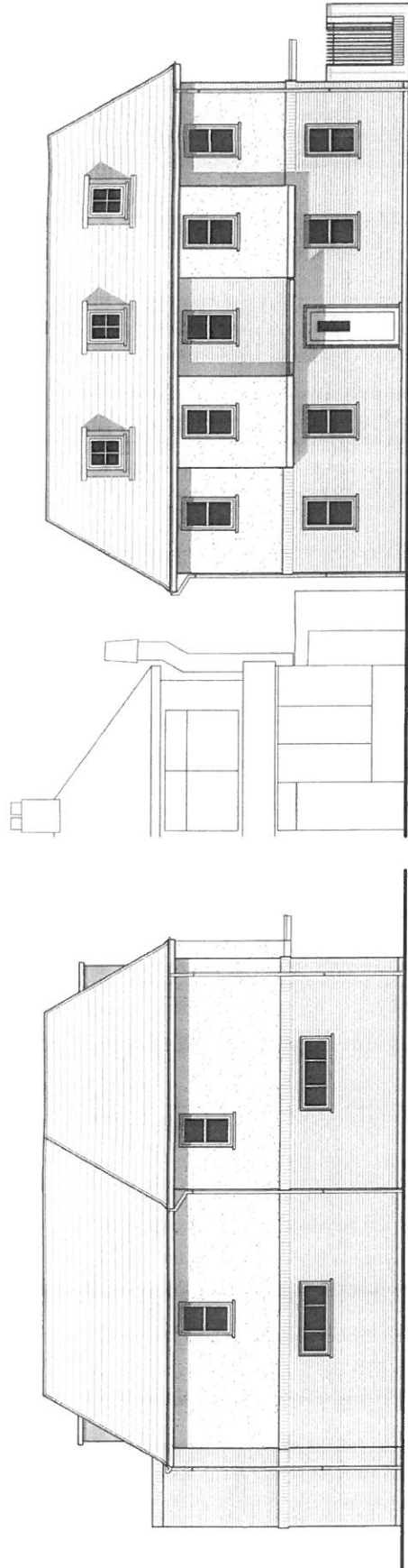
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 Fax: 01329 221185
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Architectural Services
 Historic Building
 Project Management
 Building Surveying Services

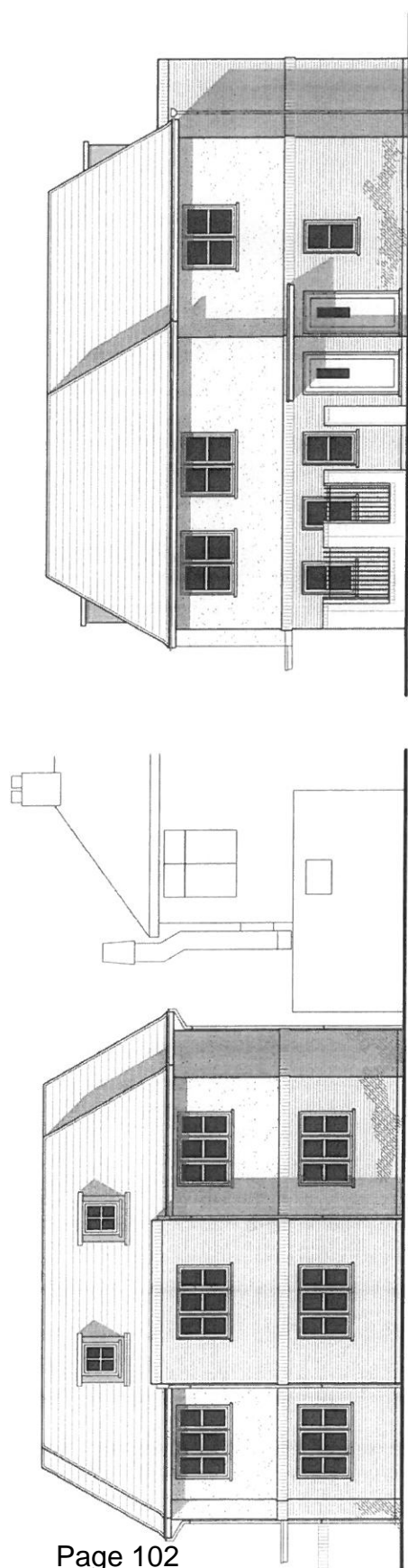
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North Elevation

