

Planning and Rights of Way Panel

Tuesday, 20th April, 2021
at 5.30 pm

PLEASE NOTE TIME OF MEETING

This will be a 'virtual meeting', a link to which will be available on website at least 24hrs before the meeting

Virtual Meetings - Virtual meeting

This meeting is open to the public

Members

Councillor Mitchell (Chair)
Councillor Coombs (Vice-Chair)
Councillor L Harris
Councillor Prior
Councillor Savage
Councillor Vaughan
Councillor Windle

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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.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2020	
2 June	15 September
23 June	6 October
14 July	3 November
4 August	24 November
25 August	15 December

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

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

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

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

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

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

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

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

2021	
12 January	16 March
2 February	20 April
23 February	

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 - 20)

To approve and sign as a correct record the Minutes of the meetings held on 16 March 2021 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 20/01608/FUL - REDBRIDGE BUSINESS PARK (Pages 25 - 78)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 21/00263/FUL - 27 OBELISK ROAD (Pages 79 - 108)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 21/00101/FUL - ITCHEN BUSINESS PARK (Pages 109 - 134)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 21/00074/FUL - 30 BROOKVALE ROAD
(Pages 135 - 152)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

Monday, 12 April 2021

Service Director – Legal and Business Operations

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 16 MARCH 2021

Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage, Vaughan and Windle

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

RESOLVED: that the minutes for the Panel meeting on 23 February 2021 be approved and signed as a correct record.

The Panel raised concerns over markings on trees that appeared to indicate that trees within area 1c, which had not received felling consent, were marked for removal and asked that officers pay close attention to any works in the area.

57. **PLANNING APPLICATION - 20/01629/FUL - BARGATE SHOPPING CENTRE**

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

Redevelopment of the former Bargate Shopping Centre and multi-storey car park, 77-101 Queensway, 25 East Street, 30-32 Hanover Buildings, 1-16 East Bargate and 1-4 High Street, excluding frontage) for mixed use development comprising 519 new homes (use class C3) and commercial uses (use class E) and drinking establishment/bar uses (Sui Generis), in new buildings ranging in height from 4-storeys to 13-storeys, with associated parking and servicing, landscaping and public realm (Environmental Impact Assessment Development affects a public right of way and the setting of the listed Town Walls).

Simon Reynier (local residents/ objecting), Amy Jones (agent), Paul Hughes (architect), Giles Semper (Go Southampton) and Councillors Bogle and Paffey (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a number of changes would be required to 9 of the conditions, set out below. Additionally, it was noted that a further clause to recommendation 2 was required to be added to the delegation for refuse lorries servicing Block E, as set out below. It was also noted that the Habitats Regulation Assessment had been received and distributed to the Panel in advance of the meeting.

Following a questioning from the Panel officers agreed to add a further addition clause to recommendation 2 that would seek to secure additional cycle parking across the site, as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment unanimously.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

1. confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That the Panel delegated authority to the Head of Planning and Economic Development to grant conditional planning permission subject to receipt of satisfactory amended plans showing:
 - a. an agreed landscaping plan around Polymond Tower;
 - b. further details and agreement with the Council's Ecologist in respect of ecological surveys/conditions,
 - c. a further tracking plan for refuse vehicles servicing Block E;
 - d. secure additional cycle parking across the site; and
 - e. the completion of a S.106 Legal Agreement to secure the following:
 - i. In accordance 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), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site.
 - ii. Submission, approval and implementation of a site-relevant Town Walls Management Strategy (including litter, maintenance and security and Public Art Strategy in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013).
 - iii. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
 - iv. Submission, approval and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired to a similar standard as the 'existing' carriageway and footpath by the developer at their own cost as required by the adopted SPD relating to 'Developer Contributions' (September 2013);
 - v. Submission, approval and implementation of a Travel Plan for the commercial uses in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy;
 - vi. Submission, approval and implementation of a Car Park Management Plan and a restriction of residential parking permits for the development.
 - vii. 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;
 - viii. Submission, approval and implementation of a Construction Traffic Management Plan indicating off-site routes to be used by associated construction traffic;

- ix. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013) as set out in the Habitats Regulations Assessment
 - x. The submission, approval and implementation of a Carbon Management Plan setting out how 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);
 - xi. The creation of a 'permitted route' through the development for use by pedestrians and cyclists between the Bargate frontage of the development and Queensway.
 - xii. Submission and agreement of a Waste Management Plan.
 - xiii. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development delay;
3. That authority be delegated to the Head of Planning and Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended Conditions

Condition 3 - Phasing

None of the buildings hereby approved, with the exception of Site A, shall be occupied or otherwise brought into operational use until the approved works for the following are completed:

- a. Off-site works to the Queensway including the new access point into the site;
- b. Amended off-site works to The Strand;
- c. The associated service yard and turning space;
- d. The car parking contained beneath Block B;
- e. The pedestrian link from East Bargate to Queensway; and
- f. Any works to finish the exposed side elevations to those buildings on Queensway affected by the above works and retained thereafter ahead of the next phase have been substantially completed as specified in this permission,

unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is carried out comprehensively in accordance with the application, to ensure that demolition works do not result in harm to the visual character of the Old Town North Conservation Area and to ensure a high quality public realm and pedestrian environment is created in accordance with the City Centre Action Plan Policy AP28.

Condition 18 - Building Heights

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans.

REASON: To ensure that the impact of the development in relation to the natural features and historic context of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Bargate monument.

Condition 19 - Roof Plant

Notwithstanding the information submitted with the amended plans details of all roof plant, and the measures to be taken to soundproof such equipment and/or enclosure shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates (whichever is sooner). The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation. With the exception of what is shown on the approved plans there shall be no additional roof plant added above the height of the approved parapet level for Block A. The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details

REASON: To ensure that the impact of the development in relation to the natural features and historic context of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Bargate monument.

Condition 28 - Lighting

Prior to first occupation of the development hereby approved, a scheme for external lighting associated with this development shall be submitted to and agreed in writing by the Local Planning Authority, the lighting installation shall be maintained in accordance with the agreed written scheme.

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

REASON: To protect the amenities of the occupiers of existing nearby residential properties, to assist with safety and security and the setting of the Town Walls and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

Condition 32 - BREEAM Standards - Pre-Commencement

Before the development commences, written documentary evidence demonstrating that the non residential units will achieve at minimum Very Good against the BREEAM UK New Construction 2018 technical standard, in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

Condition 33 - BREEAM Standards – Certification

Within 6 months of any part of the hotel and retail units first becoming occupied, written documentary evidence proving that the residential and retail units have achieved at minimum Very Good against the BREEAM UK New Construction 2018 technical 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 (January 2010).

Condition 42 - The Provision of Lifts

The platform lift serving development Block B, hereby approved, shall be installed prior to the first occupation of the development Block, and shall thereafter be maintained in good working order during the lifetime of the development.

REASON: In the interests of providing full access to the development.

Condition 43 - Safety and Security

No development shall take place within such part of the site to which a phase relates, (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until a scheme of safety and security measures for that phase/building including:

- a. CCTV coverage to all areas including the parking, service yards and post rooms;
- b. concierge arrangements with 24 hour on-site management;
- c. door types of the storage areas;
- d. outer communal doorsets and the flat access doorsets;
- e. ground floor windows;
- f. Electronic access control through the communal access doors;
- g. security of the car parking areas and postroom; and
- h. a lighting plan.

has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of each building to which the agreed works relate and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of safety and security of all users of the development and as the basement provides access to residents and the public.

Condition 47 - Operational Management Plan

Prior to the first occupation of each building (Sites A-G) a management plan relating to how the buildings and their associated spaces will be managed, including the resident's amenity areas and associated roof terraces, main pedestrian routes and the undercroft car park, shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan(s) shall include details of outdoor seating, any rooftop amenity space furniture and associated facilities including litter bins and management, the management of special events and the policing of anti-social behaviour alongside the day to day operational requirements of the building.

All occupiers of the residential accommodation shall be given secure, unfettered, free access to the resident's amenity areas and associated roof terrace during the lifetime of the development. The use of the development shall be carried out in accordance with

this agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure control over the management and operation of the development in the interests of the amenities of the area and the residents of the scheme.

58. **PLANNING APPLICATION - 20/01544/OUT - LEISUREWORLD, WEST QUAY ROAD**

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

Outline planning application for the demolition of the existing buildings and comprehensive redevelopment of the site comprising residential accommodated (Use Class C3), office floorspace (Use Class E), hotel accommodation (Use Class C1), cinema (sui generis use), casino (sui generis use) and other flexible business uses including retail and restaurants/cafes (Use Class E). With associated car and cycle parking, internal highways, open space, public realm and landscaping and ancillary works including utilities, surface water drainage, plant and equipment. Means of access for detailed consideration and layout, scale, external appearance and landscaping reserved matters for consideration (Environmental Impact Assessment Development).

Simon Reynier, Liz Batten, Ros Cassy, Andy Gravell, (local residents/ objecting), David Watson (on behalf of Ikea), Julian Stephenson – Montagu Evans (agent), John Marsh – Sovereign Centros (applicant), and Councillor Bogle (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Habitats Regulation Assessment had now been produced and circulated in advance of the meeting to the Panel. In addition it was noted that a number of the updates to the report had been circulated to the Panel, and posted online, in advance of the meeting and there had been alterations to the Conditions set out in the papers, as set out below.

