

Planning and Rights of Way Panel

Tuesday, 31st July, 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

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Service Lead - Planning Infrastructure and
Development
Samuel Fox
Tel: 023 8083 2044
Email: samuel.fox@southampton.gov.uk

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.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

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)

To approve and sign as a correct record the Minutes of the meetings held on 10 July 2018 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 18/00746/FUL - 390-392 SHIRLEY ROAD (Pages 5 - 34)

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 - 17/02525/FUL - COSTCO, REGENTS PARK ROAD (Pages 35 - 54)

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.

7 PLANNING APPLICATION - 18/00629/FUL - QUEENS KEEP FOOTBALL CLUB (Pages 55 - 70)

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 - 18/00673/FUL - BROWNHILL WAY (Pages 71 - 102)

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, 23 July 2018

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 JULY 2018

Present: Councillors Savage (except Minute number 14) (Chair), Coombs (Vice-Chair), L Harris, Mitchell (except minute number 14), Murphy and Wilkinson

Apologies: Councillors Claisse

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

RESOLVED: that the minutes for the Panel meeting on 19 June 2018 be approved and signed as a correct record subject to the following amendments:

- Minute Number 8 to delete note that Councillor Claisse voted against the item
- Minute Number 9 to amend Councillor Savages vote to show he abstained from voting.

13. **PLANNING APPLICATION - 18/00358/FUL - 182-184 BITTERNE RD WEST**

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.

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.

Peter Messer (local residents/ objecting), Gareth Jenkins (architect), and Councillor Keogh (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that 2 additional conditions would be required to be added to the application in relation to: external noise and vibration; and Residential - Permitted Development Restrictions as follows:

Noise & Vibration (external noise sources) (Pre-Commencement)

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

Residential - Permitted Development Restriction

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 the A1 retail unit hereby approved shall not be used for any residential purpose without the benefit of further planning permission.

Reason: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and the quality of the residential environment formed.

The officer also outlined the requirement for an amendment to Condition 23 as follows:

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; (which shall be retained as agreed in perpetuity).
- 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) and boundary treatment for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved planting scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The approved hardsurfacing and boundary treatment shall be maintained in perpetuity.

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.

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

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

RECORDED VOTE to refuse planning permission

FOR: Councillors L Harris, Wilkinson and Savage

AGAINST: Councillors Coombes, Mitchell and Murphy

The motion was carried with the use of the Chair's casting vote.

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

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 cramped design, its relationship with the existing pattern of development along Bitterne Road West and excessive site coverage. Furthermore:-

- (a) The proposed building footprint and associated hard-standing and incorporation of raised balcony's results in an excessive site coverage that fails to respond to the spatial characteristics of the pattern and proportions of development along the Bitterne Road West frontage and within the local area.
- (b) The need to incorporate a flat roof form, due to the proposed proportions of the building, results in the design which is out keeping and character with the traditional ridged roof form of buildings in the surrounding area.
- (c) The limited available space, in combination with the footprint proposed, has led to a cramped form of development that lacks a convenient access to refuse, cycle storage and the retail parking space; and fails to provide adequate external residential amenity space that is fit for its intended purpose.

The points raised above are 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 (iii) (iv) (v) and SDP9 (i) (v) of the adopted City of Southampton Local Plan Review (March 2015) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2015) as supported by paragraphs 2.3.14, 3.9.1, 3.9.2, 3.9.5, 4.4.1 and 4.4.3 of the Council's approved Residential Design Guide SPD (2006).

2. REASON FOR REFUSAL – Incomplete Car Parking Survey

The car parking survey information provided is deemed to be insufficient and fails to satisfactorily demonstrate that the amount of parking provided will be sufficient to serve this mixed use development. In the absence of sufficient information to justify nil provision of car parking on site for residents potential localised overspill parking from the development has the potential to be detrimental to the amenity of existing neighbours; who are reliant on the street for parking and who would then face further competition for space and the possibility of parking further away from their homes. The development proposal is therefore contrary to approved Policy SDP1 (i) of the Amended Local Plan review (2015) and the requirements of the Council's Approved Parking Standards SPD (2011).

3. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works, a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance

Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Councillor Coombs in the Chair

14. **PLANNING APPLICATION - 18/00765/FUL - 18 GROSVENOR ROAD**

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

Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).

Nick Jones (local resident objecting) and Councillors Mitchell and Savage (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the report additional correspondence had been received. It was noted that this correspondence was from the applicant and did not raise any fresh issues to those set out in the report. The Panel noted a correction to the report in paragraph 4.7.1 that outlined the differences between the application that had been granted permission and the proposals set out in this application. The presenting officer set out an additional condition for the application, wording set out below, that would secure the mature trees on site.

6. Retention of trees (Performance Condition)

The two mature trees on the front boundary, 1x Purple Leaved Plum to the left of the driveway and 1x Robinia to the right of the driveway, shall be retained for the lifetime of the development hereby approved. For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, either during construction or thereafter shall be replaced by the site owners within 2 months with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority in writing prior to its planting. The replacement planting shall be maintained and retained thereafter.

Reason:

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

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

A further motion was then proposed by Councillor Coombs and seconded by Councillor Murphy that delegated authority be given to the Service Lead – Infrastructure Planning and Development to negotiate amended plans that would reduce the roof height to match that of the original planning permission and grant planning permission, or to refuse planning permission should the amended plans not be submitted within 1 month

for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice.

RECORDED VOTE to delegate planning permission

FOR: Councillors Coombs and Murphy

AGAINST: Councillors L Harris and Wilkinson

The recommendation was carried on the use of the Chair's second and casting vote.

RESOLVED that the Panel:

- (i) Delegated authority to the Service Lead – Infrastructure Planning and Development to negotiate amended plans to reduce the roof height to match that of the original planning permission 15/01644/FUL (4.57m), whilst retaining the proposed/as built footprint, and issue subsequent conditional approval.
- (ii) Delegated authority to the Service Lead – Infrastructure Planning and Development to refuse the application, should the amended plans not be submitted within 1 month, for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice

NOTE: that Councillors Mitchell and Savage withdrew from the Panel to represent their Ward in this matter.

This page is intentionally left blank

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 31st July 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

| Main Agenda Item Number | Officer | Recommendation | PSA | Application Number / Site Address |
|-------------------------|---------|----------------|-----|---|
| 5 | AL | DEL | 15 | 18/00746/FUL 390-392 Shirley Rd |
| 6 | AG | DEL | 5 | 17/02525/FUL Costco, Regents Park Rd |
| 7 | AG | CAP | 5 | 18/00629/FUL Queens Keep Football Club |
| 8 | SH | DEL | 15 | 18/00673/FUL Brownhill Way |

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:

AL – Anna Lee

AG – Andy Gregory

SH – Stephen Harrison

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)

Planning and Rights of Way Panel 31st July 2018
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

| | | | |
|---|--|-----------------------------|---|
| Application address: 390 - 392 Shirley Road, Southampton | | | |
| Proposed development: Redevelopment of the site. Erection of a single storey building to provide a Lidl food store with parking following demolition of existing building (Re-submission of 17/01206/FUL) | | | |
| Application number | 18/00746/FUL | Application type | FUL |
| Case officer | Anna Lee | Public speaking time | 15 minutes |
| Last date for determination: | 07.08.2018 (Extension of Time Agreed) | Ward | Millbrook |
| Reason for Panel Referral: | More than five letters of objection | Ward Councillors | Cllr Furnell Cllr Taggart Cllr Galton |
| Applicant: Lidl UK GmbH | | Agent: Lidl UK GmbH | |

| | |
|-------------------------------|--|
| Recommendation Summary | Delegate to the Service Lead – Infrastructure, Planning and Development subject to the criteria 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 the previous reasons for refusal, highway safety, residential amenity and the impact on the street scene have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters as set out in the report to the Planning & Rights of Way Panel on 31st July 2018. 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, SDP6, SDP7, SDP9, RE14 of the City of Southampton Local Plan Review - Amended 2015 policies CS3, CS6, CS7, CS13, CS18, CS19, CS20, CS22, CS24 and CS25 of the Local Development Framework Core Strategy (2015) and National Planning Guidance contained within the National Planning Policy Framework.

| Appendix attached | | | |
|--------------------------|---------------------------|---|-------------------------------|
| 1 | Planning History | 2 | Proposed Highway Improvements |
| 3 | Development Plan Policies | 4 | Highway Comments |

Recommendation in Full

1. Delegate to the Service Lead – Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Submission and implementation of a Travel Plan.
 - iv. Submission and implementation of a Servicing Management Plan
 - v. A Site Waste Management Plan.
 - vi. Employment and Skills Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
2. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
3. That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. Background

- 1.1 This application follows a previous application for a food store which was refused planning permission by the Planning and Rights of Way Panel on 13th March 2018 (planning application reference 17/01206/FUL). The refused scheme was similar in nature to that currently proposed however, the store was positioned along the shared boundary with properties along Mayflower Road.

The previous scheme was refused for; the impact on the outlook from properties on Mayflower Road, with respect to the unbroken length of elevation along the boundary, and secondly; due to the failure to complete the S106 legal agreement. The full reasons for refusal are set out in **Appendix 1**. This revised scheme seeks to address the previous reasons for refusal.

2. The site and its context

2.1 The site comprises three parts; the former Shirley Police station; a vacant retail unit which lies within the defined Shirley Town Centre and; the former Council depot fronting Villiers Road (which lies outside the defined town centre and has no allocation in the adopted Local Plan). The former Depot site has been sold to Lidl unconditionally by the Council. The buildings on the site have been demolished and the site is now hoarded and clear.

2.2 The site lies within a mixed use area with residential and commercial uses. Most of Villiers Road, Shirley Road and Shirley High Street are in commercial use, with some residential at first floor. There are residential units within the buildings adjacent on Shirley High Street, along Mayflower Road, Heysham Road and the bottom part of Villiers Road, where the character changes and becomes residential.

2.3 There were three trees on the site covered by Tree Preservation Orders (TPO); one Yew along the frontage, which remains; and two Sweet Chestnut trees within the site that have been removed. The site lies opposite the Locally Listed Church of St Boniface (including its presbytery and church hall). The site is not within a conservation area.

3. Proposal

3.1 Full planning permission is sought for the redevelopment of the site to construct a single storey building to provide a food store with a gross internal floorspace of 2200 square metres (sq.m) (sales area of 1401 sq.m with delivery and storage space, bakery preparation, cool storage and welfare area) together with 118 car parking spaces. This scheme has been amended since previously refused, chiefly by locating the store adjacent to the boundary with Villiers Road as opposed to the previous location adjacent to the boundary with Mayflower Road properties.

3.2 The proposed entrance is to the north east of the building, fronting the car park. The vehicle access and main highway elements of the scheme remain unchanged from the earlier application. In total 118 car parking spaces, including 10 parent and child and 10 disabled, are still provided, albeit their location has changed to allow for improved access. A delivery bay is provided to the west elevation of the building. A series of highway improvements are proposed and would be secured through the section 106 legal agreement (see recommendation 1(i)). A plan of these works are included in **Appendix 2**.

3.3 The building is to be constructed using brick with silver cladding on the upper section of elevations, with the exception of the Villiers Road elevation which is brick and glazing. Glazing is also proposed along the frontage to Shirley Road together along the first ten metres of the elevation fronting Villiers Road.

- 3.4 Subsequent to this application being submitted, further amendments have been secured to improve the design of the side elevation of the store, fronting Villiers Road. High level windows have now been included and vertical emphasis is provided by the introduction of brick pillars and downpipes. The use of two different brick types also seeks to add some interest. In addition to this, the design of the fire escape has been improved and the landscaping along this elevation now complements the design. At its highest point the development is 8.6 metres high but averages between 6.6 and 6.8 metres high.
- 3.5 The number of trees to be planted has increased from 20 to 29, when compared with the earlier scheme, and an increase in soft landscaping has also been provided. The existing substantial Yew tree along the frontage will remain. The proposed replacement trees include a mix of Silver Birch, fastigate Beech, Copper Beech, London Plane, upright Pin Oak, Whitebeam, Small Leaved Lime and Yew.
- 3.6 The proposed store would provide an equivalent of 23 full time jobs. The hours of opening sought are 8.00 am to 22.00 pm Monday and Saturday and 10.00am to 17.00 pm Sundays.

4. Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 3**. The site is not allocated for development within the Development Plan. It lies within Shirley Town Centre and within a Medium Public Transport Accessibility Area.
- 4.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 4.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

5. Relevant Planning History

- 5.1 A schedule of the planning history for the site is set out in **Appendix 1**. As noted above, the most relevant previous application is the recent refusal of the food store (application reference 17/01206/FUL).

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, erecting site notices (18.05.2018) and posting an advertisement in the local press (18.05.2018). At the time of writing the report **22 representations** have been received; this includes comments from all three

Ward Cllrs and neighbouring Ward Cllrs and 5 letters of support. The following is a summary of the points raised:

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

Response

No objection has been raised from the Council's Highway Engineer following the receipt of amended plans. The access arrangements and trip generation remain unchanged from the earlier scheme and did not previously form a reason for refusal. A highway safety improvement package will be secured as part of the S106 legal agreement (see recommendation 1(i) and **Appendix 2**) to mitigate any potential highway issues.

6.3 Delivery times should be restricted

Response

Agreed, a condition to restrict the timing of deliveries is suggested (see condition 36).

6.4 Concern raised over security of neighbouring occupiers boundaries and the removal of trollies

Response

A boundary treatment condition and trolley management plan are suggested (see conditions 7 and 18).

6.5 Concerned about air pollution

Response

The site does not lie within a defined Air Quality Management Area (AQMA). Furthermore, the site is located within a Town Centre location which means the site is accessible by sustainable modes of transport. A workplace travel plan will be secured through the section 106 legal agreement which promotes sustainable travel (see recommendation 1 (iii)). In addition to this, the proposal includes an increase in soft landscaping and trees when compared with the existing situation, which helps to mitigate the environmental impact of the development. It is also important to note that the site is previously developed with previous uses also generating vehicular trips.

6.6 Impact of lighting on neighbours

Response

Details of external lighting has been provided and Environmental Health have raised no objection to these details. A condition is suggested to ensure the lighting is provided in accordance with the agreed details (see condition 17).

6.7 No advertisements should be placed on the Villiers Road elevation

Response

Advertisements will need be considered through the advertisement consent process and do not form part of this application.

6.8 Solar Panels and rainwater collection should be introduced

Response

Conditions to secure BREEAM 'Excellent' are recommended which requires all aspects of sustainable technologies be investigated (see conditions 21 and 22). This meets the requirements of Policy CS20 of the Core Strategy.

- 6.9 **Prevent the use of the car park after hours**
Response
A parking management plan is suggested to control the use of the car park (see condition 6).
- 6.10 **Litter bins should be provided on site**
Response
Agreed a condition has been suggested to secure these (see condition 11).
- 6.11 **Poor design due to the oppressive brick wall to Villiers Road**
Response
As set out above, the scheme has been amended since first submitted to improve the appearance of the Villiers Road elevation. The nature of a supermarket use means that the building will inevitably have a number of blank elevations. Furthermore, the relocation of the store to the Villiers Road frontage is necessary to minimise the impact on neighbouring residents. The current position of the store, therefore, represents the optimum location on the site.
- 6.12 The Villiers Road elevation has been amended to provide a more crisp design appearance whilst articulated with glazing and brick piers. Tree planting will also help to soften and complement the appearance of this elevation and a condition is suggested to retain this part of the landscaping in perpetuity. These changes are in accordance with the advice from the Council's Design Manager. A supermarket building of this nature is not unusual within a Town Centre location such as this and, on balance, is considered to be acceptable.
- 6.13 **Concern about noise (both from customers and equipment and light pollution)**
Response
A Noise Impact Assessment has been carried out and submitted with the application. This concludes that the development would fall below the Lowest Observed Adverse Effect Level. The Council's Environmental Health Team have reviewed this and raise no objection to the scheme on this basis. As such, the proposal is in accordance with guidance set out in the National Planning Policy Framework.
- 6.14 Details of lighting have also been provided and the Council's Environmental Health Team have raised no objection to the scheme on this basis. It is also important to note that these issues did not previously form part of the Council's reason for refusal. Conditions are suggested to minimise the impact of the operation of the store on nearby residents (see conditions 6, 7, 29 and 36).
- 6.15 **Insufficient parking**
Response
The level of car parking and proposed trip generation remains the same as the scheme previously considered by the Council and did not form part of the Council's refusal reasons. The number of parking spaces proposed exceeds the Council's current maximum standards and no objection is raised by Highway Officers on these grounds. As the site lies within defined town centre it is expected that some customers will visit on foot, and by bus, as well as by car so the parking is deemed sufficient for the size of the use.

Consultation Responses

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

The proposed development, in highway terms, is near identical to the previous proposal (17/01206/FUL) and most of the highway issues were agreed and addressed as part of the previous application. The level of impact is not considered to be severe with the mitigation measures provided sufficient to address the impact (**Appendix 2**). The full comments from the Highway Engineer are included as **Appendix 3**.