No. 186

West Elevation



East Elevation

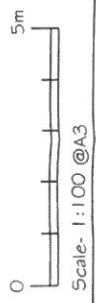
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South Elevation

Materials
 Roof- Fibre Cement Slate, blue/ grey to 60° slope.
 High performance polymer type, grey to flat top section

Walls- Ground Floor: Facing brickwork, red multi.
 BOE soldier course.
First Floor: Render, white/ cream.

Soffits/ Fascias- UPVC, white
Rainwater Goods- UPVC, black
Windows/ Doors- UPVC double glazed, white



10/00574/1M

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PLANNING
29 MAR 2010

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| A | Cycle and Bin Store details added | | 24.03.10 |

PROJECT
182-184 Bitterne Road West
Southampton
Hampshire

SITE
Site Plan and Site Location Plan

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Moor Construction

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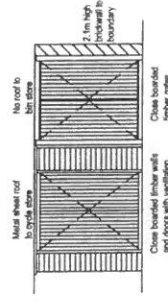
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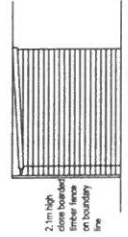
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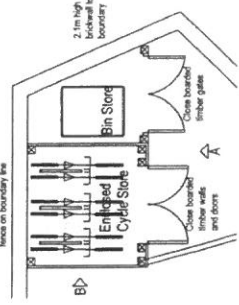
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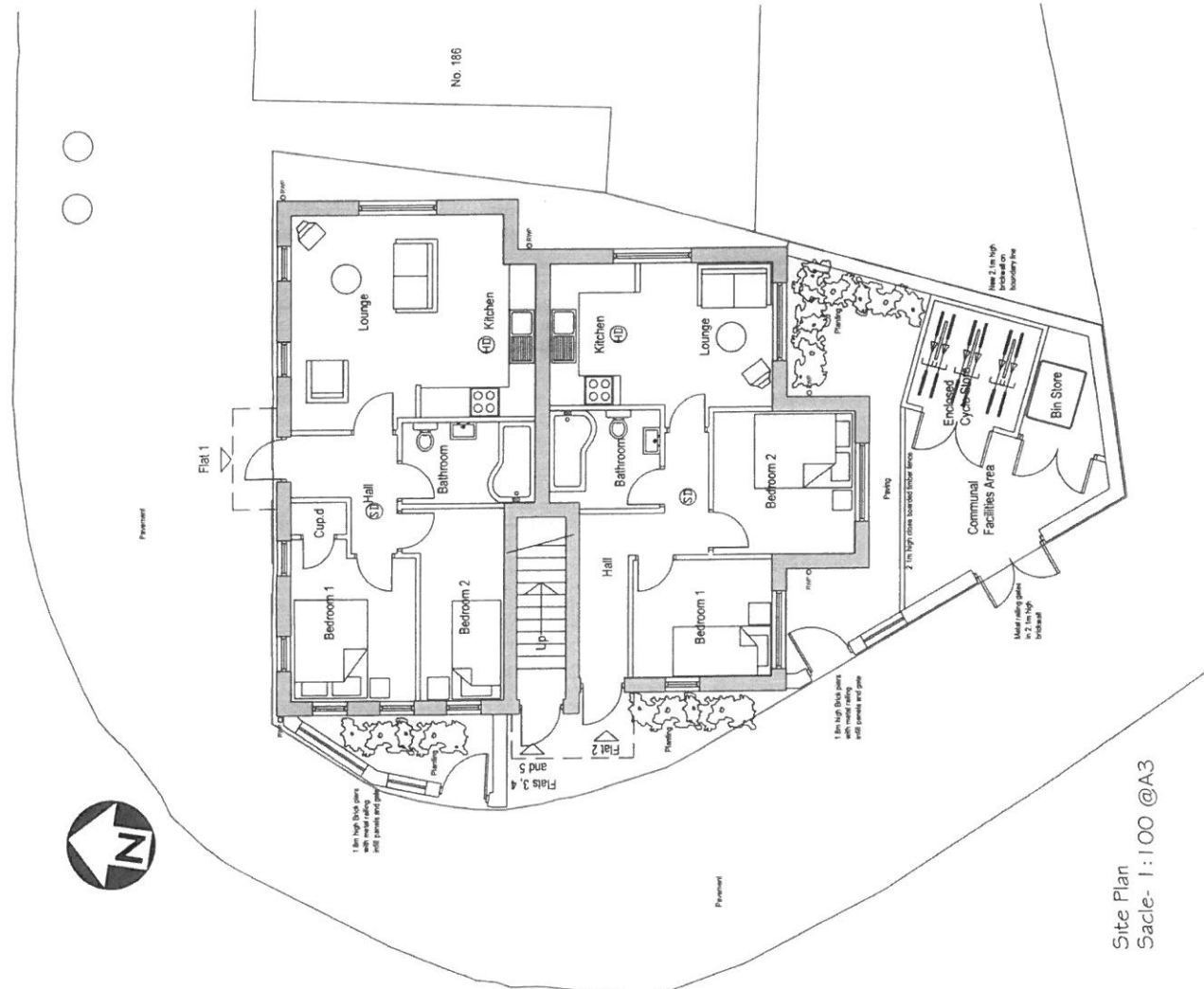
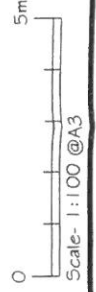
Cycle Store Elevation A
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Cycle Store Elevation B
Scale- 1:100 @A3



