

Planning and Rights of Way Panel

Tuesday, 12th November,
2019

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 Mitchell (Vice-Chair)
Councillor Coombs
Councillor G Galton
Councillor L Harris
Councillor Vaughan
Councillor Windle

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

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

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

Dates of Meetings: Municipal Year 2019/2020

2019	
4 June	17 September
25 June	15 October
16 July	12 November
6 August	10 December
31 August	

2020	
14 January	31 March
11 February	21 April
10 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

OTHER INTERESTS

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

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 15 October 2019 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 19/00038/OUT - NELSON GATE, SOUTHBROOK ROAD (Pages 7 - 68)

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

6 PLANNING APPLICATION - 18/01045/FUL - LAND AT BARGAIN FARM BROWN HILL WAY (Pages 69 - 94)

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

7 PLANNING APPLICATION - 19/01530/FUL - 59 BURGESS ROAD (Pages 95 - 110)

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

8 PLANNING APPLICATION - 19/01533/FUL -18 GROSVENOR ROAD

(Pages 111 - 124)

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

9 QUARTERLY DEVELOPMENT MANAGEMENT FIGURES

(Pages 125 - 126)

Report of the Service Lead - Infrastructure, Planning and Development detailing key planning metrics for information and consideration.

Monday, 4 November 2019

Director of Legal and Governance

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 15 OCTOBER 2019

Present: Councillors Savage (Chair), Mitchell (Vice-Chair), G Galton, L Harris, Windle and Bunday

Apologies: Councillors Coombs and Vaughan

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

It was noted that following receipt of the temporary resignation of Councillor Coombs from the Panel, the Service Director, Legal and Governance acting under delegated powers, had appointed Councillor Bunday to replace them for the purposes of this meeting. The Panel also note the apologies of Cllr Vaughan.

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

RESOLVED: that the minutes for the Panel meeting on 17th September 2019 be approved and signed as a correct record.

30. **PLANNING APPLICATION -**

Decision on this matter was deferred to a future meeting of the Panel to enable further analysis of the evidence submitted to support the planning application.

31. **PLANNING APPLICATION - 19/00227/FUL - 35 BELMONT RD**

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 part two storey part single storey rear extension for conversion of the building into 3 x flats (1 x 3 bed, 1 x 2 bed, 1 x 1 bed) with associated parking and bin and cycle storage.

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

The Panel expressed concerns in regard to the size and layout of the proposed 1 bedroom flat within the extended roof-space. In addition it was noted that the parking survey was conducted out of the university term times.

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

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

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) refused planning permission for the reasons set out below.

Reasons for Refusal

1. It is considered that the size and layout of the proposed 1 bedroom flat within the extended roof-space fails to provide a good quality living environment. The proposal is considered to result in a cramped form of development which fails to provide adequate facilities and living space to justify the density of development proposed. As such the proposal would prove contrary to Policy SDP1(i) of the City of Southampton Local Plan Review (2015) as supported by the relevant provisions of the Council's Residential Design Guide (2006).
2. In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 12th November 2019 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AG	DEL	15	19/00038/OUT Nelson Gate, Southbrook Rd
6	JT	DEL	15	18/01045/FUL Bargain Farm
7	AC	CAP	5	19/01530/FUL 59 Burgess Rd
8	AC	CAP	5	19/01533/FUL 18 Grosvenor Road

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

Case Officers:

AG – Andy Gregory

JT – Jenna Turner

AC – Anna Coombes

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

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 3 2011-2031
 - (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 (revised 2016)
- (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) Cycling Strategy – Cycling Southampton 2017-2027
- (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) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

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

Agenda Item 5

**Planning and Rights of Way Panel 12th November 2019
Planning Application Report of the Service Lead – Infrastructure, Planning and
Development.**

Application address: Nelson Gate, Southbrook Road, Southampton			
Proposed development: Hybrid planning application for mixed-use development comprising: (1) Outline planning permission (with all matters reserved) sought for a multi-storey building comprising residential (C3), hotel (C1) and retail (A1 to A5) uses alongside associated parking, landscaping and vehicular access. (2) Detailed planning permission sought for the demolition of Grenville House, erection of a three-storey podium extension to Norwich House (accommodating office (B1) and retail (A1 to A5) uses), external alterations to both Norwich and Frobisher Houses, provision of a site-wide hard and soft landscaping scheme, and associated site works including parking provision and modified access arrangements.			
Application number	19/00038/OUT	Application type	Major mixed use development
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	19.04.2019 (ETA)	Ward	Bargate
Reason for Panel Referral:	5 or more objections received	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Darren Paffey

Applicant: FI Real Estate Management	Agent: WYG
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Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	DVS Viability Review dated 24.10.19		

REASON FOR GRANTING PLANNING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters.

The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2018).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, HE2, HE6, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP1, AP2, AP5, AP9, AP16, AP17, AP20 and AP21 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2019).

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, to include necessary Traffic Regulation Orders and relocation of existing taxi bays, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - (ii) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - (iii) Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - (iv) Submission of a Training & Employment Management 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);
 - (v) 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);
- (vi) Affordable housing viability clause;
 - (vii) Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
 - (viii) Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
 - (ix) Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses; and
 - (x) Submission of a scheme of works and management plan for the permitted route, public square and other publically accessible areas around the site.
3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
 4. That the Service Lead for Infrastructure Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1 The site and its context

- 1.1 Nelson Gate has a site area of 1.5 hectares and comprises a group of office buildings (Norwich House, Frobisher House and Grenville House) and car park, located to the north of the Central train station. Norwich House is the tallest building within the group and comprises a 14-storey office block located centrally within the site and has been vacant since June 2010. Frobisher House comprises a 7-storey building with 3 commercial units at ground floor (A class uses). Grenville House comprises a 5-storey building with 2 commercial units at ground floor (A class uses), located adjacent to the Central Station.
- 1.2 The buildings frame a central car park and servicing area which is accessed from Southbrook Road. The western part of the site comprises a surface level car park, accessed from Southbrook Road, which accommodates 110 parking spaces (27 of which are for public use) with a mature tree screen.

- 1.1 Existing office floor space within Nelson Gate comprises the following:

Norwich House	6335sqm
Frobisher House	6686sqm
Grenville House	1265sqm
Total	14,286sqm

- 1.4 Prior approval has been granted for the change of use of Norwich House and part of Frobisher House into residential accommodation. The majority of the office stock across the site is vacant however there are some current tenants within Grenville House.

- 1.5 The existing office buildings are framed by areas of mature landscaping and trees, particularly along the northern and western boundaries. New public realm works have recently been carried out around the central station and to the east of Nelson Gate. The site topography falls from north to south with a level difference of approximately 4m between Commercial Road and Southbrook Road. Site levels also rise along the western boundary with a tree lined embankment adjacent to Central Station Bridge. Existing taxi parking bays are located along the Southbrook Road frontage.
- 1.6 The surrounding area has a mixed commercial and residential character. Existing neighbouring office development is located to the south (Overline House) and to the north (Spring Place and Skandia Point). Loveridge Trading Estate is located to the east and access from Southbrook Road. Existing nearby residential development includes Wyndham Court to the east, a grade II listed building, and housing within Mandela Way to the north-west.

2 Proposal

- 2.1 This is a 'hybrid planning' application for mixed use development, meaning that part of the scheme is fully detailed with the remainder requiring further detail. It comprises:
- 2.2 **Outline planning permission (with all matters reserved) sought for:**
- A multi-storey building, comprising residential (C3 use), hotel (C1 use) and retail (A1 to A5 uses) uses, located on the existing public car park within the western part of the site.
 - The proposal is seeking to establish the principle of introducing a residential tower with adjoining lower rise hotel building. Indicative plans have been provided to show how the site could be developed with the following:
 - 20-storey tower with a maximum height of 71.13AOD, containing 110 new residential units (74 x1-bed and 36 x 2-bed) including a commercial unit and ancillary residential facilities at ground and lower ground floor; and
 - Adjoining 11-storey hotel building with a maximum height of 47.28AOD, containing 225 bedrooms and associated hotel facilities; and
 - A double level car park accommodating 43 car parking spaces with hotel amenity podium over is shown within the western part of the site.
- 2.3 **Detailed planning permission is sought for the following:**
- Demolition of Grenville House and the erection of a three-storey podium extension to Norwich House accommodating 4 no. ground floor commercial units (flexible A1 to A5 uses) at ground floor with office accommodation (2,112sqm) over, with communal terraces for residents and office workers at roof level);
 - External alterations to Norwich House including installation of concrete frame balcony system, curtain walling and concrete panels;
 - External alterations to Frobisher House including installation of concrete frame balcony system, glazed curtain walling and curtain walling with ceramic backed spandrels;
 - The western wing of Frobisher would be retained as office floor space with 2,217sqm of newly refurbished officer accommodation.

- Frobisher House will also retain 2 no. commercial units (flexible A1 to A5 uses) along the ground floor frontage to Wyndham Place;
- The existing parking area between Frobisher House and Norwich will provide a total of 68 car parking spaces; and
- The proposal includes associated landscaping works including the provision of a new meandering landscaped permissive public route, broadly following the alignment of the existing public footpath through the site between Commercial Road and Southbrook Road.

2.4 Across the hybrid scheme a total 11 no. trees are proposed to be removed (B/C Category trees) with 22 no. replacements proposed.

2.5 The Panel are being asked to consider the principle of all development and the detail of the fully designed phase. Indicative plans are included to show that a tall building comprising a hotel can be accommodated despite all details of this phase being 'Reserved' at this stage.

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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (March 2015). The most relevant policies to these proposals are set out at ***Appendix 1.***

3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 Nelson Gate is located within the MDZ-Station Quarter as designated under policy AP21 of the City Centre Action Plan. Development within this area is expected to create a high quality and distinctive gateway and point of arrival for the city centre.

3.4 Office, residential, hotel, leisure, appropriate food/drink, small-scale retail will be supported in this location. New development within this area and the redevelopment of existing office buildings is required to provide office accommodation in line with policies AP1 (new office development) and AP2 (existing office development). Policy AP21 also seeks a greater amount and overall enhancement of public open space on the northern side of the Central Station. Tall building policy AP17 indicates that tall buildings of 5 storey or more and landmark buildings will be permitted as part of clusters of tall buildings within the Station Quarter.

3.5 Policy AP2 of the City Centre Action Plan relating to existing office accommodation currently defines Nelson Gate as a prime office area and indicates that net loss of office floor space will not be supported unless there are clear economic benefits. It should also be noted that policy AP2 indicates that Nelson Gate will be re-classified as an intermediate office area once major new

office development has been delivered in the MDZ Station Quarter, Western Gateway or Royal Pier Waterfronts Areas. Mixed use regeneration and the loss of some existing office floor space can be supported within the intermediate office area. Policy AP1 indicates that existing office site, identified within policy AP2 are also suitable sites for new office development.

4. Relevant Planning History

- 4.1 The existing office buildings and associated car parking and landscaping were granted planning permission on 05.05.1972 (LPA Ref 1438/P21). There have been subsequent planning applications for the creation of ground floor retail and food & drink units within Frobisher House and Grenville House.
- 4.2 Prior approval has been granted to change of use of part of the ground to fifth floors of Frobisher House from office use to 63 residential units (Class C3). Ref 19/00018/PA56.
- 4.3 Prior approval has been granted for change of use of part of the second to fifteenth floors of Norwich House from office use to 74 residential units (Class C3). Ref 19/00018/PA56
- 4.4 Prior approval has also been granted for change of use of the upper floors (1 - 4) of Grenville House from office use to 24 flats. Ref 17/01622/PA56.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (01.02.19) and erecting site notices (29.01.19). At the time of writing the report 5 representations have been received raising the following issues:

5.2 Overlooking and overshadowing of houses within Mandela Way

Officer Response – The indicative building heights and development density is considered appropriate having regard to the immediate context and site location adjacent to the central railway station. The indicative position of the 20-storey residential tower is located approximately 70m from housing within Mandela Way which is considered to be reasonable separation distance within this city centre context and will not give rise to unreasonable overlooking or loss of privacy. Furthermore the indicative arrangement for the hotel has bedrooms with an east or west facing aspect, rather than north facing towards Mandela Way.

- 5.2.1 *The introduction of external balconies to Norwich House and Frobisher House will have a negligible overlooking impact having regard to the orientation of buildings separation distance (approximately 80m) from Mandela Way. The application is supported by a shadowing impact which demonstrates the proposal would not lead to adverse shadowing of neighbouring properties having regard to the BRE Daylight and Sunlight Standards. The submitted shadow diagrams show no adverse shadowing of private gardens within Mandela Way. There is some increased shadowing to the southern elevations of housing within Mandela Way between 10am-11am (taking 21st March as the average circumstance) which is considered only a limited impact during daylight hours and, on balance, this impact is not considered to outweigh the merits of this scheme.*

5.3 **Increased Traffic Generation**

Officer Response - The Council's Highways Team have raised no objection. The substantial reduction in office accommodation across the site heavily reduces the peak vehicular trips generated by Frobisher House, Norwich House and Grenville House. The provision of 111 spaces across the site is significantly below the Council's maximum car parking standards for the quantum of development proposed with a maximum of 212 spaces possible. The site is located within a sustainable location where reduced car parking can be supported having regard to the close proximity to public transport and other amenities with the city centre. Cycle parking facilities shall be secured by condition in order to promote alternative sustainable modes of transport.

5.4 **A phasing plan should be secured which clearly identifies the sequencing of the various elements of the scheme, to secure adequate protection for existing leasehold occupiers within Grenville House.**

Officer Response – The agreement of terms for vacant possession between the developer and existing leaseholders is a private civil matter. A phasing plan will be secured to ensure delivery of the 4329sqm of office space within Norwich and Frobisher, the permissible route and public square prior to occupation of any part of the proposed multi-storey tower. However the phasing plan is unlikely to support the delay to demolition of Grenville House because that would hold up delivery of the new office accommodation, commercial units and public square adjacent to the central railway station.

5.5 **City of Southampton Society – No objection**

We are pleased to support the redevelopment of Nelson Gate and bring these buildings back into use and have no objection to their partial use for residential purposes and for the construction of a hotel and residential tower block to the west of the site. We are now satisfied from the shadow diagrams that the properties at 18-21 Mandela Way will not be adversely impacted. Likewise we are satisfied that steps will be taken to ensure that external noise (e.g. from the railway) will not have an adverse impact on the residents.

5.5.1 With reference to the latest report from the Hampshire Fire and Rescue Services we would like their recommendation that the installation of an Automatic Water Fire Suppression Systems (AWFSS) be made a condition in all the high rise blocks. We agree that the latest designs by the Design Advisory Panel ensure that Norwich and Frobisher Houses have a closer relationship with Wyndham Court. We are however disappointed that the new hotel and residential block are not a closer match - we are mindful that as yet these are just Outline plans for these buildings.

5.5.2 We are still concerned that the gap between the new hotel and Norwich House is only a 'permissive way' and not a full right of passage for the public.

5.5.3 The open space between the development and the (north) station entrance is still lacking sufficient greenery. Even now, without the additional heat from sunlight reflected from the new buildings, visits to the area during the summer months are oppressively hot.

5.5.4 Finally, we would like to see not only more space allocated for community use but also the provision of public conveniences, somewhere on the ground floor of

either Norwich House or Frobisher House - this should be made a condition for all major developments in the city centre.

- 5.5.5 *Officer Response – Public access through the permissive route will be retained at all times. Fire Safety measures are addressed through Building Regulations approval.*

5.6 Consultation Responses

5.7 SCC Highways – No objection

The site is situated within a sustainable city centre location where reduced car parking provision can be supported. The provision of 111 parking space to serve the proposed quantum of development is below the Council's maximum parking standards and is appropriate for the locality. Existing parking controls are in force within surrounding streets to prevent harmful overspill on-street parking stress. Furthermore the application is supported by evidence to demonstrate that the proposed development would generate less vehicular trips than the existing office floor space across the site and therefore the proposal will not have an adverse impact on network capacity. Measures should be sought to promote sustainable travel through a staff travel plan and on-site bicycle storage.

- 5.7.1 A servicing management plan will need to be secured so that refuse bins are not stored on the public highway and to ensure that servicing vehicles do not prejudice pedestrian and highway safety. The application should also seek to secure the re-provision of the taxi parking bays shown to be removed to accommodate the proposed vehicular access into the car park adjacent to the tower.

- 5.8 **Historic England** – In regard to this hybrid application the key concern for Historic England is the potential for a tall building in this location to adversely affect the significance of the grade II* listed Civic Centre by impacting on its setting.

- 5.8.1 The Civic Centre was designed to have a landmark quality with the campanile appearing in long- range views on approaching the city. We know that this was a conscious consideration taken into account by the architect E. Berry Webber. In this sense the townscape setting of the Civic Centre contributes to its significance as a listed building.

- 5.8.2 The view of the campanile from Northam Road has been identified as a key view (view CCC.16). The parameter plan (2297_40410) indicates that the tallest building (the new block) would be up to 71.13m AOD which equates to a 20 storey building. Figure 2 on page 49 of the D&AS shows that a building of this height would be as high as the tree line in the view from Northam Bridge. While the trees exist and are in full leaf they would obscure the new building. However, Fig. 1 on the same page indicates that the reduction in height of the building by one storey (to 66.48m) would reduce the impact of the building in the view of the campanile (particularly in winter or if the trees were ever removed).

- 5.8.3 While the introduction of new development into the back drop of the view of the campanile from Northam Bridge would cause a low level of harm to the significance of the heritage asset the NPPF expects harm to be avoided or minimised (paragraph 190) and for *any* harm to be clearly and convincingly

justified (paragraph 194). Paragraph 196 requires harm to be outweighed by public benefit. In this instance, therefore, we believe the overall height of the new tower (including air handling units, lift mechanisms etc) should be reduced to a maximum of 66.48m AOD as this would reduce the harm to the Civic Centre. To justify this harm the applicant would have to demonstrate that the extra accommodation was essential on viability terms and that the overall height and massing of the buildings could not be distributed in a less harmful configuration.

5.8.4 *Officer Response – The height of proposed tower is shown as indicative with building scale to be fixed as part of the reserved matters but within the context of the submitted maximum parameters. However the submitted parameters plan indicates the applicants are seeking a height of up to 20-storeys / 71.13mAOD. Therefore this application needs to be assessed based on the impacts of a 20-storey building in this location. The site is identified for a tall building cluster to the north of the station under policies AP17 and AP21 of the City Centre Action Plan. Officers are satisfied that the proposed tower will not adversely impact upon protected strategic views (as set out within policy AP16) or any additional sensitive views within the Council's Tall Building Strategy. However it is acknowledged that the location of the tower would impact on the view of the Civic Centre Campanile and the top of the 20-storey tower would be visible behind the base of the Campanile when viewed from Northam Road. Historic England have identified this as low level harm and the difference in impacts between a 19-storey and 20-storey tower is considered negligible based on the views shown on page 49 of the submitted Design and Access Statement. As such the parameter maximum height for the tower of 20-storeys / 71.13mAOD is not considered to cause significant impact to the setting of the Civic Centre and any low level of harm is outweighed by the wider public benefits of the scheme in terms of housing delivery, employment benefits arising from new 'fit for purpose' office accommodation and new commercial units, and the associated public realm/landscaping works.*

5.9 **SCC Heritage Officer - Objection**

This is an unusual application to be dealt with by the Conservation Team because it deals with relatively modern structures. However, there are heritage implications which need to be carefully considered in terms of the impact on the setting of Wyndham Court, a brutalist Grade II listed building, and the setting of St Peter's Church. There are other heritage assets in the vicinity including the Mayflower Theatre formerly the Gaumont Cinema, but there is less immediate impact on this building. In principle, I have no objection to the demolition of Grenville House.