Further to these changes it was noted that there were changes required to the recommendation, as set out below.

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 carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Coombs, L Harris, Mitchell, Prior, Savage, and Windle

ABSTAINED: Councillor Vaughan

RESOLVED that the Panel:

1. confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to:
 - a. the receipt of satisfactory Tree Survey Plan;
 - b. the planning conditions recommended at the end of this report, and any amended or additional conditions agreed at the meeting and set out below; and
 - c. the completion of a S.106 Legal Agreement to secure the following – on a phased basis where appropriate:
 - i. In accordance 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), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site including:
 - The reconfiguration of the junction of West Quay Road and the application site to provide pedestrian and cycle facilities;
 - The provision of a left-turn lane into the site from West Quay Road, southbound;
 - Pedestrian crossings to the West Quay Road/Southern Road junction to link the site with Central Station Bridge with associated works to traffic signals;
 - Works to traffic lights at the West Quay Road/Harbour Parade North junction;
 - On-crossing and kerbside detection to upgrade the existing pedestrian crossing on West Quay Road, adjacent to Ikea;
 - Enhanced variable message signs on West Quay Road and;
 - Contribution to the Station Boulevard link to improve the linkages to Central Station.
 - ii. The safeguarding of a 20metre strip of land along the western and south-western boundary of the site to be utilised as part of the site-specific flood mitigation upon/alongside which the future West Quay Road realignment could also be located, in accordance with policies AP15, AP20 and AP22 of the City Centre Action Plan and policy C2 of the Transport Strategy, Connected Southampton.
 - iii. A contribution to a flood defence within the safeguarded strip of land to comply with the NPPF and policy AP15 of the City Centre Action Plan.
 - iv. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development delay.
 - v. 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).
- vi. 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).
 - vii. The submission, approval and implementation of a Car Parking Management Plan to ensure a robust management of the temporary car parking spaces within the safeguarded land and the control and management of the service access, including the restriction to allow access to 'non-temporary' residential spaces and servicing needs for the office and residential buildings only.
 - viii. Submission, approval and implementation of a Multi-Storey Car Parking Management Plan to ensure that the public car parking is provided and retained with daily charges to at least match the minimum daily charge of the prevailing Council car parking charges
 - ix. The submission, approval and implementation of a Travel Plan for both the commercial and residential uses to promote sustainable modes of travel in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
 - x. A Waste Management Plan to address the management of refuse storage and collection within the development.
 - xi. Construction Management Plan to include the routeing and timing of construction traffic to avoid peak times.
 - xii. Provision, retention and management of the public open space together with securing public access for the lifetime of the development.
 - xiii. The provision of on-site play space either through on-site provision or a financial contribution in accordance with Policy CLT6 of the Local Plan Review.
 - xiv. The provision of a financial contribution towards late night Community Safety Initiatives within the City Centre, having regard to the late night uses within the application proposal and in accordance with policy AP8 of the City Centre Action Plan.
 - xv. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
 - xvi. Provision of a financial contribution for CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - xvii. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets.
 - xviii. Either a scheme of measures or a financial contribution 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 as set out in the Habitats Regulations Assessment

3. That authority be granted to the Head of Planning and Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Finalised conditions listing any Additional and amended Conditions

1.Outline Permission Timing Phased (Performance) Amended

Outline Planning Permission for the principle of the development, as set out on the submitted Parameter Plans and Design Codes, across the phases set out in Table 5-1 of the submitted Environmental Statement, is hereby approved. The following matter sought for consideration, namely the means of 'Access' (vehicular and pedestrian) into the site and the buildings, is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters for each phase shall be obtained from the Local Planning Authority prior to any works taking place on that phase (excluding any demolition phase, site set up and/or site investigation works):
 - the 'Layout' of buildings and external ancillary areas;
 - the 'Scale' massing and bulk of the development;
 - the 'External Appearance' and architectural design specifying the external materials to be used (see associated external materials condition below); and,
 - the 'Landscaping' (both hard and soft including tree pit details, all means of enclosure details, including any gated accesses, and ancillary works) with associated management.
- (ii) The development of Phase 0 and Phase 1 hereby permitted shall begin no later than three years from the date on which this planning permission was granted.
- (iii) The development of each subsequent phase hereby permitted (phases 2-4) 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 for that phase of the regeneration project.

Applications seeking approval of reserved matters will be accompanied by a statement that demonstrates how the submission meets the principles and parameters of the Design Codes prepared by Corstorphine Wright and Macgregor Smith (ref: 18669-8019-P-01) (dated October 2020) or other versions as may be subsequently agreed in writing by the Local Planning Authority.

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

2. Quantum of Development (Performance) Additional Condition

The quantum of the development hereby approved shall not exceed the following maximum levels:

- Up to 17,500 sqm GEA of hotel floorspace across two development plots
- Up to 9,800 sqm GEA of office floorspace
- Up to 650 residential units of accommodation and Class E floorspace to the ground floor of Plot 4 comprising up to 57,510 sqm GEA floorspace

- Up to 4,490 sqm GEA of cinema floorspace
- Up to 2,900 sqm GEA of casino floorspace
- Up to 2,600 sqm of leisure floorspace
- Up to 2,990 sqm GEA of Use Class E floorspace within Plot 1
- Up to 5,000 sqm GEA of Use Class E floorspace within Plot 6

REASON: To define the consent since outline planning permission is hereby granted on the maximum quantum of development as set out in the application submission.

3. Development Phasing (Performance Condition) Additional Condition

The phasing of the development hereby approved shall follow an implementation phasing programme in line with the submitted phasing information contained within the Environmental Statement, unless otherwise varied and agreed in writing by the Local Planning Authority prior to the submission of a Reserved Matters application for an alternative phasing programme.

REASON: To ensure that the development proceeds in a satisfactory manner

4. Site Levels (Pre-Commencement) Amended Condition

No development shall take place (excluding any demolition phase, site set up and/or site investigation works) until further details of finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority on a phase by phase basis. These details shall relate to the phase to which development is to be implemented and shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eave 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 fully understand the height of buildings in relation to one another and the infrastructure since the site will be cleared and re-profiled.

5. Archaeological investigation (Pre-Commencement) Amended Condition

No development shall take place within the site until the implementation of a programme of archaeological work on a phase by phase basis has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

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

6. Archaeological work programme (Performance)

The developer will secure the completion of a programme of archaeological work on a phase by phase basis in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

REASON: To ensure that the archaeological investigation is completed.

7. Land Contamination investigation and remediation (Pre-Commencement & Occupation) Amended Condition

Prior to the commencement of development of each phase 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:

- (i) 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.
- (ii) 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.
- (iii) 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.

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

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

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

9. Unsuspected Contamination (Performance Condition)

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

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

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

10. Southern Water Public Water Supply Protection and Diversion

Prior to the commencement of the development hereby approved, details of measures to protect the public water supply main shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Southern Water. The development shall be carried out in accordance with the agreed details.

REASON: To secure the sewage infrastructure on site.

11. Southern Water Drainage (Pre-commencement) Amended

Prior to the commencement of each phase of the development hereby approved details of foul and surface water disposal for the relevant phase shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

REASON: To ensure a satisfactory form of development.

12. Sustainable Drainage (Pre-Commencement)

No building within an individual phase hereby permitted shall be occupied until surface water drainage works, for that respective phase, have been implemented in accordance with details that have been first 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). The results of the assessment shall be 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 Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

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

Notwithstanding the information shown on the approved drawings and application form, prior to the commencement of any above ground work for the construction of buildings in each phase (excluding demolition/site setup/site investigation works) a written schedule of external materials and finishes for that phase, including samples and sample panels where necessary shall be 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. 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.

14. BREEAM Standards (Pre-commencement) Amended Condition

With the exception of site clearance, demolition and preparation works, before the development commences on non-residential uses within each phase of the development, written documentary evidence demonstrating that the commercial development within the relevant phase will achieve at minimum Excellent against the (2018) BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), in the form of a design stage report, is 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).

15. BREEAM Standards (Performance) Amended Condition

Within 6 months of any part of the commercial and retail development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), 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).

16. Sustainable measures (Pre-Commencement)

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) the following information for that phase shall be submitted to and approved in writing by the Local Planning Authority:

- Set out how exploration of embodied carbon has informed decision making on materials
- Set out how energy storage will be integrated into the development
- Complete the GHA overheating tool as a means of identifying potential issues and demonstrate how these issues can be overcome.
- Life cycle assessment to be conducted
- Post-occupancy evaluation and energy performance
- Identify rainwater and greywater systems. If not included robust evidence supplied to demonstrate why they are not technically feasible.
- Detail on the re-use of existing materials to be provided through the pre-demolition audit

The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20, the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6, Southampton's Green City Charter and Plan (2020)

17. Energy Strategy (Pre-Commencement) Amended Condition

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase which included the enhanced passive measures, and zero or low carbon energy technologies that will:

- Aspire to net zero carbon, with a minimum reduction in CO2 emissions of the greater of at least 17% over part L Building Regulations Target Emission Rates (using Part L 2013 carbon factors), or minimum national building regulation requirements at the time;
- Have a total Energy Use Intensity (EUI) equal to or less than 35 kWh/m2/yr (GIA) for residential and for non-domestic buildings a minimum DEC B (40) rating should be achieved and/or an EUI equal or less than: 70 kWh/m2/yr (NLA) or 55 kWh/m2/yr (GIA) for commercial offices;
- Space heating demand should be less than 15 kWh/m2/yr for all building types.