Communal Facilities Plan
Scale- 1:100 @A3



Site Plan
Scale- 1:100 @A3

10100374/RM

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PLANNING &
17 MAR 2010
SUSTAINABILITY
PLANNING &
29 MAR 2010

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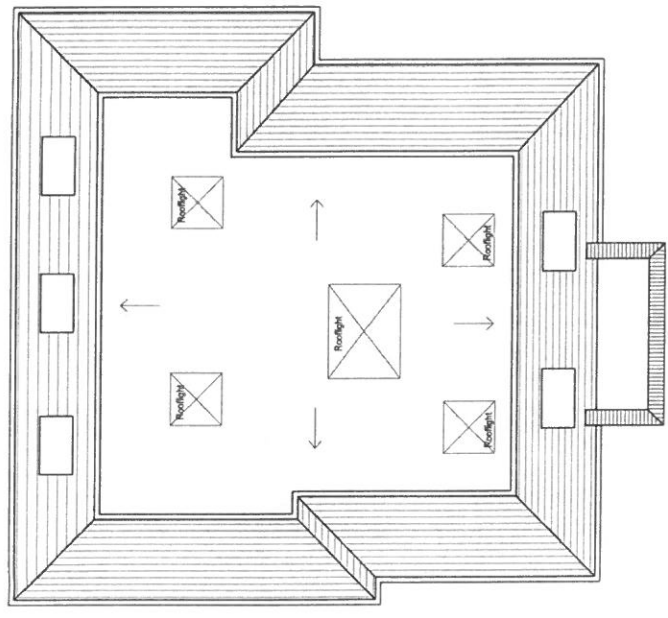
182-184 Bitterne Road West
Southampton
Hampshire