5.9.1 Nelson Gate already acts as a landmark. Far more so than Wyndham Court which is relatively low lying. Nelson Gate acts as a strong backdrop to the spire of St Peter's Church when viewed from Cumberland Place. It is not a sensitive backdrop and in terms of the historic environment, I would regard it as harmful. Although there appears to have been much consideration of the impact on views towards the Civic Centre campanile (rightly so), there is insufficient attention paid to the backdrop (setting) of St Peter's Church which is heavily impacted by the tall building appearing behind the already harmful Nelson Gate. Option 2, considered in the planning statement would appear to be better in terms of impact on all the heritage buildings but due to the developer requirements for floorspace, results in a monolithic block (slab) which has less streetscape quality. Nevertheless, I feel that this might be an option which should be explored further

in view of the more sympathetic effect on the heritage assets. I currently have misgivings about the proposal and in the absence of a proper thorough investigation of the impact on St Peter's Church setting, would therefore raise objection.

5.9.2 *Officer Response - See response to Historic England above regarding the impact on views of the Civic Centre Campanile. The wider public benefits of the scheme (employment and housing delivery) are considered to outweigh the impact on the setting of St Peter's Church (the Vestry bar and restaurant) having regard to the existing impact from Norwich House and the separation distance from the proposed residential tower and St Peters Church (approx. 230 metres).*

5.10 **Urban Design Manager – No objection**

Satisfied with the amendments to the external balcony system to Frobisher House. Disappointed with the external appearance of Norwich, when compared to the pre-application proposal which included movable and fixed sun screens to balcony frames to emphasise the verticality of the balcony, but overall no objection to the proposed amended external alterations to Norwich House. Satisfied with the reduced gradient to the permissive route through the site (Sidford Street) now show as a meandering route, rather than a zig zag set of ramps with retaining structures and adjacent steps, but would prefer to see a quicker route for commuters to reflect desire lines. Satisfied with the triangular public space to the front of the retail units as a hard space with trees, with a different landscape character to the proposals in the northern part of the site. It is acknowledged that only the parameters of the residential tower and hotel are under consideration, not the design.

5.10.1 *Officer Response – The applicants would prefer to have a meandering landscaped permissive route (Sidford Street) and seek to use kerb edging and planting to prevent informal commuter desire lines across the grassed areas. On balance, the proposed arrangement is considered acceptable and a vast improvement over the original over-engineered ramps and steps solution.*

5.11 **Design Advisory Panel – No objection**

By introducing planting areas into the space in front of the retail units on Southbrook Road this has rather distorted the simplicity of the previous landscape strategy which had a hard space with trees to this area contrasting with the more luxuriant soft landscaping to Commercial Road. If low level shrub beds are to be introduced, then care needs to be taken as to how they are sited in respect of access and views through to the retail units and avoidance of 'trampling' by pedestrians in this periodically high commuter footfall area.

5.11.1 Care will need to be taken with regard to material finishes, particularly in relation to the repetitive form of the balconies on both buildings as this is the dominant feature of the overall architecture

5.11.2 Overall the Panel were disappointed that the sophisticated transformative proposals that had been presented previously for Norwich House and Frobisher House have now been reduced to a relatively simple refurb of the existing buildings which is hardly the transformative gateway which had been suggested at the previous Panel

- 5.11.3 Given the changes between presentations to the Panel, much greater pressure now falls on the residential tower/hotel to deliver a bold piece of contemporary architecture of landmark/gateway significance, and the Panel would expect the detailed proposals to be presented for review preferably prior to any future detailed submission, but at a point where the developer/applicant is confident that the quality of whatever is presented to Panel can be delivered.
- 5.11.4 *Officer Response* – The scheme has subsequently been amended following these DAP comments with improvements to the permissive route (Sidford Street), landscaping arrangements and improvements to the external alterations to Norwich House and Frobisher House.
- 5.12 **Ecology Officer** – No objection subject to conditions to secure ecological mitigation, protection of nesting birds and lighting design. In addition, peregrine falcons, *Falco peregrinus*, has successfully bred on Norwich House this year and consequently the proposed refurbishment must retain a suitable nesting area, ideally raised up slightly to prevent a nest being flooded during heavy rain. I would also like a nest site to be provided on the roof of the new tower which appears to be slightly higher than Norwich House. Ideally, refurbishment work on Norwich House will be timed to avoid the bird breeding season, which runs from March to August inclusive. However, if this is not possible, action to discourage the peregrines from breeding should be taken earlier in the spring. A method statement for avoiding impacts on peregrine falcons will be required and should be secured through a planning condition. As previously stated, any changes to the roof should not introduce higher levels of disturbance, e.g. regular human visits to the roof.
- 5.13 **Archaeology** – No objection subject to conditions to secure archaeological investigation
- 5.14 **Environmental Health** – No objection subject to conditions in relation to demolition, piling, plant details, construction management, noise mitigation, hours of work and refuse storage.
- 5.15 **Tree Officer** – No objection
The loss of six sycamore trees is a vast improvement on previous tree loss numbers, with the bulk of the amenity to Fourposts Hill being retained. Careful consideration will need to be placed on suitable protection for the remaining trees in tree group G4 during the construction, including overhanging canopies and on site operations; positioning of piling rigs, cranes and general plant movement throughout. Remedial pruning to those trees retained and future pressure to remove and /or prune should also be considered. The retention of the majority of tree group G1 (6 x Norwegian Maples), located on the northern side of Norwich House is welcome but again careful planning will be needed to protect them during the construction phase.
- 5.15.1 The other proposed tree loss on site is generally acceptable, given the low amenity value provided or condition of the trees marked for removal – T1, T2, T3

and 2x tree from G1. A total of 11 trees are to be removed with 22 replacements proposed. A detailed Arboricultural impact assessment and method statement on the site would be required to detail the full impact of the proposals and how these will be managed.

5.16 **SCC Land Contamination** - No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

5.17 **SCC Flood** – No comments received
Officer Response - The Environment Agency have raised no objection and conditions are recommended to secure the recommendations of the FRA and to secure a SUDS drainage scheme.

5.18 **Employment and Skills** - An Employment and Skills Plan Obligation will be sought via the Section 106 Agreement.

5.19 **Sustainability** - No objection subject to conditions to secure: 15% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use for the residential parts of the scheme; Very Good against the BREEAM Standard, with a minimum overall score of 62 and at least 3 credits in Ene01 on the hotel, office and commercial floor space; a reduction in CO2 emissions of at least 15% for the scheme; and the delivery of the proposed green and brown roofs.

5.19.1 The particular nature of this scheme as an addition to an existing site means that certain credits will be more difficult to achieve. However this is a significant site so it is important that the highest possible sustainability standards are achieved. The submitted pre-assessments are a reasonable assessment of what the site would be able to achieve therefore it would be acceptable to condition for Very Good to be achieved, with a minimum overall score of least 62, with Excellent to be sought where viable. It is essential that at least 3 credits are achieved in Ene1, with a priority to seek to achieve the additional potential credits. The area of the photovoltaic array necessary to deliver additional BREEAM energy credit exceeds the total roof area within the development.

5.20 **SCC Housing** – As the scheme comprises of 110 dwellings (as distinct from the Prior Approval units) the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 39 dwellings (38.5 rounded up).

Officer Response – SCC Housing have acknowledged the findings of the DVS viability review which found the scheme is not viable and cannot provide any contribution towards affordable housing. However the delivery of the scheme is questioned given the scheme is showing to be £7,875,312 underwater if delivered as PRS or £8,258,262 underwater as a private sale scheme.

5.21 **SCC Licensing Manager** - I have no concerns or objections to the proposal of plans, especially the hotel with regards the Licensing Act 2003 implications. However the proposal does look like it will impact on the taxi rank provision for

the train station opposite the site. This is one of the busiest taxi ranks in the city and is heavily used by hackney carriages. Currently we have 283 licensed hackney carriages in the city and only rank space for less than 100. Ranks across the city are often oversubscribed. I would not want this development to reduce the capacity at the rank.

Officer Response – Replacement taxi parking can be secured through the S106 agreement with opportunity to replace those spaces lost (in front of the new access) with opportunity for new spaces in front of the existing public car park access point.

5.22 **Environment Agency** - No objection subject to a condition to secure the recommendations of the submitted Flood Risk Assessment 4th Edition – August 2019.

5.23 **Natural England** – Holding objection

As submitted, the application could have potential significant effects on Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC), Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), and New Forest SPA, SAC and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Ecological assessment of impacts of the operational phase of the development on the designated sites

Officer Response – A habitats regulations assessment (HRA) has been produced to cover the impacts of the operational phase of the development on the designated sites. A copy of the HRA is appended to the report and has been sent to Natural England for further comments

5.24 **Southern Water:** No objection subject to a conditions regarding sewer diversion, network capacity and foul and surface water disposal. Informatives also requested regarding connection to the public sewer and drainage design to take into account the possibility of surcharging.

5.25 **Airport Safeguarding** – No objection subject to conditions to secure a Bird Hazard Management Plan and lighting and request an advisory relating to the use of cranes.

5.26 **Hampshire Fire & Rescue** – No objection and guidance provided in relation to fire safety

Officer Response – Fire safety is a matter for Building Regulations (Approved Document B: Fire Safety) however the suggested advisories (access for high reach appliances; water supplies; fire protection; testing of fire safety systems; fire-fighting and the environment; and timber framed buildings) can be attached to the decision notice.

Planning Consideration Key Issues

- 6 The key issues for consideration during the determination of this planning application are:
- the principle of the development
 - design and heritage impact;
 - residential environment & impact on neighbours;
 - highways;
 - habitats regulations; and
 - affordable housing and viability.

Principle of Development

- 6.1 The site is located within the MDZ – Station Quarter under policy AP21 of the City Centre Action Plan. New development within this location is expected to create a high quality and distinctive gateway and point of arrival for passengers exiting the northern side of the Central Station. Higher densities and taller buildings are appropriate within this gateway location, subject to satisfying the requirements of design and tall building policies AP16 and AP17 of the City Centre Action Plan.
- 6.2 The proposed range of uses comprising new and refurbished office accommodation, residential, hotel, leisure and food/drink and small scale retail units (less than 750sqm) are appropriate for the MDZ - Station Quarter as identified within policy AP21
- 6.3 Policy AP2 of the City Centre Action Plan relating to existing office accommodation currently defines Nelson Gate as a prime office area and indicates that net loss of office floor space will not be supported in this area unless there are clear economic benefits.
- 6.4 The majority of the existing office floor space at Nelson Gate is vacant and prior approval (PA56) has been granted for the conversion of office floor space to residential units within Norwich House, Frobisher House and Grenville, under the provisions of Class O, schedule 2 of the General Permitted Development Order 2015 (as amended). Furthermore evidence from a commercial agent (Lambert Smith Hampton) has been submitted with this planning application to support the proposed net reduction in the amount of office floor space across the site. The proposal seeks to provide 4,329sqm of office floor space (2,112sqm of new office floor space within the podium extension to Norwich House and 2,217sqm retained within Frobisher House). The submitted evidence indicates that current demand in Southampton City Centre is for smaller floorplates (1,524sqm to 3,048sqm) in buildings of 12-18,000sqm in size. The letter also notes that office take up in Southampton in 2018 was circa 13,400sqm. It should also be noted that we have seen office schemes recently, such as The Bond (planning consent for c.48,700sqm sqm of Grade A offices) and Mayflower Plaza (planning consent for c33,500sqm of Grade A offices), developed for alternative uses as there was no demand for this quantum of office space.
- 6.5 The hybrid scheme also offers clear economic benefits to outweigh the net loss of office space across the site with 4,329sqm of new and refurbished office space, 1,237sqm of retail/food & drink floor space, 225-bed hotel and 110

residential units (plus 137 residential units granted under separate prior approval) to be provided. Therefore it is considered that the net loss of office accommodation at Nelson Gate can be supported in principle. It should also be noted that policy AP2 indicates that Nelson Gate will be re-classified as an intermediate office area once major new office development has been delivered in the MDZ Station Quarter, Western Gateway or Royal Pier Waterfronts Areas. Mixed use regeneration and the loss of some existing office floor space can be supported within the intermediate office areas (in accordance with policy AP2.

- 6.6 In respect of residential uses the LDF Core Strategy Policy CS4 confirms the need for additional housing across the city, and explains that an additional 16,300 homes will be provided to the end of the current plan period to 2026. CCAP Policy AP9 suggests approximately 5,450 dwellings will be built in the city centre between 2008 and 2026. The proposed 110 residential units within the tower would assist in meeting this identified housing need.
- 6.7 Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of high accessibility where net density levels of over 100 dwellings per hectare can be supported. The proposed tower has a density of 1,833 dwellings per hectare. The proposed housing mix of 74 x1-bed and 36 x 2-bed flats is appropriate for the city centre having regard to the character of the neighbourhood and the requirements of policy CS16 of the Core Strategy. It is accepted that the site doesn't easily lend itself to family housing.
- 6.8 **Design & Heritage Impact**
The proposed design has evolved through pre-application negotiations and has been informed by consultation with the Council's Urban Design Manager, Historic England and has been subject to review by the Independent Design Review Panel.
- 6.9 Tall Building Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more and landmark buildings should of high quality design and materials; respond well to their site and context and provide a mix of uses. Tall buildings can be supported as part of clusters of tall buildings at Station Quarter, providing a high quality and distinctive gateway and point of arrival for the city centre (as required under policy AP21 MDZ – Station Quarter).
- 6.10 The design of the outline part of this hybrid application is not under consideration at this stage and detailed consideration of the scale, appearance, layout, landscaping within this part of the scheme will take place at reserved matters stage. This application seeks agreement to the principle of a multi-storey building comprising residential, hotel and retail/food & drink uses. It is considered that a new build tower can be supported in principle within this part of the site given the parameters provided in the indicative scheme.
- 6.11 The height of proposed tower is shown as indicative with building scale to be fixed as part of the reserved matters. However the submitted parameters plan indicates the applicants are seeking a height of up to 20-storeys / 71.13m AOD. Therefore this application needs to be assessed based on the impacts of a 20-storey building in this location. The site is identified for a tall building cluster and gateway to the north of the station under policies AP17 and AP21 of the City Centre Action Plan. The Local Planning Authority is satisfied that the proposed

tower will not adversely impact upon protected strategic views (as set out within policy AP16) or any additional sensitive views within the Council's Tall Building Strategic. However it is acknowledged that the location of the tower would impact on the view of the Civic Centre Campanile and the top of the 20-storey tower would be visible behind the base of the Campanile when viewed from Northam Road. Historic England have identified this as low level harm and the difference in impacts between a 19-storey and 20-storey tower is considered negligible based on the views shown on page 49 of the submitted Design and Access Statement. As such the parameter maximum height for the tower of 20-storeys / 71.13mAOD is not considered to cause significant impact to the setting of the Civic Centre and any low level of harm is outweighed by the wider public benefits of the scheme in terms of housing delivery, employment benefits arising from new 'fit for purpose' office accommodation and new commercial units, and the associated public realm/landscaping works.

- 6.12 The application is supported by a microclimate assessment which indicates that the proposed 20-storey tower will not lead to wind speeds that would endanger pedestrians or cyclists.
- 6.13 The part of this scheme which is subject to full planning permission, namely the external alterations to Frobisher House and Norwich House, demolition of Grenville House, three-storey podium extension to Norwich House, formation of a public square, and landscaped pedestrian route through the site are considered acceptable in design terms. The scheme has been amended to address comments from the Design Advisory Panel and the Council's Urban Design Manager. As such the scheme is considered to meet the high design standards expected for this gateway site and conditions are recommended to ensure delivery of a high standard of design and materials. Any subsequent applications seeking agreement of reserved matters, conditions or seeking amendments will be judged against the requirements of paragraph 130 of the NPPF which indicates:
- '...decision makers should 'seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme (for example, through changes to approved details such as materials).'*

6.14 **Residential Environment & Impact on Neighbours**

The area has a mixed commercial and residential character and the site is within a wider policy allocation (MDZ – Station Quarter) which supports residential use within this location. The proposed tower would be positioned forward of Norwich House and will not be constrained in terms of outlook and daylighting to the proposed flats. Whilst detailed layout of the tower is not under consideration, it is noted that external balconies and a roof terrace are provided to serve the proposed flats. Assessment of the layout and unit sizes of the proposed flats will take place at reserved matters stage when the layout is fixed. Furthermore measures to mitigate against noise impact from railway and road traffic noise will be assessed at detailed reserved matters stage.

6.15 **Highways**

The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would provide less than the maximum car parking standards for the quantum of development with 111 car parking spaces proposed (maximum permissible would be approximately 212 car

parking spaces). Having regard to the nature of the proposed uses and the city centre location of the site, this approach is considered to be appropriate. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets. The proposed quantum of development and range of uses are predicted to generate less vehicle movements than the existing office accommodation and therefore the scheme will not have an adverse impact on highway safety nor will it lead to increased congestion on the highway network.

6.16 Servicing management and adequate bin and bicycle storage will be secured by condition. A staff travel plan and re-provision of taxi parking bays can be secured through the S106 legal agreement. Furthermore a legal agreement will be used to secure site specific highway works to mitigate against the impact of the development which may include:

- Improvements to crossing facilities across Commercial Road to link the site to Hill Lane
- Improvements for pedestrian/cycle link from the site to the bottom of Nelson Hill cycle lane
- Contribution towards Southampton Cycle lane network (SCN4) to encourage and promote sustainable and active travel along Hill Lane
- Public permitted route rights along the main north-south route through the middle of the site
- Details of public realm to be agreed in and round the site.

6.17 Additionally a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

6.18 **Habitat Regulations**

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

6.19 **Affordable Housing and Viability**

Policy CS15 sets out that ‘the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).’ The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report dated 24.10.19 is appended to this report at Appendix 3.

- 6.20 The DVS report concludes that a 100% private scheme incorporating a site value of £6,010,367 with CIL contributions totalling £953,243 is not viable and cannot provide any contribution towards affordable housing. The appraisal shows a deficit figure of -£7,875,312 as a PRS scheme and - £8,258,262 as a private sale scheme following a developer profit of 17.5% of Gross Development Value (GDV) for the residential, 15% of GDV for the hotel and commercial uses. DVS have questioned the delivery of the development given the large deficit of each scheme. The applicants have been asked to demonstrate that a policy compliant scheme is deliverable which retains the level of design quality expected from this gateway site with an explanation of why a scheme that is between £7.8-8.2million underwater will come forward and an update will be provided at the panel meeting.