The measures set out in the agreed strategy shall 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), and the Southampton City Charter and Plan (2020).

18. Ecological Mitigation Statement (Pre-Commencement) Amended Condition

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) the developer shall submit a programme of habitat and species mitigation and enhancement measures for that phase, 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. The agreed mitigation measures shall be thereafter retained as approved.

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 first submitted to and 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. Green roof scheme (Pre-Commencement) Amended Condition

Prior to the commencement of each respective phase of the development hereby approved (with the exception of site setup/demolition/site investigation works), a scheme for the installation of green roofs for that phase shall be submitted to and approved in writing by the Local Planning Authority for that phase. Before the relevant phase first comes into use or occupation, a green roof shall be completed in accordance with a specification and management plan to be first submitted to and approved in writing by the Local Planning Authority.

The green roof must be installed to the approved specification before the relevant phase first comes into use or during the first planting season following the full

completion of building works, whichever is sooner. The approved scheme shall be maintained for a minimum period of 5 years following its complete provision. If the green roof dies, fails to establish or becomes 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 reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

21. Submission of a Bird Hazard Management Plan (Pre-commencement) Amended Condition

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) a Bird Hazard Management Plan for that phase shall be submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of the management of the roof area and any solar panels within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes'

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

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

22. Tree Retention and Safeguarding (Pre-Commencement)

Prior to the commencement of any development, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

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

23. Road Construction (Pre-Commencement Condition) Amended Condition

Before the development of each phase commences, the following information for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority:

- A specification of the type of construction proposed for the roads, cycleways and

footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

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

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

24. Electric Vehicle Spaces (Pre-Use) Amended Condition

Prior to each phase of the development hereby approved first coming into use, details of parking spaces with charging facilities for electric vehicles for spaces that serve that phase of development shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces and charging infrastructure shall be thereafter retained as approved and used only for electric vehicles.

REASON: In the interest of reducing emissions from private vehicles and improving the city's air quality.

25. Noise - plant and machinery (Pre-Use) Amended Condition

Prior to each phase of the development containing non-residential uses first coming into use, details of measures to minimise noise from plant and machinery associated with the commercial uses within the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

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

26. Noise Mitigation Measure – Residential (Pre-commencement) Amended Condition

Prior to each phase of the development containing residential commencing, mitigation measures for the respective phase to protect residents from external noise sources shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall thereafter be implemented as approved.

REASON: In the interest of residential amenity and to ensure that the development does not act as an 'agent of change' for the Port of Southampton.

27. Hours of Delivery Restriction (Performance)

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 07:00 to 22:00 daily.

REASON: In order to control the use in the interests of amenity.

28. 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 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 17:00 hours (9.00am to 5.00pm)

And at no time on Sundays and recognised public holidays.

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

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery within each phase.

REASON: To protect the amenities of the occupiers of existing nearby residential properties as agreed by the Council's Environmental Health Officer.

29. Retail Floorspace Restriction (Performance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting these Orders, retail floorspace within the Class E uses hereby approved shall not exceed 750sq.m.

REASON: To ensure that the amount of retail floorspace does not adversely affect the viability and vitality of the core shopping areas within the city centre.

30. Safety and Security (Pre-commencement)

No development shall take place within such part of the site to which a phase relates, (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until a scheme of safety and security measures for that phase/building including:

- (i) concierge arrangements with 24-hour on-site management;
- (ii) door types of the storage areas;
- (iii) outer communal doorsets and the flat access doorsets;
- (iv) ground floor windows;
- (v) audio/visual control through the communal access doors;
- (vi) security of the car parking areas; and,
- (vii) a lighting plan.

has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of each building to which the agreed works relate, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of safety and security of all users of the development and as the basement provides access to residents and the public.

31. Construction Management Plan (Pre-commencement) (Additional Condition)

Before the development of each phase commences, a Construction Management Plan for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority which includes details of:

- (i) parking of vehicles of site personnel, operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) Details of temporary lighting;
- (iv) storage of plant and materials, including cement mixing and washings, used in constructing the development, including height of storage areas for materials or equipment;
- (v) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (vi) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (vii) Control and disposal of putrescible waste to prevent attraction of birds;
- (viii) The routeing and timing of construction traffic to avoid peak hours;

- (ix) details of construction vehicles wheel cleaning; and,
- (x) 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.

The plan shall be adhered to throughout the construction process.

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

32. Servicing Management Plan (Pre-commencement) (Additional Condition)

Before the development of each phase containing commercial uses commences, a Servicing Plan for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority which includes details of:

- Measures to control servicing vehicles during delivery and collection on to the site;
- Measures to ensure that the servicing vehicle route from the site is restricted to servicing vehicles only;
- Measures to deal with the routing of vehicles in exceptional/emergency circumstances where entrance and exit routes may be restricted or closed.
- The means whereby the achievement of the aspirational targets of the servicing management plan can be reviewed and updated

The Servicing Management Plan shall be adhered to for the lifetime of the development.

REASON: In the interests of the safety and convenience of users of the adjoining highways and in the interests of residential amenity.

31. Approved Plans (Performance)

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

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

- a. 18669-0303-P-01 Parameter plan development zones and plot boundaries
- b. 18669-0304-P-01 Parameter plan at grade land use
- c. 18669-0305-P-01 Parameter plan first floor and above land use
- d. 18669-0306-P-01 Parameter plan proposed site levels
- e. 18669-0307-P-01 Parameter plan amenity play and publicly accessible open space
- f. 18669-0308-P-01 Parameter plan vehicular access and circulation
- g. 18669-0311-P-01 Parameter plan Maximum AOD building heights

59. PLANNING APPLICATION - 21/00065/FUL - 18 GROSVENOR ROAD

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

Amendments to planning permissions 18/00765/FUL and 19/01533/FUL for the erection of a two-storey garage with workshop to change the size and shape of the rear window

Nick Jones was present and with the consent of the Chair, addressed the meeting. In addition the Panel received a statement from Councillor Cooper who had referred the item to Panel.

The Panel noted that the previous history of applications at this address. In response to concerns the officer agreed to amend and add additional conditions, as set out below, should be added to any granted permission for this application.

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

RECORDED VOTE to grant planning permission
FOR: Councillors Coombs, L Harris, Mitchell, Prior,
and Savage,
AGAINST: Councillors Vaughan and Windle

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

Amended Condition

03. Obscure glazing (Pre-use)

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

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

Additional conditions

09. Obscure Glazing (Performance Condition)

The proposed window, located to the rear at first floor level adjacent to the existing dwelling, shall be installed with a fixed shut, obscurely-glazed unit with obscurity level 5 unless agreed otherwise in writing by the Local Planning Authority. This window shall be thereafter retained as approved.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 20th April 2021 5:30pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	MP	CAP	5	20/01608/FUL Redbridge Business Park
6	SB	CAP	5	21/00263/FUL 27 Obelisk Rd
7	MP	CAP	5	21/00101/FUL Itchen Business Park
8	AC	CAP	5	21/00074/FUL 30 Brookvale Rd

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

Case Officers:

JT Jenna Turner
 SB Stuart Brooks
 AC Anna Coombes
 MP Mat Pidgeon

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) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (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)

Planning and Rights of Way Panel 20th April 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: Redbridge Business Park, Old Redbridge Road, Southampton			
Proposed development: Retrospective change of use of units 4, 5 & 5a) to class B2 (vehicle preparation and spraying) and 2 x external flue extraction systems.			
Application number:	20/01608/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	16/04/2021 (Extension of Time 27 th April 2021)	Ward:	Redbridge
Reason for Panel Referral:	More than 5 objections have been recieved.	Ward Councillors:	Cllr Spicer Cllr McEwing Cllr Whitbread
Applicant: Mr J Rooker		Agent: Kingston Studio	

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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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 including the impact on the character of the area, impact on nearby listed buildings and impact on local residential amenity (noise and odour) have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP16, SDP15, SDP16, SDP17, SDP18, HE3, REI10 and REI11 of the City of Southampton Local Plan Review (Amended 2015) and policies CS6, CS13 and CS23 of the Local Development Framework Core

Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies.
2.	Relevant Planning History.
3.	Plan showing approved industrial estate layout and uses by 11/01506/FUL.
4.	Decision Notices: 11/01506/FUL, 19/01973/FUL & 19/00545/FUL.
5.	Minutes of panel meetings 17 th January 2012 - 11/01506/FUL 10 th March 2020 - 19/01973/FUL & 19/00545/FUL

Tables included	
1	Approved layout, uses and hours of operation.
2	Existing layout, uses and hours of operation.

Recommendation in Full

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 receipt of no objection from Network Rail following consultation.