GA Second Floor and Roof Plans
Moor Construction

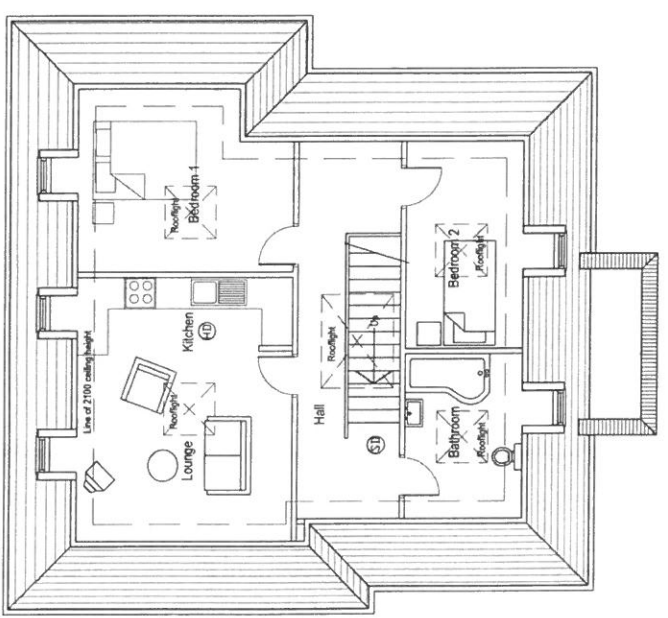
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Checked By: TW
Date: 11.03.10
Job No: 090616
Rev: 102

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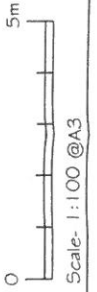