6.17 **SCC Sustainability Team – No objection**

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

6.18 **SCC Tree Team – No objection**

Four large statue trees are required on site to mitigate the loss of the two protected trees. Details of the dimensions of the canopy footing to be placed in the RPA and the intended method for installation of the canopy and support in this area are required. A more varied and larger tree planting mix may help to secure local support to the proposal.

Officer comment – An updated landscaping scheme has been provided in line with the comments from the Council's Tree Team.

6.19 **SCC Ecologist – No objection**

No objection is raised to the proposed development provided the landscaping maintains the current range of species that are 'Perfect for Pollinators' and bird and bat boxes are added, as per the recommendations in the Preliminary Ecological Appraisal, August 2017, RPS subject to a swift roosting box to be included amongst the bird boxes (see condition 16).

6.20 **Hampshire Constabulary – Objection**

Hampshire Constabulary preferred the refused layout which offered much better surveillance of the building, car park and loading bay. Raise concerns with the inactive frontage to Villiers Road but note previous Police building was similar. Raise concern with the fire escape design and the external ladder access to the flat roof.

Officer comment: *The scheme has been amended to address the concerns with the fire escape. A condition relating to the ladder is suggested together with a management plan to the car park (see conditions 6, 7 and 20).*

6.21 **SCC Archaeology: No objection**

There is potential for archaeology to exist on the site and conditions are suggested to address this. The proposal retains an existing mile marker which is also a positive heritage feature of the site.

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

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

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

6.24 **SCC Design – No objection**

The Council's Design Officer reiterates their original comment which was that they would have preferred to have seen a continuous street frontage along Shirley Road. Overall, the scheme has progressed in line with guidance provided. Detailed aspects of the landscaping are to be secured by condition.

6.25 **SCC Flooding Team – No objection**

Conditions are suggested to secure a satisfactory drainage strategy.

6.26 **Southern Water – No objection.**

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

7. Planning Consideration Key Issues

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

- Principle of development;
- Design and effect on character;
- Residential amenity;
- Highway impact and parking;
- Impact on protected trees and landscaping; and
- Development mitigation.

7.2 Principle of development

7.2.1 In principle, redeveloping the site to provide a Lidl foodstore is supported. There is no need for a retail impact assessment in this location since the application site is partly located within Shirley Town Centre. Core Strategy policy CS3 states that: *'The Council will support the role of town and district centres in providing shops and local services in safe, accessible locations. New development should make a contribution to the centre's vitality and viability, promote and enhance its attractiveness, respect where possible the historic street patterns and building lines and improve its connectivity to surrounding residential neighbourhoods'*.

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

7.2.3 This scheme would bring a vacant site back into use and would consequently enhance the vitality and viability of Shirley town Centre. Therefore, the principle of the use and the redevelopment of the site is accepted.

7.3 Design and effect on character

7.3.1 The proposed building is single-storey and at its highest point 8.6 metres along the Villiers Road elevation. This accords with the typical range of building heights to be found in the area. The building follows a standard design approach and is, therefore, similar to other Lidl sites in the city and throughout

the country. As such, the design approach is considered to be acceptable for this Town Centre location. A bespoke approach to the external materials is proposed due to the proximity of the site to the Locally Listed St Bonface Church, which is constructed out of red brick and is a very attractive prominent building within the streetscene. Overall, the height and positioning of the proposed building would not adversely impact on views of the Locally Listed church.

7.3.2 Whilst the main entrance to the store is to the north-side of the building facing the car park, the scheme has been designed to lie at 90 degrees to the road providing full-height glazing to Shirley Road and the initial section of Villiers Road which provides activity to the streets. To reduce the visual impact of the car parking on the street, a low-level wall and landscaping are proposed along the rest of Shirley Road frontage.

7.3.3 As set out above, the constraints of the site and operational requirements of the store means that a long and mainly blank elevation is proposed to Villiers Road. The changes to the scheme ensure that this elevation has a crisp design appearance and, when assessed against the structures previously on site and the existing development on Villiers Road, the new development is not considered to be significantly harmful. The scheme has been designed to minimise this impact by introducing street trees, a variation in bricks, high level windows and vertical emphasis by using the pillar design and rainwater goods. Furthermore, the re-location of the store is a necessary design response to the previous reason for refusal relating to the impact on Mayflower Road residents.

7.3.4 Overall, the proposal will bring a vacant site into use, introduce activity and vitality and provide a retail facility within a sustainable location and, on balance, is considered to be acceptable in this respect.

7.4 Residential Amenity

7.4.1 The scheme has sought to address the previous first reason for refusal which related to the impact on the residential amenities of the occupiers of Mayflower Road in terms of outlook due to the height and proximity of the building. The amended location of the scheme means the footprint has been moved away from residential properties and closer to the adjacent commercial garage on Villiers Road and those commercial units opposite. With respect to the properties at Heysham Road, the proposal meets the privacy and outlook distances set out in the Residential Design Guide as it is 29 metres from the nearest part of the proposed store to the boundary with residential properties. On this basis, the scheme has addressed the previous reason for refusal. Whilst the application proposes car parking adjacent to the boundary with neighbouring residents, a landscape buffer is proposed and overall, this arrangement would not be significantly different from the (previously) existing situation. Overall, with the controls relating to noise, lighting and management, the proposal is considered acceptable in this respect.

7.5 Highway Safety and Parking

7.5.1 As set out above, the access arrangements and trip generation associated with the proposal remain the same as the previous scheme and furthermore, a similar package of mitigation measures will be secured. It is important to note that this did not form part of the Council's reasons for refusing the previous scheme.

- 7.5.2 Shirley Road is a busy thoroughfare linking the city centre with the north and western suburbs. The Shirley Road corridor does not have a good accident record. Therefore, it is key that any scheme proposed does not result in a development which would heighten this impact. To ensure that the scheme does not have a detrimental impact on the wider highway network it is important that this development incorporates site specific transport measures to improve traffic conditions in this area for vehicles and pedestrians including the junction with Villiers Road/Shirley Road.
- 7.5.3 The site specific measures include changes to the junction to allow a formal right turn lane, keep clear markings and removal of the on street parking which will improve the existing and potential flow of traffic within the vicinity of the junction. In addition to this, the resurfacing of Villiers Road would be a benefit to users of the highway. Furthermore, the reduction of the number of kerbs/accesses onto Villiers Road will also be a benefit in highway safety terms.
- 7.5.4 There is an over provision of parking proposed. However, in this case there is justification that an over provision is warranted especially as there will be a loss of on-street parking. It is positive that shoppers will be able to use the car park for short stay parking to access other shops in the Town centre. A car park management plan is proposed to be conditioned to ensure there is no abuse of the parking and that the spaces allow for linked trips.
- 7.5.5 There will be an increase in traffic from the development, and it is understood servicing of the site will result in issues but the mitigation suggested will reduce the impact. On balance, following detailed discussions with the applicants, the scheme will not result in detrimental harm to the users of Shirley town centre nor the neighbouring occupiers in terms of highway safety. Therefore, subject to the mitigation measures set out above, the proposal is acceptable in highway terms and a reason for refusal on this basis is therefore not justified.
- 7.6 Impact on protected trees and Landscaping
- 7.6.1 The revised scheme proposes the retention of the Yew Tree that fronts Shirley Road. The scheme seeks to provide 29 trees on site, which exceeds those required to comply with the Council's policy of two-for-one replacements (four replacement trees would be required). The Council's Tree Team would require further information on the types of trees and to safeguard the trees for their lifetime. Landscaping has been provided along part of the Shirley Road frontage and along Villiers Road as well within the parking areas to reduce the harsh impact of the parking areas. This is a benefit as the previous uses meant landscaping was minimal. A landscaping condition is suggested to secure all the landscaping; as they provide a positive element to the proposal as well as an environmental benefit which would enhance the street scene and the character of the area.
- 7.7 Development Mitigation
- 7.7.1 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and

obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works are to be secured via a Section 106 legal agreement with the applicant. These works will be improvements to traffic flows, pedestrian and cycle movements, crossing facilities, removal of parking bays and improvement to public realm. In addition the scheme triggers the Community Infrastructure Levy (CIL).

8. Summary

- 8.1 The principle of a new Lidl store is policy compliant and would be a suitable addition to the retail frontage of Shirley. The current proposal strikes a balance between protecting the amenities of nearby residents, the operational requirements of the store and the visual impact of the design on the streetscene. The proposed development would therefore, address the previous reason for refusals in relation to its impact on residential amenity and would mitigate its impact subject to the completion of the S106 legal agreement.
- 8.2 Therefore, since the Town Centre is an entirely appropriate location for a supermarket and having regard to the benefits associated with enhancing the vitality and viability of this vacant Town Centre site, on balance the scheme is considered to be acceptable.

9. Conclusion

- 9.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

ARL for 31/07/2018 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. 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.

3. Detailed Design (Pre-commencement Condition)

With the exception of demolition and site clearance, prior to the commencement of development hereby approved, detailed designs, including plans of no less detail than 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority which provides the following:

- Brick bonding detailing on the Villiers Road elevation;
- Paving detail for the area around the trees;
- Details of the joining of the landscaping area to the pillars;
- A sectional detail for the tree pits and anchorage of the specimen trees; and
- Roof parapets.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the design appearance of the dwellings are of a sufficient quality to preserve or enhance the character of The Avenue Conservation Area.

4. Parking (Pre-Use Condition)

The parking for 118 spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into use and thereafter retained as approved for use in connection with the store hereby approved.

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

5. Car Park Management Plan (Pre-Use Condition)

Prior to development hereby approved first coming into use, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. Specifically, this shall include details of a minimum of 1.5 hours dwell time for parked vehicles (including allowing customers to leave their vehicles in the car park to visit other units within the area) within the car park hereby permitted. The Management Plan shall be implemented when the development first comes into use and thereafter adhered to at all times.

Reason: To add to vitality of the Town Centre and control the use of the car park.

6. Management of Trolleys (Pre-Use Condition)

Prior to use hereby approved first commencing, a scheme for the storage and management of supermarket trolleys shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to ensure that trolleys are returned to appropriate collection points and storage positions and not otherwise left or abandoned. The approved scheme shall operate from the first opening of the store and thereafter adhered to at all times. The effectiveness of the scheme shall be reviewed in accordance with a programme to be included in the scheme and such changes to the scheme as are necessary and approved by the Local Planning Authority shall be introduced in accordance with an agreed timescale.

Reason: To protect the character of the area and to avoid circulation problems which might otherwise be caused by abandoned trolleys.

7. Pedestrian Circulation Measures and disabled access (Pre-Commencement Condition)

Notwithstanding the submitted plans, the proposed car parks for the store shall incorporate pedestrian circulation measures in accordance with details to be submitted to and agreed in writing by the Local Planning Authority before the development commences. Furthermore, access to the store entrance from Shirley Road's frontage needs to comply with the Disability Discrimination Act requirements.

Reason: In the interest of pedestrian and highway safety.

8. Cycle storage and changing facilities (Pre-Use Condition)

Before the development hereby approved first comes into use, secure and covered storage for bicycles for both employees and customers shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Customer cycle parking should be covered and secure and staff cycle parking should be positioned within a secure and weatherproof storage area. A shower area and lockers shall also be provided for staff. The approved scheme shall be thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

9. Refuse & Recycling (Pre-Use Condition)

Before the development hereby approved first comes into use, 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 first comes into use 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 nearby properties and in the interests of highway safety.

10. Litter Bins (Pre-Use Condition)

Before the use hereby approved commences, litter bins shall be provided in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be retained and managed during the lifetime of the development.

Reason: To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

11. Active frontages (Performance Condition)

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the food store (retail/ A1) hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages to Shirley Road and Villiers Road and the high-level windows to Villiers Road hereby approved (without the installation of window vinyl, shutters or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

12. Landscaping scheme (Pre-Commencement Condition)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. Planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. At least four large statue trees on site to mitigate the loss of the two protected trees.
- iii. Details of the dimensions of the canopy footing to be placed in the Root Protection Area of the Yew tree and the intended method for installation of the canopy and support in this area are required.
- iv. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- v. Details of all hardstanding;
- vi. details of any proposed boundary treatment, including retaining walls and;
- vii. a landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on site along the Villiers road boundary.

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.

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 tree planting to the Villiers Road elevation of the building shall be retained for the lifetime of the development with any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased 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.

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

13. No storage under tree canopy (Performance Condition)

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

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

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

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

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

15. Ecological Mitigation and Enhancement Measure (Performance Condition)

Prior to the store hereby approved first coming into use, the Ecological Mitigation and Enhancement Measures shall be fully provided in accordance with the Preliminary Ecological Appraisal August 2017. The bird boxes provided shall include at least one swift roosting box. The measures shall thereafter be retained as approved.

Reason: To mitigate and enhance the biodiversity value of the site.

16. Lighting scheme (Performance Condition)

The external lighting shall be installed in accordance with the plans hereby approved before the use first commences and thereafter retained as approved. No subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protect residential amenity and to ensure a safe and secure development.

18. Boundary Treatment (Performance Condition)

Before the development hereby approved first comes into use, the boundary treatment of the site shall be provided in accordance with approved plans. The boundary treatment 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.

19. Site Levels (Pre-Commencement Condition)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

20. External ladder details (Pre-Use Condition)

Before the development hereby approved first comes into use, details of the external ladder showing either a retractable ladder or a secure cage enclosure around the base shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development comes into use and thereafter retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a safe development.

21. BREEAM Standards (Pre-Commencement Condition)

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage report, 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).

22. BREEAM Standards (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 Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

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

23. 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.

24. Archaeological evaluation 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.

25. Archaeological evaluation 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.

26. Archaeological investigation (further works) (Performance Condition)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

27. Archaeological work programme (further works) (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.

28. Archaeological structure-recording (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.

29. Noise - plant and machinery (Pre-Commencement Condition)

The use hereby approved shall not commence until details of measures to minimise noise from plant and machinery associated with the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

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

30. Unsuspected Contamination (Performance Condition)

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

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

31. Use of uncontaminated soils and fill (Performance Condition)

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

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

32. 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,
- f) 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.

33. Sustainable Drainage Systems (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).

34. Surface / foul water drainage (Pre-commencement Condition)

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

Reason: To ensure satisfactory drainage provision for the area.

35. Public Sewer protection (Performance Condition)

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.

36. Hours of Use & Delivery (Performance Condition)

The food store hereby approved shall not operate outside of the hours hereby set out:

- 8.00am and 10pm midnight (Monday to Saturday) and
- 10am and 5pm Sundays, Bank and/or Public Holidays

No deliveries shall be taken or despatched outside the hours hereby set out:

- 7am and 11pm (7 days a week including Sundays and recognised public holidays)

Reason: In the interests of existing and proposed residential amenity

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

38. 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.

This page is intentionally left blank

Application 18/00746/FUL

APPENDIX 1

Planning History

392/392B Shirley Road

17/01206/FUL

Refused 13.03.18

Redevelopment of the site. Erection of a single storey building to provide a Lidl food store with parking following demolition of existing building

1. REASON FOR REFUSAL – Impact on neighbouring occupiers

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

2. REASON FOR REFUSAL - Lack of Section 106 agreement

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

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

Strategy and the Planning Obligations SPD (September 2013).

17/01036/DPA No Objection 12.09.2017
Application for prior approval for the proposed demolition of 392 and 392b Shirley Road

Council Depot

881943/WC Resolved to carry out development 04.01.1989
Erection of a two storey extension comprising offices, store, toilets and entrance.