1 Background

- 1.1 Planning permission is being sought for the change of use of units 4, 5 & 5a from general storage purposes (Use Class B8) to vehicle preparation and spraying (Use Class B2). The application follows two other retrospective applications determined at planning panel on 10th March 2020 (19/01973/FUL & 19/00545/FUL) for change of use of units 7, 8, 9 and 10 from storage and distribution to allow storage, washing and valeting of vehicles along with canopy structure required to facilitate the operation. Both applications were granted subject to planning conditions; **Appendix 4** includes the decision notices for these approved schemes and **Appendix 5** includes the panel minutes of the relevant meetings. Both the proposed vehicle preparation and spraying use and the approved storage, vehicle washing, and valeting use are associated with the business 'Pit Stop Service'.
- 1.2 Pit Stop Services' customer's vehicles are pressure washed within the boundary of units 7 & 8 (previously retained as a vehicle turning area by application 11/01506/FUL) before detailed internal and external valeting takes place (including waxing and polishing) within the area covered by the canopy structure (unit 10). Unit 9 is currently being used to accommodate ancillary parking of vehicles and office accommodation. A total of 26 vehicles can be parked on site and typically six are valeted per day.
- 1.3 Planning conditions applied to the valeting service include:
- Hours of use: 08.00 - 17.00 Mon – Fri, 08.00 - 13.00 Sat and at no time on Sundays.
 - Turning space retained at all ties in the site for a 7.5 tonne vehicle.
 - Storage on site of no more than 25 cars in accordance with approved

plans.

- All business-related vehicles to remain on site (including staff and those awaiting collection and/or servicing).
- Water management plan/trade effluent discharge licence required.

1.4 Since the determination of applications 19/01973/FUL & 19/00545/FUL enforcement action has proceeded in relation to the breach of conditions 5 and 6 (onsite vehicle parking only/ On site vehicular parking). This has led to a prosecution by Southampton City Council and the hearing date is due for 7th May 2021.

1.5 Condition 8, relating to water/trade effluent management, has also not been discharged however the Council is in receipt of an application and are working with Southern Water to resolve this matter.

1.6 The paint spraying operation itself takes place further to the rear of the site than the valeting operation, and within two fully enclosed spray booths positioned inside one of the larger warehouse/industrial style buildings.

1.7 Complaints were initially received by the Council's Environmental Health Team in connection with the odour and health implications of the car spraying operation taking place within units 4 and 5. When initially responding to the complaints Environmental Health were not able to visit the homes of complainants due to covid-19 however residents were able to complete diary sheets to record incidents of odour/fumes. The results of those surveys showed both frequency and duration were not significant enough for further action to be deemed necessary from a public health perspective. The breach of planning control was however raised with the Council's Planning Enforcement Team who engaged with the applicant and invited a planning application rather than issue a stop notice. This planning application enables the environmental impacts of this operation to be assessed with the opportunity to secure mitigation to make the operation acceptable in planning terms or for the scheme to be refused if any harmful impacts cannot be adequately mitigated.

1.8 Whilst officers do not condone retrospective action the Council's Enforcement Policy explains that enforcement action will be held in abeyance whilst a planning application is determined.

2 The site and its context

2.1 The application site lies on the western edge of Southampton approximately 5km from the city centre. The site is located on the southern side of Old Redbridge Road between the Totton bypass and the Redbridge Causeway (flyover). The wider area is characterised by a broad mix of residential and industrial uses although the site itself is industrial in nature.

- 2.2 The entrance to the site lies at a point on the Old Redbridge Road where the Redbridge Flyover over sails the road. The southern boundary of the site lies immediately adjacent to a railway line, beyond which is the River Test. Immediately adjacent to the north eastern boundary are residential properties and the car park of the Ship Inn. Adjacent to the eastern end of the site are more residential properties (flats) in Tate Court. The boundaries of the site comprise of 2.2m high steel palisade fencing.
- 2.3 The Business Park itself extends approximately 0.374 hectares and comprises three main buildings, a single-storey pitched roof building adjacent to the north-east boundary (used mostly as offices), a large single-storey warehouse building adjacent to the southern site boundary and a smaller warehouse building also positioned on the southern boundary behind the larger one and obscured from view from the entrance.
- 2.4 Planning permission was granted in 2012 for a change of use of the Business Park from the previous use of the site (manufacture & sale of timber sheds) to use for painting contractor's premises, vehicle repair & MOT testing & storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary & siting of a portable building. The companies which operated from the site were diverse in nature and in planning terms were a mixture of Use Class B1 (offices), Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution). The 2012 permission included a condition specifying the uses and hours of operation allowed; these are summarised in Table 1 below. A plan showing the previously approved industrial estate layout, including uses, is also included as **Appendix 3**:

Table 1: Approved layout, uses and hours of operation (11/01506/FUL).

Unit No.	Business operator/type	Use Class	Hours of operation
1	Office	B1 (Business [including office])	Monday – Friday: 8am – 6pm.
2	MOT and car repairs (restricted by condition)	B2 (General Industry)	Saturday 9am – 1pm.
3	TJM recyclers	B8 (Storage and Distribution)	No time on Sundays or Bank Holidays.
4 - 6	Sheet metal/acoustic panel manufactures		
7 - 9	Scrap Metal and scaffolding storage		
10	Commercial vehicle storage		

2.5 However, it should be noted that following a site visit associated with applications 19/01973/FUL & 19/00545/FUL the existing site arrangement and operation does not strictly accord with previously consented schemes and the table below reflects the actual business operation existing on site currently. The breaches of permission were subsequently referred to the planning Enforcement Team for further investigation resulting in the submission of this current retrospective application.

Table 2: Existing layout, uses and hours of operation.

Unit No.	Business operator/type	Use Class	Hours of operation
1	Office	B1 (Business [including office])	Monday – Friday: 8am – 6pm.
2	Our Soles (Safety and work place supplies)	B2 (General Industry)	Saturday 9am – 1pm.
3	JPS Scaffolding	B8 (Storage and Distribution)	No time on Sundays or Bank Holidays.
4, 5 & 5a	Pit Stop Service - vehicle preparation and spraying). (20/01608/FUL)	B1(c)	08.00 - 17.00 Mon - Fri. 08.00 - 13.00 Sat And at no time on Sundays (recommended to tally with use of units 7 - 10).
6	Our Soles (Safety and work place supplies)	B8 (Storage and Distribution)	Monday – Friday: 8am – 6pm. Saturday 9am – 1pm. No time on Sundays or Bank Holidays.
7 - 9	Pit Stop Service (Vehicle Storage and ancillary office)	B8 (Storage and Distribution)	08.00 - 17.00 Mon - Fri. 08.00 - 13.00 Sat And at no time on Sundays
10	Pit Stop Service (Valeting)	B1(c)	08.00 - 17.00 Mon - Fri. 08.00 - 13.00 Sat And at no time on Sundays

2.6 The application site itself is formed of units 4 – 5 (as identified in **appendix 3**) of the Redbridge Business Park and measures approximately 538 sq.m.

2.7 There are five grade II listed buildings near to the application site: 65 Test Lane, 63 Test Lane (Store Cottage) and the Anchor Hotel are all to the north of the site on the other side of Redbridge Flyover/Causeway; and 45 and 47 Old Redbridge Road (Formerly Ivy House, No.45) and the Ship Inn, Old Redbridge Road are located to the east.

2.8 The site is within Flood Zone 2 and 3.

3 Proposal

3.1 Retrospective planning permission is sought to retain the use of units 4, 5 & 5a for activity defined by the Use Classes Order as B2 use. It is noted that class B2 covers industrial process which cannot necessarily be carried out in residential areas without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit and, therefore, control in the form of planning conditions to mitigate impact will be needed. Use of units 4, 5 & 5a for this industrial process constitutes a change from the existing authorised use of these buildings for storage purposes (within use class B8).

3.2 The business (Pit Stop Service) is currently operating from the site does not offer valeting or paint spraying to the general public; rather vehicles are valeted and sprayed, if necessary, whilst being prepared for resale. Vehicles that require bodywork re-spray work will also require valeting prior to resale.

4 Relevant Planning Policy

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

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

4.3 The National Planning Policy Framework (NPPF) states in section 6. ‘Building a strong, competitive economy’ paragraph 80: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’*

- 4.4 Paragraphs 170 and 180 of the NPPF sets out clear circumstances when planning applications should be prevented or refused on noise, water and air pollution impacting the natural environment and residential living conditions indicating:

'170. Planning policies and decisions should contribute to and enhance the natural and local environment by: (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality'

'180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

5. Relevant Planning History

- 5.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** and summarised at the start of this report. The site has historically been used for commercial activities, although the exact planning uses are not clear, it is considered that general and light industrial type uses, along with storage, have operated from the site since at least the 1960s.

- 5.2 planning permission 11/01506/FUL was approved for the overall site in January 2012. The consent also restricted the use of each of the units on site to the following:

Unit 1: Office accommodation (Use Class B1)

Unit 2: Vehicle repairs and MOT testing (Use Class B2)

Units 3, 4, 5, 6, 7, 8, 9, 10: General Storage purposes (Use Class B8)

6 Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice 26.02.2021. At the time of writing the report **19 representations**, including a response from the Redbridge Resident's Association and all 3 ward Cllrs, have been received from surrounding residents. The following is a summary of the points raised:

Ward **Cllrs Whitbread, Spicer and McEwing** have commented:

The site already appears to be at capacity and the narrow carriageway is often

full of vehicles, many of which are connected with the business park. This application would further increase the problem.