7 Summary

- 7.1 The proposed range of uses and are suitable for this location within the Station Quarter and accord with policy AP21. The net loss of open space across the site is accepted in principle having regard to the existing prior approval consents for residential conversion of the existing buildings and evidence provided regarding existing market conditions. The delivery of 4,368sqm of new and refurbished office development as part of this scheme reflects current market demand. Furthermore there are clear economic benefits arising from this scheme which outweigh the net loss of some office floor space and there is clear justification for the level of new office floor space proposed. A phasing condition is recommended to ensure the new accommodation is delivered prior to occupation of the residential tower and hotel.
- 7.2 This is a site suitable for higher density development and policies AP17 and AP21 support new tall buildings as part of a tall building cluster to form a landmark and gateway north of the Central Station. It has been demonstrated that the proposed height parameters will not impact upon protected strategic views. An additional view of the Civic Centre Campanile has been identified from Northam Road however the impact on the setting of the Campanile is not considered harmful having regard to the submitted views and also having regard to the wider public benefits of this scheme. The application has been supported by shadowing and microclimate assessment to demonstrate no adverse impacts and the development is not considered to lead to harmful overlooking or loss of privacy within this city centre context.
- 7.3 The design proposals will assist in bringing the site back into full use and no objection has been raised by the Council's Urban Design Manager, and the scheme has been amended to address the comments of the Design Advisory Panel. Furthermore the Council's Tree Officer has no objection to the proposed removal of 11 existing trees with 22 replacements proposed.
- 7.4 No highway objection is raised and the incorporation of an improved permissive route through the site linking Hill Lane and Southbrook Road is welcomed. Furthermore the provision of new public space adjacent to the Central Station accords with policy AP21.
- 7.5 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area.

8 Conclusion

The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval following completion of the S106 legal agreement.

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

1 (a) (b) (c) (d), 2 (b) (c) (d) (e), 4 (f) (g) (vv), 6 (a) (c), 7 (a)
AG for 12/11/2019 PROW Panel 19/00038/OUT

Conditions

01. Outline part of this Hybrid Planning Permission - Timing Condition (Performance Condition)

Outline Planning Permission for the principle of the development proposed is approved subject to the following:

- (i) Written approval of the details of the following for development within the boundary of the outline application, shown on plan ref 2297-40410 Rev A, awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
- the layout of the buildings on site and detailed siting of associated areas;
 - the means of access (vehicular and pedestrian) to the site and the buildings;
 - the appearance and architectural design specifying the external materials to be used;
 - the scale of the buildings indicating massing and building bulk and the height of the proposed residential tower shall not exceed those heights listed in parameters plan 2297-40410 Rev A (including lift overrun) unless otherwise agreed in writing by the Local Planning Authority (in consultation with Historic England); and
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended). To protect views of the Civic Centre campanile from Northam Road in accordance with the requirements of policies AP16 and AP17 of the City Centre Action Plan (2015) and paragraphs 190, 193, 194 and 196 of the National Planning Policy Framework (2019).

02. Full part of the Hybrid Planning Application - Implementation (Performance Condition)

The part of the Development where full details are by this planning application, approved in relation to the land outside of the boundary of the outline application on plan 2297-40410 Rev A, shall begin no later than three years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

03. Phasing (Pre-Commencement Condition)

The proposed development, shall follow an implementation phasing programme, with details to be first agreed in writing with the Local Planning Authority prior to the commencement of development. The phasing plan shall ensure the office floor space, permissive route and new public space hereby approved is completed prior to occupation of the residential tower and hotel multi-storey building hereby granted outline approval.

Reason: To ensure that development takes place in an ordered and agreed methodology. In the interests of retaining office provision on site in accordance with policies AP2 and AP21 of the City Centre Action Plan. In the interests of retaining a permissive route through the site and ensure the areas of public open space are delivered in a timely manner.

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

No construction works on the superstructure of the buildings within any individual phase 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 for that relevant phase of development. Development shall be implemented only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the relevant phase. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings.

It is the Local Planning Authority's practice to review all such materials on site.

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.

05. Details of external appearance (Pre-commencement Condition)

No development shall take place (excluding site set up and demolition, archaeology, site investigations, services and diversions), within each phase identified by condition 03, until detailed drawings to a scale of 1:20 showing a typical section of window reveals, the external balcony system, glazed curtain walling, parapet detailing and roof construction and roof drainage has been submitted to and approved in writing by the Local Planning Authority. The roof design shall incorporate mansafe fall protection and not guard railings. The development shall be implemented in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory design of the building.

06. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement Condition)

Prior to commencement of development within each phase, a detailed landscaping scheme and implementation timetable shall be submitted, which includes for that relevant phase:

- i. proposed finished ground levels or contours; including sections where necessary; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hardsurfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls;
- v. details of sightlines from points of access onto the public highway and;
- vi. a landscape management scheme.

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

The approved hard and soft landscaping scheme (including parking) for the each phase shall be carried out prior to the first occupation of buildings within each relevant phase, 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

07. A1/A2/A3/A4/A5 Floorspace (Performance Condition)

The flexible retail uses hereby permitted for the development shall, under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) shall be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

08. A1/A2/A3/A4/A5 Hours of Use and Delivery Restriction (Performance Condition)

The non-residential ground floor uses hereby permitted shall not operate outside the following hours:

06:00 to 00:00

No deliveries shall be taken or despatched from the non-residential ground floor uses outside of the hours of 07:00 to 23:00 daily.

The hotel bar and restaurant shall be limited to hotel guests only after midnight.

Reason: In order to control the use in the interests of the amenity of nearby residential occupiers.

09. Servicing Management Plan (Pre-Use Condition)

Before each commercial unit comes into use, a management plan for the servicing and delivery of that relevant unit shall be submitted to and approved in writing by the Local Planning Authority. The Management Plans shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

10. 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 A Class Units hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl).

Reason: In the interests of retaining a lively and attractive streetscene whilst ensuring adequate natural surveillance is offered to the public realm.

11. Plant and Machinery and Soundproofing (Pre-occupation)

Before each commercial unit comes into use, details of plant and machinery to be used within the relevant commercial unit, together with measures to minimise noise from them and soundproofing measures to mitigate any external and internal noise transfer to residential units within the development, shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be installed in accordance with the agreed details before the relevant unit is occupied and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure residents of the development are not adversely affected by noise from the commercial uses.

12. Flood Risk (Performance Condition)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment 4th draft - August 2019 (23.8.19), and the following mitigation measures detailed within the FRA:

- o In relation to Grenville House (outline application for the demolition of the building to replace with a new multi-storey building accommodating both residential apartments and a hotel with potential for a commercial unit at ground floor level):
- o All residential accommodation / habitable rooms must be located at 6.2 mAOD or above (new build tower) and at 15.8 mAOD (hotel).
- o In relation to Norwich House (full planning permission for the refurbishment of both Norwich House to deliver a combination of residential, office and commercial uses. A three-storey podium extension is proposed for Norwich House projecting south, which will accommodate ground floor level commercial floor space and two levels of office space above):
- o All residential accommodation / habitable rooms must be located at 13.8mAOD or above.
- o In relation to Frobisher House (full planning permission for the refurbishment of Frobisher House to deliver a combination of residential, office and commercial uses):
- o All residential accommodation / habitable rooms must be located at 7.4mAOD or above.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To ensure the safety of the development and future occupants.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

13. APPROVAL CONDITION 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.

14. APPROVAL CONDITION 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.

15. APPROVAL CONDITION 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.

16. APPROVAL CONDITION 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.

17. APPROVAL CONDITION 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.

18. 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, including method statement for avoiding impacts on peregrine falcons will be required, 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.

19. Protection of nesting birds (Performance)

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

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

20. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

21. 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.

22. Piling (Pre-Commencement)

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

Reason: In the interest of residential amenity.

23. Construction & Demolition 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.

24. Demolition Statement (Pre-Commencement)

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjacent residential properties.

25. Demolition - Dust Suppression (Pre-Commencement)

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

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

26. Noise (Performance Condition)

The development shall be carried out in accordance with the recommendations of the Noise Assessment by WYG dated December 2018.

Reason: In the interests of the amenity of adjacent residential properties.

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

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

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

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

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

28. Use of uncontaminated soils and fill (Performance)

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

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

29. Energy & Water

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the new residential development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

30. APPROVAL CONDITION ' Energy & Water [performance condition]

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

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

31. APPROVAL CONDITION - Zero or Low Carbon Energy Sources

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO₂ emissions of at least 15% for the scheme must be submitted and approved in writing by the Local Planning Authority prior to development works with the exception of site clearance, demolition and preparation works. The development must incorporate means for connection to the district heating system. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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).

32. Approval Condition - Green/Brown roof specification

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a specification for the green and brown roofs as shown on the approved plans are submitted and agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

33. APPROVAL CONDITION - BREEAM Standards

With the exception of site clearance, demolition and preparation works, no development works shall be carried out on the new Hotel, Retail or Office, until written documentary evidence demonstrating that the development will achieve at minimum Very Good against the BREEAM Standard, with a minimum overall score of 62 and at least 3 credits in Ene01. This shall be in the form of a design stage assessment, which 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).

34. APPROVAL CONDITION - BREEAM Standards [performance condition]

Within 6 months of the new Hotel, Retail or Office development first becoming occupied, written documentary evidence proving that each development has achieved at minimum Very Good against the BREEAM Standard, with a minimum overall score of 62 and at least 3 credits in Ene01, 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).

35. APPROVAL CONDITION - Rainwater /Grey-water Harvesting (Pre-Occupation Condition)

A feasibility study demonstrating the investigation of the potential for the installation of a rainwater/grey-water harvesting system on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted consent. If the study demonstrates that the installation of such a system would be technically and financially viable, a specification shall be agreed in writing with the Local Planning Authority. A system to the approved specification must be installed and be rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce overall water consumption and demand on resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

36. APPROVAL CONDITION - Sustainable Drainage (Pre-Occupation Condition)

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

To ensure the submitted Sustainable urban Drainage Systems are provided as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

37. Public Sewer protection (Performance)

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

Reason: In order to safeguard the public sewer.

39. Southern Water - Phasing and waste water network capacity (Pre-occupation)

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development

Reason: To ensure there is adequate waste water capacity to serve the development.

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

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

Reason: To ensure satisfactory drainage provision for the area.

41. Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Bird Hazard Management Plan should comply with advice note 3: <https://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>

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

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

42. Permanent Obstacle Lighting Scheme

Obstacle lights shall be placed on the buildings. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=6114>).

Reason: Permanent illuminated obstacle lights are required on the development avoid endangering the safe movement of aircraft and the operation of Southampton Airport.

43. Arboricultural Method Statement (Pre-Commencement Condition)

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

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

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

44. Arboricultural Protection Measures (Pre-Commencement)

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

1. Induction and personnel awareness of arboricultural matters
2. Identification of individual responsibilities and key personnel
3. Statement of delegated powers
4. Timing and methods of site visiting and record keeping, including updates
5. Procedures for dealing with variations and incidents.

Reason: To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to

ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees

45. Refuse & Recycling (Pre-Commencement)

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

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

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

46. Cycle storage facilities (Pre-Commencement Condition)

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

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

47. Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. A maximum of 111 car parking spaces shall be provided with a ratio of more than 1 parking space per residential flat.

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

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POLICY CONTEXT

Core Strategy - (Amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (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
SDP13	Resource Conservation
HE3	Listed Buildings
HE6	Archaeological Remains
H2	Previously Developed Land
H7	The Residential Environment

City Centre Action Plan March 2015

AP1	New Office Development
AP2	Existing Offices
AP9	Housing Supply
AP16	Design
AP17	Tall Buildings
AP21	MDZ – Station Quarter

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

Application reference:	19/00038/OUT
Application address:	Nelson Gate Southbrook Road, Southampton
Application description:	Hybrid planning application for mixed-use development comprising: (1) Outline planning permission (with all matters reserved) sought for a multi-storey building comprising residential (C3), hotel (C1) and retail (A1 to A5) uses alongside associated parking, landscaping and vehicular access. (2) Detailed planning permission sought for the demolition of Grenville House, erection of a three-storey podium extension to Norwich House (accommodating office (B1) and retail (A1 to A5) uses), external alterations to both Norwich and Frobisher Houses, provision of a site-wide hard and soft landscaping scheme, and associated site works including parking provision and modified access arrangements.
HRA completion date:	21/10/2019

HRA completed by:	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	

Summary
<p>The project being assessed is a mixed use development that will lead to the provision of 247 one and two bedroom flats (use class C3), a hotel (225 bedrooms), office (4,368 sq.m) and retail outlets. The development is located approximately 1.67km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site, 2.68km from the Solent Maritime SAC and approximately 5km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site currently contains three office buildings with retail units, car parking and landscaped areas. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site, and also the release of additional nitrogen and phosphorous, via waste water, which could affect the features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site ▪ Solent and Southampton Water (SPA) ▪ Solent and Southampton Water Ramsar Site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of new residential, hotel and retail which is neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the Nelson Gate site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>
<p>Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.</p>	

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 1.67km to the north of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site and 2.68km to the east of the Solent Maritime SAC whilst the New Forest SAC, SPA and Ramsar site are approximately 5km to the south.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

The following mitigation measures have been proposed as part of the development:

- 4% of the CIL contribution, which will be a minimum of **£38,129.72** will be ring fenced for footpath improvements in the Lordsdale and Lordswood Greenways.
- 1% of the CIL contribution, which will be a minimum of **£9532.43** will be allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- A contribution of £37,584 towards the Solent Recreation Mitigation Partnership;
- The proposals for the site will include a number of Sustainable Drainage System (SUDS) measures to manage surface water.
- Information on public transport plus pedestrian and cycle route maps will be provided.
- The development will incorporate 372 cycle parking spaces

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed is a mixed use development that will lead to the provision of 247 one and two bedroom flats (use class C3), a hotel (225 bedrooms), office (4,368 sq.m) and retail outlets. The number of residential units to be provided via this application is 110 the other 137 having already been permitted via a prior approval consent. The development is located approximately 1.67km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site, 2.68km from the Solent Maritime SAC and approximately 5km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site currently contains three office buildings with retail units, car parking and landscaped areas. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, waste water generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152> .

The conservation objective for Special Areas of Conservation is to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

PERMANENT, OPERATIONAL EFFECTS.

Recreational disturbance

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

New Forest SPA/Ramsar site/ New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were

found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

Woodlark

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

Dartford warbler

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp et al (2008), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away from the National Park boundary. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

The application site is located 4.7km from the nearest part of the New Forest SPA and Ramsar site and 2.6km from the National Park boundary in terms of linear distance and as such, residents of the proposed development would appear to fall into the category of local day visitors. However, the actual travel distance is considerably longer with the nearest road access point 11.3km away or by ferry it is a ten minute crossing, with a return fare of £7 or £10 with a bicycle, plus 4.6km along roads. Residents of the Nelson Gate development are therefore unlikely to make this trip on a daily basis.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.

- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families. (Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs.

RESIDENTIAL APPARTMENTS

The residential element of the proposed development consists of small flats (1 and 2 bed) the development is therefore unlikely to accommodate families which form the majority of visitors to National Parks. The development also includes just 21 parking spaces for the private apartments and can therefore be considered largely car free. Residents will therefore have to rely on walking, cycling or public transport to visit places beyond the development.

Cycling and walking

The development is located close to Central Parks and a number of cycle routes which make it easy to walk and cycle around the city centre. To encourage new residents to cycle the development will incorporate 372 cycle parking spaces.

Visiting the New Forest National Park using public transport

The linear distance to the New Forest SPA/Ramsar site is approximately 5km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 6.4km whilst the closest section when travelling purely by road is approximately 10.5km. It is unlikely, therefore, that visits made on foot or by bicycle will be a frequent occurrence.

Should visitors choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Travelling from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

Table 1 Train services from Southampton Central to New Forest Locations

Destination	Service frequency (outside of peak hours)	Journey time
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to

Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed development the process is complicated and likely to be costly.

Dog ownership

It is not feasible to ban the keeping of dogs however, it would be expected that the number of dogs would be lower than for a development with gardens. In addition, these dogs are likely to be smaller breeds that can be exercised easily in parks.

HOTEL

The revised scheme includes a 225 bed hotel with 40 on-site parking spaces. Accessing the New Forest or the Solent coast from the centre of Southampton is not easy and whilst it is possible to reach the designated sites from the proposed hotel, the route is complicated. It is therefore reasonable to conclude that the number of visits is likely to be low as visitors wishing to visit the New Forest are likely to choose accommodation that is more conveniently located.

Mitigation

Although the likely frequency of recreational visits to the New Forest, arising from the proposed development, is low, there is still the risk of recreational impacts. Southampton City Council has therefore undertaken to use 5% of Community Infrastructure Levy (CIL) contributions

The majority of this money, 4%, will be used to upgrade footpaths and infrastructure in the City's greenways. The greenways are a series of wooded stream valleys within Southampton's urban area which provide opportunities for walks in a semi-natural environment. Two of the greenways, Lordsdale and Lordswood, fall within the 5km of the development which, according to the 2014 National Travel Survey, is the average journey length by cycle. They can be accessed via the new SCN 3 cycle route.

However, even with good quality walking routes available within Southampton, the New Forest's draw as a special destination is likely to attract visitors from the Nelson Gate development. It is therefore proposed that 1% of the CIL contribution will be used to fund the New Forest National Park Habitat Mitigation Scheme. This scheme involves the following elements:

- Access management within the designated sites.
- Alternative recreation sites and routes outside the designated sites.
- Education, awareness and promotion.
- Monitoring and research.

The development will generate a minimum CIL contribution of least **£953,243** which will result in **£38,129.43** funds to pay for improvements within the two greenways.

Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project's mitigation scheme, in collaboration with other Councils within the Partnership for Urban South Hampshire, in order to

mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The private residential element of the Nelson Gate development could result in a net increase in the city's population. There is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. The likelihood of recreational impacts occurring is clearly linked to residents' ability to access the coast. Results from the Solent Disturbance & Mitigation Project visitor survey, Fearnley, H., Clarke, R. T. & Liley, D. (2011), indicated that 52% of visitors arrived by car. Consequently, residents occupying flats without car parking will have a reduced likelihood of visiting the coast. It is therefore considered to be acceptable to reduce the contribution level to 50%. Calculations of the SRMP contribution for the development are shown below.

Size of Unit	Scale of Mitigation per Unit	Number of units	Total
1 Bedroom	£346	4	£1,384
1 Bed car free	£346/2	70	£12,110
2 Bedroom	£500	5	£2,500
2 Bed car free	£500/2	31	£7,750
Total		110	£23,744

It is considered that, subject to a level of mitigation, which has been calculated as a total of £23,744, being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

The hotel is unlikely to fully occupied all the time and, even when it is, only 40 rooms will benefit from parking spaces it is proposed to apply the one bedroom flat rate to those rooms that would have access to a car parking space. Calculations of the SRMP contribution for the development are shown below.