Roof Plan



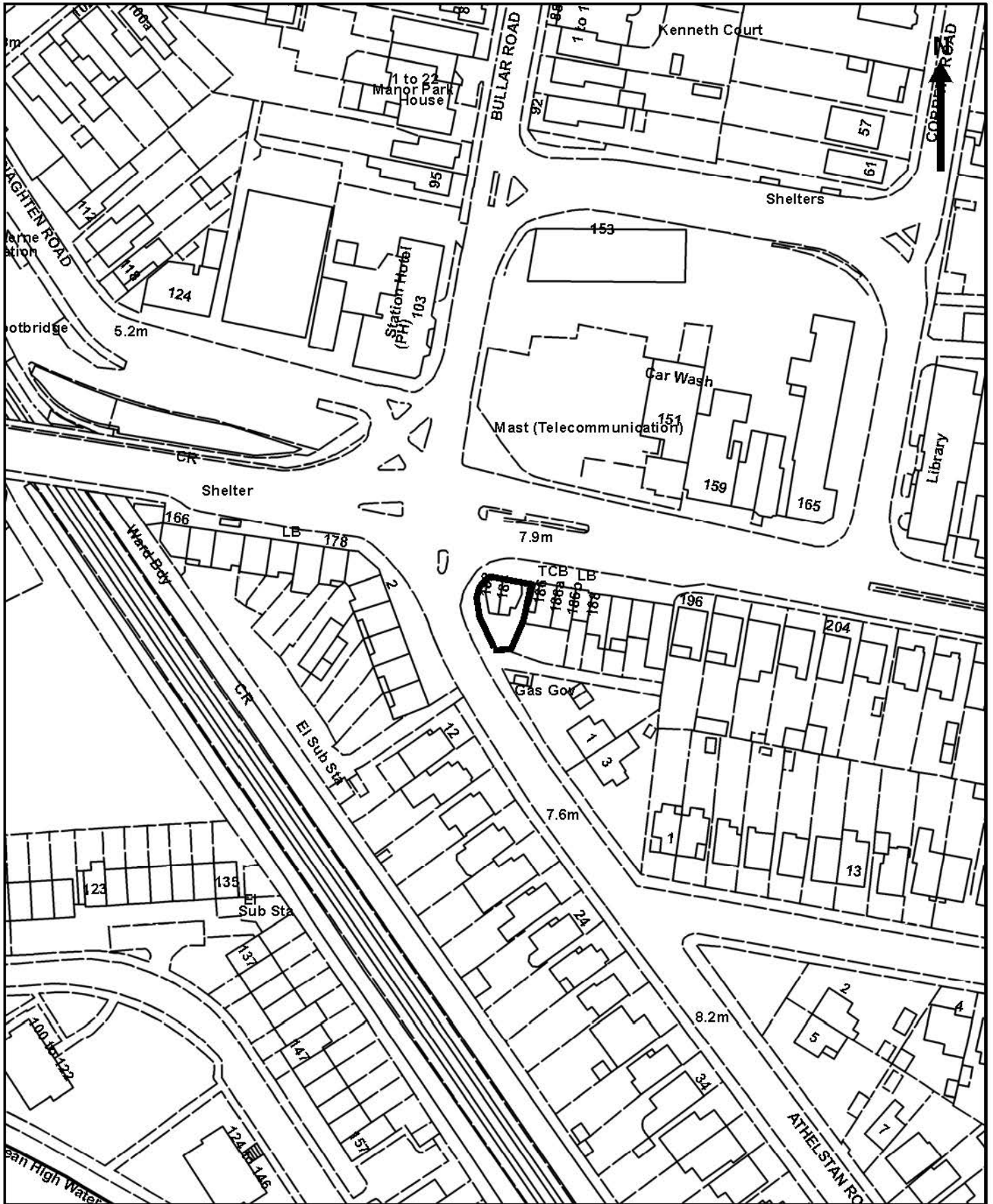
Second Floor Plan

| Area Schedule | |
|---------------|-------|
| Ground Floor- | |
| Flat 1: 2bed | 46sqm |
| Flat 2: 2 bed | 41sqm |
| First Floor | |
| Flat 3: 2bed | 45sqm |
| Flat 4: 1 bed | 35sqm |
| Second Floor | |
| Flat 5: 2bed | 67sqm |



Agenda Item 8 18/00358/FUL

Appendix 4



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Agenda Item 9

Planning and Rights of Way Panel 19 June 2018 Planning Application Report of the Service Lead – Infrastructure, Planning and Development

| | | | |
|---|---|-----------------------------|--|
| Application address: 132 Percy Road, Southampton | | | |
| Proposed development: Erection of a 1 x 2 bed detached dwelling with associated bin/refuse and cycle storage. | | | |
| Application number | 18/00129/FUL | Application type | FUL |
| Case officer | Matthew Griffiths | Public speaking time | 5 minutes |
| Last date for determination: | 28/03/2018 | Ward | Millbrook |
| Reason for Panel Referral: | Request by Ward Member and five or more letters of objection have been received | Ward Councillors | Cllr Furnell Cllr Taggart Cllr Galton |
| Referred to Panel by: | Cllr Furnell | Reason: | Out of character with the area and parking pressure. |
| Applicant: Mr Fawson | | Agent: MDT Design | |

| | | | |
|---|--|--|--|
| Recommendation Summary | Delegate to Service Lead – Planning, Infrastructure & 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 including impact on character, neighbouring amenity, quality of the residential environment and local on-street parking have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, 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

Delegate to Service Lead – Planning, Infrastructure & Development to grant planning permission subject to receipt of a Solent Disturbance Mitigation Project payment/alternative provision. In the event that this issue is not resolved within 1 month from the date of the Planning Panel delegation also given to refuse the application for failure to accord with the Development Plan.

1 The site and its context

- 1.1 The site contains a semi-detached dwelling (132 Percy Road) and associated land to the side of the property, currently occupied in part by a small garage. In relation to the other properties in the street the plot is unusually wide, with the garage located between 132 and neighbouring 124 Percy Road. To the rear of the site is the garden of the property, beyond which runs Tanners Brook within a small wooded area. Percy Road itself is accessed by vehicles from Oakley Road to the south, and runs to the north towards the Tebourba Way/Romsey Road junction where there is pedestrian access to the street.
- 1.2 The surrounding area is residential in nature, with the majority of Percy Road having been constructed in the 1930's. The predominant character of the properties within the street is that of semi-detached housing, with bay windows and canopies across the full width of properties above ground floor windows and doors. That said, there are examples of detached properties within Percy Road, including the neighbour to the north (No. 124) and properties 109 and 111 which can also be seen from the site.
- 1.3 In terms of parking in the area, the majority of properties within Percy Road do not benefit from off-road parking. As a result on-street parking is common, with no restrictions in place on Percy Road beyond the few dropped kerbs that are in place, disabled parking spaces and waiting restrictions at the very end of the street.