Local Labour Councillors worked with the Redbridge Residents Association to secure funding to install double yellow lines under the causeway bridge due to cars frequently parking on the bend creating a blind spot but this appears to have displaced the problem further along Old Redbridge Road.

Concerns have rightly been raised by residents living near to the site about the noise and smells which occur when spray booths are active and further concerns exist around the potential for pollution to enter the river Test from the chemicals and paint leaching into the water course.

Cllr McEwing as also added that she has 'had untold complaints, regarding this small business unit. There is a huge Health & Safety concern, regarding the narrow footpath opposite. When cars park on that bend (quite often, they belong to the business park) pedestrians find it difficult to manoeuvre safely on the foot path, often having to move onto the road to get under the bridge. I therefore, want you to note my objections, alongside my fellow councillors.

The points raised by Cllrs are addressed below along with residents' concerns:

6.2 ***The business generates additional parking on the adjacent public highway (including pavement) which is causing highway safety issues.***

Response

The legality of parking vehicles on the public highway (including pavement) is covered by separate legislation. The Applicant is aware that overspill parking is a problem and that local residents are impacted by the storage of commercial vehicles on the highway. Some overspill parking occurs during the day when the business is in operation. It is not in the interests of the business to park vehicles outside of the site compound overnight. Unit 9 is also used for ancillary parking and office accommodation (retrospectively) and can accommodate 26 vehicle parking spaces. That said the Planning Enforcement Team are enforcing against breach of planning conditions 5 and 6 of permission 19/01973/FUL which has led to a prosecution by Southampton City Council and the hearing date is due for 7th May 2021.

6.3 ***Highways Safety.***

Response

The operation of vehicle paint spraying does not directly cause a highway hazard. Planning conditions can be used where applicable.

6.4 ***Additional parking restrictions have pushed the problem further along the road.***

Response

This is an amenity issue that needs to be assessed against the positive aspects of the development including employment opportunities and economic growth. The business should however be able to accommodate its own needs within its own land. A plan was provided with the previously approved valeting operation showing where parking takes place and enforcement of this the

planning conditions previously applied is currently taking place with a prosecution by Southampton City Council and hearing date of 7th May 2021.

6.5 ***Overdevelopment.***

Response

The site can accommodate the equipment needed for the spraying of vehicles. The overspill of vehicles prior to or following the spraying service onto the public highway is difficult for the Local Planning Authority to control with planning conditions as it is not illegal to park vehicles on the public highway provided that other non-planning legislation is satisfied. Where applicable planning conditions will be added.

6.6 ***Noise; previous applications have been refused on the basis of noise impact so should the current application.***

Response

A previously refused scheme (11/00199/FUL) had a different noise source (namely that generated by movement of scaffolding equipment and scrap metal parts around the site) which was deemed unacceptable and each application must be judged on its own merits. The Council's Environmental Health Team have not objected to the application after considering the technical specification of the equipment, proposed to manage odour, on the basis of noise and have visited the site to witness the activity.

6.7 ***Run off contamination/impact on adjacent nature reserve.***

Response

The paint spraying process taking place is a dry process which does not cause any liquid run off so the operation proposed would not generate water born pollution. Run off contamination is also managed by separate legislation administered by the Environment Agency who do not object to this application. Southern Water have also been consulted and do not object.

6.8 ***Odour.***

Response

Environmental Health have no objection to the operation provided that the recommendations set out in the noise and odour control report are fully implemented.

6.9 ***Health and Safety (fumes).***

Response

The Health and Safety Executive focus on work place safety which includes the storage and use of chemicals and toxic materials and use separate legislation to Planning for enforcement purposes. The consultation response received from the HSE has confirmed that they have no objection to the principle of the application. SCC Environmental Health manage public health through the administration of the Environmental Protection Act. Initial complaints were monitored and diary sheets completed by residents. Results indicated that the impact was not life threatening and so a prohibition notice, requiring an immediate end to operations could not be served. The issue was instead raised with planning enforcement who engaged with the applicant and invited this planning application.

6.10 ***Fire risk.***

Response

Storage of flammable materials is covered under separate legislation and the Environmental Health Team have directly referred the case to Hampshire Fire and Rescue.

6.11 ***Retrospective nature of the applicant and failure to comply previously imposed planning conditions.***

Response

The previous behaviour of an applicant does not carry significant material weight in the planning judgement, and retrospective applications are allowed. Where breaches of planning control have taken place the Planning Enforcement Team have investigated and acted accordingly.

Consultation Responses

6.12

Consultee	Comments
Environmental Health	Following a review of the submitted 'Spraying Facility Noise & Odour Control Report' provided that all recommendations are fully implemented no objection is raised to the application.
Environment Agency	No objection subject to recommended planning conditions and informative.
Southern Water	No objection has been raised to the proposal.
Sustainability (Flood Risk)	Providing that soakaways are not used on this site, there are no objections in terms of flood risk, however the following conditions are recommended: - Storage of chemicals, sprays, oils etc. should be kept within the locked cabinet set no lower than 4.2mAOD. - An appropriate condition to ensure that surface water runoff from this site is managed to avoid contamination or pollution of surface water or groundwater sources.
Health and Safety Executive	The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Hampshire Fire Brigade	Hampshire Fire Brigade's business fire safety inspectors have visited Redbridge business park during the week of 29 th March 2021 and identified no fire safety issues.
Network Rail, consultation sent 08/04/2021	Response Awaited Being a statutory consultee due to the proximity of the site to the railway Network Rail need to be consulted as part of this application. Consultation periods usually run for 3 weeks and whilst it is not anticipated that there will be an objection to the application, as the flue extraction system can be constructed without needing to overhang network rail land, the final decision should be held until either the three week period ends or a consultation response is received. The above recommendation allows for this.

7 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Character of the area;
 - Local amenity;
 - Highways safety; and
 - Employment and economic growth.

Principle of Development

- 7.2 The site is not allocated for a specific use within the development plan; however the use of units 4, 5 & 5a for the preparation and spraying of vehicles is compatible with existing and established commercial use on the site and would bring associated employment benefits and is therefore acceptable in principle. Furthermore, a previous refusal of residential development on this site indicates that the site is not necessarily suitable for non-commercial use (particularly as it is within Flood Zone 2 and 3).
- 7.3 Although the site lies within an area of high flood risk; the proposed uses are not defined as 'sensitive' to a flood event. Furthermore, since no significant external changes or alterations are proposed the development would not increase the likelihood of a flood event occurring and the proposal accords with Core Strategy policy CS20.

Character of the area

- 7.4 The physical changes to the site are limited to the equipment needed to control noise, fumes and odours as recommended by the 'Spraying Facility Noise & Odour Control Report'. The equipment itself, which takes the form of two flue extractor systems that would exit the rear elevation of the building and terminate no higher than the eaves of the building is considered to have a minimal impact on the character of the area; this is also taking account of the previous use of the site that included storage areas for vehicles, scrapped vehicle parts and scaffolding equipment. That said, the business activity is retrospective, and residents complain that it has outgrown the site as evidenced by the need for off road parking. Planning conditions were applied to the previous permission requiring all business-related vehicles to be parked on site rather than the public highway and where relevant planning enforcement action can be taken to control breaches of the condition, as they are currently. As such it has been identified that as long as the business operates in accordance with the agreed layout plans and conditions the proposed land use is deemed acceptable.

Local amenity

- 7.5 The retrospective use has resulted in odour nuisance and public health concerns experienced by local residents. These have been reported to the Council.
- 7.6 SCC Environmental Health manage public health through the administration of the Environmental Protection Act. When initially dealing with the complaints Environmental Health were not able to visit the homes of complainants due to covid-19. However, they did request that resident's complete diary sheets to record incidents of odour/fumes. The results of the surveys showed that the frequency was mostly on one occasion each day as well as not being for a long duration, odour nuisance was also the main concern reported, rather than breathing difficulties or nausea, and on this basis the view was taken that, on the balance of the information available, there was no evidence of imminent risk to public health. This meant that it was not considered appropriate to issue a prohibition notice which would require the immediate end to paint spraying on the site. This is a material consideration in this case. The breach of planning control was instead raised with the Council's Planning Enforcement Team who engaged with the applicant and invited a planning application rather than issuing a stop notice. Through negotiation the application has now been supplemented by a technical report that includes mitigation measures including a flue extraction system. The Council's Environmental Health Team have also confirmed that they can support the proposal on the basis of the full implementation of those mitigation measures. The applicant has agreed to the implementation of the flue extraction system within two months of a planning approval, also taking account of the cost implications. This is a material consideration in this case and will result in a direct betterment.