Size of Unit	Scale of Mitigation per Unit	Number of units	Total
1 Bedroom	£346	40	£13,840
Total			£13,840

It is considered that, subject to a level of mitigation, which has been calculated as a total of £13,840 being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

Water quality

In their letter date 6th September 2018, Natural England highlighted concerns regarding, “high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, waste water treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to waste water treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings are provided in Appendix 1. The calculations conclude that, including a precautionary 20% buffer, there is a predicted Total Nitrogen surplus arising from the development of 348.63kg/TN/yr. This is based on the additional population from the residential units and hotel rooms using 110litres of waste water per person per day.

Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. In addition, at present there is no strategic mitigation scheme into which payments can be made. It is therefore proposed that a record of the outstanding amount of 348.63kg/TN/yr nitrogen is made so that it can be added to the levels of nitrogen to be addressed by a strategic mitigation scheme once one has been developed.

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents in the new accommodation will have only limited access to cars making travel to the New Forest and many coastal locations difficult.
- The availability of a wide range of open spaces, including a number of semi-natural sites, within easy cycling reach of the development will reduce the need to travel to the New Forest

The following mitigation measures have been proposed as part of the development:

- 4% of the CIL contribution, which will be a minimum of **£38,129.72** will be ring fenced for footpath improvements in the Lordsdale and Lordswood Greenways.
- 1% of the CIL contribution, which will be a minimum of **£9532.43**, will be allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- A contribution of £37,584 towards the Solent Recreation Mitigation Partnership;
- The proposals for the site will include a number of Sustainable Drainage System (SUDS) measures to manage surface water.
- Information on public transport plus pedestrian and cycle route maps will be provided.
- The development will incorporate 372 cycle parking spaces

It can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum / Footprint Ecology.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology / Solent Forum.

Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park

European Site Qualifying Features

The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- Molinia meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.

- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent Maritime SAC

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*

- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

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

Oxford Valuation Office
4400 Nash Court
Oxford Business Park South
Oxford
Oxfordshire OX4 2RU

Our Reference: [REDACTED]/1721447
Your Reference: 19/00038/OUT

Please ask for : [REDACTED]
Tel : [REDACTED]
Mobile : [REDACTED]
E Mail : [REDACTED]

Date : 24 October 2019

Dear Simon

DRAFT REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT PROPOSED SCHEME: Nelson Gate, Southbrook Road, Southampton

I refer to our fee quote dated 22 July 2019 and your email providing the PON dated 16 September 2019 confirming your formal instructions to carry out a viability review in respect of the above proposed development. You have forwarded to us the developer's assessment to review undertaken by BNP Paribas. We have now undertaken our own research and assessment and would report as follows:

This report is not a formal valuation.

The date of assessment is 24 October 2019.

We have reviewed the Affordable Housing and Economic Viability Assessment undertaken by BNP Paribas (BNPP) dated July 2019, additional cost information dated 5th June 2019 for the new build residential tower and supporting planning statement dated December 2018 on your website.

My assessment has been made by comparing the residual value of the proposed scheme with an appropriate Benchmark Land Value (BLV) 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 an affordable housing contribution.

General Information

It is confirmed that the viability assessment has been carried out by Tony Williams, 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 assessment

competently, and is in a position to provide an objective and unbiased assessment assisted by [REDACTED], graduate surveyor.

In undertaking this assessment I have acted with objectivity, impartially, without interference and with reference to all appropriate available sources of information. In addition no performance related or contingent fees have been agreed.

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.

Our assessment is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our assessment may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. If we do provide written consent to a third party relying on our assessment, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

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.

Background:

I understand that this viability assessment is required following the submission of a hybrid planning application and the contention of the applicant that the scheme is not viable with any affordable housing.

From your brief I understand that you wish us to review the amended development scheme ref 19/00038/OUT - Hybrid planning application for mixed-use development comprising: (1) Outline planning permission (with all matters reserved) sought for a multi-storey building comprising residential (C3), hotel (C1) and retail (A1 to A5) uses alongside associated parking, landscaping and vehicular access. (2) Detailed planning permission sought for the demolition of Grenville House, erection of a three-storey podium extension to Norwich House (accommodating office (B1) and retail (A1 to A5) uses), external alterations to both Norwich and Frobisher Houses, provision of a site-wide hard and soft landscaping scheme, and associated site works including parking provision and modified access arrangements.

The redevelopment site known as Nelson Gate, immediately north of Southampton Central Station with vehicular access from Southbrook Road, comprises three 1960's office buildings known as Grenville House, Norwich House and Frobisher House now largely vacant including commercial use at lower levels and on site car parking.

In addition we understand that Norwich House and Frobisher House benefit from prior approval for a change of use from offices to dwelling houses which allow for a provision of a combined 212 residential units within the building and therefore the existing internal space of

these two buildings is not the subject of this hybrid application. However we are advised that the scheme now includes:

- Residential – 247 flats of which 137 are within the existing fabric of Norwich and Frobisher House (not part of this application) and 110 in respect of the redevelopment of Granville House in a part 20 storey and part 10 storey building.
- Office accommodation
- Hotel accommodation – 225 bed
- Commercial accommodation including retail

In addition we are advised that the whole site is owned freehold by the City Council subject to a number of long leases to the developer and terms have been agreed to re-gear the existing leases. At this stage it is assumed that the site is held freehold and no rental income or land receipts are included for the Council.

BNPP conclude that the amended scheme is not viable with any affordable housing or further contributions but have included the following:

- CIL of £781,943
- Section 106 contributions estimated to be in the region of £203,032.

However we are advised that the following planning obligations are required:

- Affordable Housing – 35%
- Highway/Transport – TBC
- SDMP - £58,000
- Employment and Skills - £28,834
- Late Night Use – TBC
- Carbon Management - £61,728
- CIL – £953,243

The Scheme:

We have been provided with the assessment undertaken by BNPP on behalf of the developer which lists the floor areas etc. For the purpose of this assessment we assume the areas provided are correct and have assessed the scheme as proposed without affordable housing at this stage as follows:

Residential		Average		
Summary	Number	Floor Area	Total Floor Area	Total Floor Area
		Sq m	Sq m	Sq ft
Unit				
1 Bed Flats	74	46.45	3,437	36,996
2 Bed Flats	36	65.03	2,341	25,199
Total	100		5,779	61,195

Commercial		Net Floor Area	Total Gross Floor Area	Total Gross Floor Area
Summary	Number	Sq m	Sq m	Sq ft
Hotel	225 Beds	5,623	7,594	81,742
Office		1,608	1,857	19,989
Retail		537	617	6,641
Total		7,768	10,066	108,372

In addition to the above we are advised that the net to gross ratio for the residential is 87.49% or a total gross area of 6,604 sq m (71,086 sq ft). There are also some small discrepancies between the areas in the cost plan and the appraisal but we have at this stage adopted those in the appraisal although confirmation of areas, both net and gross is required.

Viability Assessment:

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

I have used a bespoke excel based toolkit with cash flow to assess the scheme which is attached as Appendix 1 and 2 whilst BNPP have used the Argus model.

We would summarise our assessment of the Scheme as follows:

1) Development Value -

a) Residential:

Both PRS and Private Sale schemes are considered as follows:

1) PRS – BNPP have assessed the rentals following advice from Avison Young who have undertaken research into rentals achieved in the area over the last 6 months and have adopted the following average rents:

- 1 Bed Flats - £865 per month
- 2 Bed Flats - £1,300 per month

This equates to gross rent of £1,329,720 less management and operational costs of 22.5% with a net rent of £1,030,533 per annum.

The net rent has been capitalised at 4.7% taking into account recent evidence with a capital value of £21,926,235 before deduction of purchaser's costs of 6.8%.

We have undertaken our own research in the area and also taken account of similar assessments in Southampton over the last 6 months and are of the opinion that the rates adopted are reasonable.

Rental levels for 1 bed flats range from approx £675 per month to £930 per month with an average of approx £748 per month for this type of unit. In respect of 2 Bed units the rentals range from £850 to £1,750 with an average of £1,122 per month for this type of unit.

In addition it is standard practice to deduct 20% to 25% management costs and adopt a yield of 4.75% to 5.25% supported by the evidence.

Overall we have also adopted a capital value of £21,926,234 but less purchaser's costs of 6.75% (based on current rates of SDLT and 1.8% for fees) with a net total of £20,538,798.

2) Private Sale – BNPP have assessed the sale values of the flats following advice from Avison Young who have undertaken research into values achieved in the area over the last 6 months and have adopted the following average sales values:

- 1 Bed Flats - £161,500
- 2 Bed Flats - £260,000

Overall this represents a total capital value of £21,311,000 (£3,688 per sq m).

We have undertaken our own research in the area and also taken account of similar assessments in Southampton over the last 6 months and are of the opinion that the values adopted are reasonable.

Sales values for these types of units in the area for 1 bed flats range from approx £103,000 to £245,000 with an average of approx £158,250. In respect of 2 Bed units the sales values range from £192,500 to £365,000 with an average of £277,000 (£337 per sq m).

b) Affordable Housing:

At this stage no affordable housing has been included although policy is 35%.

However, were we to include affordable housing, we would assess a value of 45% of market value for social rented units, 55% of market value for affordable rented units and 65% of market value for shared ownership units.

c) Ground Rents:

We assume that the private residential units will be sold on a long leasehold basis however the government announced last year that they would crackdown on unfair leasehold practices in respect of ground rents. However since no legislation has been enacted the policy of DVS is to include ground rents at this stage. If this changes it could affect this assessment.

We have therefore adopted average ground rents on the private sale scheme of £250 per annum capitalised at 5% less purchasers cost which we believe is achievable in the current market.

BNPP have not included for any ground rents.

d) Hotel:

BNPP have adopted a total revenue of approx £1,255,072 (stated as £22.82m in the BNPP report) on the basis of a rent per room of £5,600 capitalised at 4% with a total value before purchaser's costs of 6.8% of £31,376,800. This is based on a lease offer equating to £5,603 per room from Bespoke Hotel Group and a yield based on the Knight Frank guide dated April 2019. This equates to a capital value of £140,075 per room.

We have researched values for hotels in the area as follows:

- Holiday Inn Express, Southampton – Sold in 2016 for £19m or approx £108,000 per room
- Holiday Inn Express, Portsmouth – Sold in 2017 for £14.5m or approx £97,000 per room
- Travel Lodge Portsmouth – Forward funded in 2018 at £19.05m or £125,000 per room (Yield of 5.17%)
- Hilton, Reading – Sold in 2017 for £27.75m or £132,000 per room (Yield of 5.7%)

In addition other assessments included for hotels on the basis of approx £120,000 to £130,000 capital value per room. These included for higher rents but higher yields.

We have had regard to the evidence provided and our own research into the values of hotels in the region and do not believe that the values adopted by BNPP are understated and have adopted the same as reasonable. We have also adopted £31,376,800 less purchaser's costs of 6.77% (based on current rates for SDLT and 1.8% for fees)

e) Commercial:

The scheme includes for both office space and retail accommodation in the Norwich House extension which has been assessed by BNPP as follows:

In their report BNPP state that they have assessed the retail space of 5,781 per sq ft on the basis of £20 per sq ft (£215.28 per sq m) capitalised at 6% with a total value of approx £1.45m after research undertaken by Avison Young.

However their appraisal they include for both retail at £1,927,000 before costs (£20 per sq ft capitalised at 6%) and offices at £6,923,200 before costs (£20 per sq ft capitalised at 5%).

We have undertaken our own research into office rental values and yields and are of the opinion that the rates adopted by BNPP are reasonable. However it appears that no rent free periods or voids are included in their appraisal which I would normally expect but at this stage I have also excluded as the costs include for fit out.

f) Purchasers Costs:

BNPP have deducted purchaser's costs on all investment based capital values at 6.8%.

Although it is correct to deducted purchasers costs this should be at the current rate of SDLT plus fees etc of 1.8%. This ranges from 4.89% to 6.77% depending on the value of each element.

g) Gross Development Value (GDV):

On the basis of the proposed scheme with no affordable housing the total values adopted by BNPP and DVS are scheduled below:

1) PRS Scheme:

Use	BNPP £	DVS £
PRS Residential	21,929,235	21,926,234
Hotel	31,376,800	31,376,800
Commercial - Offices	6,923,200	6,923,200
Commercial - Retail	1,927,000	1,927,000
Less Purchaser's Costs	4,226,420	3,921,165
Total	£57,926,815	£58,232,069

2) Private Sale Scheme

Use	BNPP	DVS
Private Residential	21,311,000	21,311,000
Ground Rents	0	550,000
Hotel	31,376,800	31,376,800
Commercial - Offices	6,923,200	6,923,200
Commercial - Retail	1,927,000	1,927,000
Less Purchaser's Costs	2,735,436	2,560,370
Total	58,802,564	59,527,631

2) Development Costs -

a) **Build Cost:**

BNPP state that the scheme construction costs are approx £36.20m plus externals, demolition and contingency in accordance with the cost plans provided as follows:

- Residential - £14,217,143 – Budget review dated June 2019 from WTP but no detail provided
- Hotel - £15,201,000 – WTP cost plan nr. 6 dated 26/3/2019
- Commercial - £6,898,000 – WTP cost plan dated April 2019 incl inflation which should be removed
- External Works - £5,347,200 representing 60% of the external costs for the whole scheme calculated on a floor area basis and equates to 14.7% of build costs. However this also includes inflation which needs to be removed
- Demolition - £400,000 – WTP Cost Plan April 2019
- Contingency – 5%
- **Total Cost - £43,879,150**

Following advice from our QS I have compared these against current median rate BCIS rebased to Southampton and have adopted the following:

Use	Gross Area Sq m	BCIS Rate £	DVS Total
Residential – Flats	6,604	1,905	£12,580,665
Hotel	7,594	2,188	£16,615,672

Commercial - Office	1,857	2,090	£3,881,130
Commercial – Retail	617	2,090	£1,290,034
Externals	15.08%		£5,181,152
Total			£39,548,653
Demolition			£400,000
Contingency	5%		£1,977,433
Overall Total			£41,926,086
Difference			£1,953,064

We have estimated the net and gross areas from both the BNPP appraisal and the cost plans but these need to be confirmed.

The office and retail rates adopted assume the space is fitted out but if this is provided as shell this would be reduced but capital incentives may need to be included.

The externals for the whole scheme total £8,912,000 including inflation and include for:

- Site preparation
- Undercroft car parking etc
- Roads, Paths, Paving and Decking
- Retaining structures and steps
- Fencing and gates
- Soft Landscaping
- External services incl district heating
- External access

BNPP have applied 60% of the cost based on floor areas however ideally a more accurate assessment should be made. I have also included 60% of the cost at this stage but excluding inflation.

I have also included £400,000 for demolition of Grenville House as per the WTP cost plan as reasonable at this stage.

b) Build Contingency:

BNPP have included a 5% contingency on the build cost which is agreed as reasonable. However I have also applied this to the External works.

c) Professional Fees:

BNP have included professional fees at 10% which is within our normal range of 7.5% to 12.5% for this type of scheme and is agreed.

d) Section 106 Costs / CIL:

BNP have included the following figures:

- CIL - £781,943
- Highways/Transport - £50,000
- SDMP - £42,470
- Employment and Skills - £28,834
- Late Night Use - £20,000
- Carbon Management - £61,728
- Total - £984,975

We have been provided with the following figures by the Council which we have included:

- CIL - £953,243
- Highway/Transport – TBC but I have adopted £50,000
- SDMP – £58,000
- Employment and Skills - £28,834
- Late Night Use – TBC but I have adopted £20,000
- Carbon Management - £61,728
- Total - £1,171,802

In addition I have assumed that they are payable at start on site.

e) Sale and Marketing fees:

BNPP have adopted the rates as follows:

1) PRS Scheme

- Commercial Agent letting fee – 10%
- Commercial Legal letting fee – 5%
- Sale agent and marketing fees – 1%
- Legal sale fee – 0.5%

2) Private Sale Scheme –

- Sale Agent Fees – 1%
- Marketing fees – 1.5%
- Legal Sale Fee – 0.25%
- Commercial Agent letting fee – 10%
- Commercial Legal letting fee – 5%

The rates agreed are industry standards and are agreed as reasonable for this type of scheme save for legal fees where I have adopted 0.25% as reasonable and agreed on other schemes.

f) Finance costs:

BNPP have adopted a debit rate of 7% with no credit rate. We have adopted an inclusive debit finance rate of 6.5% and credit rate of 2% to include for bank arrangement fees etc as achievable and which we have agreed on other similar schemes.

g) Developers Profit:

For mixed use schemes we would normally adopt a profit level of between 15% and 20% of GDV in accordance with NPPF.

The profit levels have been agreed as follows:

Residential – 17.5% of GDV
Hotel – 15% of GDV
Commercial – 15% of GDV

In respect of the PRS scheme BNPP have adopted a reduced profit on the residential element of 12% which is within the range we normally consider of 10% to 15% and is agreed.

Overall these profit levels are reasonable in the current market and reflect the risks surrounding this scheme.

h) Development Programme:

The following programmes have been adopted by both parties as reasonable:

1) PRS Scheme

- Site Purchase – Month 1
- Lead In – 3 months including for demolition
- Build Period of 18 months
- PRS units sold 1 month after Practical Completion (PC)
- Commercial Sales sold 1 month after PC
- Hotel sold 1 month after PC

2) Private Sale Scheme

- Site Purchase – Month 1
- Lead In – 3 Months including for demolition
- Build Period – 18 months
- Sales – 50% sold on completion and the remaining units sold over a 6 month period reflecting approx 9 units per month.
- Commercial sales sold 1 month after PC
- Hotel sold 1 month after PC

NB no void periods have been included for the commercial element of the scheme.

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 benchmark land value (BLV) taking into account both current NPPF/PPG and The RICS Guidance note, Financial viability in planning, 1st edition.

Under NPPF/PPG the guidance states that the benchmark land value should be based on the Existing use value of the land plus a premium for the landowner in order to bring forward the site for redevelopment less any abnormal costs etc.

NPPF have based the BLV on the existing use value plus a premium as follows:

- 1) Existing Car Park – 86 spaces and based on current tariffs estimated a gross income of £166,440 per annum less 70% occupancy and 20% operational costs with a final net income of £93,166 per annum or £1,083 per space. BNPP have capitalised this at 8% with a EUV of £1,164,575 and added a 20% premium with a total of £1,397,490.

- 2) Existing Value of Grenville House – BNPP state that there is a total of 19,863 sq ft with an existing income of £281,615 which they have capitalised at 6% with a EUV of approx £4.7m plus a 20% premium with a total value of approx £5.63m
- 3) In summary BNPP have adopted a BLV of approx £7.03m

We have undertaken our own research as to rental values and yields including our own internal records as to existing income.