390 Shirley Road

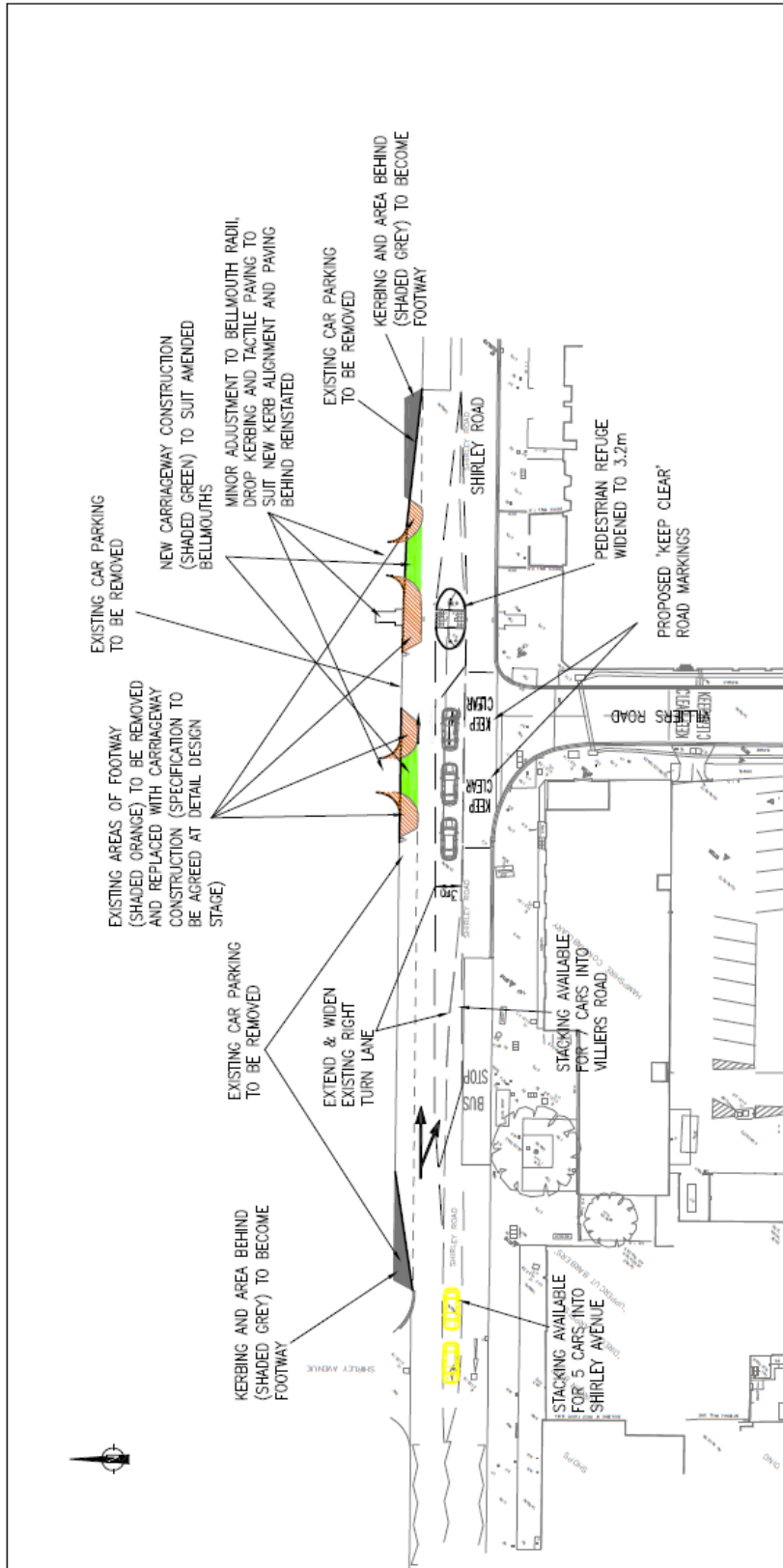
1404/11/1 Conditionally Approved 08.12.1970
The erection of Shirley Sub Divisional Police Headquarters.

16/00761/DPA SCC Withdrawn 16.09.2016
Application for prior approval for the proposed demolition of former police station, former council depot and outbuildings.

392/392B Shirley Road

940009/W Conditionally Approved 15.03.1994
Retention of retail use and installation of a new shopfront.

Highway Improvement Plan



POLICY CONTEXT

Core Strategy - (January 2010 – Amended 2015)

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

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

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

Supplementary Planning Guidance

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

Other Relevant Guidance

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

Highway Engineer Response

1. i) Traffic
When compared to the previous/existing uses on site, the proposed Lidl store will generate an increase in trips and vehicular movements, however, it is not considered to be a significant impact and can be addressed via the proposed mitigation measures. The biggest impact would be the right turn movements into Villiers Road from Shirley Road as the current right turn lane is considered to be substandard in terms of width and length. The added trips here would thus impact on the through traffic of Shirley Road especially for buses which is a significant traffic generator along this road. There will also be an impact on the queues for Villiers Road trying to exit onto Shirley Road but again, the figures indicate that it will not be a significant increase and furthermore, the mitigation measures would be improvement on the current highway arrangements.
2. There are safety concerns raised regarding vehicles using Heysham Road which is mainly related to the bend in the road just off Villiers Road. However, this is an existing situation and is mainly caused by kerbside parking taking place around this bend which then forces cars to travel within the middle of the road. The only realistic solution would be install parking restrictions which would be carried out via a separate Traffic Regulation Order (TRO) process and would naturally impact on the amenity for the residents who maybe benefitting from these spaces historically. Upon site visits here and observing traffic behaviour around this bend, it is noted that the situation is not ideal in terms of highway safety. However, vehicles were naturally slowing down due to the bend and also in anticipation of any potential oncoming traffic – and in situations where there was opposing vehicles coming together, one would give way to another without any obvious major safety risks that was observed. Again, this situation has been historic and the small increase in movements here is not considered to be significant nor does it justify a reason for Refusal. However, the Council can look at this area to see if there can be any improvements can be made to the existing situation.
3. It is noted that a letter of representation has been submitted which contained a traffic count survey carried out by a local resident. The survey was detailed and well-presented and the results were informative. The results showed movements in (generally) 15 minute intervals and the survey results indicated that the level of traffic movements are not too dissimilar to the survey results provided by the applicant's Transport Assessment. However, with only 15 minute surveys of one location, the hourly (and therefore daily etc.) counts would have gaps which is difficult to fill. Therefore the survey may not be as extensive and detailed as the Transport Assessment. Nonetheless, it does provide additional results and count data for the 15 minute intervals.
4. ii) Servicing
There has been historically Heavy Good Vehicle (HGV) movements accessing Villiers Road due to the previous uses on site and also the commercial uses on the opposite side along Villiers Road. Although the sizes of vehicles needed to

service a food retail outlet would generally speaking be larger, the level of HGV movements would be a lot lower than the previous uses. As part of the servicing management plan, the servicing vehicles would be required to service the site outside of peak hours which would minimize its impact.

5. iii) Parking

The level of parking is to remain as the agreed level from the previous application. Although it does exceed policy standards, the developer has provided evidence of the demand in parking but more importantly, as a result of the highway improvement works, the spaces within the Lidl car park will replace the spaces lost along Shirley Road. It was the intention that these spaces would have a time restriction to prevent commuter parking (at the time it was 'to be agreed' but a minimum of 90 minutes was proposed) but a condition would be in place to ensure the public can use these spaces. Again, this was agreed as part of the previous application with no objections or reasons for refusal and therefore there is no additional impact or change.

6. iv) Main Material Change since previous application

The main change is the relocation of the building. The access and parking remains to be similar and has no additional impact since the previous scheme.

Due to the change of the building, clarification will be needed to ensure that there is pedestrian/cycle/wheelchair access directly from the Shirley Road elevation/frontage so that customers would not have to go all the way along Villiers Road and across the car park and servicing area.

The traffic assessment (TA) submitted as part of this proposal included some superseded elements from the final agreed highway position of the previous scheme (for example, the TA does include the 'transferred trips' argument which was dismissed by the Council). It is advised that this should be amended but this recommendation for now will be based upon the previous figures – regardless, the mitigation, design and conditions will be required as per the previously agreed scheme and therefore will address the agreed impacts of the development.

7. Mitigation measures as stated within the TA include:

“Improvements to the right turn lane facility into Villiers Road from the A3057, Shirley Road;

- *Provision of 'Keep Clear' markings at the A3057, Shirley Road/Villiers Road junction;*

- *Widening of the pedestrian refuge along the A3057, Shirley Road;*

- *Resurfacing of Villiers Road and its footways from the site access to Shirley Road;*

- *Controlling delivery times for large goods vehicles to avoid peak times when accessing the store, through the implementation of a Servicing/Delivery Plan to be secured as part of a Planning Condition;*

- *Implementation of a Site Travel Plan, as is usual practice and corporate policy at Lidl, to be secured by a Planning Condition; and*

- *A financial contribution will be made by the Applicant towards local measures*

to generally enhance traffic management and road safety.”

8. v) Recommendation

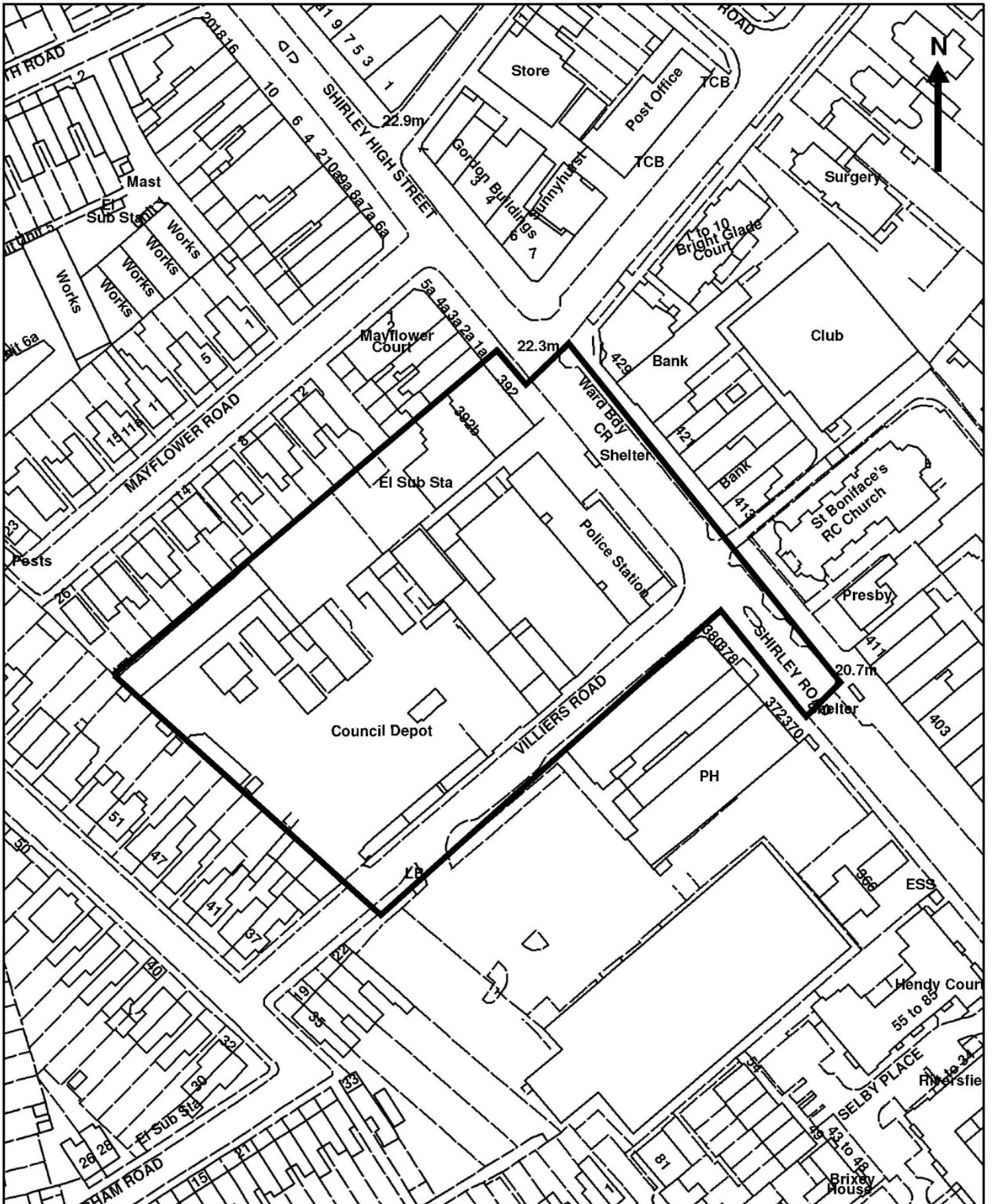
Overall, the proposed application is near identical to the previous scheme which was accepted on highway grounds. The level of impact is not considered to be severe with the mitigation measures provided sufficient to address the impact. Therefore, the application is to be recommended for Approval subject to the following conditions:

- 1) Construction Management Plan.
- 2) Car Parking. The level of parking spaces to not exceed 118 spaces and should all be fully laid and marked out prior to the use of development.
- 3) Public Parking. The on-site parking spaces will need to be kept available for general public use for a minimum of 90 minutes stay.
- 4) Cycle parking. Details to be submitted and approved in writing by the local planning authority. The design and level of provision will need to be in accordance with the Council's Parking SPD, 2011.
- 5) DDA compliant access fronting Shirley Road. Ensure a DDA compliant access is provided and retained to the store entrance from Shirley Road's frontage.
- 6) Waste Management plan.
- 7) Servicing Management Plan.
- 8) Travel Plan.

This page is intentionally left blank

Agenda Item 5 18/00746/FUL

Appendix 2



This page is intentionally left blank

Planning and Rights of Way Panel 31st July 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

| | | | |
|---|--|---|---|
| Application address: Costco, Regents Park Road, Southampton | | | |
| Proposed development: Erection of petrol filling station, reconfiguration of car parking, landscaping and associated works (additional landscaping, lighting, air quality, odour, noise and transport information received) | | | |
| Application number | 17/02525/FUL | Application type | Full |
| Case officer | Andrew Gregory | Public speaking time | 5 minutes |
| Last date for determination: | 18.05.2018 | Ward | Millbrook |
| Reason for Panel Referral: | Five or more letters of objections have been received. | Ward Councillors (at the time of Panel considerations) | CLlr Galton CLlr Furnell CLlr Taggart |

| | |
|---|-------------------|
| Applicant: Costco Wholesale UK LTD | Agent: RPS |
|---|-------------------|

| | |
|-------------------------------|-----------------------|
| Recommendation Summary | Conditionally Approve |
|-------------------------------|-----------------------|

| | |
|---|-----------|
| Community Infrastructure Levy Liable | No |
|---|-----------|

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The petrol filling station will be restricted to Costco members only in line with Costco membership requirements and restrictions. There is no policy requirement to demonstrate need for the petrol filling station and it has been demonstrated that the development will not have a harmful impact in relation to air pollution, odour, noise, lighting, highway capacity and traffic flow on Regents Park Road. The petrol filling station will complement the existing retail warehouse use and accords with the employment land use allocation. Other material considerations 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).

| | | |
|--------------------------|---------------------------|--|
| Appendix attached | | |
| 1 | Development Plan Policies | |

Recommendation in Full

1. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a successful Traffic Regulation Order (TRO), with the applicants to pay all the Council's reasonable administrative charges in connection therewith, for double yellow lines on the eastern side of Regents Park Road adjacent to the proposed traffic island location.
2. In the event the TRO fails delegate to refuse planning permission as access/highway safety concerns not addressed.

1 The site and its context

- 1.1 The application relates to land which was formerly part of the British American Tobacco (BAT) site and now comprises a car parking area associated with Costco wholesale. Site access is taken from Regents Park Road. The Costco Warehouse building is located to the east and retained BAT office and research & development buildings are located to the north.
- 1.2 The surrounding area comprises a mix of commercial and residential uses. Adjacent to the southern boundary is the Military, Territorial Army base and the Solent Business Centre. Two-storey dwelling houses frame the western boundary and part of the southern boundary. The eastern boundary abuts Waterhouse Lane with dwelling houses located on the adjacent side of the road. There are group and individual tree preservation orders located at the site entrance, along the southern boundary and also within the north-eastern corner of the site.

2 Proposal

- 2.1 The application proposes a petrol filling station and forecourt to be located in the southern part of the car parking area servicing Costco. The proposal would occupy 85 existing car parking spaces. Access would be taken from the main Regents Park road entrance.
- 2.2 The petrol filling station (PFS) would have 9 fuel dispenser islands with automated fuel pumps available to Costco members only, with members swiping their Costco membership and debit/credit payment cards at the pump.. The filling station would have a roof canopy finished with an aluminium fascia. A staffed single-storey control room would be located adjacent to the forecourt.
- 2.3 The proposed hours of operation have been amended to 0700hrs-2130hrs Monday to Friday, 0700hrs-2000hrs Saturday and 0700hrs-1800hrs on Sundays.
- 2.4 The capacity of the existing right turn lane into the site from Regents Park Road has been reduced from circa 7 vehicles to 2 vehicles following the introduction of a traffic (splitter) island to reduce speeds along Regents Park Road. The proposal

seeks to revise the position of the splitter island in order to improve the capacity of the right turn lane back to 7 vehicles whilst maintaining a measure to reduce traffic speed. This change requires a Traffic Regulation Order prior to its installation and this process needs to be completed ahead of planning permission being granted.

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 site (part of the British American Tobacco site) is safeguarded for major employment uses under saved policy REI9 (i) of the Local Plan Review, specifically light industrial and research and development uses within use class B1(c) and B1(b). However redevelopment of this part of the site with a Costco warehousing club and associated parking was accepted as a departure from this policy under planning application ref 10/01449/FUL.
- 3.3 Paragraph 32 of the National Planning Policy Framework (NPPF) indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4. Relevant Planning History

- 4.1 On 21.09.2011 planning permission was granted for redevelopment of the site to provide a warehouse club (13,006 square metres gross external floorspace) including tyre installation, sales and associated facilities with vehicular access from Regents Park Road (LPA Ref 10/01449/FUL).