- 7.7 The report supported by the Environmental Health Team also covers the noise generated by the paint spraying operation. Mitigation measures are included to ensure significant harm in terms of noise will not be generated. A planning condition can be applied to ensure that the operation is carried out in accordance with recommendations of the report (including flue extraction system) and a time period of 2 months from approval date has been agreed for implementation. It is also noted that noise is not a significant concern raised by objectors.
- 7.8 Owing to the scale of the proposal and its position, where it does not intersect a pipeline or hazard zone as defined by the Health and Safety Executive their Planning advice team have not raised any objections to the development on health grounds. An informative can be added to direct the applicant's attention to health and safety legislation - Control of Substances Hazardous to Health (COSHH).
- 7.9 The business that previously operated from units 4, 5 & 5a was associated with storage of sheet metal/acoustic panels. The act of storage itself is not considered unduly harmful to residential amenity and where applicable planning conditions were previously used to control this use limiting storage to inside the building (refer to **Appendix 4**) and the application was supported subject to planning conditions restricting the hours of operation along with the compliance of a management plan. The application was approved by the Council in January 2012. It is also noted that a noise assessment had been provided and the Council's Environmental Health Team had supported the application on the basis of the information included.
- 7.10 In terms of the visual impact the proposed flues are located away from boundaries with residential neighbours and as such would not have a significant impact on residential amenity. The closest residential property would be 36m from the position of the flues which would also be separated by the existing building which is occupied by the paint spraying booths. Therefore, the proposal does not create a sense of enclosure or have an overbearing impact on residential neighbours. The structure would also not cause any shadowing of neighbouring residential properties. It is concluded that the flues would therefore not have a significant direct impact on neighbouring residential amenity.
- 7.11 Use of the public highway to access the site also has a potential impact on local residents in terms of noise and pollution, although again this impact is not considered to be significant where generated on a public road which has no restricted access or use.
- 7.12 The other issue for consideration, in terms of impact on local amenity, is parking pressure. Overspill parking impacts need to be balanced against the previous uses of units 4, 5 & 5a which are outlined in **table 1**.
- 7.13 It is anticipated that larger vehicles would have been required to serve the previous use of the site for the delivery and transportation of sheet metal and acoustic panels. These vehicles are likely to be louder and more polluting

(more likely to use diesel fuels) than the vehicles that are driven to and from the site for paint spraying and valeting purposes and thus the previous use of the site is more likely to have been harmful to human health. The Pit Stop Service business carries out a paint spraying and valeting service for a range of vehicles, and officers have witnessed the spraying, valeting and storage of commercial vans as well as domestic/private vehicles.

- 7.14 The existing frequency of vehicles arriving at and departing from the site is however an unknown as a transport survey/assessment has not been submitted by the applicant. Given the retrospective nature of the application and the potential for enforcement action it is considered necessary to make a decision based on the information available rather than wait any longer. It is therefore difficult to take account of the cumulative noise effect of traffic driving to and from the site. It is also noted that the Transport Assessment submitted to support application 11/01506/FUL, calculated 174 daily vehicle trips associated with the businesses park.
- 7.15 Notwithstanding the lack of noise survey (generated by vehicle movements) or traffic survey data the proposal is judged to be less intensive and is expected to have resulted in a lower noise impact on neighbouring residential amenity. This view was also taken when considering the previous application for car valeting and it is important to note that vehicles need to be sprayed will also require valeting before leaving the site for resale, so no additional vehicle journeys are expected as a consequence of the proposal.
- 7.16 Objectors have also raised overspill parking pressure as a reason to oppose the development. Overspill parking pressure is the subject of a prosecution following a breach of planning condition 6 of permission 19/01973/FUL. In addition, as noted above, it is not expected that the proposal will generate increased traffic as vehicles being sprayed would also need to be valeted prior to resale. In addition, the conditions previously applied to restrict the operation of the site so that it does not have a significantly negative impact on surrounding residents can be re-imposed on this current proposal. It is also not in the businesses interest to store vehicles on the public highway outside of business hours. This is because damage due to road accidents and vandalism will negatively impact the economics of the business.
- 7.17 In summary it is judged that the impact caused by Pit Stop Service's vehicle spraying operation in combination with the valeting service is not likely to have a greater impact on local residents, in terms of noise and on-street parking pressure, than the previously approved uses (storage of scaffolding equipment and scrapped vehicle parts & sheet metal/acoustic panel manufacture). Subject to compliance with imposed conditions.

Parking highways and transport

- 7.18 In the assessment of previous application 11/01506/FUL, it was found that a significant proportion of the HGV movements to and from the site were linked to the operations of TJM recyclers from unit 3. As TJM recyclers have now vacated the site this source of HGV traffic has now gone, which has improved the highways safety of the overall site. It is also necessary to clarify that the Pit Stop Service business operation does not require HGVs to service the site and a condition to this effect is again recommended.

Employment and Economic Growth

- 7.19 The Pit Stop Service business currently employs approximately 15 members of staff on the site and failure to grant planning permission could potentially result in unemployment if an alternative location could not be identified within a reasonable timeframe. Employment also has wider economic benefit and this must be weighed in the planning balance.

Summary

- 7.20 The application is not opposed on the basis of the impact on nearby residential amenity as it is considered, from the information available, that noise, pollution and parking pressure impacts will not be harmful or greater than the impact approved under application 11/01506/FUL when the site was used to store scrap vehicle parts and scaffolding. The visual impact of the proposal is also considered acceptable given the context within an industrial estate/business park. In addition, support for the application, with the addition of relevant conditions, will secure employment of 15 staff members.
- 7.21 Taking the above into account on this occasion it is considered reasonable to restrict the use within the B2 use class so that no other uses can operate without further planning assessments taking place. This is considered reasonable owing to the wide nature of potential uses/business operations which have differing potential impact and that could operate within B2 use class.

8 Conclusion

- 8.1 It is recommended that the decision to approve to approve the scheme is delegated to the Head of Planning & Economic Development subject to the planning conditions recommended at the end of this report and receipt of confirmation that Network Rail have no objection to the application.

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)

MP for 20/04/21 PROW Panel

PLANNING CONDITIONS to include:

1.Approved Plans [Performance Condition]

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

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

2.Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details, namely vehicle bodywork paint spraying within units 4, 5 & 5a, and in association with vehicle valeting and car storage operations taking place on units 7,8,9 & 10 of Redbridge Business Park which is controlled by relevant conditions applied under permission 19/01973/FUL, and not for any other purpose, including any other use within Use Class B2.

Reason: In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

3.Hours of Use [Performance Condition]

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

08.00 - 17.00 Mon - Fri.

08.00 - 13.00 Sat

And at no time on Sundays

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

4.Noise/Odour Report - Full compliance within 2 months. [Performance Condition]

The development hereby approved will be carried out in full accordance with all recommendations held within the 'Spraying Facility Noise & Odour Control Report' produced by Sound Advice Engineering, File Reference SAE-1235, Issue 1. Dated 18th March 2021 including the fully operational flue extraction system, within 2 months of the date of this decision notice. Thereafter the recommendations, equipment and working practices specified shall be maintained in full working order in accordance with the report for the lifetime of the development.

Reason: To protect the amenities of nearby residents.

5.Refuse & Recycling (Performance Condition)

Within 1 month from the date of this permission details of storage for refuse and recycling of all paint spraying related wastes, together with the access to it and the daily management and collection regime, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details for the lifetime for the development. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development, on the public highway, 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.

6. Water Pollution Control (Performance Condition)

All chemicals stored on site shall be stored above the future flood level (1.1m above the existing ground level [4.2mAOD]) and in a lockable cabinet which shall be locked when paint spraying activities are not in operation.

Reason: To protect water quality of nearby waterbodies.

7. Surface water drainage restriction (Performance Condition)

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilized contaminants in line with paragraph 109 of the National Planning Policy Framework. This site is located on River Terrace Deposits overlying the Wittering Formation which are both designated Secondary A aquifers. The site is also adjacent to the River Test, and therefore controlled waters are sensitive to contamination.

Informatives:

Compliance with Health and Safety Legislation (COSHH).

The development must be carried out in full accordance with COSHH (Control of Substances Hazardous to Health) legislation and best practice guidance should also be followed at all times in the interests of the human health and safety at work.

Requirement for an environmental permit

Any discharge of trade effluent associated with this development will require an Environmental Permit from us under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies.

Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

Environmental permitting guidance can be found on the gov.uk website - <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

The Applicant is advised to contact our National Customer Contact Centre on **03708 506 506** (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk for further advice and to discuss the issues likely to be raised.

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Application 20/01608/FUL

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Context
SDP9 Scale, Massing and Appearance
SDP16 Noise
HE3 Listed Buildings
RE10 Industry and Warehousing
RE11 Light Industry

Local Development Framework Core Strategy Development Plan Document (as amended 2015)

CS6 Economic growth
CS13 Fundamentals of Design
CS19 Car & Cycle Parking
CS23 Flood Risk

Supplementary Planning Guidance Parking Standards SPD (September 2011)

Other Relevant Guidance The National Planning Policy Framework (2019)

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Application 20/01608/FUL

Relevant Planning History

1247/P22 09.07.63 Rebuild factory	Conditionally Approved
1250/50 24.09.63 Workshop	Conditionally Approved
1296/75 01.09.64 Steel-framed storage building	Conditionally Approved
1289/P1 03.08.65 Extension of mill	Conditionally Approved
1464/P28 25.09.73 Covered area for timber store	Conditionally Approved
1496/W5 04.11.75 Replace workshop	Conditionally Approved
1537/W15 25.04.78 Two rail coaches on land between railway cottages and Tate Road, use as light industrial	Conditionally Approved
941477/W Alterations and repairs to existing buildings and retention of new chain link fencing and gates	Permitted 12.01.96
05/01543/FUL Proposed redevelopment of the site by the erection of four buildings (three-storey and five-storey) to provide 52 flats (44 x 2 bedroom, 8 x 1 bedroom) with associated parking and highway works following the demolition of the existing buildings.	Refused 30.01.06
11/00199/FUL Retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT testing, storage of recycled materials, storage and manufacture of sheet metal acoustic panels, storage of scaffolding equipment, general open storage and car parking area, retention of 3m high fencing and proposed siting of portable building.	Refused 07.06.2011
11/01506/FUL	Conditionally Approved

26.01.2012

Retrospective change of use from previous use for manufacture & sale of timber sheds to use for painting contractors premises, vehicle repair & MOT Testing & storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary & siting of a portable building (resubmission of 11/00199/FUL).