- 1) In respect of Grenville House we have considered the existing rentals including the car park spaces allocated and rented but then capitalised at a yield of 6.5% taking into account investment sales in the vicinity with a EUV of £4,482,656. We have then included a premium of 15% in accordance with recent assessments in Southampton recently.
- 2) Car Park – We are unclear if there has been double counting of the numbers within the BNPP assessment since some of the spaces are allocated within leases of Grenville House which we understand from our records total 16. We have therefore valued the remaining 70 spaces on the basis of £850 per space in accordance the recently letting to Bamboo Ltd and capitalised at the same yield as BNPP of 8% as reasonable for car parking with a EUV of £743,750. We have then included a premium of 15% in accordance with recent assessments in Southampton recently.
- 3) In summary we have adopted a BLV of £6,010,367

In addition acquisition costs of 1.8% plus current SDLT rates are included and agreed.

Overall assessment and Recommendations:

BNPP have assessed the all private 110 unit residential scheme, hotel with 224 rooms and the office and retail space and concluded the following:

- 1) PRS Scheme – Against their BLV of £7.30m their assessment showed a negative profit of £4,006,822 (-6.45%) but on the basis of a target blended profit of 13.94% this shows an overall deficit of approx £12.77m.
- 2) Private Sale Scheme – Against their BLV of £7.30m their assessment showed a negative profit of £3,259,277 (-5.3%) but on the basis of a target blended profit of 15.87% this shows an overall deficit of approx £13.02m.

Taking into account the large deficit of each scheme we must question its deliverability.

We have also assessed the schemes as detailed above and our appraisals included as appendix 1 and 2 show the following:

- 1) PRS Scheme – This shows a deficit of £7,875,312 which would reduce the profit to a minimal amount of £243,304 assuming a BLV of £6,010,367.

- 2) Private Sale Scheme – This shows a deficit of £8,258,262 which would reduce the blended profit to £1,203,658 (2%) assuming a BLV of £6,010,367.

The key differences between the parties are:

- Ground Rents
- Purchasers Costs
- Build Costs
- CIL and 106
- Legal fees
- Finance rate
- Benchmark Land Value

Both parties agree that the schemes are not viable at varying degrees and their inability to provide affordable housing however due to the levels of viability I still must question the deliverability and sustainability of the scheme in its current form. However please confirm if you wish me to undertake a further analysis on a sensitivity basis as to the key inputs of value and cost.

I trust this report provides the information that is required however 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

[REDACTED]

Registered Valuer

[REDACTED]

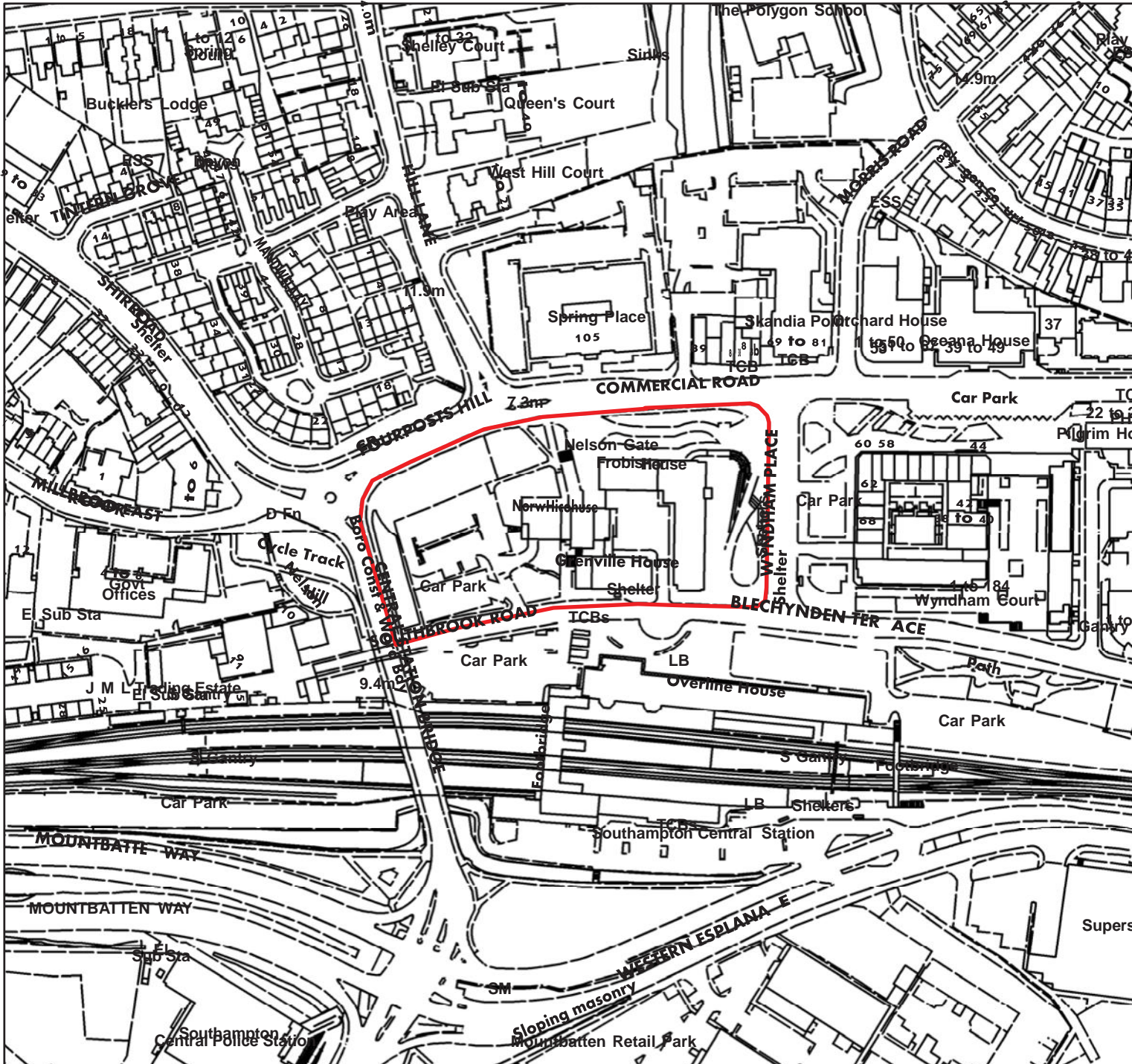
DVS

Appendix 1 – Proposed PRS Scheme Appraisal

Appendix 2 – Proposed Private Sale Scheme Appraisal

19/00038/OUT

Appendix 4



Scale: 1:2,500



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Agenda Item 6

Planning and Rights of Way Panel 12th November 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Land at Bargain Farm, Brownhill Way, Southampton			
Proposed development: Development of the site to provide a single storey food store (use class A1) with 158 car parking spaces to be accessed from Frogmore Lane via a new spur road and associated landscaping (departure from development plan)			
Application number:	18/01045/FUL	Application type:	FUL
Case officer:	Jenna Turner	Public speaking time:	15 minutes
Last date for determination:	08.11.18 (Extension of Time Agreed)	Ward:	Redbridge
Reason for Panel Referral:	More than 5 letters of objection have been received	Ward Councillors:	Cllr Sally Spicer Cllr Cathie McEwing Cllr Lee Whitbread
Applicant: Lidl UK		Agent: RPS Planning and Development – Chris Tookey	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies CS3, CS6, CS13, CS14, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, HE6, TI2 of the City of Southampton Local Plan Review (Amended 2015) as supported by the NPPF (2019).

Appendix attached			
1	Access Appeal Decision	2	Development Plan Policies

Recommendation in Full

1. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to:
 - a) the planning conditions recommended at the end of this report and;
 - b) the completion of a S.106 Legal Agreement to secure:
 - i. The delivery of site specific transport improvements in the vicinity of the site including the reconfiguration of the Brownhill Way/Frogmore Lane junction and the dedication of land to facilitate the dualling of Brownhill Way, 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 of a Training & Employment Management 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).
 - iv. Submission, approval and implementation of a Travel Plan.
 - v. Submission, approval and implementation of a Servicing Management Plan including the routing of HGVs that service the store.
 - vi. Submission, approval and implementation of a Site Waste Management Plan.
 - 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. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that an acceptable junction design cannot be agreed or the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. In the event that the scheme’s viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. **The site and its context**

- 1.1 The site is a 0.89 hectare area of open fields, part of a wider parcel of farmland collectively known as Bargain Farm. The site is at the edge of the administrative

boundary between Southampton City Council and Test Valley Borough Council, although this scheme is wholly within the Southampton administrative area. As required, Test Valley have been consulted as part of the application process.

- 1.2 Planning applications are also being considered by Southampton City Council and to Test Valley Borough Council for adjoining sites within Bargain Farm for a NHS Health Campus with Park and Ride and a residential care home (see section 4 of this report below).
- 1.3 The site lies to the north of Brownhill Way, approximately 500 metres east of junction 1 of the M271 and is bounded, to the east, by Frogmore Lane. The context of the site is mixed in character comprising residential areas to the south and north and David Lloyd leisure centre to the east. Further west, the Lidl Distribution Centre and employment uses within Adanac Park are significant features within the locality.

2. **Proposal**

- 2.1 The application seeks full planning permission for the construction of a Lidl foodstore with 1,352 sq.m of sales area (2,225 sq.m inclusive of sales, warehouse, storage and welfare facilities), served by 134 car parking spaces (which includes 10 disabled user spaces, 14 parent and child spaces and 2 electric vehicle spaces). For comparison purposes, the recently approved Lidl application on Banister Road comprised a 2,079sq.m foodstore and the new Shirley Lidl has 2,200sq.m of floorspace.
- 2.2 The site would be accessed from Frogmore Lane, via a new access road that would also potentially link through to neighbouring sites within Bargain Farm. The access road itself lies outside of the Southampton City Council's administrative area and is subject to a separate planning application, submitted to Test Valley Borough Council. The access has been granted planning permission, via a planning appeal, and the decision for this is provided as ***Appendix 1*** to this report.
- 2.3 The store itself would be located to the western portion of the site with the main entrance to the south-eastern corner of the building. The building is single-storey in massing with a height which ranges from 5 to 7 metres. The building has a mono-pitched roof with white clad elevations, silver metal clad detailing and curtain wall glazing to the southern elevation, facing Brownhill Way.
- 2.4 In terms of servicing, a delivery bay, designed to accommodate HGVs, is located to the northern elevation of the building.
- 2.5 The application site includes an area of land that wraps the eastern and southern boundary of the site to be bonded to the Highways Authority to deliver associated highways improvements. The off-site highway works would include the dualling of Brownhill Way and junction improvements to the Frogmore Lane and Brownhill Way. This is discussed in detail, in section 6 below. The highways improvements required to make the development acceptable in planning terms have been subject to extensive consideration since the application was initially submitted. The application originally proposed a roundabout solution, albeit this would not be fully funded by the application and with no further funding identified to deliver it. The amended junction solution was designed at a high-level by the Council's

Highway Team and would essentially convert the existing Frogmore Lane/Brownhill Way junction from a staggered junction to a cross-road. A detailed amended plan of this off-site junction has now been received.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**. The site is not allocated for development within the Development Plan. It lies within an area of low accessibility to Public Transport (5-10 buses an hour within the morning peak). The site is not within a retail centre and the Council’s adopted policies require new retail development in excess of 750sq.m to be delivered in designated retail centres unless it can be demonstrated as acceptable with a sequential approach and retail impact assessment. This is discussed in more detail in section 6, below.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 In 2015, outline planning permission was granted for the development of part of Bargain Farm (west of this site) for 12,941 sq.m of B1 (Business) and B2 (General Industrial (our reference 14/00128/OUT). Outline planning applications are currently being considered by both Southampton City Council and Test Valley Borough Council for the formation of a Health Campus and Park and Ride to the west of the site (our reference 19/00289/OUT). In addition to this, Test Valley Borough Council are also considering an application for a care home to the north of the site (our reference 19/00559/CONSUL).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (24.08.19) and erecting a site notice (21 and 31.08.18). At the time of writing the report **9 representations** have been received from surrounding residents (3 in support and 6 objections) with a further objection lodged on behalf of Sainsbury’s Supermarkets Ltd. The following is a summary of the points raised:
- 5.2 ***Concern with the traffic plans and potential cost implications to SCC residents. Concerns with additional queuing on the road network that***

would result from the development, having regard to the existing congested situation.

Response

The proposed highway mitigation scheme has been amended from that originally submitted. A simplified cross-road junction is proposed at the junction of Brownhill Way and Frogmore Lane which would reduce traffic queuing and reduce disruption to road users. Recommendation 1c(i), above, secures the delivery of these road improvements, which the applicant is expected to deliver in its entirety. Previously a part funded roundabout was proposed and consulted on.

- 5.3 ***There should be dedicated public transport link to serve the store.***

Response

The nearest bus stop to the site is on Lower Brownhill Way, approximately 250 metres from the site. This provides connections to the city centre via Shirley, Lordshill and Maybush. As part of this application, there are no proposals to secure an additional bus route and there is no policy requirement for the proposal to deliver this.

- 5.4 ***The submitted sequential test is not sufficient since available sites in Shirley Town Centre have not been fully explored.***

Response

The submitted sequential test has explored suitable available sites within Shirley Town Centre. The Council's Planning Policy Team are satisfied with the submitted assessment in this respect and have raised no objection to the principle of a new foodstore in this location.

- 5.5 ***Available sites in Lordshill District Centre have not been adequately considered.***

Response

The applicant has discussed the availability of sites within the Lordshill District Centre with the Council and no suitable available sites have been identified. The Council's Planning Policy and Capital Assets Teams agree with this conclusion.

- 5.6 ***The submitted retail impact assessment is based on out-of-date data.***

Response

The submitted retail impact assessment is based on the most up-to-date Southampton and Eastleigh Retail Study, albeit this is now 8 years old. As such, the applicant has carried out sensitivity testing using the latest convenience retail forecasts. The Council's Policy Team are satisfied with this approach.

Consultation Responses

- 5.7 **Test Valley Borough Council – Objection.** The application site does not include the access to the public highway and as such, it is not possible to properly consider or control the highways impacts of the proposal. Test Valley Borough Council have refused planning permission for the access. Query whether the access could be taken from the south-east corner of the site.

Response: Since these comments were received the access to the site has been granted planning permission at appeal. A 'Grampian' style condition is recommended to ensure that the development cannot take place until the

approved access with the administrative boundary of Test Valley Borough Council is provided.

5.8 **SCC Planning Policy** – No objection. Originally queried a number of points relating to the submitted retail sequential test and retail impact assessment. On receipt of further information from the applicant they raise no objection.

5.9 **SCC Highways** – No objection. Currently, the signalised junction of Brownhill Way/Frogmore Lane/Lower Brownhill Way is at, or close to, capacity and, with the development, the junction would be significantly over-capacity resulting in significant queuing on Brownhill Way. The proposed works to improve this junction would simplify the current layout thereby reducing time stopped for red lights, reducing queuing and disruption for road users and improving traffic flow. The proposed mitigation is, therefore, acceptable in principle. Further sensitivity testing and auditing of the road design is required before the layout can be agreed (see recommendation 1a). The final road scheme would need to be delivered before the store first becomes operational and should be funded by the developer.

The number of car parking spaces exceeds the adopted maximum standards (134 spaces proposed compared with the maximum standard of 123.6) and should be reduced. Cycle parking complies with standards. Information has been provided which demonstrates that an articulated lorry can enter and leave the site in a forward gear.

5.10 **Highways England** – No objection.

5.11 **Hampshire County Council (Highways)** – Request further information including the inclusion of the access from Frogmore Lane, modelling amendments of the proposed roundabout scheme and clarification regarding the delivery of the roundabout.

Response: As noted above, the access to the site has gained planning permission and a condition can secure its delivery. A roundabout solution is no longer proposed for the Frogmore Lane/Brownhill Way junction. The section 106 agreement will place the onus on the developer to secure the delivery of the agreed junction improvements.

5.12 **SCC Sustainability Team** – A pre-assessment estimator for BREEAM has been submitted with the application and this demonstrates that BREEAM Excellent can be achieved. Conditions are suggested to secure this.

5.13 **SCC City Design** – Query how the development relates to proposals for the rest of the Bargain Farm area. There is a need to secure a comprehensive landscape scheme which should include significantly more tree planting than currently proposed.

5.14 **SCC Environmental Health (Pollution & Safety)** – No objection. The lighting scheme limits the potential for nuisance to nearby residential properties. The submitted noise report demonstrates that the development would not result in noise disturbance. Conditions are suggested to secure opening hours, the type of plant and machinery provided and a Construction Management Plan.

- 5.15 **SCC Flood Authority** – No objection. Suggests conditions to secure the Sustainable Drainage.
- 5.16 **SCC Environmental Health (Contaminated Land)** – No objection. There is the potential for contamination to exist on the site and conditions are suggested to investigate and secure any necessary remediation measures.
- 5.17 **SCC Ecology** – Following receipt of a revised landscaping plan, are satisfied that a young hedge to the southern boundary of the site would be retained. The site itself is of low ecological value.
- 5.18 **SCC Trees** – Satisfied that the existing young hedge to the south of the site will be retained. There are no other notable trees on the site.
- 5.19 **SCC Archaeology** – No objection. Groundworks associated with the proposals have the potential to damage archaeological deposits and a phased programme of archaeological investigation will be needed to mitigate this. Conditions are recommended to secure this.
- 5.20 **Natural England** – No objection
- 5.21 **Southern Water** – No objection

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;
 - Residential amenity;
 - Parking highways and transport and;
 - Air Quality and the Green Charter.
- 6.2 Principle of Development
- 6.2.1 The National Planning Policy Framework (NPPF) and LDF Core Strategy Policy CS3 guide new commercial developments to designated retail centre locations (City, Town, District or Local Centres). As such, since the site is not within an existing retail centre, the principle of development is not automatically acceptable. If, however, there are no sites available within designated centres, the policies require that retail uses are located first to edge-of-centre locations and, if none are available, out-of-centre sites can then be considered (known as ‘the sequential approach’). In addition to this, out-of-centre retail should not have a significant adverse impact on existing centres.
- 6.2.2 A Sequential Test and Retail Impact Assessment were submitted with the application to address this policy requirement given this out of centre location. The sequential test concluded that there are no suitable sites available within or immediately adjoining any existing centres in this part of Southampton. In addition to this, the Retail Impact Assessment concluded that there would be ‘no significant adverse impact on the vitality or viability of any defined retail centre.’ Following receipt of further information, this view is supported by the Council’s Planning Policy team.

6.2.3 Policy CS6 of the Core Strategy promotes the Economic Growth and it is anticipated that the proposal would generate 35 part-time (23 full-time equivalent) and 5 full time jobs. Overall, having regard to the conclusions of the sequential test and the retail impact assessment, the principle of developing the site for out-of-centre retail is considered to be acceptable and the creation of an employment generating use on this vacant site is welcome.

6.3 Design and effect on character

6.3.1 Bargain Farm is currently open fields and its development for retail will, therefore, inevitably represent a notable change to the character of the area. Furthermore, the immediate wider character of the area comprises large warehouse style buildings with associated surface-level car parking. The proposed development would be consistent with this character.