The reason for granting planning permission was as follows:

“The site is safeguarded for light industry and research and development uses under Saved Policy REI9 (i) of the Local Plan Review. Whilst a warehouse club does not strictly accord with the site specific designation, it is unlikely the site will come forward for single occupancy industrial use on the same scale as BAT, and leading Retail Estate Advisors ‘Vail Williams’ have indicated that demand from smaller industrial units on this back land site would be limited. Overall the principal scheme is acceptable, particularly as it will regenerate the site and will bring it back into employment use, whilst ensuring that existing residential amenities are protected. The Local Planning Authority is satisfied that the proposal will not undermine the vitality and viability of existing retail centres within the City. Furthermore the travel demands of the development can be met without compromising the city transport network, subject to the securing of site specific highway improvements through the S106 legal agreement. Other material considerations do not have sufficient weight to justify a refusal of the application.”

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 (posted 09.01.18). A 14-day re-consultation took place on 20.04.18 which closed on 04.05.18. At the time of writing the report **14 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 **Impact of Noise**

Officer Response – The application is supported by a noise assessment which demonstrates that noise from additional vehicle flows on the surrounding network will not change significantly and on from additional vehicles, the access road and forecourt activities (including fuel deliveries) would not result in a detrimental noise impact. The proposed hours of operation and delivery times for the Petrol Filling Station have been revised to start from 7am rather than 6am. The Council’s Environmental Health Team have raised no objection.

Predicted peak noise from deliveries at the closest bedroom window would be 67 dB, LAmax. Although existing peak background noise levels in the area after 07:00 hours are frequently already above this level (up to 85 dB), it is proposed that a 1.8 metre high screen be introduced (such as a suitable close boarded timber fence) as shown on the site and landscape plans in the interests of neighbouring residential amenities. This would reduce noise from fuel tanker deliveries at the closest receptors to 59 dB, LAmax. These levels have been assessed as acceptable.

5.3 **Impact on Traffic and Road Safety**

Officer Response – The Council’s Highways Team raise no objection subject to the securing of works to increase the capacity of the right turn lane into the site whilst maintaining recently installed measures to reduce traffic speeds on Regents Park Road. An updated 2018 traffic survey has been undertaken on Regents Park Road and existing trip and proposed trip rates have been provided using data from a comparison Costco Petrol Filling Station in Liverpool. Based on the survey data provided, and subject to works to increase the capacity of the right turn lane into the site, it is considered the proposed development would not have a harmful impact on road network capacity and will not obstruct the flow of traffic on Regents Park Road.

The forecasted new PFS trips indicate 86 trips (two-way) at the weekday AM peak (0800hrs to 0900hrs), 246 trips (two-way) weekday PM peak (1600hrs to 1700hrs) and 271 trips (two-way) on the Saturday peak (1330hrs to 1430hrs).

The supporting Transport Assessment indicates the proposal will result in the net loss of 85 car parking spaces in order to accommodate the PFS facility. The report indicates that the maximum existing car park occupancy levels is 49%. In reducing the total number of car parking spaces from 601 to 516 and accounting for a 10% uplift in Costco Warehouse traffic, the maximum car parking occupancy would increase to circa 63% resulting in circa 37% of parking spaces remaining available at peak times. Therefore based on this evidence the proposal would not have an adverse impact on car parking capacity at the Costco Warehouse site.

5.4 **The application doesn’t contain noise or smell surveys to reassure local residents of their amenity.**

Officer Response - Additional noise and odour assessments have been received and have been subject to re-consultation. The Council's Environmental Health Team have raised no objection.

The odour associated with petrol filling stations is created by vapours evaporating from petrol. The petrol filling station will require a mandatory vapour recovery system which reclaims the vapours displaced from a customer's fuel tank as fuel is dispensed by sucking the vapours through a separate pipe system into the underground storage tank. The submission indicates that the same principle is applied during fuel deliveries where vapours displaced from the underground storage tanks are piped back into the road tanker and carried away.

The Petrol Filling Station will require Part B Environmental Permit which provides control measures regarding the vapour recovery and any spills. The submission indicates that Costco has management systems in place to ensure that spills are quickly dealt with by the on-site attendant.

- 5.5 As the station is unmanned what will be the process for dealing with any fuel leakages? For this reason it should only operate at the same time as the store so someone from CostCo is on site to deal with any emergencies or issues.**

Officer Response - The petrol filling station will be served by a staffed control room with one onsite attendant. The Petrol Filling Station would be constructed and maintained in accordance with national design and safety requirements under the following legislation and guidance:

*Petroleum (consolidated) Regulations 2014;
Dangerous Substances and Explosive Atmospheres Regulations 2002;
Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations by the Association for Petroleum and Explosives Administration and the Energy Institute; and
Guidance on Managing the Risk of Fire and Explosion*

- 5.6 The Petrol Filing Station would represent a security risk**

Officer Response - The submission indicates that control measures for the proposed Costco petrol filling station include the presence of a trained person on the forecourt during trading hours and remotely monitored analytical CCTV. The remote monitoring centre will have the ability to cut all power to the site and instigate emergency procedures at any time should any untoward activity be observed.

- 5.7 There will be an increase in traffic and pollution as a result.**

Officer Response - There is no planning policy requirement for the applicants to demonstrate need for the Petrol Filling Station. The site is not located within a designated air quality management area. The application is supported by an Air Quality Report which indicates the traffic generated by the petrol filling station is predicted to increase pollutant concentrations only marginally at sensitive receptor locations in the vicinity of the Costco warehouse. The proposed development would not increase the number of receptors experiencing poor air quality. It is noted that air quality is predicted to exceed the air quality objective with the proposed development at one receptor location on Millbrook Road, however that receptor already exceeds the air quality objective.

A condition is recommended to secure electric charging points in order to assist in tackling climate change and to reduce the emission of pollutants in accordance with policy CS20 of the Core Strategy.

5.8 Not only will there be an increase in the number of cars but we will also get petrol tankers passing our garden.

Officer Response - The submitted noise report indicates there is typically one tanker delivery per day and that noise from vehicle deliveries would not result in a detrimental noise impact. No objection has been raised by the Council's Environmental Health Team. The proposed deliveries will not commence until 7am in line with the consented delivery times for the Costco Warehouse.

Consultation Responses

5.9 SCC Highways – No objection subject to:

- Highway mitigation measures being provided to the satisfactory of the local planning authority; and
- Servicing management plan to avoid servicing during peak traffic hours.

Parking and Access

The proposal will reduce the amount of parking for the existing retail store but the submitted data shows that the car park is under subscribed and therefore the loss of the spaces would have minimal impact – this was observed to be the case upon site visits. The proposed PFS will be accessed by the existing access on Regents Park Road which has been designed for large vehicles and can accommodate tankers. As there is long stretch of private road leading onto the PFS, the chances of any vehicle queues tailing back and impacting on the public highway will be low.

It is important to note that the highway layout immediately outside the site access has been reconfigured since the original Costco store opened. This highway scheme was separate to the planning process and was not related to any developments. It was a result of public interest and complaints received with regards to the highway safety and a long standing request for pedestrian crossing facilities by local schools and residents. In response, Southampton City Council undertook a study on Regents Park Road in 2015 for both speeds and suitable pedestrian crossing refuge locations. It was identified that vehicles were abusing the hatched markings and right turn lane which allowed for higher vehicle speeds. The highway scheme had gone through the correct procedures and notified and consulted local residents, Councillors and business operators (including Costco). As a result, two islands had been installed with the one just north of the site access forming a refuge island to aid pedestrian crossing. The island in the South was to aid lane discipline for northbound traffic as they approach the bend in the road – however, as a result of this, the right turn into the site was reduced. Again, although this had impact on the capacity for the right turn lane, it was considered and consultations were carried out.

Traffic Impact

The Transport Assessment (TA) utilises both existing data for an existing Costco Store with a Petrol Filling Station (PFS) in Liverpool as well as TRICs data to come up with trip rates and behaviour. The data and figures suggests that there will be an increase in traffic movements but the amount is not considered to be

severe. It is worth noting that since the initial TA, there has been more up to date surveys carried out as requested which shows current flows, queues and turn counts which allows a more accurate and comprehensive assessment.

The data shows that there will be an increase in traffic flows at this junction but some will be pass-by trips and linked trips due to its relationship with the Costco store itself. Furthermore, it is noted that the PFS is not open to the general public and is exclusive to Costco members only (the TA recognises the impact from an increase in membership as a result of this). Nonetheless, there will be a portion which is considered to be new trips as a result of the PFS. The modelling shows that the junction can accommodate this level of increase with no severe impact.

The main concern however is the increase in right turn movements into the site. Due to the right turn lane being able to accommodate 2 to 3 vehicles, any addition to this would start affecting the northbound traffic along Regents Park Road. The TA does include a survey which shows the current queuing and projected queue lengths. In order to mitigate this concern, there is a highway mitigation measure which will include relocating the island just south of the right turn lane which will increase the capacity of the right turn lane whilst maintaining its function to aid lane discipline for northbound traffic. Relocating this without impacting the local residents is difficult due to the number of accesses and on-street parking. The applicant has proposed a location whereby it does not affect vehicle tracking or residents accessing their drives. However, as proposed, a TRO in the form of double yellow lines would be required to extend from the existing ones outside No.36 Regents Park Road southwards to link up with the other double yellow lines. This would approximately remove two on street parking spaces – although it was noted that residents park in front of their drives, which can be retained if the new double yellow lines do not cross the driveways. It has been advised that the double yellows would naturally require a TRO which is handled by a separate process and would be subject to public consultation. Therefore there is a possibility that the TRO could fail which could result in the highway mitigation measure not being able to be delivered if no alternative or workable solution can be provided.

It is also proposed that keep clear signs can be placed in front of the vehicular access on Regents Park Road to aid turning movements.

In summary, the modelling results show that the junction can accommodate the additional traffic at this junction. The mitigation measure as submitted addresses the concerns of the increase of right turn movements by increasing capacity of the right turn lane.

Servicing

It is proposed that the PFS will be serviced by a tanker once per day and is scheduled at 6am. Tracking has been provided for the vehicle and the general arrangements is considered acceptable. As the PFS will not offer any other goods for sale, no other deliveries are required.

- 5.10 **Environmental Health** – Following a perusal of the recent additional information provided by the Agent in relation to this application we have no objections to make provided that the recommendations of the Noise assessment for "Proposed petrol filling station" report, dated 17th April 2018. Ref: Project No 1817718 by

Sharps Redmore are undertaken by the applicant. Furthermore we are satisfied with the lighting report and the proposed operational hours for the site. A construction environment management plan should also be secured by condition.

The conclusions of the submitted air quality assessment are agreed and the proposal will have negligible air quality impact.

- 5.11 **Sustainability** - Policy CS20 states that 'all development must be low carbon, with a view to carbon neutrality where appropriate.' Tackling and adapting to climate change is a fundamental part of spatial planning and the Core Strategy continues Southampton's commitment to be a leader in addressing climate change... Development should also include measures to reduce the emission of pollutants (5.4.2)

By the end of June 2017, 113,000 claims had been made under the government's plug-in car and van grant schemes which gives buyers of the greenest vehicles a subsidy of up to £4,500. In 2017 reports show that there is currently a shortage of electric vehicle charging points and the Government's plan to ban the sale of conventional petrol and diesel cars by 2040 in the Automated and Electric Vehicle Bill means that demand for electrical charging infrastructure will only increase.

It is recommended that the applicant consider the feasibility of the inclusion of electric vehicle chargers with this application.

- 5.12 **Environment Agency** – No objection

- 5.13 **SCC Trees** – No objection

The Five trees on the Northern edge of the proposed site would benefit from being protected from mechanical damage and the root protection areas considered when excavating around them.

Plans indicate four trees to be removed from the centre of the site with five being replanted on the Southern boundary. Council policy requires replants on a favourable basis of 2:1 so would be looking for a further three trees to be planted.

The carpark area of Costco has predominantly been planted with Hornbeams and to contribute to a varied diversification of tree species, I would like to suggest that different species are considered for the replants. This also has the added benefit of minimising the potential impact of pests and diseases to the area.

- 5.14 **SCC Land Contamination** - The proposal is for the construction of petrol station. This is not regarded as a sensitive land use, however, the mobilisation of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase.

Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning condition recommended.

- 5.15 **Southern Water** – No objection and request informative relating to connection to the public sewer.

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;
- Design and impact on the appearance of the area;
- The impact on the amenities of neighbouring and surrounding residents;
- Highway matters.

Principle of Development

6.2 The site is allocated for employment uses under saved Policy RE19 (i) of the Local Plan Review (March 2006) and the site is authorised for use for retail warehousing under planning permission reference 10/01449/FUL. The proposed petrol filling station accords with the site employment allocation and would be in keeping with the commercial character of the site. The PFS would complement the existing Costco offering and will be available to Costco members only. It is not uncommon to find petrol filling stations connected to superstores and this proposal would be similar in nature albeit Costco is a membership warehouse club.

6.3 The proposal will result in the loss of 85 existing car parking spaces reducing the overall number of spaces for the Costco warehouse from 601 to 516 spaces. The submission indicates that the existing car park has a maximum occupancy of 49% and therefore the proposed reduction in car parking spaces will not have an adverse impact on car parking capacity. The submission indicates that even allowing for a 10% uplift in Costco Warehouse traffic, the maximum car parking occupancy would increase to circa 63% resulting in circa 37% of parking spaces remaining available at peak times.

Design and impact on the appearance of the area

6.4 The proposed design is typical of a petrol filling station with a canopy over 9 no. automated pumps. This PFS incorporates a staffed single-storey control unit but has no kiosk/shop. The canopy and the control unit are in keeping with the character and appearance of existing buildings on site. The overall canopy height would be circa 6.5m and the structure would not be visible from the public realm, set back circa 140 metres from the Regents Park frontage. A condition is recommended to secure the finishing materials as set out in the submission.

6.5 Additional landscaping is proposed along the southern edge of the development with 8 replacement trees and new shrub planting

Impact on neighbouring amenities

6.6 The proposed PFS will not have a harmful impact on the residential amenities of neighbouring occupiers having regard to separation distances (circa 50m from the nearest private residential dwelling house and circa 30m from the nearest residential boundary), existing background noise levels and having regard to the existing and historic commercial character of this site. Specialist noise, lighting

and odour reports have been received and the Council's Environmental Health Team raise no objection.

The proposed hours of operation and delivery times have been amended to commence at 7am rather than 6am, which aligns with the consented delivery times for the existing warehouse

- 6.7 The proposed PFS would have no adverse visual impact having regard to separation distances, oblique positioning in relation to Langley road properties and also having regard to the existing tree screen along the southern boundary.

Highways

- 6.8 No objection has been raised by Highways Development Management. The proposal will have no adverse impact on the overall parking capacity for Costco Wholesale (see principle of development section above). The forecasted level of additional trips will not have a severe impact on the existing highway network (NPPF test), subject to works to increase the capacity of the right turn lane into the site from 2-3 to 7 vehicles. The right turn lane into the site has historically had capacity for 7 vehicles but recent road safety improvements introduced a traffic (splitter) island to reduce speeds and the current location of the traffic (splitter) island has significantly reduced the capacity of the right turn lane to 2-3 vehicles. The submitted transport evidence indicates that at peak the right turn lane will need to have the capacity of up to 5 vehicles in order to prevent obstruction to the northbound flow on Regents Park Road.
- 6.9 A revised design has been provided and is agreed in principle which increases the right turn lane to 7 vehicles whilst maintaining a traffic island. The proposed revised position of the traffic island has been carefully considered to avoid obstruction of existing driveways on Regents Park Road. Some existing on-street bays would need to be removed with the introduction of double yellow lines to ensure there is adequate width for an articulated lorry to pass the revised traffic island location. The removal of existing parking bays and introduction of double yellow lines will require a Traffic Regulation Order.
- 6.10 It is recommended that planning permission should not be granted until a successful Traffic Regulation Order is achieved because increased right turn lane capacity is critical to achieve an acceptable development in highway safety terms. Failure of the proposed TRO would mean that safe access would not be achieved.

7 Summary

- 7.1 The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The petrol filling station will be restricted to Costco members only in line with Costco membership requirements and restrictions. There is no policy requirement to demonstrate need for the petrol filling station and it has been demonstrated that the development will not have a harmful impact in relation to air pollution, odour, noise, lighting, highway capacity and traffic flow on Regents Park Road. The petrol filling station will complement the existing retail warehouse use and accords with the employment land use allocation. Other material considerations are not judged to have sufficient weight to justify a refusal of the application.

8 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative, despite the significant local objection and as such the scheme is recommended for conditional approval. Subject to the successful outcome of the TRO process.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 31/07/2018 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. Materials (Performance Condition)

The development shall be carried out and retained in accordance with the details of materials and finishes as shown on the plans hereby approved.

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. APPROVAL CONDITION - Costco Warehouse Club Members Only

The petrol filling station hereby approved shall serve Costco Warehouse Club members only (in accordance with membership requirements and restrictions as set out within Appendix 3 of the S106 Agreement for planning application reference 10/01449/FUL, dated 19 September 2011).

Reason: The highway and amenity impacts of the petrol filling station hereby approved have been assessed on the basis on the basis of members only use.

04. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan (Performance)

The development shall be carried out in accordance with landscape drawing no. 1001 Rev D by Andrew Davis.

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.

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

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

05. APPROVAL CONDITION - Noise and Lighting

The development hereby approved shall be carried out in accordance with the noise and lighting design and mitigation requirements as set out within the Noise Report by Sharps Redmore dated 17.4.18 and Lighting Report by Faarup Associated Ltd dated 10.04.18.

Reason: To prevent adverse noise and lighting impact to neighbouring residential occupiers.

06. 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.

07. Construction Management Plan (Pre-Commencement)

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

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

(b) loading and unloading of plant and materials;

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

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

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

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

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

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

08. Hours of Use (Performance)

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - 07:00 to 21:30

Saturday - 07:00 to 20:00

Sunday and recognised public holidays - 07:00 to 18:00

No deliveries shall take place during the following peak times on the highway network:

Monday - Friday 0800hrs to 0900hrs and 1600hrs to 1700hrs

Saturday 1330hrs to 1430hrs

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

09. APPROVAL CONDITION - Electric Vehicle Charging points feasibility study

A feasibility study for electric vehicle charging points must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for electric vehicle charging points, a specification shall be agreed in writing with the Local Planning Authority. Electric vehicle charging points to the approved specification must be installed and rendered fully operational prior to the first operation of the development hereby granted consent and retained and maintained thereafter.

Reason: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

10. 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.

11. 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.

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

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

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

13. 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.

14. APPROVAL CONDITION - Site Specific Transport Works (Grampian Condition)

The petrol filling station hereby approved shall not be brought into use until a detailed scheme for off-site specific transport works in respect of access improvements and right hand turning has been submitted to and approved in writing by the Council. The site specific transport works shall include increased capacity in the right turn lane, relocation of traffic island and any markings, signage in line with a Traffic Regulation Orders as required.

The petrol filling station hereby approved shall not be brought into use unless the Developer has entered into an agreement (or more than one agreement if required) under Section 278 of the 1980 Act with the Council as the local highway authority in order to procure the Site Specific Transport Works.

The petrol filling station hereby approved shall not be brought into use unless all the Site Specific Transport Works have been completed in accordance with the agreed details.

Reason: In the interests of highway safety

17/02525/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

| | |
|------|---|
| CS6 | Economic Growth |
| CS7 | Safeguarding Employment Sites |
| CS13 | Fundamentals of Design |
| CS18 | Transport: Reduce-Manage-Invest |
| CS20 | Tackling and Adapting to Climate Change |

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

| | |
|----------|-------------------------------|
| SDP1 | Quality of Development |
| SDP7 | Context |
| SDP9 | Scale, Massing and Appearance |
| REI9 (i) | Major Employment Sites |

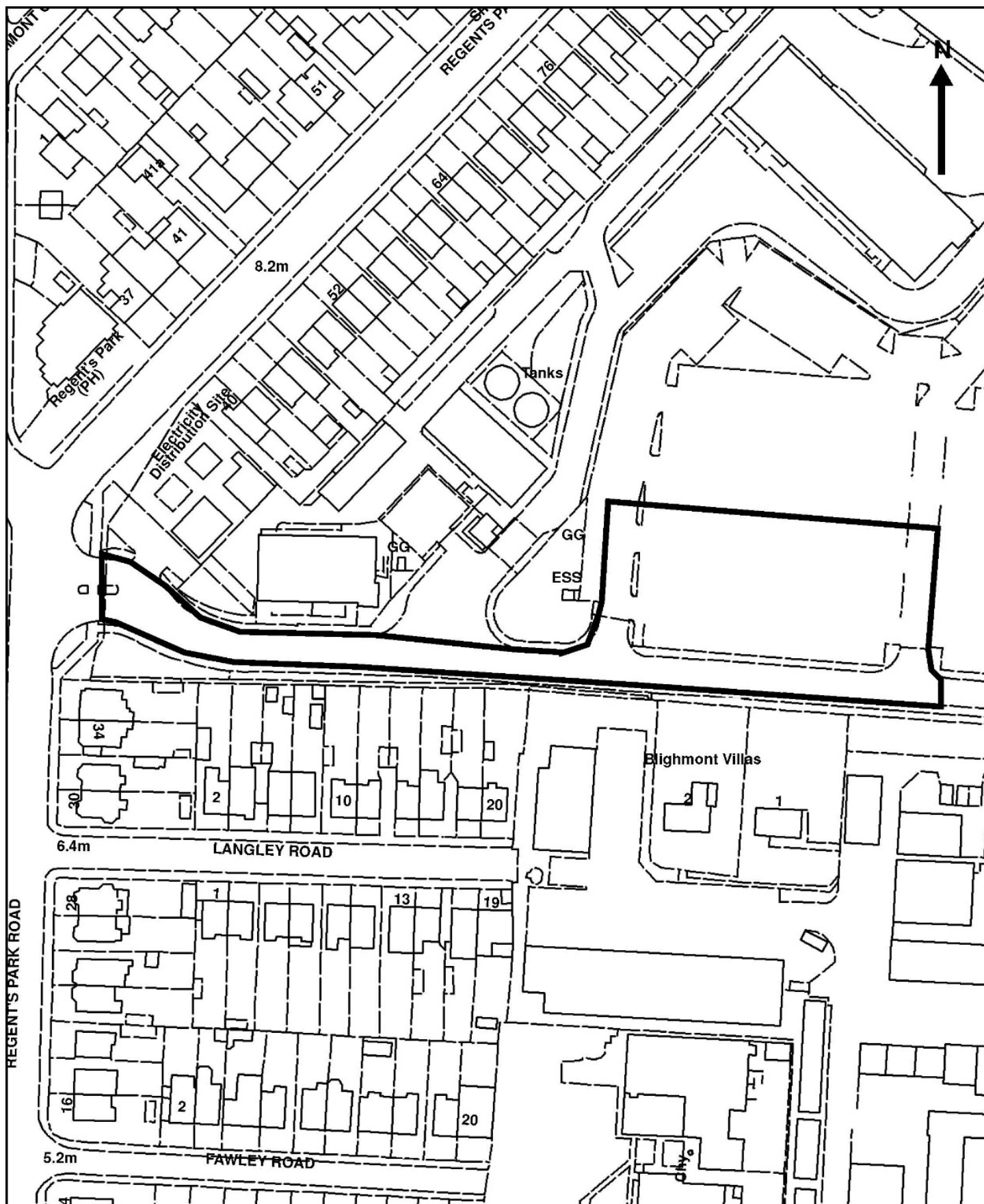
Other Relevant Guidance

The National Planning Policy Framework (2012)

This page is intentionally left blank

Agenda Item 6
17/02525/FUL

Appendix 1



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679



This page is intentionally left blank

Planning and Rights of Way Panel 31st July 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

| | | | |
|--|---|-----------------------------|---|
| Application address: Lordshill Outdoor Recreation Centre, Queens Keep Football Club | | | |
| Proposed development: Erection of a single storey hospitality building, spectator stand and formation of a car park. | | | |
| Application number | 18/00629/FUL | Application type | Full |
| Case officer | Andrew Gregory | Public speaking time | 5 minutes |
| Last date for determination: | Over (Extension of Time Agreement secured) | Ward | Redbridge |
| Reason for Panel Referral: | Six objections objections have been received. | Ward Councillors | Cllr McEwing Cllr Whitbread Cllr Pope |

| | |
|--|-----------------------------|
| Applicant: Queens Keep Southampton FC | Agent: DesignandDraw |
|--|-----------------------------|

| | |
|-------------------------------|-----------------------|
| Recommendation Summary | Conditionally Approve |
|-------------------------------|-----------------------|

| | |
|---|-----------|
| Community Infrastructure Levy Liable | No |
|---|-----------|

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is located on land leased to Queens Keep Football Club since 2004 with no specific rights for public access. The land remains designated open space and the proposal will support an existing sports facility and will make an important contribution to the health and well-being of the Community. The spectator stand and hospitality building are acceptable in design terms having regard to the context and nature of the use. The proposed car park will not lead to increased flooding and ecology mitigation has been secured. Other material considerations 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, SDP12, NE4 and CLT3 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS21, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

| | |
|--------------------------|---------------------------|
| Appendix attached | |
| 1 | Development Plan Policies |

Recommendation in Full

Conditionally Approve

1 The site and its context

- 1.1 The site is a football pitch located at the western corner of Lords Hill Outdoor Recreation Centre (also known as Five Acres), south of Redbridge Lane. The pitch is partially shielded from the rest of the fields by a strip of trees to the south and east and is currently enclosed by a 1m high railing, with other temporary portakabins and shipping container buildings located to provide facilities for the club. An unauthorised spectator stand has recently been removed from the site.
- 1.2 The land is leased by the Football Club from the Council who own the land. A low level timber fence and gate demarcates the area leased to the Football Club. Hedgerow encloses the site to Redbridge Lane. Gated pedestrian access to the football pitch from Redbridge Lane is available in the south-western corner of Five Acres. The existing main car park and sports pavilion serving Five Acres is located circa 200m to the north. The playing fields are used for multiple sports including rugby, football and cricket. Housing development is located on the adjacent side of Redbridge Lane (within Test Valley Borough Council).

2 Proposal

- 2.1 The proposal seeks to erect a spectator stand, hospitality building and a dedicated car parking area with a new access onto Redbridge Lane. Improved spectator facilities and accommodation are an FA requirements in order for the Football club to progress into the next league.
- 2.2 The spectator stand, 48sqm in area, is proposed to be located behind the southern goal line. A fabricated stand with enclosed sides and roof overhang which is finished in corrugated green cladding. The hospitality building is proposed to be metal converted container unit painted green and would be located on the north-western side of the pitch.
- 2.3 A dedicated car park which is closer to the football pitch is sought because of the existing pedestrian travel distance, and weekend demand for the main car park from other sports teams, Oasis Academy and other users of the outdoor recreation centre. The proposed car park has been reduced in size to 27 car parking spaces and a permeable surfacing treatment is proposed such as a loadbearing cellular grid which can be filled with soil or gravel. A 6.5m width gated access is proposed within the existing hedgerow to serve the car park and to provide maintenance access to the football pitch.

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 Paragraph 73 of the NPPF indicates:
“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities...”
- 3.4 Policy CS21 of the Local Development Framework Core Strategy (LDF) indicates the Council will retain the quantity and improve the quality and accessibility of the city’s diverse and multi-functional open space (used by a diverse community and for a variety of different uses). Supporting text 5.4.11 indicates:
“The LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and wellbeing and has regard for the city’s rich natural environment.
- 3.5 Policy CS22 of the LDF requires development to achieve a net gain in biodiversity by designing in provisions for wildlife and ensuring any unavoidable impacts are appropriately mitigated.

4. Relevant Planning History

- 4.1 Planning permission for the erection of a 1.1m high barrier and hard standing around existing football pitch, installation of 1 no. stand 2 no. dug-outs and 8 no. floodlights and continued use of the temporary storage building was granted on 24.08.2004 (LPA Ref 04/01220/FUL)
- 4.2 Planning permission for the construction of spectator stand (alteration to permission 04/01220/FUL dated 28 September 2004) on the south-eastern side of the football pitch was granted on 12.01.2007
- 4.3 Planning permission was granted for the erection of single storey toilet block was granted on 12.05.2017.
- 4.4 A retrospective planning application for a scaffold spectator stand on the north-western side was refused on design grounds on 18.04.2018. This unauthorised spectator stand has now been removed.

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 (23.03.2018). At the time of writing the report **08 representations** have been received (6 against and 2 in support) from surrounding residents, including objection from Cllr Pope and SCAPPS and support from Cllr Whitbread and Cllr McEwing.
The following is a summary of the points raised:

Against

- 5.2 **The proposed spectator stand appears to be of the same construction as the original one which applied for planning permission retrospectively and was subsequently refused due to it being fundamentally unsafe and an eyesore.**

Officer Response – The proposed stand is different to the unauthorised scaffold stand which has been removed. The proposal has a typical stand design with fabricated supports and enclosed sides and roof overhang which is finished in corrugated green cladding. The design of the structure is considered appropriate when viewed in context with the ancillary structures and buildings associated with the football club.

- 5.3 **The proposed Hospitality building appears to be yet another portacabin from the drawings. I have previously commented on the way the Queens Keep facility is evolving and it already comprises of a number of dilapidated portacabins and shipping containers resembling a shanty town and the last thing this area of Green space needs is another one.**

Officer Response – *The unauthorised scaffold spectator stand was unacceptable in design terms and has been removed. Portacabin and shipping containers are often used by sports club to meet storage, maintenance and spectator requirements. Similar structures can be observed at Southampton Sports Centre adjacent to the athletics track. The hospitality building is required to satisfy FA requirements in order for the football club to progress.*

- 5.4 **The proposed Car Park and entrance will require the removal of hedgerows and trees and a loss of yet more Green space. It also impacts the existing footpath and style gate in that corner of the plot. Lordshill recreation ground already has adequate parking facilities and therefore I cannot see the justification for this proposed development.**

Officer Response – *The proposal seeks to remove 6m width of hedgerow in order to install a gated access. The formation of this access is not considered to adversely harm the character and appearance of the area having regard to the extent of hedgerow to be retained. Furthermore, replacement hedgerow is to be provided within the site to mitigate against the hedgerow removed. There is no public right of way crossing the site and the site is leased to Queens Keep Football Club with no specific rights for public access. There is high demand for the existing car park at weekends by other sports teams and users of the recreation ground and also overspill from weekend activities at Oasis Academy.*

The resultant shortage of car parking spaces within the main car park and travel distance has resulted in spectators parking in Redbridge Lane. The formation of a new access is supported in the lease agreements for maintenance purposes.

- 5.5 **Objection to construction of new vehicle access from Redbridge Lane because, to provide the necessary visibility splays, it requires removal of the mature hedge which gives strong visual screening & an attractive setting for the green space.**

Officer Response – Hedgerow removal is not encouraged. However the access is required to have a width of 6m in the interests of highway safety. It is not uncommon to have a hedgerow enclosing a field or sports ground punctuated with gated access. The proposed access will not be adversely harmful to the character and appearance of the area when considered against the extent of hedgerow to be maintained and also the ecology mitigation proposed with replacement hedgerow within the site.

- 5.6 **Strong objection to loss of green area to provide a car park. Car parking is already provided elsewhere within the Outdoor Recreation Centre site for users of the recreation facilities. If additional green space were to be taken for car parking, Core Strategy policy CS21 requires that replacement green space equal in area & quality should be provided. No replacement public open space is proposed.**

Officer Response – The site has been leased to Queens Keep Football Club since 2004 with no specific rights for public access. The provision of car parking to serve the open space along with ancillary structures is not considered to represent a loss of open space. It is common to find associated car parking and buildings within an open space designation.

- 5.7 **This is the second football club in a few weeks to submit a planning application to add to built structures at the pitch in a public park/open space which the club uses as its home ground. SCAPPS is concerned by the inherent tensions between general public use & enjoyment of parks & green spaces & the pressure on successful football clubs to have a home ground satisfying FA standards. SCAPPS very much hopes that the Hampshire FA will engage with individual clubs to consider coordinated consideration of how & where to best provide a ground or grounds which meet FA specifications.**

Officer Response – The works are proposed within an area of land which was appropriated to the football club in 2004. As the lessee the football club has rights to sole use of the land regardless of the decision on this planning application. The football club are entitled to propose new facilities in order to satisfy current FA requirements. A substantial part of the recreation ground remains available for unrestricted public access. The FA is not a statutory consultee and has provided no comments in relation to this application.

- 5.8 **The Recreation Ground has been nominated as an Asset of Community Value to help prevent development of our Park.**

Officer Response – Five Acres Field was listed as an Asset of Community Value on 14 July 2016. The moratorium period would only be triggered in the event of

land disposal which is unlikely to happen. This process is not affected by the current application.

- 5.9 **Any buildings on the Park will lead to more flooding. The Park become very waterlogged after rain.**

Officer Response – The drainage issues affecting the site are known and noted. The proposal will not lead to more flooding having regard to the proposed permeable treatment to the car parking area and small surface area of the stand and hospitality building.

- 5.10 **This is a public right of way**

Officer Response – The public right of way crossing Five Acres is located outside of the area of land leased to Queens Keep Football Club.

- 5.11 **I object to this planning application in support of objecting residents, and in support of the protection of a public park with an ACV on it from attempts to permanently privatise it and remove it permanently from public use.**

Officer Response – Appropriation of this land to the Football Club was agreed by Cabinet on 11 August 2003. The present lease was granted to the Football Club in 2004 and expires in 2029. The Football Club as lessee has rights to sole use of the land unless other rights are specifically reserved or granted in the lease or easements registered on the title. The lease contains no such specific rights for public access and there is no public right of way crossing the site.

- 5.12 **Negative impact on amenity to the residents of the new estate on the other side of Redbridge Lane.**

Officer Response – Test Valley Borough Council have been consulted and have raised no objection to the proposed development. The Council's Highways Team have raised no highway safety objections. The retained hedgerow provides screening when viewed from Redbridge Lane. No objections have been received from residents of the new estate.