19/01973/FUL

Conditionally Approved

20.03.2020

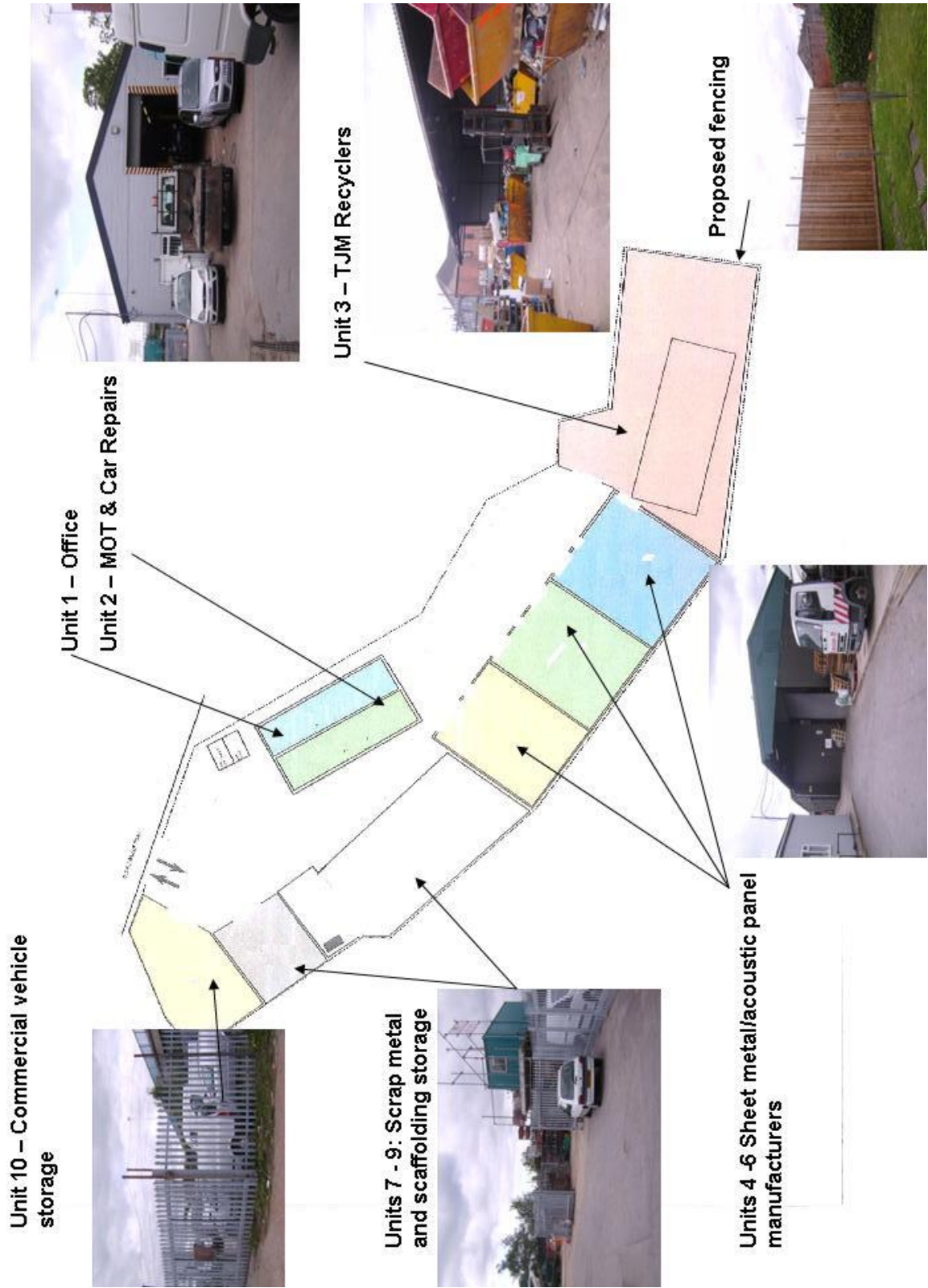
Change of use of units 7, 8, 9 and 10 from B8 (Storage and Distribution) to mixed B8 / B1 to allow storage, washing and valeting of vehicles (amended description - RETROSPECTIVE).

19/00545/FUL

Conditionally Approved

11.03.2020

Temporary retention of structure for a period of 3 years



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Agenda Item 5

Appendix 4

Application 20/01608/FUL

APPENDIX 4



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Mr Alan Sayle
Paris Smith LLP
Number 1
London Road
Southampton
SO15 2AE

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Retrospective change of use from previous use for manufacture & sale of timber sheds to use for painting contractors premises, vehicle repair & MOT Testing & storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary & siting of a portable building (resubmission of 11/00199/FUL).

Site Address: Dillons Garden Sheds Ltd Old Redbridge Road Southampton Hampshire

Application No: 11/01506/FUL

Subject to the following conditions.

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than two months 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) and to control the development in the interests of the amenities of the neighbouring residential occupiers.

02.APPROVAL CONDITION - Specified Uses [performance condition]
The site shall only be used for the following specified uses:

- Unit 1: Office accommodation (Use Class B1)
- Unit 2: Vehicle repairs and MOT testing (Use Class B2)
- Units 3, 4, 5, 6, 7, 8, 9, 10: General Storage purposes (Use Class B8)

Unit 2 shall not be used for any other purpose whatsoever, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Amendment

Order 1991, (or in any equivalent provision in any statutory instrument revoking or re-enacting that Order).

Reason:

To enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

03.APPROVAL CONDITION - Specified Uses/Hours of Use [performance condition]

Unless the Local Planning Authority agree otherwise in writing the premises to which this permission relates shall not be open for business outside the hours 8am to 6pm Monday to Friday, 9am to 1pm Saturday and at no time on Sundays or recognised Bank Holidays.

Reason:

To protect the amenities of surrounding areas.

04.APPROVAL CONDITION Adequate Car Parking Facilities [performance condition]

The car parking facilities as shown on the plans hereby approved shall be provided in accordance with the submitted details within one month of the date of this consent and be thereafter retained and made available for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads.

05.APPROVAL CONDITION - Adequate Turning Space [performance condition]

The turning space within the site as shown on the approved plans to enable vehicles to enter and leave in a forward gear shall be provided in accordance with the plans hereby approved within one month of the date of this consent and thereafter be retained and kept clear and made available for that purposes at all times.

Reason:

In the interests of highway safety.

06.APPROVAL CONDITION – performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the maximum height of stored or stacked materials from ground level, shall not exceed 2.5 metres.

Reason:

In the interests of the visual amenity of the area.

07.APPROVAL CONDITION - No processing of materials [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the site shall not be used for the processing of stored materials including the breaking or crushing of materials or the burning of any materials.

Reason:

To protect the amenities of occupiers of nearby properties.

08.APPROVAL CONDITION - Means of Enclosure [performance condition]

The boundary treatment enclosing the site shall be retained in accordance with the details hereby approved.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of neighbouring properties.

09.APPROVAL CONDITION – Storage Restriction [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, no materials shall be stored outside of the unit areas are shown on drawing number 1207/10_01 hereby approved.

For the avoidance of doubt, the parking, turning and access routes shall be kept clear from storage.

Reason:

To secure a satisfactory form of development

10. APPROVAL CONDITION – Restriction of use of Fork Lift Trucks [performance condition]
Unless otherwise agreed in writing by the Local Planning Authority, no fork lift trucks shall be used on the site.

Reason:

In the interests of the amenities of the neighbouring residential occupiers.

11. APPROVAL CONDITION – Use of Unit 2 [performance condition]
Unless otherwise agreed otherwise in writing by the Local Planning Authority, the car repairs and MOT testing carried out from Unit 2 shall only take place within the building itself and not on the forecourt of the premises.

Reason:

In the interests of the amenities of the neighbouring residential occupiers.

12. APPROVAL CONDITION – Site Management Plan [performance condition]
Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall operated in accordance with the submitted Paris Smith Site Management Plan (October 2011).

Reason:

In the interests of highway safety and the amenities of the occupiers of the neighbouring properties.

13. APPROVAL CONDITION – Restriction on Vehicle Movements [performance condition]
The number of HGV movement associated with the uses hereby approved shall not exceed a total of 35 trips per day and within three months of the date of this permission, a method for monitoring the number of HGV trips shall be submitted to and agreed in writing by the Local Planning Authority. The method of monitoring shall be in place three months after being approved in writing by the Local Planning Authority and thereafter retained as approved.