2 Proposal

- 2.1 Full planning permission is sought for a detached two storey, two bedroom dwelling to be located in the gap between 132 and 124 Percy Road. The property would have a garden to the rear and small area to the front of the dwelling adjacent the pavement.
- 2.2 The proposed dwelling aligns itself with the front building line of 132 Percy Road within a 178 sqm plot, including 99 sqm of private amenity space within the rear garden. There would be no off street parking provided, with the proposal reliant on on-street parking within the local area. Amended plans have been received to ensure a design that fits the existing streetscene.

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.

4 Relevant Planning History

4.1 There is no previous planning history for the site.

5 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and placing a site notice on 06/02/2018. At the time of writing the report 7 representations have been received from surrounding residents and a Ward Councillor. The following is a summary of the points raised:

5.2 The proposal would add to existing parking pressures within Percy Road.

RESPONSE: A parking survey has been submitted to support the application. It was carried out on Thursday 10th May and Monday 14th May between 4 and 5:30am. The Highways Officer has assessed this and concluded that there is sufficient capacity within the area to accommodate any increased demand as a result of the proposal. Although there is an existing garage on site, this is not currently in use and it appears it may not be suitable to house a modern car. As a result of the development a condition would be imposed to ensure the dropped kerb to the garage is removed, allowing for one additional on-road space

5.3 The proposal is out of character with the area, and is of poor design

RESPONSE: Although semi-detached housing is predominant within the street detached properties, such as No's 124, 109 and 111 close to the site, are also present. Following the initial consultation period revised plans have been submitted incorporating a porch canopy and raising the eaves height to match 132 Percy Road. The design is considered to be acceptable.

5.4 The new dwelling would result in a loss of light to properties located opposite the site.

RESPONSE: Whilst the erection of the new dwelling would increase the size and height of the building on site in comparison to the existing garage, the development would be largely consistent with the height and scale of development within the street. As such it is not considered there would be a harmful impact in this respect.

5.5 The development would impact on bats travelling between trees in the area.

RESPONSE: The Planning Ecologist has assessed the application and raised no objection, subject to condition. As a result there is no concern in this regard

Consultation Responses

5.6 SCC Highways - The parking survey demonstrates that although the surveyed area would be coming closer to full capacity the results suggest that there is sufficient capacity to accommodate the potential increase in vehicles. The loss of the current on-site parking could create an additional space on the street.

5.7 SCC Sustainability Team – No objection, conditions recommended.

5.8 SCC CIL Officer – The development is CIL liable.

5.9 SCC Environmental Health – no objection received, conditions to be included.

- 5.10 SCC Ecology – No objection to the proposed development with conditions recommended.
- 5.11 Southern Water – No objection, add informative.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of Development;
 - Design and Impact on Character;
 - Residential Amenity
 - Quality of Residential Environment
 - Parking and Impact on Highway Safety
 - Habitat Regulations

Principle of Development

- 6.2 The scheme would make efficient use of previously developed land to provide a housing development, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates a two bedroom dwelling. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy H8 of the Local Plan Review states that for medium accessibility areas net density levels should generally accord with the range for density of between 50 and 100 dwellings per hectare for new residential development. The area of the site proposed for development is 0.017 hectares. With one dwelling the density would be 58.8 units per hectare, and therefore within the council's density requirements.

Design and Impact on Character and Amenity

- 6.3 The character of the area is defined by tight-knit two-storey housing. The size of the plot, whilst fairly narrow, provides sufficient space to provide for all the necessary amenities to create suitable living conditions for the occupiers. Given the limited plot width the dwelling features a somewhat compromised design. There is a shared pedestrian access with 132 Percy Road to service the rear gardens of these dwellings and a very small gap is provided between the proposed building and 124 Percy Road. The dwelling, however, shares common characteristics with other nearby dwellings. The use of a porch canopy across the front elevation and matching eaves height with the neighbouring 132 in addition to matching materials with the surrounding properties in terms of red brick and tiled roof, integrates sufficiently within the street scene to ensure the character of the area is not compromised.

Quality of the Residential Environment

The residential environment of the occupiers of the property would be acceptable, with suitably sized habitable rooms all benefitting from acceptable outlook and daylight to either the front or rear elevations. Refuse and cycle storage for both the new dwelling and 132 Percy Road will be located within the rear gardens, and externally accessed via the shared side passage between the two properties. Further details will be secured via condition. The 99 sqm garden space being provided exceeds the 90 sqm standard size of garden space expected for a new detached dwelling as set out within the Residential Design Guide.