6.3.2 The site itself is not of high landscape value and is surrounded by development, with the exception of the neighbouring fields making up the remainder of Bargain Farm. As noted above, there are further proposals for the development of the wider Bargain Farm site, the majority of which lies within Test Valley Borough Council. The wider Bargain Farm site is allocated for employment development within the adopted Development Plan for Test Valley Borough Council. The development can be delivered without prejudicing the delivery of neighbouring site and would be consistent, in terms of character, with the range of developments proposed for adjoining sites.

6.3.3 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 mixed-use location without a defining style of architecture.

6.3.4 The application does include high-level landscaping details and provides the opportunity to include significant site landscaping, particularly to the boundaries of the site. This will be secured by planning condition.

6.4 Residential amenity

6.4.1 The nearest residential properties to the site lie approximately 30 metres to the south of the site, on the opposite side of Lower Brownhill Road. To the north, the recent development of Bargain Close is over 70 metres from the site. The separation to these properties ensures that the building itself would not give rise to any adverse effects in terms of outlook, daylight, shadowing or privacy.

6.4.2 In terms of the operational impacts on residents, a noise assessment has been undertaken and concludes that noise generated by the movements of HGVs to and from the site and from plant and machinery would fall below the Lowest Observed Effect Level as set out in the National Planning Policy Framework. The Council's Environmental Health Team support this conclusion. The application is also accompanied by a lighting assessment and whilst the lighting design has not been finalised, the assessment demonstrates that the external areas can be adequately lit without causing harmful spillage to nearby residents. A condition will be used to secure the final lighting details. As such, overall, the relationship of the proposal with the residential neighbours is considered to be acceptable.

6.5 Parking highways and transport

- 6.5.1 Currently the level of car parking proposed is in excess of the Council's maximum standards (134 spaces proposed and 123.6 spaces permitted). The applicant considers that this is the minimum number of car parking spaces they require given the remote location of the site. External cycle stands are provided and condition 11 seeks the provision of secure and covered cycle storage for staff which includes shower and changing facilities.
- 6.5.2 Whilst the access link from Frogmore Lane into the site does not fall within this application, it does benefit from planning permission and a condition is suggested to secure both the final design and delivery of this route. The store is designed to accommodate the HGVs that would service the development and the Highways Team are satisfied that the arrangements would function well.
- 6.5.3 A key consideration of the development is its impact on Brownhill Way, which is a well-trafficked C-class road that links to the M271. Currently, Brownhill Way is close to capacity and subject to significant vehicle queueing during peak travel times. The junction of Brownhill Way and Frogmore Lane is a fairly complicated staggered junction with 2 separate phases of traffic signals. The existing junction design, therefore, contributes to the congestion on Frogmore Lane due to increased queueing and red light time. As the development would result in additional traffic movement on Brownhill Way, it would, therefore, exacerbate this situation, unless suitable mitigation can be delivered.
- 6.5.4 The application originally proposed a financial contribution towards replacing this junction with a roundabout. Whilst a roundabout solution would improve traffic flows, in the absence of a full funding package towards the roundabout, there was no certainty that the junction upgrade could be delivered before the store opened. This would not be acceptable in Planning or highway safety terms.
- 6.5.5 As such, an alternative, less drastic junction design is now proposed which would effectively convert the existing staggered junction into a crossroad solution. The new solution would create a simplified road design with a single-phase of traffic signals which would thereby improve the flow of traffic on Brownhill Way. In addition to this, the new junction would provide an improved pedestrian environment. The Council's Highways Team are satisfied that the new junction design would ensure that the highway network could accommodate the development, subject to the junction improvements being delivered before the store opens. This would be secured through the section 106 agreement and, as set out, the expectation is that the developer would fully fund the new junction improvement.
- 6.6 Air Quality and the Green Charter
- 6.6.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.6.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality

Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

6.6.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

6.6.4 The application site is over 1km from the nearest Air Quality Management Zone and as such, an air quality assessment has not been undertaken for this development. The application has introduced measures to respond to the Green Charter and the air quality impact of the development including:

- being designed to meet BREEAM Excellent;
- introducing electric vehicle charging points within the car park;
- securing a detailed landscaping scheme, which includes new tree planting;
- securing improvements to sustainable travel through the section 106 legal agreement and;
- securing a carbon management plan through the section 106 legal agreement which will either secure carbon neutrality or mitigation.

7. Summary

7.1 The application for a new foodstore with parking has satisfied the planning policy tests required for out-of-centre retail uses and the development of the site for an employment generating use is acceptable. The application proposes acceptable off-site highway improvements that would enable the development to proceed without having a detrimental impact on the highways network. The store would be consistent with the character of the area and would not have a detrimental impact on the nearby residential properties.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

JT for 12/11/19 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. Access to the site (Grampian Condition)

No development shall begin until a scheme for the provision of the access to the site from Frogmore Lane for both vehicles and pedestrians has been submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the agreed scheme before the store hereby approved first comes into use and thereafter retained as approved.

Reason: To secure a satisfactory means of access to the site in the interests of the character, amenity and safety of the area.

3. Access to the Car Park (Performance Condition)

The access to the car park hereby permitted shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided. Within these visibility splays, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the adjacent carriageway at any time. The splays shall be maintained in accordance with these requirements for the lifetime of the development.

Reason: In the interests of highway safety

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

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. 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.

5. 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. A specification of the trees to be planted providing native trees and an increase in broadleaf tree planting across the site;

- iii. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. Details of all hardstanding;
- v. details of any proposed boundary treatment, including retaining walls and;
- vi. a landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on site.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for 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

6. 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.

7. Restriction of net sales area (Performance Condition)

Notwithstanding the approved plans the development hereby approved shall only have a maximum net sales area of 1,352 sq.m unless agreed otherwise in writing by the Local Planning Authority

Reason: To prevent affecting the vitality and viability of nearby designated retail centres.

8. Parking (Pre-Use Condition)

The car parking spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into use and thereafter shall be 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.

9. 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. This shall include details of a security barrier and subsequent management to prevent car park access overnight. 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.

10. 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.

11. 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. Lockers, showers and hanging facilities 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.

12. 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.

13. 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.

14. 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 along the length of the shop frontages to the southern elevation of the building fronting Brownhill Way 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.

15. Lighting scheme (Pre-commencement Condition)

Before the use hereby approved commences, external lighting shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The external lighting shall be 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

16. 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 (March 2015).

17. 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 report 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 (March 2015).

18. Electric Vehicle Charging Points (Performance Condition)

Before the store hereby approved first comes into use, the two electric vehicle charging points shall be provided and rendered operational in accordance with a specification to be first agreed in writing by the Local Planning Authority. The charging points shall be thereafter retained and maintained as approved.

Reason: To combat the effects of climate change and reduce the emission of pollutants

in accordance with policy CS20

19. 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. No further external plan and machinery shall be installed unless otherwise first agreed in writing by the Local Planning Authority.

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

20. Construction Management Plan (Pre-Commencement Condition)

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

- a) parking of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- f) details of construction vehicles wheel cleaning; and,
- g) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

21. Hours of work for Construction (Performance Condition)

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

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

And at no time on Sundays and recognised public holidays.

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

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

22. 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).

23. 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.

24. Hours of Use & Delivery (Performance Condition)

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

- 7am to 10pm (Monday to Saturday - including recognised Public Holidays) and
- 10am and 5pm (Sundays)

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

- 7am and 11pm (Monday-Saturday - including recognised Public Holidays)
- 9am and 8pm (Sundays)

Reason: In the interests of existing and proposed residential amenity

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

Appeal Decision

Site visit made on 11 June 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/C1760/W/18/3209462

Bargain Farm, Frogmore Lane, Nursling SO16 0XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Jobling, Trustee of the Barker Mill Estates against the decision of Test Valley Borough Council.
 - The application Ref 17/01600/FULLS, dated 16 June 2017, was refused by notice dated 19 February 2018.
 - The development proposed is the creation of a new access from Frogmore Lane and access spur road into Bargain Farm.
-

Decision

1. The appeal is allowed, and planning permission is granted for the creation of a new access from Frogmore Lane and access spur road into Bargain Farm at Bargain Farm, Frogmore Lane, Nursling SO16 0XS in accordance with the terms of the application, Ref 17/01600/FULLS, dated 16 June 2017, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal complies with the development plan in respect of policy on settlement hierarchy and development in the countryside.

Reasons

3. The appeal site forms part of a larger parcel of agricultural land which is bounded on all sides by urban development. This land, which is known as Bargain Farm, is identified as countryside within the Test Valley Borough Revised Local Plan 2011-2029 (LP). However, LP Policy LE5 also allocates part of the site for employment uses, with criterion (b) stating that access to the site be provided by vehicular access from Adanac Drive and pedestrian and cycle access from Frogmore Lane. The remainder of the land is identified within LP Policy T3 as a site for a park and ride facility. The policy is not prescriptive in relation to access arrangements, although it does require a detailed transport assessment which takes account of the Strategic and Local Highway Network.
4. Planning permission was refused on the grounds that the proposal would conflict with LP Policy COM02(b). This policy states that development outside the boundaries of settlements in the hierarchy will only be permitted if it is essential for the proposal to be located in the countryside. Although within the countryside for policy purposes, Bargain Farm is also allocated for development and therefore the clear intention is for the land to be urbanised before the end of the plan period.

5. It is contended that the appeal scheme is not essential. However, the redevelopment of the farmstead for housing has removed the original vehicular access into the site. Bargain Farm will therefore require a new access onto the highway network to facilitate its development. The appellant is seeking to deliver this infrastructure in order to provide certainty for potential developers.
6. Outline permission has already been granted for employment development on the western end of the Bargain Farm site and this would have been served by a dedicated access off Adanac Drive. The period for submitting reserved matters has lapsed and therefore the permission is no longer extant. Nevertheless, it is significant that the approved plans made no provision for access through the development into the wider Bargain Farm site. The decision, which post-dates adoption of the LP, is an implicit recognition that another point of vehicular access will be necessary to bring forward the remainder of the site allocation. Notwithstanding its requirement for a pedestrian and cycle access, there is nothing in planning policy to preclude a vehicular access off Frogmore Lane.
7. The Council does not provide any substantive evidence to support its argument that the junction of Frogmore Lane and Brownhill Way is nearing capacity. Furthermore, the evidence presented does not enable me to reach a conclusion on whether Adanac Drive would have the capacity on its own to serve the entire Bargain Farm site. Much will depend upon the future mix of uses and it may be that more than one access point is required.
8. I do not consider that the appeal should turn on highway capacity issues. The Highway Authority assessed the proposal on the basis that it would not attract or generate trips by any mode. This was the correct approach. All subsequent planning applications for Bargain Farm will be required to demonstrate, firstly that the junction form is appropriate to accommodate an agreed quantum of trips and specific vehicles, and secondly that the junction and road link has appropriate capacity to accommodate such developments. This will include an assessment of whether the junction of Frogmore Lane and Brownhill Way is suitable for the number of vehicle movements being generated. Improvements to the local highway network can be secured at that stage if necessary.
9. Various planning applications have already been submitted for the Bargain Farm site, including one for a food store. The Council is concerned that the plans for the latter do not include the access within the application site. However, this does not prevent consideration of whether the spur road and junction being sought under the present appeal are suitable to serve the development.
10. The Council accepts that, when taken in isolation, the proposed access junction and road would not have an adverse impact on the operation, capacity or safety of the highway network. The scheme would comply with LP Policy T1 inasmuch that it would not have a detrimental effect on the highway network. The parties agree that the proposal would not harm the character or appearance of the area. Given that the local plan allocations will most likely result in urban form extinguishing the countryside characteristics of the site, I concur.
11. To conclude, vehicular access is a prerequisite for enabling development on this allocated site, and therefore there would be no conflict with LP Policy COM02 in respect of policy on settlement hierarchy and development in the countryside. The proposal complies with the development plan taken as a whole, and there are no material considerations to justify refusal of permission.

Other Matters

12. The appellant refers to various proposals for the wider Bargain Farm site. It would not be appropriate to prejudge the outcome of pending planning applications and therefore the benefits of these schemes have not had a significant bearing on my decision. That said, the need to bring the site forward for development in line with adopted planning policy carries significant weight.
13. I have noted the discrepancy between LP Policy LE5 and Map H. Paragraph 1.16 of the policy supporting text indicates that in the case of a discrepancy, the written statement prevails over the proposal maps. This reflects Regulation 9(2) of The Town and Country Planning (Local Planning) (England) Regulations 2012. I have attached very limited weight to the map annotation showing an access off Frogmore Lane.

Conditions and Conclusion

14. In addition to the standard commencement condition I have attached conditions securing visibility splays and new hedging behind the splays, in the interests of highway safety and the character and appearance of the area respectively. I have omitted the Council's suggested condition relating to surfacing of the access, as these details have already been provided as part of the application.
15. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The access hereby permitted shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided. Within these visibility splays, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the adjacent carriageway at any time. The splays shall be maintained in accordance with these requirements for the lifetime of the development.
- 3) The access hereby permitted shall not be brought into use until a boundary hedgerow, of a specification to be first agreed in writing by the local planning authority, has been planted to replace any existing hedgerow lost to provide the required visibility splays. Any plants which die, or are removed or become diseased or damaged, during the first five years shall be replaced in the next planting season.

--- END ---

Application 18/01045/FUL

APPENDIX 2

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

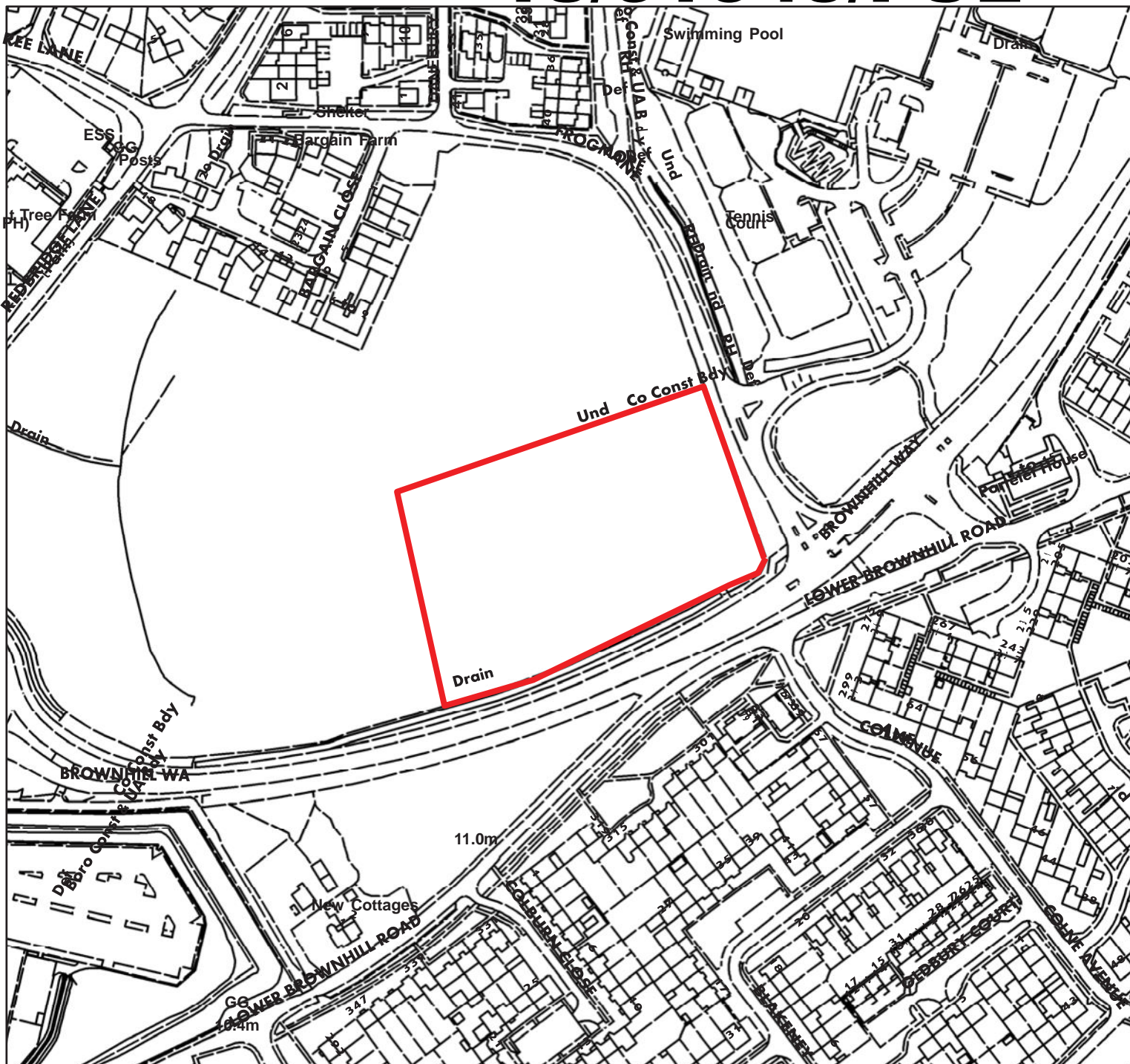
The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

NPPF (2019)

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18/01045/FUL



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Agenda Item 7

Planning and Rights of Way Panel 12th November 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 59 Burgess Road, Southampton			
Proposed development: Erection of a part single storey, part first floor rear extension and 2.4m high retaining wall			
Application number:	19/01530/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	01.11.2019	Ward:	Bassett
Reason for Panel Referral:	Referral from Ward Councillor	Ward Councillors:	Cllr Beryl Harris Cllr Les Harris Cllr John Hannides
Referred to Panel by:	Cllr Beryl Harris	Reason:	Overdevelopment. Out of character.
Applicant: Mr & Mrs Akbar		Agent: Toldfield Architects Ltd	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2018). Policy – CS13 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, SDP21 and SDP23 of the City of Southampton Local Plan Review (Amended 2015). Policies – BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached			
1	Development plan policies		

Recommendation in Full

Conditionally approve

1. The site, its context and background to the scheme

- 1.1 The application site comprises a large two-storey, semi-detached family dwelling with an existing two-storey side extension and single-storey rear extensions. The two-storey side extension originally included an integral garage. The garage has since been converted in to living accommodation with bin store to the front.
- 1.2 The dwelling sits within a large garden plot with large front driveway, fronting onto the busy route of Burgess Road. The driveway provides parking for at least 3 cars. At the rear boundary of the rear garden there is a large earth bank, which has been partially excavated and altered in recent years, with trees removed. The trees were not protected by TPO, so their removal did not require planning permission.
- 1.4 All Saints Lodge, neighbouring the site to the rear, is set approximately 2.4m above the application site. The Lodge building itself is set back approximately 20m from the rear boundary fence. No.3 Burgess Gardens adjoins the site to the West and the dwelling itself lies approximately 3.5m from the proposed retaining wall. No.3 Burgess Gardens has previously altered the earth bank on the boundary to form a narrow paved area with steps leading steeply down into the main garden.
- 1.5 Partial excavation works for the proposed retaining wall were begun in 2018 and ceased when a Planning Enforcement Officer advised the works required planning permission. An Enforcement Notice was served in March 2019, requiring that the alterations to create a small, artificially raised area on the earth bank at the north-western corner of the site, adjoining No.3 Burgess Gardens, be removed and the earth bank be re-instated, due to concerns for creating a platform that would result in overlooking of No.3 Burgess Gardens. An appeal against this Enforcement Notice is currently in progress. It is important to note that this Enforcement Notice does not prejudice the current application. The proposed retaining wall would actually resolve the Notice by removing the raised area in question.