- 5.13 **There is adequate parking already available nearby. Why do they wish to add more parking? There is no parking survey and no road safety survey.**

Officer Response – A parking survey and road safety survey is not a validation requirement. The football club have indicated that a car park is required closer to the football pitch due to the current pedestrian travel distance (circa 200m) and existing weekend demand for other user groups. The car park will remain part of the open space designation.

In support

Happy to support the above application. Queens Keep have had this on lease for a number of years - possibly 14/15 years. If residents wanted to object to the lease of this piece of land, then they had the opportunity at the very beginning in 2003/2004.

Consultation Responses

5.14 **SCC Highways** – The proposed car park is considered acceptable as it does not appear to jeopardise any existing pedestrian access/facilities for the existing use. Therefore the recommendation is to approve subject to the following conditions:

- 1) Car park surface materials must be non-migratory.
- 2) Sightlines. Plan showing the sightlines to be submitted and agreed. Areas within the agreed visibility to be maintained with a height restriction of 1.05m.

5.15 **Ecology** - The application site consists of an area of amenity grassland and a mature hedgerow. The amenity grassland is of low ecological value however, the hedgerow is of moderate to high value. In addition the hedgerow is likely to support a range of protected species including nesting birds and foraging bats.

I have no concerns regarding the proposed hospitality building however the entrance to the car park will result in a loss of habitat and fragmentation of the remaining hedgerow. In addition, surfacing up to the edge of the hedgerow will result in the loss of supporting habitat.

I would therefore like to see a new native hedgerow running along the fence line between the proposed entrance and the existing hedge to mitigate for the proposed hedgerow lost.

Additionally, the conversion of public open space to car parking is contrary to Policy CS 21 Protecting and enhancing open space and will require mitigation. No mitigation proposals have been provided.

Officer Response – A new hedgerow will be secured by condition to mitigate against the proposed hedgerow removal. The proposed permeable car park and ancillary buildings will remain part of the open space designation. The car park will not impact on wider public usage of the open space having regard to the lease agreement which restricts public access.

5.16 **Trees** - No major standalone trees effected on site. Some loss of mature hedgerow to facilitate the new access for vehicles with associated loss of habitat. Possible mitigation needed for this loss.

5.17 **SCC Flood** - This proposal will see the increase in impermeable area through the construction of a car parking area on currently green space. The car parking plan suggests that permeable paving will be utilised however no suitable information has been submitted with the application in relation to how surface water runoff from the site will be managed as part of the development proposals.

Officer Response – Details have now been received which show the car parking area to be permeable and this permeable treatment can be secured by condition.

- 5.18 **Environmental Health** – No objection subject to conditions to secure a construction environment management plan and to prevent bonfires
- 5.19 **Archaeology** - The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 2 (Nursling Plantation and Lower Brownhill Road). Prehistoric and later archaeological evidence has been found throughout the area, including prehistoric burials found during construction of the Ordnance Survey building to the west of Redbridge Lane. Such remains, if present on the site, would be undesignated heritage assets under the National Planning Policy Framework.

Historic maps show that the site was a field until sometime between 1962 and 1986 when it became a playing field. However it is also part of a large area recorded as former landfill on Southampton City Council's Pollution Control database. This landfill use perhaps followed quarrying associated with the construction of the nearby motorway in the 1970s. Previous archaeological work in the area has shown that archaeological deposits do sometimes survive, even on sites recorded as former landfill. An evaluation excavation in 2015 (SOU 1685) on the playing fields to the north and east of the site did find made ground, although there were indications that undisturbed ground may have survived around the edges of the site.

The proposed development involves the construction of a single storey hospitality building (a metal converted container unit), a spectator stand and formation of a car park. Although two previous applications in 2017 and 2018 for this site were small scale, the current proposal is on a larger scale, particularly the formation of the car park and entrance onto Redbridge Lane.

Development here may damage archaeological deposits, and an archaeological investigation will be needed to mitigate this. Given the evidence for past quarrying, the archaeological investigation will take the form of a watching brief on the groundworks with option to excavate should archaeological deposits be uncovered.

Officer Response – The request for a watching brief is considered unreasonable and unnecessary having regard to the nature of the car park and structures proposed which will be of shallow construction.

- 5.20 **Test Valley Borough Council** - No objection.
However, it is noted that a new access is proposed onto Redbridge Lane and it is requested that highway safety implications are considered.

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;
 - Design impact;
 - Ecology impact;
 - Highway matters.

Principle of Development

- 6.2 Paragraph 74 of the National Planning Policy Framework ‘the Framework’ indicates that existing open space, sports and recreational land should not be built on unless the space is demonstrably surplus to requirements; or the lost open space would be replaced elsewhere; or the development is for alternative sports and recreational provision. Open space is defined as all open space of public value. Open space of public value can include sports pitches and facilities which do not have public right of access. The area is leased to the football club and there are no public access rights over this land and, therefore, the public interaction with this land will not change as a result of the proposals.
- 6.3 The provision of a car park, hospitality building and spectator stand to support the football club and to meet FA requirements is considered acceptable in principle. The land will remain designated open space and the car park and facilities will support an existing sports facility which will benefit the community. A substantial area of the outdoor recreation centre remains available for public access and for diverse leisure use.

Design Impact

- 6.4 The spectator stand and hospitality building are acceptable in design terms having regard to the context and nature of the use. A condition is recommended to ensure the stand and hospitality building are painted green to blend into the landscape surroundings.
- 6.5 Replacement hedgerow is proposed within the site to mitigate against the loss of existing hedgerow to accommodate the access. The installation of the 6m width access will not have an adverse impact on the character and appearance of the area having regard to the extent of hedgerow to be retained.

Highways

- 6.6 The proposed car parking area has been reduced from 37 to 29 spaces in order to reduce the coverage area. No objection has been raised by Highways Development Management in relation to the proposed parking numbers, layout and access design. A condition is recommended to ensure that a permeable surfacing treatment is used to prevent increased surface water run-off. The proposed cellular surfacing treatment to be filled with either gravel or soil will not have an adverse impact on the appearance of the open space.

- 6.7 The provision of a dedicated car park located closer to the football pitch will reduce the likelihood of spectators parking within Redbridge Lane, as alleged by the Football Club. There is likely to be high demand for the existing car park during the weekend when multiple sports/pitches are in use. Weekend events at Oasis Academy also increase demand for existing car parking spaces at Five Acres.

Impact on neighbouring amenities

- 6.8 The separation distance from the nearest residential properties and screening from the existing hedgerow and trees will ensure the proposal will not adversely harm the residential amenities of nearby occupiers.

7 Summary

- 7.1 The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is located on land leased to Queens Keep Football Club since 2004 with no specific rights for public access. The land remains designated open space and the proposal will support an existing sports facility and will make an important contribution to the health and well-being of the Community. The spectator stand and hospitality building are acceptable in design terms having regard to the context and nature of the use. The proposed car park will not lead to increased flooding and ecology mitigation has been secured.

8 Conclusion

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

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

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

AG for 31/07/2018 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. APPROVAL CONDITION - External appearance

The spectator stand and hospitality building shall be painted green prior to the commencement of use and thereafter maintained in that colour unless otherwise agreed in writing with the Local Planning Authority,

Reason: In the interests of the visual amenities of the area

03. APPROVAL CONDITION - Car Park Surfacing

Prior to the commencement of development details of a permeable surface for the car parking area which is designed to prevent the surfacing treatment migrating onto Redbridge Lane (and drainage details as required) shall be submitted to the Local Planning Authority and agreed in writing. The car park shall be installed and retained as agreed.

Reason: In the interests of surface water drainage and the visual amenities of the area

04. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted with the application] 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.

05. Sightlines specification (Performance)

Sight lines shown on the approved drawing no. 18/3190/S01 of 2.4m x 120m and 2.4m x 79.5m shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

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

06. APPROVAL CONDITION - Access Gates

The gated access to the car park hereby approved shall be closed and locked at all times when not in use by Queens Keep Football Club.

Reason: In the interests of safety and security.

07. Construction Management Plan (Pre-Commencement)

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

08. 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.

09. 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)

| | |
|------|---|
| CS3 | Promoting Successful Places |
| CS18 | Transport: Reduce-Manage-Invest |
| CS19 | Car & Cycle Parking |
| CS20 | Tackling and Adapting to Climate Change |

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

| | |
|-------|------------------------|
| SDP1 | Quality of Development |
| SDP4 | Development Access |
| SDP5 | Parking |
| SDP10 | Safety & Security |
| REI7 | Food and Drink Uses |

Supplementary Planning Guidance

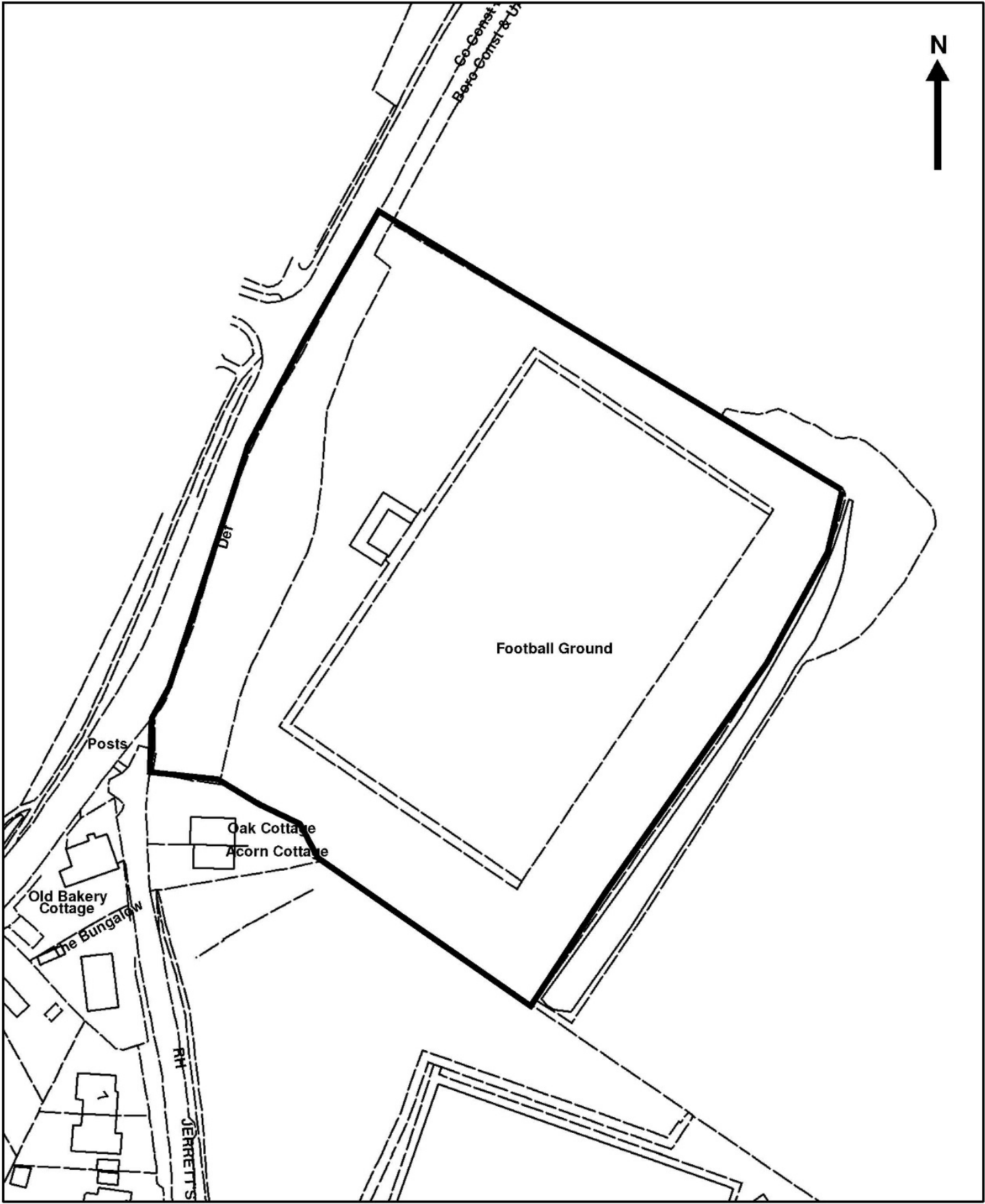
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

This page is intentionally left blank



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679



This page is intentionally left blank

Agenda Item 8

Planning and Rights of Way Panel 31st July 2018 Planning Application Report of the Service Lead – Infrastructure, Planning & Development

| | | | |
|--|----------------------|-----------------------------|---|
| Application address: Land At junction of Brownhill Way and Lower Brownhill Road, Southampton | | | |
| Proposed development: Application for removal of condition 21 relating to code for sustainable homes of planning permission ref 12/00596/FUL | | | |
| Application number | 18/00673/FUL | Application type | FUL |
| Case officer | Stephen Harrison | Public speaking time | 15 minutes |
| Last date for determination: | N/A | Ward | Redbridge |
| Reason for Panel Referral: | Request by Ward Cllr | Ward Councillors | Cllr Whitbread Cllr Pope Cllr McEwing |
| Referred by: | Cllr Pope | Reason: | Failure to meet Council Policy |

| | |
|---|---|
| Applicant: The Trustees of The Barker Mill Estates | Agent: Nigel Jacobs (Intelligent Land) |
|---|---|

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

| | |
|---|-----------|
| Community Infrastructure Levy Liable | No |
|---|-----------|

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies CS15 and CS20 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

| | | | |
|--------------------------|---|---|--|
| Appendix attached | | | |
| 1 | Planning & Rights of Way Panel Report (24 th April 2018) | 2 | Planning & Rights of Way Panel Minutes (24 th April 2018) |
| 3 | 12/00596/FUL Planning Permission | | |

1.0 Recommendation in Full

- 1.1 Delegate to the Service Lead – Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement (Deed of Variation) to secure:
- i. Provision of 2 affordable housing units in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

2.0 Introduction and Background

- 2.1 Planning permission is in place for the following development (LPA ref: 12/00596/FUL):

Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.

- 2.2 The Planning Panel considered the viability of this scheme, and the request to allow a reduced affordable housing requirement when it met on 13th March and 24th April 2018. A copy of the previous Panel report is attached at **Appendix 1**.
- 2.3 The Panel will recall that this site has stalled, following implementation, on viability grounds. The viability of the scheme has been independently assessed by the District Valuer Service (DVS) and they have concluded that the scheme only becomes deliverable/viable if the approved position of 3 on-site affordable units is relaxed to 1. In April 2018 the Panel rejected the applicants improved offer of 1 affordable unit plus £25,000, but supported further negotiations and the provision, if possible, of 2 on-site units. A delegation to officers was given on this basis. The Panel Minutes at **Appendix 2** refer.
- 2.4 The applicants have now offered 2 on-site affordable units in line with the Panel's most recent delegation – A pair of semi-detached houses (Plots 1 and 2 – 1 no.2 bed and 1 no.3 bed). However, the offer is on the basis that the development is built to Code for Sustainable Homes Level 3 – current Building Regulations - rather than Level 4 as originally approved to meet the current Development Plan (LDF Policy CS20 refers). The applicants claim that, given the margins involved, the additional cost of achieving Code Level 4 makes delivery of 2 affordable units non-viable.
- 2.5 The Panel are being asked to relax the Council's current policies in order to secure 2 affordable units. Whilst the current Development Plan position is 3 affordable units (LDF Policy CS15) with the scheme built to Code Level 4 (LDF Policy CS20) the scheme's viability, and the recent Panel delegation for 2 affordable units, are significant material considerations.
- 2.6 Given that DVS have independently confirmed that the scheme is only viable with 1 affordable dwelling, and the Council risks losing the second unit should the applicant appeal, officers consider that this application can, on balance, be supported.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently allows viability to be taken into account as set out within the “saved” Policy CS15 (Affordable Housing) of the City of Southampton Core Strategy (as amended 2015). This policy confirms that a scheme’s viability is a material consideration and, where an independent assessment confirms that a scheme is struggling, its delivery may still be policy compliant despite a shortfall to the 20/35% requirement. In this case 20% of the 14 units are required as affordable (2.8 rounded up to 3 units) as set out in the s.106 legal agreement associated with permission 12/00596/FUL.
- 3.2 Policy CS20 (Tackling & Adapting to Climate Change) of the City of Southampton Core Strategy (as amended 2015) requires new housing development to meet Code for Sustainable Homes Level 4. The Code for Sustainable Homes was launched by the Department for Communities and Local Government in December 2006 as a single national sustainability standard for the design and construction of new homes. It scores each dwelling within a scale from Level 1 (the lowest) to Level 6 (the highest, achieving Zero Carbon status). Since 2015 the Council has only been seeking Code Level 4 for ‘Energy’ and ‘Water’ in line with Government changes to the system.