6.5 In terms of the impact on neighbouring properties, despite the location in a tight plot between two dwellings it is not considered there would be a significantly harmful impact. Whilst there are windows and a side door on the side elevation of 132 Percy Road, these do not serve habitable rooms and a separate private access into the rear garden is located to the rear of the property. Furthermore, although the proposed dwelling would extend beyond the rear of No. 132, 45 degree outlook from neighbouring habitable room windows as detailed within the Residential Design Guide would not be harmed. Similarly, whilst there is an unusual arrangement within 124 Percy Road resulting in two first floor windows facing directly towards the site, the windows are set 3.5m from the boundary and the proposed dwelling has a reduced ridge height in relation to the surrounding properties.

6.6 Parking and Impact on Highway Safety

The proposed scheme does not feature off-road parking, similar to much of the other dwellings on the street. There is a demand for the on-road parking available on the street, which is a concern that has been raised by local residents. A parking survey has been submitted to support the application, which follows the Lambeth Model established as good practice. This survey demonstrates that although the surrounding roads are busy in terms of parked cars there is sufficient available on-road parking to both account for the loss of the garage parking and for the new dwelling. The Council's Highways Officer has therefore raised no objection to the proposal with respect to parking or highway safety

6.7 Whilst a garage is currently located on the site, this is not currently in use, and given the limited width of the garage it is not clear whether it would be suitable to house a modern road car. As a result of the garage there is a dropped kerb located to the front. This kerb would be removed as part of the development, secured via condition, allowing for one further on-street parking space within Percy Road.

6.8 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 has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Once paid – see delegation above - this application will have 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 The proposed scheme provides an acceptable residential environment for future occupiers without significantly affecting neighbouring amenity or the character of the local area. The scheme represents efficient use of previously developed land to contribute to the family housing stock for the city, whilst having little impact on the amenities of neighbouring residents and providing a good quality environment and amenity space for future occupants of the property. Whilst the plot width is relatively narrow and further pressures on parking could be experienced, on balance this scheme is considered to be acceptable.

8.0 Conclusion

8.1 In conclusion, the proposal would have an acceptable impact in accordance with the Council's policies and guidance.

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)

MG for 19/06/18 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

02. Approved Plans (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.

03. 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.

04. Refuse & Recycling (Pre-Commencement Condition)

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

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

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

05. Cycle storage facilities (Pre-Commencement Condition)

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

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

06. 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).

07. Energy & Water (Post-Occupation 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).

08. 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 measure detailing the location of a bird or bat box 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. Protection of nesting birds (Performance)

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. 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.

11. 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.

12. 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.

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. Removal of Dropped Kerb (Performance Condition)

Before the development hereby approved is occupied, the dropped kerb serving the existing garage shall be reinstated to a full height kerb and the associated white line removed.

Reason: To remove the redundant dropped kerb and allow for on-street parking in this location.

15. Obscure Glazing (Performance Condition)

Notwithstanding the approved plans, the ground floor window in the front elevation serving the WC of the hereby approved development shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the occupiers of the dwelling.

16. Residential - Permitted Development Restriction (Performance Condition)

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)
Class G (chimneys, flues etc)
or Class H (satellite antenna or dish)

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.

17. Amenity Space Access (Pre-Occupation)

Before the development 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.

18. Front Boundary Treatment (Pre-Occupation)

Before occupation of the development hereby approved, details of the front boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

Notes to Applicant

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.