2. Proposal

- 2.1 The proposal comprises 3 main elements; the ground floor extensions to the side and rear of the existing kitchen and dining rooms, which replace the existing conservatory; a small first floor extension to re-organise the internal layout; and a new 2.4m high retaining wall to the rear garden boundary.
- 2.2 Other minor alterations to pave the existing front driveway and re-pave the rear patio in porous materials are shown on the plans, however the creation of hardstanding in porous materials is allowed under Permitted Development, without planning permission, so have not been included in the description of development. Similarly a single-storey detached outbuilding is shown on the proposed site plans, but does not form part of the description of the development, as it appears to benefit from permitted development.

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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). Also of relevance to this application are policies within the Bassett Neighbourhood Development Plan (adopted 2016). The most relevant policies are set out at **Appendix 1**.

- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, and policies BAS1 (New Development) and BAS4 (Character and Design) of the Bassett Neighbourhood Plan, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.
- 3.4 Policies SDP5 and CS19 require adequate provision of car and cycle parking, as supported by the Parking Standards SPD. Policies SDP21 (Water Quality and Drainage) and SDP23 (Unstable Land) seek appropriate surface water management and development that would not add to the instability of surrounding land.

4. Relevant Planning History

- 4.1 There is limited planning history on this site. The existing two storey side extension, comprising an integral garage with bedrooms above, was conditionally approved in 1985 (M19/1661).
- 4.2 More recently, an application for a detached 2 bedroom bungalow in the rear garden was refused on 20.08.2018 under reference 18/00749/FUL and included the following reason for refusal:

Reason for refusal; Overdevelopment and out of character.

The proposed development is considered to be out of context and character with the established pattern of surrounding development taking into account the proposal's cramped form, excessive site coverage with buildings, hardstanding and car dominated frontage, lack of detailed high quality soft landscaping scheme to compensate for the removal of several large trees on site which previously contributed to the character of the area; and the incorporation of a contrived flat roof form. The proposal therefore fails to take the opportunity to reflect the wider characteristics of Bassett Ward and therefore fails to respond adequately to local context and current design standards. Accordingly the scheme represents an overdevelopment of the site and as such is contrary to paragraphs 122, 126 and 129 of the NPPF (Draft text for consultation, March 2018), Paragraphs 5.2 and 6.1; and policies BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), policies SDP1(i), SDP7(i) (iv) (v), SDP9(i) (v) of the adopted City of Southampton Local Plan Review (as amended 2015) and policies CS13 (1) (2) (6) (7) of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the relevant sections of the

approved Residential Design Guide SPG (September 2006), particularly 3.9.1, 3.9.2, 3.9.5 and 3.10.2.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **1 representation** has been received from owners of neighbouring property. The following is a summary of the points raised:

5.1.1 No objection to the proposed rear extensions, however concerns raised for the retaining wall. Concern for discrepancies in wall height (1.8m on the application form and design and access statement. 2.4m on the plans).

Response:

The retaining wall height is clarified as 2.4m on the submitted detailed site plan, elevation and section drawings, and on the supporting document titled "Retaining Wall Details", which would form the basis of any permission granted.

5.1.2 Concern for the structural integrity of the wall and request for further details (depth of downstand, density of infill core and backfill hardcore, suitability of steel reinforcement, detail of return ends, detail of soakaway and drainage).

Response:

A Building Control officer has reviewed the structural details for the retaining wall and is satisfied that the design and calculations have been undertaken by a fully qualified practitioner using industry recognised software for the structural calculations. Further details of drainage and a construction method statement can be secured by condition. Detailed technical specifications such as the depth of the downstand and density of fill materials are for the applicant's qualified engineer to design and are not a material consideration for a planning application. As with any planning application, any damage caused to neighbouring properties by poor workmanship or faulty technical design is the responsibility of the applicant and for the relevant landowners to dispute as a civil matter.

5.2 Consultation Responses

5.3 **Building Control:** The submitted information is sufficient, and the design and calculations for the retaining wall have been undertaken by a fully qualified engineer using industry recognised software for the structural calculations. The structural details of the proposed extensions and soakaway related to the main house would be subject to approval under Building Regulations, however the retaining wall and its drainage would not.

5.4 **Cllr Beryl Harris (Ward Councillor, Bassett):** Objection and referral to PROW panel. Agree with concerns raised by Bassett Neighbourhood Forum. Objection due to the proposal being overdevelopment and out of character with the local area.

Response:

These issues are discussed in the Planning Considerations below.

5.5 **Cllr John Hannides (Ward Councillor, Bassett):** Objection - Overdevelopment.

Response:

This is discussed in the Planning Considerations below.

- 5.6 **Old Bassett Residents' Association:** Objection – support concerns raised by Bassett Neighbourhood Forum. Concerned that street notices have not been posted, or removed, and that owner of No.61 may not be aware, as the property is rented. Request that Ward Councillors refer application to PROW panel.
Response:
 Site Notices are not always required for planning applications. A street notice was not posted for this application, because the proposal is relatively minor in scale and an extensive neighbour consultation was undertaken by letter (22 surrounding neighbouring properties, including adjoining property, No.61). The Planning Department has exceeded its statutory duty in this respect.
- 5.7 **Bassett Neighbourhood Forum Planning Group:** Objection - Extended construction noise and disruption to the adjoining property No.61. Further extensions to a property that has been previously extended would result in overdevelopment and further loss of smaller, affordable family housing. The contemporary design & scale of the extensions would unbalance the semi-detached pair and would not respect character of the property. The large retaining wall finished in blockwork would be visually unacceptable. No objection to proposed garden outbuilding. (Other concerns have been listed individually below).
Response:
 These issues are discussed in the Planning Considerations below.
- 5.7.1 Retaining wall should not be included in a householder planning application.
Response:
 The retaining wall is within the boundary of, and relates to a single residential property, so a householder planning application is appropriate.
- 5.7.2 No street notices, and owner of No.61 may not be aware, as the property is rented.
Response:
 see response further above.
- 5.7.3 Proposals appear to be an expensive undertaking for minimal gain.
Response:
 This is not a material consideration for a planning application.
- 5.7.4 Submitted application and drawings are poor quality and misleading. Works have started for the retaining wall (removal of trees and part of bank). Discrepancy over retaining wall height (1.8m / 2.4m).
Response:
 The submitted plans provide sufficient information to enable assessment and a decision. The removed trees were not protected by TPO, so this did not require approval. The partial commencement of works to the retaining wall was clearly evident from the site visit and from photos in the submitted design and access statement. As noted above, the retaining wall height is clarified as 2.4m on the submitted detailed drawings.
- 5.7.5 There is an ongoing boundary dispute over the earth bank with the Local Diocese, owners of All Saints Lodge, which borders to the rear. The first floor extension builds onto the party wall with No.61 with no detail of any agreements in place.
Response:
 Land ownership disputes and party wall agreements are civil matters, to be decided outside of planning and subject to separate legislation.

- 5.7.6 The retaining wall is the subject of an ongoing appeal against an Enforcement Notice, and was part of previously refused application 18/00749/FUL.
- Response:**
The Enforcement Notice appeal concerns only a small section immediately adjacent to the rear corner bordering No.3 Bassett Gardens. Nevertheless, this does not prevent the applicant from applying for planning permission for the full proposed retaining wall. The retaining wall did not form part of the reasons for refusal under 18/00749/FUL for a new dwelling. The current application is an entirely different scheme, being for extensions to the existing house, rather than for a new dwelling.
- 5.7.7 Loss of 2 parking spaces, due to conversion of garage to living accommodation. Unclear if conversion of garage was lawful.
- Response:**
The 1985 permission, M19/1661, for the two-storey extension including garage, did not restrict the conversion of the garage into living accommodation and so normal permitted development rights for the conversion of garages into living accommodation still apply. This conversion has been undertaken historically, so does not form part of this application.
- 5.7.8 Porous driveway, patio and soakaways are welcomed, but no details of design or capacity of the soakaway. Concerns for structural integrity of proposed extensions and partial loss of chimney stack.
- Response:**
Surface water drainage and structural details which relate to a building are subject to separate approval under Building Regulations.
- 5.7.9 Concerns for structural integrity of retaining wall, particularly western and eastern boundary wall returns & discrepancies in ground levels along rear boundary. Concern for drainage design. Concern for the quality of topsoil and hardcore used.
- Response:**
A Building Control officer is satisfied that the design and calculations for the retaining wall have been undertaken by a fully qualified practitioner using industry recognised software.
- The South Elevation of the proposed wall shows that the mentioned 0.9m fence to the western boundary sits on top of the earth bank, as a boundary screen, it does not form part of the supporting structure.
- The queried rear boundary “existing banking ground level” indicates the existing ground level, following initial excavation. The rear timber boundary fence is shown at the correct height. The identified difference in heights between the bottom of the fence and the “existing banking ground level” indicates the excavated ground visible on site, which has been temporarily shored up.
- Further details of the soakaway and gradient of the drainage pipe design can be secured by condition. Likewise, the quality of topsoil / hardcore materials imported to the site, and a construction method statement including shoring up of the rear boundary fence during construction can be secured by condition.
- The full width of the top of the retaining wall, including both blockwork outer leaves and 650mm of backfill to the fence, will be just over 1m in total, sufficient for access.

- 5.7.10 Request conditions to secure any necessary legal agreements, full technical and structural sign-off before works can begin and to limit working hours.

Response:

Conditions can be imposed to limit working hours and request further technical details, as noted above, however a condition regarding legal agreements would not be reasonable, as these are a civil matter, outside of planning legislation.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in determining this planning application are:

- Design and effect on character;
- Residential amenity;
- Land stability; and,
- Parking.

6.2 Design and effect on character

- 6.2.1 The proposals are for the erection of a part single storey and part first floor rear extension and creation of a 2.4m high retaining wall along the rear boundary. The proposed extensions would be modest in scale and would not be visible from the public road. The generous proportions of the application site and host dwelling are large enough to accommodate the proposed extensions without them appearing as an overdevelopment of the property.

- 6.2.2 The proposed single storey rear extension would enlarge the existing extension to 6.8m wide x 9.3m deep x 3.2m high, which is considered to be a proportionate increase. In addition the existing single-storey rear extensions comprise of a mix of flat and pitched roof shapes, therefore the proposed flat roofed single-storey extension would not be inappropriate in its design or unsympathetic to the existing property.

- 6.2.3 Similarly the proposed first floor extension would enlarge the depth of the first floor by 2.0m and would incorporate a hipped roof to the rear roofslope with a rooflight serving the enlarged bedroom at the rear. The first floor addition would remain subservient and sympathetic to the existing property and its particular use of hipped roof would ensure it remains a subservient and appropriate addition in terms of its size, scale and design.

- 6.2.4 The proposed retaining wall to the rear of the site would not be visible from the public road, but would be partially visible from neighbouring properties. The plans state the proposed wall would be constructed of blockwork with a course of coping stones to the top edge. A boundary wall as proposed is typical of the boundary treatments within the area and whilst being higher at 2.4m than the standard 2.0m high boundaries – permissible as ‘permitted development’ - would not result in a development out of keeping or harmful to the character of the area. Further details of the final finish of the wall and replacement planting scheme could be secured by condition.

6.3 Residential amenity

- 6.3.1 The proposals are for rear single and first floor extensions to a semi-detached property. No.61, immediately adjoining the host dwelling to the east, has existing single storey rear additions. The proposed single-storey rear extension would be

slightly higher than the existing extension and the neighbour's extension (by approximately 0.8m) with a flat roof. However the size and depth of the proposed extension is not considered to be harmful to this neighbouring property or result in loss of outlook.

- 6.3.2 The proposed first floor extension would project beyond the existing rear elevation by 2m, however given its northern orientation, modest size and depth, and hipped roof rear sloping design, it would not result in an increase in overlooking, or overshadowing to neighbouring properties and would not appear overbearing to the neighbouring property at No. 61.
- 6.3.3 The proposed retaining wall to the rear boundary would not result in overlooking of neighbouring properties, as it does not create a raised platform. In fact it would remove the existing opportunities for overlooking neighbouring properties by removing the existing raised bank and forming a 2.4m high enclosure. Such an enclosure would lower the ground levels of this part of the site and would prevent loss of privacy from this part of the site into the neighbouring properties and conversely from neighbouring properties into the application site.
- 6.3.4 The potential impact of construction noise on neighbouring residents can be mitigated by way of a condition restricting the permitted working hours. Furthermore a construction method statement would ensure deliveries of materials, storage of materials and control of dust would be controlled and avoid adverse impacts on neighbouring properties in terms of noise and disturbance.
- 6.3.5 On the above basis, the proposals would not result in harm to the occupiers of neighbouring properties, subject to compliance with conditions securing details of the proposed materials and a construction method statement and construction hours.

6.4 Land stability and drainage

- 6.4.1 The proposed retaining wall and drainage scheme have been reviewed by a Building Control officer, who is satisfied with the design. Conditions can be applied to require approval of further details of the drainage pipe and soakaway, the use of un-contaminated infill / backfill materials, and a construction method statement that includes proposals for supporting the existing rear boundary fence of All Saints Lodge during construction. Subject to compliance with these conditions, the proposals are considered to be acceptable in terms of land stability and drainage requirements.

6.5 Parking

- 6.5.1 There is no change to the amount, or arrangement of the existing parking on the front driveway. The provision of 3 parking spaces for a dwelling with 4 or more bedrooms would meet our maximum standards in the Parking Standards SPD.

7. Summary

- 7.1 The proposed development would not cause harm to the amenity of neighbouring residents and the design of the extensions and retaining wall would not appear out of character with the host dwelling. Moreover, the site is large enough to

accommodate the proposals, the stability and drainage of surrounding land can be secured by condition, and the existing parking would not be compromised.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AC for 12/11/19 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

02. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Drainage - Retaining Wall (Pre-commencement)

Prior to the commencement of development, a scheme for drainage relating to the proposed retaining wall, including full details of the location, size and design of the proposed soakaway, and the perforated drainage pipe within the wall itself, shall be submitted to and approved in writing by the Local Authority. The drainage scheme shall be implemented in accordance with these approved details and retained thereafter.

Reason: To ensure that surface water run-off is appropriately managed within the application site itself and does not cause flooding issues for neighbouring properties.

04. Construction Method Statement (Pre-commencement)

Prior to the commencement of development, a construction method statement relating to the development as a whole shall be submitted to and approved in writing by the Local Authority. The construction method statement shall include the following details:

- Working hours for excavation, demolition and construction.
- Delivery arrangements
- Dust suppression
- Method of supporting the existing rear and side garden boundary structures during excavation and construction of the proposed retaining wall.

The development shall be implemented in accordance with the approved construction method statement for the duration of excavation and construction works on site.

Reason: To protect the amenity of neighbouring residents.

05. Details of building materials - Retaining Wall (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 relating specifically to the rear boundary retaining wall hereby approved shall be carried out until a written schedule of external materials and finishes 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 materials to be used for external walls and coping course of the proposed retaining wall hereby approved. 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.

06. Replacement planting scheme (Pre-Commencement)

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

- i. proposed finished ground levels, grassed / turfed areas, hard surfacing materials,
- ii. planting plans; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);

The approved replacement planting scheme 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

07. Materials as specified and to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof relating specifically to the construction of the extensions to the main dwelling hereby permitted, shall be as specified on the approved plans. Where there is no materials specification on the approved plans, the materials shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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.

08. Use of uncontaminated soils and fill (Performance)

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

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

09. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car and Cycle Parking

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Context
SDP9 Scale, Massing & Appearance
SDP21 Water Quality and Drainage
SDP23 Unstable Land

Bassett Neighbourhood Development Plan – (Adopted 2016)

BAS1 New Development
BAS4 Character and Design

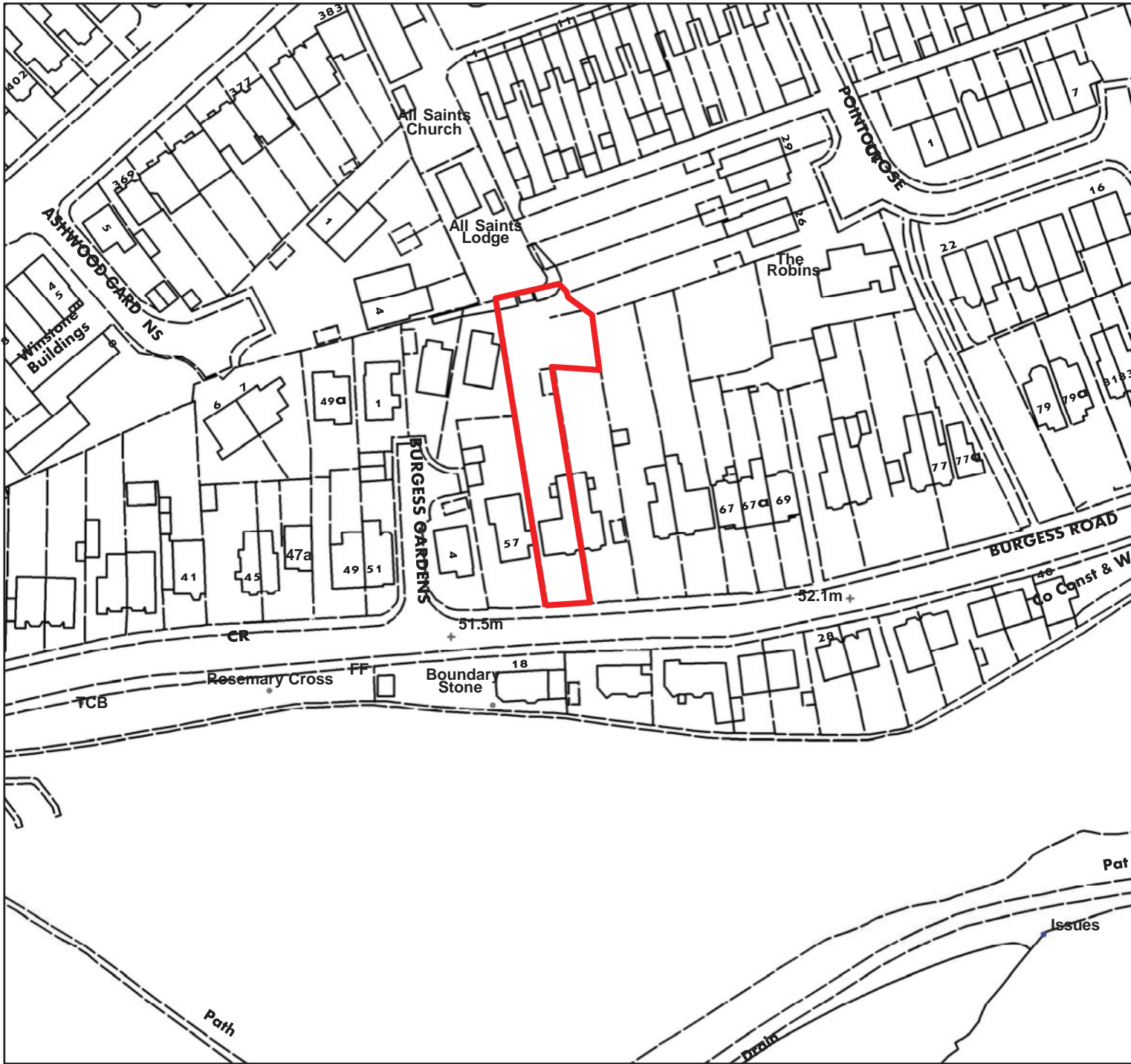
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)

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Agenda Item 8

Planning and Rights of Way Panel 12th November 2019 Planning Application Report of Service Lead – Infrastructure, Planning and Development

Application address: 18 Grosvenor Road, Southampton			
Proposed development: Application for variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of planning permission ref: 18/00765/FUL (amended after validation to include Condition 1)			
Application number	19/01533/FUL	Application type	FUL
Case officer	Anna Coombes	Public speaking time	5 minutes
Last date for determination:	22.11.2019	Ward	Portswood
Reason for Panel Referral:	Ward Councillor referral	Ward Councillors	Cllr Mitchell Cllr Cooper Cllr Savage
Referred to Panel by:	Cllr Savage	Reason:	Exceeds approved height. Harm to neighbour amenity.