4.0 Relevant Planning History

- 4.1 As set out above

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, placing a press advertisement (**27th April 2018**) and erecting a site notice (**1st May 2018**). At the time of writing the report **0 representations** have been received from surrounding residents.
- 5.2 **Ward Cllr Pope**
My position has not altered. If the amount of affordable homes is not as per this Council's policy, then it should go back to councillors on the Committee to decide.
- 5.3 **SCC Sustainability - Objection**
Whilst for this case the removal of the Code condition is deemed acceptable, from a policy perspective the removal of the equivalent energy and water requirements is not supported.
- 5.4 UKGBC Policy Playbook (March 2018) (Driving sustainability in new homes) states that the Deregulation Act 2015 has not been enacted and that LPAs are able to set energy performance standards equivalent to Code for Sustainable Homes Level 4. Pages 9 to 11 of the Playbook set out the main argument for the above.
- 5.5 The applicant puts forward viability as the reason for the request for removal of any sustainability requirements. The estimated costs of £10k per unit appear to be rather high based on the evidence available (a detailed cost breakdown of the required of the extra 'over requirements has not been carried out, however there will inevitably be costs of some amount involved).

- 5.6 A 19% improvement beyond Part L 2013 can be achieved entirely through energy efficiency measures enhanced insulation, glazing, airtightness and high efficiency heating and hot water heat recovery). The UK Green Building Council state that discussions with developers suggest that this approach might cost between £2-3k for a mid or end terrace home or up to £5-6k for a detached house. However for those building to the Part L 2013 notional specification it is possible to achieved a 19% improvement through the use of photovoltaics (pv) or other renewables. A terrace would need around 0.8 kWp of PV with a detached housing needing perhaps 1.2 kWp (depending on floor area). The capital costs of adopting a renewable based strategy are likely to be c.£1.5-2k per home.
- 5.7 Other recent viability studies show that the cost may be even less than this, the Assessment of Viability of Carbon Emission Targets for New Builds shows a 0.97-1.16% uplift from part L Building Regs to 20% improvement (their 'policy B'), approx. £4/m² on average depending on what system is used. The lower rate 0.97 is for homes, the upper rate 1.16% for flats (p.30).
- 5.8 <http://www.guildford.gov.uk/newlocalplan/CHttpHandler.ashx?id=23949&p=0>
- 5.9 In conclusion, from a sustainability policy perspective the absence of any energy and water conditions is not supported, however if the case officer is satisfied that the evidence provided is sufficient to justify the applicants request they may wish to balance this against the merits of approval.

6.0 Planning Consideration Key Issues

- 6.1 The key issue for consideration is whether or not the Panel are willing to vary the terms of the original Section 106 Agreement by way of reducing the provision of the fully policy compliant Affordable Housing obligation, on viability grounds, with the aim of encouraging the development proposal to be built out in the short term whilst also making provision for two units of Affordable Housing. The applicant (and officers) acknowledge that the Panel were able to support the principle of this request in April, and whilst 2 affordable units can now be provided the sustainability credentials of the development would need to be relaxed in order to do so. As officers had previously recommended the previous variation for approval this improved offer is again acceptable to officers as the delivery of affordable housing is afforded the greater weight in the assessment.
- 6.2 If the proposal is rejected it is unlikely that the consented development will come forward in the short term and a revised planning proposal will be required.
- 6.3 Another option for the applicant is to re-submit an updated viability assessment once the Section 106, 5 year period has elapsed (August 2018), whereby the Council will need to make a further decision (at Panel), which may then be subject of an appeal to the Planning Inspectorate where external resource would be needed to defend the appeal in light of the current recommendation and support offered by the DVS to the revised affordable housing offer. There is a risk that circumstances will change by the time an appeal is lodged and considered that any current offer will no longer be viable. Similarly, circumstances may improve and the scheme could become more viable in the longer term, but officers consider that weight should be given to the delivery of housing to meet current need and, therefore, support the amendment to secure 2 affordable units built out to current Building Regulation standards.

7.0 Summary

7.1 The applicants request to relax the requirements for Code from Level 4 to Building Regulations need to be balanced against the provision of affordable housing (and housing in general). In this case, in light of the DVS conclusion that only 1 affordable dwelling is viable, officers recommend that an improved offer of 2 affordable units, albeit at Code Level 3 equivalent to current Building Regulation requirements, should be supported. This recommendation would bring forward the delivery of 14 dwellings, 2 of which would be provided on site as affordable, and would avoid an appeal where the DVS conclusions would be afforded weight by the Planning Inspector.

8.0 Conclusion

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

Local Government (Access to Information) Act 1985

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

PLANNING CONDITIONS to include:

Those conditions listed on the original planning permission – as attached at **Appendix 3** – as have been discharged under LPA ref: 14/01180/DIS & 15/01575/DIS shall be re-imposed with the deletion of condition 21 as hereby approved.

This page is intentionally left blank

Planning and Rights of Way Panel 24 April 2018
Planning Application Report of the Service Lead – Infrastructure, Planning & Development

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

| | | | |
|---|--|---|--|
| Applicant: The Trustees of The Barker Mill Estates | | Agent: Nigel Jacobs (Intelligent Land) | |
| Recommendation Summary | Delegate to the Service Lead - Infrastructure, Planning and Development to agree a deed of variation to the Section 106 Agreement dated the 30th August 2013 | | |
| Community Infrastructure Levy Liable | | No | |

| Appendix attached | | | |
|--------------------------|--|---|--------------------------------|
| 1 | Original Section 106 Agreement (30 th August 2013) | 3 | DVS Viability Appraisal Report |
| 2 | Planning & Rights of Way Panel Report (21 st August 2012) | | |

1.0 Recommendation in Full

- 1.1 Delegate to the Service Lead – Infrastructure, Planning and Development to make a Deed of Variation to vary the Section 106 Agreement dated the 30th August 2013 to reduce the Affordable Housing provision, on viability grounds, to the provision of one (1) on-site unit, identified as Plot 3 a two-bed detached unit, plus an increase to the surplus provided as a financial contribution amounting to £25,000 and imposing the council's standard viability review mechanism clause.

2.0 Proposal & Background

- 2.1 Further to the previous Panel Report taken to the 13th March 2018 Planning & Rights of Way Panel, where a similar request to reduce the affordable housing requirement was rejected, an improved offer has been made by the applicant to increase the financial contribution (surplus) to £25,000, plus the on-site Affordable Housing Unit, which is to be provided by St Arthur Homes.
- 2.2 The original application was approved by the Planning and Rights of Way Panel in August 2012, subject to the completion of a Section 106 Agreement, a copy of which can be found at *Appendix 1*. A copy of the officer's report is also appended at *Appendix 2*.
- 2.3 The site has stalled and has remained undeveloped for a number of years, with the current consented scheme having been demonstrated to be unviable and therefore unlikely to come forward with the current level of planning obligation being sought through the Section 106 Agreement dated the 30th August 2015.
- 2.4 The applicant has submitted a viability assessment which has been appraised by the Council's independent expert (District Valuations Service - DVS) and it has been found to be unviable, for the full policy compliant level of affordable housing, based on the current market conditions and established viability guidelines. A copy of the DVS Viability Appraisal Report can be found at Appendix 3 of this report. This is the same report and review that was considered by the Panel in March.
- 2.5 A Deed of Variation is therefore sought, again, to reduce the Affordable Housing provision from three (3) units to one (1) unit, provided on-site, based on the inclusion of the council's standard viability review and completion clauses, to ensure that if the development does not come forward for development in the short term, the council has the ability to review the viability position at a fixed point in the future. The applicants have tabled a revised off-site contribution of £25,000, which exceeds the amount that DVS found to be viable for this scheme.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently allows viability to be taken into account as set out within the "saved" policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) at Policy CS15 – Affordable Housing. This policy confirms that a scheme's viability is a material consideration and where an independent assessment confirms that a scheme is struggling its delivery may still be policy compliant despite a shortfall to the 35% requirement.

4.0 Relevant Planning History

- 4.1 This scheme (see above description of development) was approved by the Planning Panel in August 2012, and was implemented, but has become stalled due to viability issues of building out the consented scheme.

5.0 Planning Consideration Key Issues

- 5.1 The key issue for consideration is whether the Planning & Rights of Way Panel are willing to vary the terms of the original Section 106 Agreement by way of reducing the provision of the fully policy compliant Affordable Housing obligation, on viability grounds, with the aim of encouraging the development proposal to be built out in the short term and make provision for one unit of Affordable Housing. The applicant (and officers) acknowledge that the Panel were unable to support this request in March and an improved offer has now been made. As officers had

previously recommended the previous variation for approval this improved offer is again acceptable to officers.

- 5.2 If the proposal is rejected it is unlikely that the consented development will come forward in the short term and a revised planning proposal will be required.
- 5.3 Another option for the applicant is to re-submit an updated viability assessment once the Section 106, 5 year period has elapsed (August 2018), whereby the Council will need to make a further decision (at Panel), which may then be subject of an appeal to the Planning Inspectorate where external resource would be needed to defend the appeal in light of the current recommendation and support offered by the DVS to the revised affordable housing offer. There is a risk that circumstances will change by the time an appeal is lodged and considered that any current surplus will no longer be viable. Similarly, circumstances may improve and the scheme could become more viable in the longer term, but officers consider that weight should be given to the delivery of housing to meet current need and therefore support the request.

6.0 Conclusion

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

Local Government (Access to Information) Act 1985

Private and Confidential

Simon Mackie
Planning Agreements Officer
Planning & Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Southampton Valuation Office
2nd Floor Overline House
Blechynden Terrace
Southampton
Hampshire. SO15 1GW

Our Reference: GAT/1652831
Your Reference: 12/00596/FUL

Please ask for : Gavin Tremeer
Tel : 03000 504331
Mobile : 07786 734080
E Mail : gavin.a.tremeer@voa.gsi.gov.uk

Date : 13th November 2017

Dear Simon,

**DESK TOP REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT
PROPOSED SCHEME: Land at junction of Brownhill Way and Lower Brownhill Road,
Southampton. SO16 9LF.**

I refer to our previous fee quote and your email dated 11th October 2017 confirming your formal instructions to carry out a desk top viability assessment in respect of the above proposed development.

This report is not a formal valuation.

The date of assessment is 13th November 2017.

We have reviewed the assessment provided by Intelligent Land on behalf of the applicant Barker Mill Estates.

The assessment has been made by comparing the residual value of the proposed scheme with an appropriate benchmark figure having regard to the National Planning Policy Framework and the published RICS Guidance Note into Financial Viability in Planning.

The principal objective of our Brief and the subject of this report are to establish whether there is financial justification for any affordable housing and section 106 contributions.

General Information

It is confirmed that the viability assessment has been carried out by Gavin Tremeer, a RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation.

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest. DVS has had no other previous material involvement with the property.

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006.

The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report unless previously agreed.

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Following the referendum held on 23 June 2016 concerning the UK's membership of the EU, the impact to date on the many factors that historically have acted as drivers of the property investment and letting markets has generally been muted in most sectors and localities. The outlook nevertheless remains cautious for market activity over the coming months as work proceeds on negotiating detailed arrangements for EU exit and sudden fluctuations in value remaining possible. We would therefore recommend that any valuation is kept under regular review.

You have forwarded the developers assessment to review. We have now undertaken our own research and assessment and would report as follows:

Background:

The planning reference for this site is 12/00596/FUL, and is as follows:

'Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.'

The proposed site extends to approximately 0.51 Ha (1.25 Ac) and sits within a predominantly residential location. It is bounded by roads with the exception of the western boundary which abuts neighbouring arable land (Lidl site) and an existing residential unit.

We understand that consent was granted in 2012 and that this has been implemented to protect the consent but that the development has now stalled. It is the contention of the applicant that at the policy level of section 106 contributions, CIL contributions and 3 affordable units, the scheme is not viable.

The applicant is stating that due to a number of significant unforeseen abnormal costs, that the scheme can no longer provide the policy level of affordable housing. Following their assessment of the policy compliant scheme, their appraisal shows a negative land value of -£315,142. Their 100% open market appraisal shows a profit on GDV of 18.74% and they therefore contend that no affordable housing contribution can be made.

The Scheme:

We have been provided with the assessment undertaken on behalf of the applicant.

For the purpose of this desk top assessment we assume the areas stated on the floor plans provided are correct. The scheme as proposed by the applicant is as follows:

| Type | Number of Units | Average Unit Size (Sq m) | Gross Internal Area (Sq m) |
|----------------------------|-----------------|--------------------------|----------------------------|
| Private Residential | | | |
| Two bed semi-det house | 1 | 90.4 | 90.4 |
| Two bed detached house | 1 | 70.6 | 70.6 |
| Three bed semi-det house | 1 | 70.6 | 70.6 |
| Three bed detached house | 11 | 82.7 | 909.7 |
| | | | |
| Total | 14 | | 1,141.3 |

Viability Assessment:

This report deals with each major input into the viability assessment of the scheme. This desk top assessment has been undertaken following our own research into both current sales values and current costs. We have used figures put forward by the applicant if we believe them to be reasonable.

We have used a bespoke excel based toolkit with cash flow to assess the scheme which is attached as Appendix 1.

We would summarise our assessment of the Scheme as follows:

1) Development Value -

a) Private Residential / Commercial:

The applicant has provided detailed comparable sales evidence from nearby new-build developments, and from existing properties. They have also commissioned estate agents Sequence Homes to provide their opinion of value and based on this have adopted the following average values compared to ours:

| Type | Developer | DVS |
|--------------------------|-------------------|-------------------|
| Two bed semi-det house | £210,000 | £210,000 |
| Two bed detached house | £215,000 | £215,000 |
| Three bed semi-det house | £240,000 | £240,000 |
| Three bed detached house | £236,818 | £236,818 |
| | | |
| Total | £3,270,000 | £3,270,000 |

From our own research we consider the figures provided for the residential units to be reasonable and we have therefore used the same in our appraisal.

b) Gross Development Value (GDV):

On the basis of the proposed scheme, with no affordable housing, we assess the gross development value to be £3,270,000 in line with the applicant's submission.

2) Development Costs -

a) **Build Cost:**

The applicant has not provided a detailed breakdown of costs for this scheme but have instead relied on the BCIS guide. They have adopted the following base build rates:

Detached Houses - £1,371 per m²
Semi-Det. Houses - £1,138 per m²

In their report the applicant has stated that the scheme will be built out by a local builder; Barker Mill Estates in this instance.

For a scheme in a lower value location such as this we would normally expect to see build cost base rates closer to the Lower Quartile BCIS figures.

However, the applicant has indicated that a BCIS Median level of cost is appropriate as smaller schemes such as this will not benefit from quantum discounts available to volume housebuilders who are able to order in bulk and we would agree that with smaller developments such as this, economies of scale are less easily achieved when compared with larger green field schemes.

The above proposed figures put forward actually sit between the current Lower Quartile and Median costs, with the detached property costs (which make up the majority of the scheme) being close to the Lower Quartile figure. Current BCIS figures adjusted to the Southampton location are as follows:

Detached:
Lower Q = £1,346 per m²
Median = £1,606 per m²

Semi-detached:
Lower Q = 1,072 per m²
Median = £1,180 per m²

We therefore consider them not to be overstated and have included the same in our appraisal.

In addition an external works cost allowance of 15% of base construction costs has been included (to include the proposed children's play area), which again is roughly what we would expect to see for a scheme of this nature.

Overall we have included a base build cost of £1,526,861 (excluding contingency, professional fees or abnormal costs), plus external works costs of £229,029 which is in line with the applicant's submitted figures.

- b) **Build Contingency** – The applicant has included a contingency of 5% which is reasonable and in line with other similar schemes we have previously assessed.

Professional Fees – The applicant has included professional fees totalling £190,858 which equates approximately **10.89%** of base build costs and externals. They assert that this is higher than usual due to quantum given the small size of the scheme, plus additional third party input as follows:

- Enhanced ecology work relating to CFSH.
- Enhanced design work relating to CFSH.
- CFSH calculations, reporting and advice.
- Enhanced drainage advice relating to CFSH.

Typically we would expect to see closer to 8% for these costs but this can be higher where the scheme is more complex and would require additional consultation.

The scheme we have assessed is on an all-private basis due to the contention of the applicant and with the policy compliant scheme already having consent.

We are informed by the applicant that on an all-private basis it is proposed that the CFSH condition be removed through variation to assist viability. Therefore if we are considering the scheme on this basis no regard should be had to the additional professional fees relating to this element.

However, overall £190,858 is not considered to be particularly excessive as a total professional fee cost but we have reduced it slightly to **10%** (total £175,516) instead to reflect the CFSH consultation fees.

- c) **Abnormal costs** – The applicant has provided a breakdown of abnormal costs undertaken by Sutherland Surveyors. Costs totalling £415,000 have been stated in the applicant's report as a consequence of the current S.106 agreement, but they state that items relating to CFSH and air source heat pumps will be removed for an all-private scheme, thereby reducing the total to £267,000. The bulk of these costs are as follows:

- Foul pumping station and associated works and items - £113,000 total
- Ditch culverting - £52,000
- Permeable paving and attenuation tank - £30,000
- Over-extra for deep foundations - £40,000

We have briefly consulted our QS team to discuss these additional costs who have talked us through the circumstances where they will be required.