Southern Water - Public Sewerage

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (www.southernwater.co.uk)

POLICY CONTEXT

Core Strategy - (as amended 2015)

| | |
|------|--|
| CS4 | Housing Delivery |
| CS6 | Housing Density |
| CS13 | Fundamentals of Design |
| CS16 | Housing Mix and Type |
| 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)

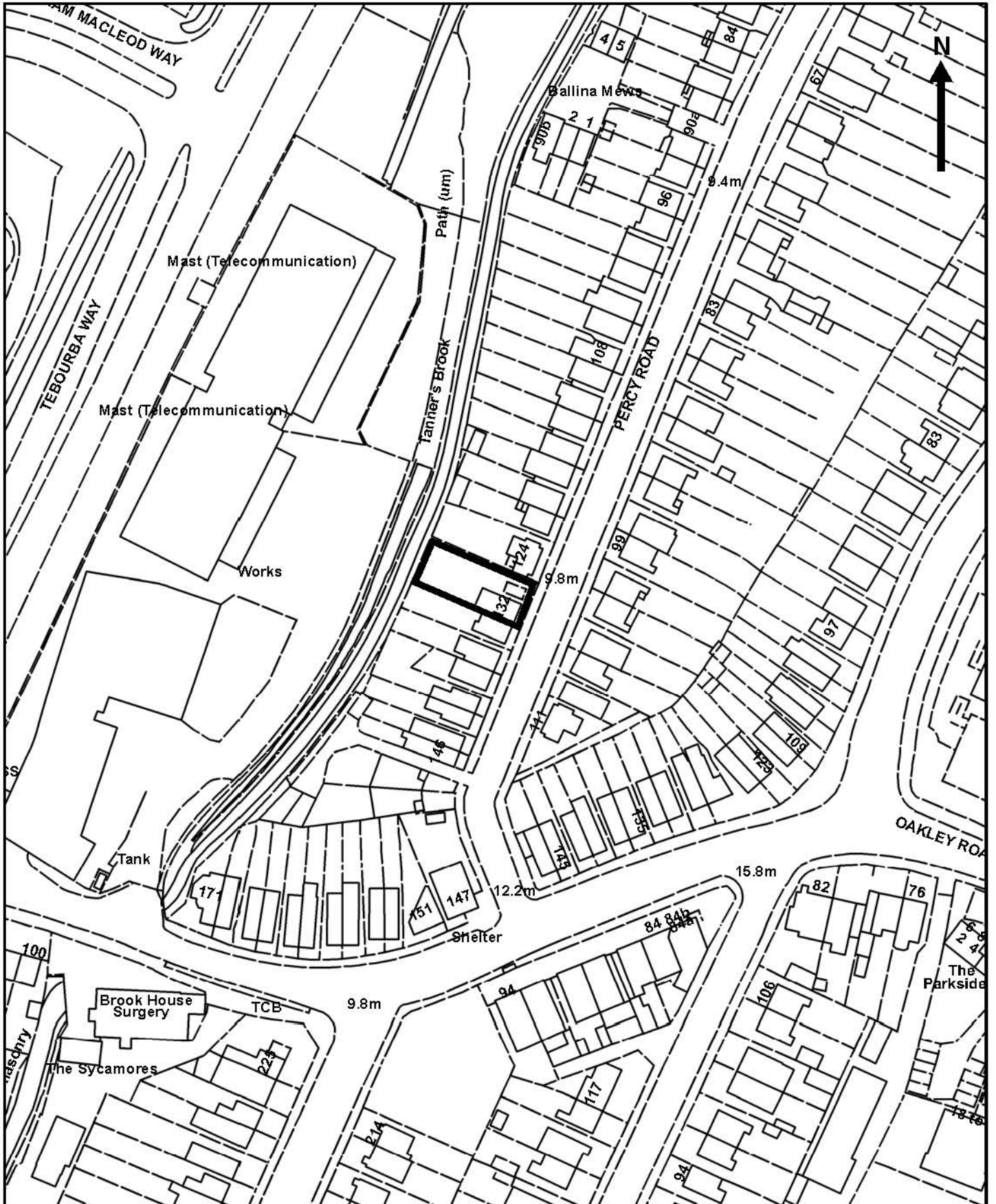
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|------|-----------------------------|
| SDP1 | Quality of Development |
| SDP5 | Parking |
| SDP7 | Urban Design Context |
| SDP9 | Scale, Massing & Appearance |
| H1 | Housing Supply |
| H2 | Previously Developed Land |
| H7 | The Residential Environment |

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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