Applicant: Mr Ron Meldrum	Agent: N/A
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Planning Permission

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

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

Appendix attached			
1	18/00765/FUL – Panel Minutes	2	Development Plan Policies

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site is located midway along the eastern side of Grosvenor Road in a predominately residential area to the north of Portswood. The road is typified by traditionally built detached and semi-detached dwellings benefiting from good size plots with mature tree planting in the rear garden and along parts of the street frontage, giving an established and attractive character with original elements such as front boundary walls being retained in sections. Outbuildings are generally subservient in scale and located to the rear or side of properties here.
- 1.2 The application site contains a two-storey, semi-detached family dwelling house with an unusually wide (for this road) gap between it and the neighbouring property to the south. Within this gap there is currently a two storey garage structure, which has replaced a smaller garage. The existing building is partially screened from the road by a low brick wall across the front boundary and mature tree and shrub planting. The existing house and garage structure are set back from the road by approximately 10m. The application site slopes gently down across the site from North to South.

2.0 Proposal

- 2.1 This application proposes minor amendments to the previously approved scheme granted consent under 18/00765/FUL. This application was approved by the Planning Panel in July 2018 and a copy of the associated minutes are attached to this report at **Appendix 1**. An application for the variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of this previous consent is required. The proposed changes that the Panel are being asked to consider are as follows:

- Change the approved ground floor rear timber double doors to glazed doors. (Glazed units had been installed, but have since been returned to solid timber ones following contact from the Enforcement Team and awaiting the outcome of this planning application).
- Installation of a roof access hatch.

The Panel should note that the building's finished height – checked on site - does not exceed the approved 4.57m height imposed by the Planning Panel last year.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 There have been a number of applications on the site relating to the erection of a garage structure:

19/00580/ENBOC	Enforcement enquiry into roof hatch and glazed rear doors	Application submitted	Ongoing
19/00132/ENBOC	Breach of Condition Notice served due to non-compliance with 6 month completion deadline (Condition 01 of 18/00765/FUL)	Notice served	09.04.2019
18/00765/FUL	Erection of detached garage building with workshop at first floor level for use in association with 18 Grosvenor Road (part retrospective).	CAP	09.08.2018
17/01517/FUL	Replacement garage (amendment to planning permission ref 15/01644/FUL)	Refused	10.11.2017
17/01112/NMA	Non material amendment sought to planning permission for alterations to parapet and additional window openings for replacement garage	Withdrawn	11.10.2017
17/00105/ENBOC	Enforcement enquiry into as-built alterations to garage	Ongoing	
15/01644/FUL	Replacement Garage	Conditional approval	07.10.2015
14/00862/PLDC	Application for a lawful development certificate for a proposed single-storey side extension and replacement garage	Granted	07.10.2014
1335/8	Erection of garage	Conditional approval	06.09.1967

4.2 Consent was originally granted in 2015 for a replacement garage with modest decoration to the roof parapet, and a mezzanine first floor for storage (15/01644/FUL).

4.3 Works began on site, however the as-built structure was larger than approved, with full width first floor accommodation, additional windows and larger castellations around the roof.

4.4 Following an Enforcement enquiry, a Non-Material Amendment (NMA) application was submitted to regularise the changes. As the amended scheme involved additional side-facing windows close to a boundary, it was deemed unsuitable for the NMA process, as there is no neighbour consultation involved. This application was, therefore, withdrawn.

- 4.5 A retrospective householder planning application was then submitted, seeking to retain the as-built structure. This application was refused in November 2017:

REFUSAL REASON - Unacceptable Impact on the Character of the Local Area and Neighbouring Amenity

The as-built garage structure, by way of its increased height and significantly larger and more prominent parapet decorations, presents an incongruous addition to the street scene, which is out of character with its surroundings and, therefore, harmful to the character of the host dwelling and local area. In addition, the increased number and size of windows overlooking neighbouring property, No.20 Grosvenor Road, result in a loss of privacy and, therefore, significant harm to the amenity of these neighbouring residents. The as-built garage structure is, therefore, contrary to 'saved' Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015) and policy CS13 of the adopted LDF Core Strategy (amended 2015), as supported by the provisions of sections 2.2, 2.3.8 and 2.5.2 of the Council's Residential Design Guide Supplementary Planning Document (2006) and the NPPF (2012).

- 4.6 A subsequent application to regularise the structure was approved under reference 18/00765/FUL, including amendments to bring it more in line with the originally approved plans. In particular, a reduction in height was agreed, with a **maximum height set at 4.57m**, measured at the entrance door of the garage, opposite the door of the main house, along with timber rear double doors and a 6 month compliance period for completion of the building.
- 4.7 A Breach of Condition Notice was served on 9th April 2019 due to the applicant's failure to comply with the 6 month completion deadline. A compliance period of 56 days was given on the Notice and the enforcement case was closed following confirmation of compliance.
- 4.8 Since this time, some further additional changes to the building were brought to the attention of the Enforcement Team and this current application was sought from the applicant in order to regularise these minor changes.

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. At the time of writing the report **3 representations** have been received from surrounding residents, including a Panel referral by Ward Cllr Savage. The following is a summary of the points raised:
- 5.2 **Object to the justification for installing glazed rear doors, rather than the approved timber doors: glazed doors are not more secure; they are not more thermally efficient, the building already has enough windows for light, and the glazed doors will not improve the appearance of the building.**

Response:

The applicant's intentions behind the proposed change to glazed doors are not a material consideration. The material considerations for determination are discussed below in the Planning Considerations, but officers do not have a problem with replacing timber doors with glazed doors at the rear of this building and cannot evidence any harm that arises from this change.

- 5.3 **The glazed doors will overlook neighbouring property No.20 Grosvenor Road, if the overgrown boundary hedge is cut down, or fails in the future.**

Response:

The overlooking point is discussed in the Planning Consideration of this report below, but it is not uncommon for glazed doors to be fitted to the rear of a dwelling and/or associated outbuildings.

- 5.4 **Concern that the application seeks to permit a height greater than the 4.57m previously approved. The metal copings installed breach this height limit.**

Response:

A site visit undertaken on 23rd October 2019 by officers from both the Planning and Enforcement Teams, confirmed the height of the building, including the flashing / coping on the top course of brick work, meets the 4.57m approved height.

- 5.5 **The applicant intends to use the garage as a separate living or meeting room.**

Response:

Conditions were applied to both previous consents to restrict the way in which the garage can be used. These conditions will be applied again to any further consent granted.

- 5.6 **The access hatch was not mentioned on the application form.**

Response:

The access hatch is clearly shown on the plans and was viewed on site. Therefore an appropriate assessment can be made - see below. The Panel are being asked to consider whether or not the introduction of a roof access hatch to this building is harmful to either visual or neighbouring amenity. Officers do not believe this to be the case.

- 5.7 **Consultation Responses**

- 5.8 Councillor John Savage (Portswood Ward):
Objection – Referral to PROW panel: The roof hatch and coping exceed the approved height of 4.57m, harming the character of the streetscene. The roof hatch and the glazed double doors result in loss of privacy for No.20. The 6 month completion deadline was not met.

Response:

These issues are discussed in the responses above and in the Planning Considerations below. Regarding the 6 month completion deadline, a Breach of Condition Notice was issued and subsequently complied with.

- 6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration during the determination of this planning application are:
- Design and effect on character;
 - Residential amenity

6.2 Design and effect on character

- 6.2.1 Officers consider that the proposed amendments are minor in scale. The proposed alteration from solid timber double doors to glazed doors at the rear of the building would not be visible from any public vantage points and would have a negligible impact on the character of the host property or local area. Glazed rear doors are a feature of many properties across the country.
- 6.2.2 The installed roof access hatch was viewed on the site visit on 23rd October 2019. It is barely visible from the road, as it is set back from the roof parapet and is only marginally higher than the parapet itself. This application must assess whether the presence of the roof hatch causes harm to the character of the property or local area. Whilst the roof hatch can just be discerned when standing on the opposite side of Grosvenor Road, looking towards the application site, its visual impact is negligible. Members of the public who are unaware of the history of this site would be unaware of its presence when walking by.
- 6.2.3 As mentioned further above, the height of the building itself, including the finishing coping / flashing over the top course of brick, has been measured and complies with the previously approved height of 4.57m.
- 6.2.4 Given the discussions above, the proposed glazed doors and roof hatch are not considered to have a harmful visual impact on the character of the property or local area.

6.3 Residential amenity

- 6.3.1 The recent site visit confirmed that, even if the hedge were reduced in height to standard 6ft / 1.8m boundary height, there would be no view into the neighbouring property from the rear double doors in question. Notwithstanding this, the Panel may decide that a planning condition could be applied to any consent granted in order to secure a replacement boundary structure of a minimum of 2m height in the event that the existing hedge is removed, or fails in the future, in order to protect the privacy of No.20. Officers do not believe the condition to be necessary given that no issue arises should the hedge be removed. Furthermore, a fence to 2m in height could be erected under 'permitted development' should the need arise – without the need for a planning condition.
- 6.3.2 The installed roof access hatch does not have an integral stair or ladder to reach it, so a separate step ladder has to be used to gain access. As such, the hatch is clearly intended as a maintenance hatch for occasional use only, it is not designed for convenient or regular access onto the roof. Notwithstanding this, a condition could be applied to any consent granted in order to prevent use of the flat roof as a roof terrace, limiting roof access for maintenance only. In this way, the privacy and amenity of No.20 would be protected.
- 6.3.3 Given the discussions above, whilst there will be an impact on the amenity of neighbouring properties, this impact is not considered to be harmful, subject to suitable conditions to ensure the protection of the privacy and amenity of neighbouring residents.

6.4 Unauthorised Works

- 6.4.1 Officers recognise the frustration that arises when an applicant does not fulfil the full requirements of their planning permission. This in itself is not justification for objecting to unauthorised development as the Planning system provides appropriate mechanisms for either compliance or enforcement. The Panel are being asked to consider the merits of the replacement doors and the roof hatch only.

Summary

- 7.1 The proposed changes are minor in scale and are not considered to cause harm to the amenity of neighbouring residents, or to the character of the local area. Therefore, upon balance, the current proposals are considered to be acceptable subject to suitable conditions as recommended below.

8.0 Conclusion

- 8.1 Subject to the conditions laid out further below, the application is recommended for approval.

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

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

AC for 12/11/2019 PROW Panel

PLANNING CONDITIONS to include:

1. Approved Plans - 6 months completion

The development hereby permitted shall be carried out in full in accordance with the approved plans listed in the schedule attached below within 6 months from the date of this planning permission.

Reason: In the interests of the amenities of neighbouring properties and local area and to ensure a timely resolution to the amended scheme.

2. No other windows or doors other than approved (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

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

3. Obscure glazing (Performance)

The installed first floor, rear-facing window adjacent to the side boundary with No.20 shall be retained with a fixed shut, obscurely-glazed unit with obscurity level 5, as approved.

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

4. Materials to match (Performance)

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

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.

5. Restricted use of flat roof area (Performance)

The flat roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining occupiers.

6. Use of garage – domestic/incidental use (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the garage building, including the first floor, hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house at 18 Grosvenor Road and associated ancillary storage relating to, and incidental to the enjoyment of the occupation of this dwelling house. At no time shall the garage building, including first floor, be used for the parking of commercial vehicles, or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be used as separate living accommodation or as a meeting place without first obtaining planning permission to do so.

Reason: To ensure that sufficient off-street car parking is available in the interests of highway safety, to protect residential amenity and to ensure that the building's use remains incidental to 18 Grosvenor Road.

7. 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.

Planning Application - 18/00765/FUL - 18 Grosvenor Road – Planning Panel Minutes

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.

Minutes:

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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

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

Supplementary Planning Guidance

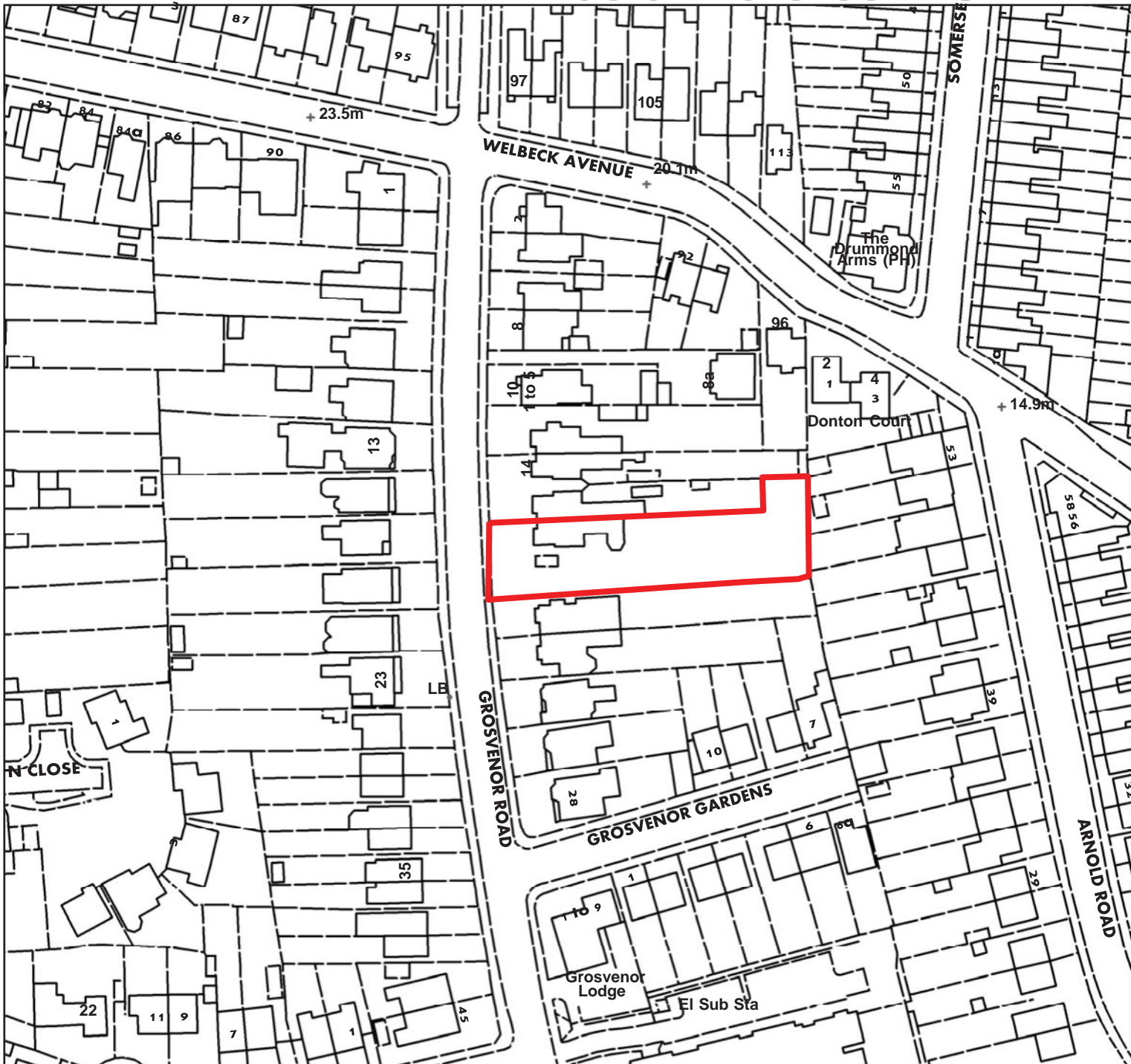
Residential Design Guide SPD (September 2006)

Other Relevant Guidance

The National Planning Policy Framework (revised 2019)

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19/01533/FUL



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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL			
SUBJECT:	QUARTERLY DEVELOPMENT MANAGEMENT FIGURES			
DATE OF DECISION:	12 th November 2019			
REPORT OF:	SERVICE MANAGER - DEVELOPMENT			
<u>CONTACT DETAILS</u>				
AUTHOR:	Name:	Stephen Harrison	Tel:	023 8083 4330
	E-mail:	stephen.harrison@southampton.gov.uk		
Service Lead	Name:	Paul Barton	Tel:	023 8083 2044
	E-mail:	paul.barton@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
The Council's Overview and Scrutiny Committee requested that key planning metrics are provided to the Planning Panel on a regular basis. The following information is therefore provided to the Panel in response to this request.	
RECOMMENDATIONS:	
	(i) That the Panel considers and notes the Development Management key metrics as set out in the paper and provides feedback (if necessary).
REASONS FOR REPORT RECOMMENDATIONS	
1.	To ensure that the Panel has a greater understanding of the performance of Development Management. The nationally set target for performance is as follows: <ul style="list-style-type: none"> • 60% of Majors determined within 13/16 weeks • 70% of Non-Majors determined within 8 weeks
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	None.
DETAIL (Including consultation carried out)	
3.	The following table sets out the performance against the key planning metrics.

MINORS AND OTHERS	Jul-19	Aug-19	Sept-19	QTR 2
Total Minors/Others Decisions	119	75	69	263
TOTAL RESULT	92.44%	98.67%	92.75%	94.30%
Out of time	9	1	5	15
MAJORS	Jul-19	Aug-19	Sept-19	QTR 2
Total Majors Decisions	4	3	2	9
TOTAL RESULT	100%	100%	100%	100%
Out of time	0	0	0	0

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
4.	None.
<u>Property/Other</u>	
5.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
6.	Not applicable.
<u>Other Legal Implications:</u>	
7.	Not applicable.
RISK MANAGEMENT IMPLICATIONS	
8.	Not applicable.
POLICY FRAMEWORK IMPLICATIONS	
9.	Not applicable.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	None

Documents In Members' Rooms

1.	None.
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None