The costs are considered to be reasonable on the assumption that the items and works are required for this site and we have therefore included them in our assessment.

Sometimes an external works allowance can reflect some of these types of works. However, in this instance the external works allowance of 15% (reflected separately) is at the low end of the range we would expect to see and therefore the additional over-extra costs are considered to be justified.

- d) **Section 106/CIL Costs** – The applicant included the following in their appraisal:
 S.106: £6,890
 CIL: £79,876

However, we are informed by you that the required contributions are actually:

S.106: £42,548
 CIL: £0

We have therefore included these figures in our appraisal instead but if this differs, it will affect our assessment.

e) **Sales and Marketing Fees** – The applicant has included a total of 2% for sales and marketing costs in their appraisal which is reasonable for this scheme.
In addition, they have included legal sales fees at £1,000 per unit which is also deemed reasonable and we have therefore included the same in our appraisal.

f) **Finance costs** - The applicant has adopted a rate of 6.5% which is within the range we would expect to see and in line with similar schemes that we have recently assessed.

g) **Developers Profit** – In the current market a range of 15% to 20% of GDV for private residential, 6% of GDV for affordable is considered reasonable.

The applicant has adopted a profit level of **20%** of gross development value in their appraisal which is deemed to be slightly high taking account the overall size and timeframe of the proposed development and the relative risk associated with it.

We consider a developer profit of **17.5%** on GDV to be sufficient for this scheme which is in line with other similar recent schemes we have assessed in this location and have therefore adopted this in our appraisal for the purposes of viability testing.

h) **Development Programme** – The applicant has assumed the following development timeframe for this scheme:

- Construction Period of 12 months (excluding **6 month** lead-in period)
- Sale period of **12 months** beginning directly after the construction period.

Usually with a scheme of this nature we would expect to see an overlap with the construction period and sales period but it is understood that due to the site only having one access point that the construction will need to be fully completed before the units can be sold.

We agree with the suggested construction period but have reduced the lead-in period to **4 months** due to this being a full planning application. We have also reduced the sales period to **8 months** which is calculated on a straight line basis within the cash flow of the appraisal.

i) **Land Value** – Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the existing use value, or alternative use value of the site.

The applicant has included a figure of £75,000 which is based on the existing use value of the site as grazing/scrub land plus a seller incentive as follows:

- Existing use value = £62,500 (based on £50,000 per acre)
- Plus 20% seller incentive of £12,500

Total = £75,000

They have provided evidence of grazing land sales within the New Forest location which indicate a value in the region of £40,000 per acre for a small parcel of equestrian use grazing land. They have increased this to £50,000 per acre for the subject site due to its close proximity to Southampton.

As an existing use value, taking account of the quality of land and lack of any equestrian facilities such as water supply, stables or sand school area we consider the existing use value to be at the higher end of the range but accept that being within convenient reach to a large city could make it a more attractive proposition.

Overall, taking account of potential hope value for development we consider that in the current market a prospective developer would pay up to £75,000 for this site even as a speculative purchase for development in the medium – long term future. Therefore, for the purposes of viability testing we have included the same in our appraisal.

In addition agent/legal fees have been included at a standard rate of 1.75%.

Overall assessment:

Following our desktop assessment we are of the opinion that the proposed scheme, with no affordable housing and a developer profit of 17.5% is borderline in terms of being viable. Our appraisal shows that a small potential surplus of up to £76,846 is available for an off-site affordable housing contribution (See Appendix 1).

We broadly agree with the figures put forward by the applicant with the exception of the following (as highlighted in bold above):

- Professional fees
- CIL/S.106 contributions
- Developer profit
- Development programme (lead-in, and sales periods)

The biggest difference between our figures is with the developer profit. With no affordable housing contribution our appraisal indicates that the scheme would achieve a profit level of approximately 20% on GDV but due to the relatively small scale nature of this scheme and short timeframe, we consider 17.5% to be a reasonable level of profit, thereby providing a small surplus for affordable housing. This is in line with numerous other agreements for similar schemes in the south of England.

The main factor impacting the viability of this scheme is the low value nature of the location, but it is also worth noting that 12 of the 14 proposed units at this site are detached.

Construction costs for detached units are higher than for equivalent sized terrace and semi-detached houses, although there would be a difference in achievable revenue between these types. However, by constructing terrace and/or semi-detached units the site density could be increased which would help to improve viability.

The newly identified abnormal costs also impact viability but to a slightly lesser extent.

Due to the sensitivity of the valuation appraisal, a slight reduction or increase in these figures will have a large influence on the surplus available for affordable housing.

We consider that it would be reasonable in these circumstances to require the applicant to enter into an agreement to build the site to core and shell within 18 months. If they had not achieved this within the timeframe then a second viability assessment would take place giving the Council the opportunity to achieve a higher commuted sum if sales prices had improved.

I trust this report deals with the issues as required but please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail.

Yours sincerely

Gavin Tremeer BSc MRICS
RICS Registered Valuer
Development Consultant
DVS South East

Reviewed by:

Tony Williams BSc MRICS
Head of Viability (Technical)
DVS South East

Appendix 1 – Viability Appraisal 100% Private Scheme

DRAFT

24th April 2018 – 12/00596/FUL Planning Panel Minutes:

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

The erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.

Mark Hewitt (Agent) and Councillors McEwing and Pope (Ward Councillor, objecting) were present and with the consent of the Chair addressed the meeting.

The presenting officer reported that an objection had been received by Councillor Pope.

The Panel then considered the officer recommendation to delegate to the Service Lead – Infrastructure, Planning and Development to agree a deed of variation to the Section 106 Agreement dated 30 August 2013 to reduce the affordable housing provision, on viability grounds, to the provision of one (1) on-site unit, and a financial contribution amounting to £25,000. Upon being put to the vote the recommendation was lost.

A further motion to delegate approval to the Service Lead: Infrastructure, Planning and Development to negotiate a Deed of Variation with the developer for two (2) affordable housing units was then proposed by Councillor Savage and seconded by Councillor Barnes-Andrews.

RECORDED VOTE to delegate authority to the Service Lead: Infrastructure, Planning and Development to negotiate and enter into a deed of variation.

FOR: Councillors Savage, Barnes-Andrews, Claisse
Murphy and Wilkinson

ABSTAIN: Councillors Denness and Hecks

RESOLVED that the Panel delegated to Service Lead: Infrastructure, Planning and Development authority to negotiate a Deed of Variation with the developer for two (2) affordable housing units and vary the Section 106 accordingly.

This page is intentionally left blank



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Turley Associates
Mrs Rachel Lamb
6th Floor North
2 Charlotte Place
Southampton
SO14 0TB

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.**

Site Address: **Land At junction of Brownhill Way and Lower Brownhill Road**

Application No: **12/00596/FUL**

Subject to the following conditions.

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings.

Reason:

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

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority, which includes:

- i. proposed finished ground levels or contours; public open space details; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and lighting;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment, including retaining walls; and acoustic barrier and;
- iv. a landscape management scheme.

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

Unless otherwise agreed in writing by the Local Planning Authority, the approved hard and soft landscaping scheme (including parking) for the site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

04. APPROVAL CONDITION - Retention of Boundary Hedge [performance condition]

With the exception of areas of hedgerow to be removed to accommodate existing and future vehicular and pedestrian accesses, The existing hedgerow on the boundaries of the site with Brownhill Way and Lower Brownhill Road shall be retained in accordance with the landscape management plan (pursuant to condition 03 above). With the exception of maintenance works, including highway maintenance, no part of the hedge shall be cut back, cut down, uprooted or removed. In the event of any unauthorised damage to or removal of any part of the hedge occurring, replacement screen planting and/or boundary screening to a specification to be provided by the Local Planning Authority shall be carried out by the owner of the site within six months of the date at which the damage or removal was first brought to the attention of the landowner by the Local Planning Authority.

Reason:

In the interests of the character of the area and the local biodiversity.

05. APPROVAL CONDITION - Permitted Development Restriction - Access [performance condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no vehicular access other than that shown on the approved plan shall be formed to the site.

Reason

In the interests of highway safety and to ensure the retention of the boundary hedgerow in the interests of the character of the area.

06. APPROVAL CONDITION - Noise mitigation measures [pre-occupation condition]

Unless otherwise agreed in writing by the Local Planning Authority, the noise mitigation measures as set out in the submitted Mott MacDonald Noise Assessment dated 2011 shall be implemented before the development hereby approved first comes into occupation and thereafter retained as approved.

Reason:

To ensure future

07. APPROVAL CONDITION - Ecological Mitigation Statement [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the Ecological Mitigation measures shall be implemented in accordance with the recommendations as set out in the submitted Ecosa Phase 2 Ecological Surveys dated May 2012.

Reason

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

08. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

09. APPROVAL CONDITION - Tree Retention and Safeguarding [Performance Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as set out in the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement has been put in place. The tree protection measures shall remain in place for the duration of the construction works.

Reason:

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

10. APPROVAL CONDITION - Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

11. APPROVAL CONDITION - Archaeological Investigation [pre-commencement condition]

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

Reason:

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

12. APPROVAL CONDITION - Archaeological work programme [performance condition]

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

Reason:

To ensure that the archaeological investigation is completed.

13. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

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

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority. No deliveries shall be taken in or dispatched from the site, during the construction phase, between the hours of 08:30 and 09:30 and after 15:00, Mondays to Fridays.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and to avoid traffic congestion during rush hour times, having regard to the site's proximity to a school.

14. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

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

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved 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.

15. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

16. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

17. APPROVAL CONDITION - Refuse & Recycling Bin Storage [performance condition]

The refuse and recycling bin storage shall be provided in accordance with the plans hereby approved before the dwellings to which the stores relate first come into occupation and thereafter retained as approved.

Reason:

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

18. APPROVAL CONDITION - Cycle Storage [performance condition]

The cycle storage shall be provided in accordance with the plans hereby approved before the dwellings to which the storage relates first come into occupation and thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

19. APPROVAL CONDITION - Amenity Space Access [performance condition]

The gardens for the dwellings shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of each dwelling hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

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

20. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

21. APPROVAL CONDITION - Code for Sustainable Homes [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

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

22. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-commencement Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be

verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

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

23. APPROVAL CONDITION - Telecom masts [Performance Condition]

The mast and equipment hereby approved and any subsequent replacement(s) shall comply with the International Commission on Non-ionising Radiation Protection Guidelines in respect of radio frequency emissions. Once fully installed and operational, the developer shall demonstrate to the Local Planning Authority compliance with the relevant guidelines.

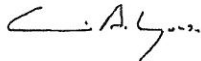
Reason:

To ensure that the installation complies and continues to comply with the guidelines and does not represent a threat to public health.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 21.08.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

"Saved" Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.



Chris Lyons
Planning & Development Manager



30 August 2013

If you have any further enquiries please contact:

Jenna Turner

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

| Drawing No: | Version: | Description: | Date Received: | Status: |
|--------------------|-----------------|---------------------|-----------------------|----------------|
| TA01 | | Location Plan | | Approved |
| 811-09 | C | Elevational Plan | | Approved |
| 811-10 | C | Elevational Plan | | Approved |
| 811-12 | B | Elevational Plan | | Approved |
| 811-14 | B | Elevational Plan | | Approved |
| 811-16 | B | Elevational Plan | | Approved |
| 811-18 | B | Elevational Plan | | Approved |
| 811-20 | B | Elevational Plan | | Approved |
| 811-22 | B | Elevational Plan | | Approved |
| 811-24 | B | Elevational Plan | | Approved |
| 811-26 | B | Elevational Plan | | Approved |
| 811-28 | A | Elevational Plan | | Approved |
| 811-30 | A | Elevational Plan | | Approved |
| 811-32 | A | Elevational Plan | | Approved |
| 811-34 | A | Roof Plan | | Approved |
| 811-35 | A | Roof Plan | | Approved |
| 811/SHD1 | | General Plan | | Approved |
| 811-06 | D | Site Plan | | Approved |
| 811-07 | A | Floor Plan | | Approved |
| 811-08 | A | Floor Plan | | Approved |
| 811-11 | A | Floor Plan | | Approved |
| 811-13 | A | Floor Plan | | Approved |
| 811-15 | A | Floor Plan | | Approved |
| 811-17 | A | Floor Plan | | Approved |
| 811-19 | A | Floor Plan | | Approved |
| 811-21 | A | Floor Plan | | Approved |
| 811-23 | A | Floor Plan | | Approved |
| 811-25 | A | Floor Plan | | Approved |
| 811-27 | A | Floor Plan | | Approved |

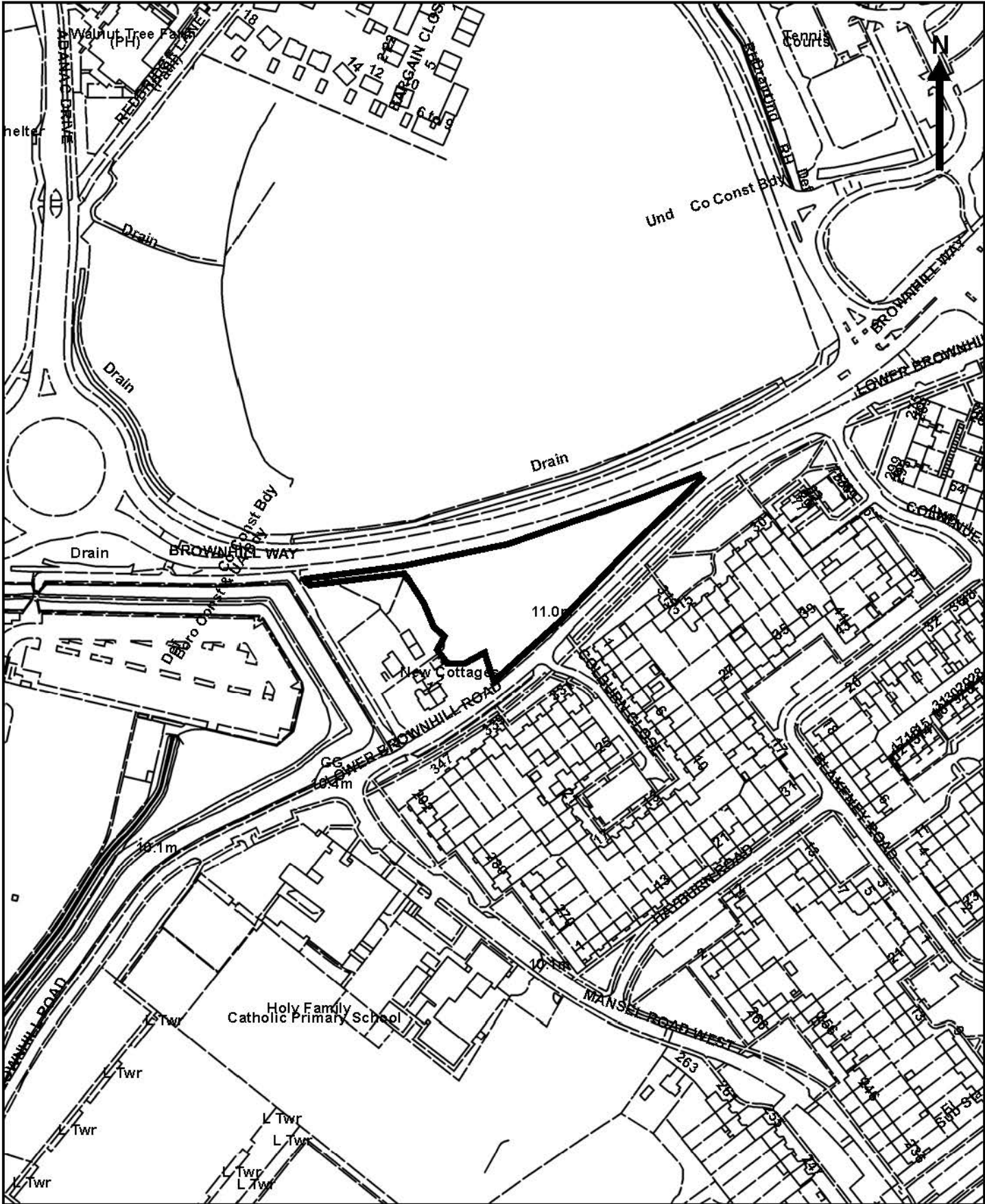
| | | | |
|--------|---|------------|----------|
| 811-29 | A | Floor Plan | Approved |
| 811-31 | A | Floor Plan | Approved |
| 811-33 | B | Sections | Approved |

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals can be submitted on line www.planning-inspectorate.gov.uk or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.
4. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.
9. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012)
Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**

Agenda Item 8 18/00673/FUL

Appendix 4



Scale: 1:2,500

©Crown copyright and database rights 2014 Ordnance Survey 100019679



This page is intentionally left blank