Reason:

In order that the Local Planning Authority can control the number of vehicles entering and leaving the site in the interests of highway safety and residential amenity.

14. APPROVAL CONDITION - 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.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 20.12.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

"Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP16, and T12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS6, CS7, CS13, CS19 and CS23 and the Council's current adopted Supplementary Planning Guidance.


Chris Lyons
Planning & Development Manager

26 January 2012

If you have any further enquiries please contact:
Jenna Turner

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
		Location Plan		Approved
1207/10_01		Site Plan		Approved
PLAN 3		Site Plan		Approved
PLAN 4		Site Plan		Approved
PLAN 5		Site Plan		Approved
020.0024.100	P1	Site Plan		Approved

NOTES

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

Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Kingston Studio
 Gary Bradford
 29 Oak Road
 Dibden Purlieu
 Southampton So45 4PH

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

FULL APPLICATION - CONDITIONAL APPROVAL - TEMPORARY

Proposal: Temporary retention of structure for a period of 3 years

Site Address: Redbridge Business Park, Old Redbridge Road, Southampton
 SO15 0NN

Application No: 19/00545/FUL

Subject to the following conditions:

1. Time Limited (Temporary) Permission Condition (Performance)

The development hereby approved shall be removed either on or before the period ending three years from the date of this decision notice. After this time the land shall be restored to their former condition, or to a condition to be agreed in writing by the Local Planning Authority prior to this time.

Reason: To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for the development in order to monitor the use in relation to residential amenity.

2. Approved Plans

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

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


Reason for granting Permission

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



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

Policies - SDP1, SDP7, SDP9, SDP16, SDP17, HE3, REI10 and REI11 of the City of Southampton Local Plan Review (Amended 2015) and policies CS6, CS13 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).



Paul Barton
Interim Head of Planning & Economic Development

11 March 2020

If you have any further enquiries please contact:

Mathew Pidgeon

PLANS AND INFORMATION CONSIDERED

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

Drawing No:	Version:	Description:	Date Received:	Status:
300.10		Site Plan		Approved
300.11		Elevational Plan		Approved
300.12		Location Plan		Approved

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. Your attention is drawn to the conditions this consent is subject to:

Pre-commencement conditions require the full terms of the condition to be approved by the Local Planning Authority before any development starts. In order to discharge these conditions a formal application is required by the applicant and a time period of at least 8 weeks should be allowed for a decision to be made. If the conditions are not met, the Local Planning Authority has the power to take enforcement action.

10. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY.**



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Gary Bradford
Kingston Studio
29 Oak Road
Dibden Purlieu
Southampton
SO45 4PH

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Change of use of units 7, 8, 9 and 10 from B8 (Storage and Distribution) to mixed B8 / B1 to allow storage, washing and valeting of vehicles (amended description - RETROSPECTIVE).

Site Address: Redbridge Business Park , Old Redbridge Road, Southampton SO15 0NN

Application No: 19/01973/FUL

Subject to the following conditions:

1.Approved Plans [Performance Condition]

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

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

2.Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details, namely vehicle valeting (unit 10), vehicle storage (Unit 7, 8 and 9) including vehicle jet washing (within unit 7) and ancillary office accommodation to the valeting business (Unit 8/9), and not for any other purpose, including any other use within Use Class B8 or B1.

Reason: In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

3.Hours of Use [Performance Condition]



WEBCHAT

southampton.gov.uk Page 59



@sotoncc



@southamptoncc

DX115710 SOUTHAMPTON 17

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

08.00 - 17.00 Mon - Fri.

08.00 - 13.00 Sat

And at no time on Sundays

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

4. Adequate Turning Space [Performance Condition]

The turning space within unit 7 as shown on the approved plans relating to permission 11/01506/FUL, shall remain clear from permanent structures and shall be made available for turning manoeuvres by 7.5 tonne vehicles (or greater) so that they are able to enter and leave the business park in a forward gear. At no time shall structures or storage of any goods occur on unit 7 other than vehicles relating to the valeting process.

Reason: In the interests of highway safety.

5. On site vehicular parking (25 vehicles) [Performance Condition]

In accordance with the approved plans the business operation on site (Pit Stop Service) to which this application relates shall at no time accommodate more than 25 customer vehicles as shown on plan ref: 300.14 Rev B

Reason: To avoid congestion of the adjoining highway which might otherwise occur because of overspill parking caused by the business operation.

6. On site vehicular parking (location) [Performance Condition]

Vehicles associated with the use hereby approved, including those belonging to staff and those awaiting collection and/or servicing, shall only park within the red line as shown on plan ref: 300.14 Rev B. Throughout the occupation the development hereby approved the parking areas defined by the approved plans shall not be used for any other purpose.

Reason: In the interests of neighbouring residential amenity and to avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed.

7. Restricted use of heavy goods vehicles [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, no heavy goods vehicles shall be used on the site or used to transport vehicles to the site in associated with the business operation hereby approved.

Reason: In the interests of the amenities of the neighbouring residential occupiers.

8. Water management plan/trade effluent discharge (Performance condition)

Within one month of the date of this permission a water management plan showing how compliance with the trade effluent discharge licence regime will be achieved must be submitted to and approved in writing by the Local Planning Authority. Subsequently a Trade Effluent discharge license must be obtained before the connection to the public sewerage network can be approved.

Once approved in writing the water management plan shall be fully complied with within a further month of the date of the Councils approval in writing. Compliance with the water management plan shall thereafter be achieved in perpetuity.

Reason: To ensure no pollution of the water environment.

9. Refuse & Recycling (Pre-Commencement) - New Condition

Within 1 month from the date of this permission details of storage for refuse and recycling, together with the access to it and the daily management and collection regime, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details for the lifetime for the development. 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

10. Flood Risk Assessment (Performance)

Within 1 month of the date of this permission the development shall take place in accordance with the submitted and approved Flood Risk Assessment for Mr Rooker dated February 2020 (Revision A). The measures set out in the Flood Risk Assessment (as detailed below) shall thereafter be retained as approved.

- o The container (used as an office) on site shall be anchored to the ground as described within the site specific flood risk assessment.
- o All chemicals stored on site shall be stored above the future flood level (1.1m above the existing ground level) and in a lockable cabinet.
- o Interceptor drainage will be in place to manage waste from the car wash area.
- o Users of the site made aware of the potential flood risks outlined in the site flood plan.

Reason: To avoid the risk of the container (used as an office) floating in the event of a flood and harming people both on and off site and to protect the water quality of nearby waterbodies.

Reason for granting Permission

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

Policies - SDP1, SDP7, SDP9, SDP16, SDP17, HE3, REI10 and REI11 of the City of Southampton Local Plan Review (Amended 2015) and policies CS6, CS13 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Note to Applicant

1. Southern water requested informative:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development Areas used for vehicle washing should only be connected to the public foul sewer upon receipt of trade effluent discharge license.

Trade Effluent application process for non-household (NHH) customers has changed since April 2017. This was a governmental decision to open the Market to competition. In order to apply for a consent, you will need to engage a Retailer and submit the application through them. All charges for the trade effluent application and ongoing billing will be through the Retailer. Southern Water (SW) is still the owner of assets (Wholesaler), but all administrative or billing matters are conducted by the Retailer of your choice as SW did not enter the Retail market as this point in time.

Attached is a link to the Open Water website that lists Retailers available. Please note that not all Retailers will provide a Trade Effluent service. <http://www.open-water.org.uk/for-customers/find-a-retailer/suppliers/english-water-and-wastewater-retailers/> Once we have received an application via your appointed water retailer, we have 2 months to issue a consent or refuse the application. Any permit/consent to the environment e.g. lakes/rivers/streams should be made by the discharger to the EA.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Additional Note: Should you require new addresses to be created for your development you are advised to use the following link at the appropriate time:

<http://www.southampton.gov.uk/planning/planning-permission/getting-street-names-numbers.aspx>



Paul Barton
Interim Head of Planning & Economic Development

20 March 2020

If you have any further enquiries please contact:
Mathew Pidgeon

PLANS AND INFORMATION CONSIDERED

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

Drawing No:	Version:	Description:	Date Received:	Status:
300.14	Rev B	Site Plan	06.03.2020	Approved
Marsh Hydro oil oil	Oil separator s	General Plan	06.03.2020	Approved
Flood Risk Assessment	Rev A	Flood Risk report	06.03.2020	Approved
Buisness Statement		General Plan	06.03.2020	Approved

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. Your attention is drawn to the conditions this consent is subject to:

Pre-commencement conditions require the full terms of the condition to be approved by the Local Planning Authority before any development starts. In order to discharge these conditions a formal application is required by the applicant and a time period of at least 8 weeks should be allowed for a decision to be made. If the conditions are not met, the Local Planning Authority has the power to take enforcement action.

10. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY.**

Agenda Item 5

Appendix 5

Application 20/01608/FUL

APPENDIX 5

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 17 JANUARY 2012

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Cunio, L Harris, Osmond, Thomas and Barnes-Andrews

Apologies: Councillors Mrs Blatchford

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

The Panel noted that Councillor Barnes-Andrews was in attendance as a nominated substitute for Councillor Mrs Blatchford in accordance with Procedure Rule 4.3.

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

The Panel referred to Minute 80 regarding Land Rear of 63 Manor Farm Road, Condition 3, and noted that it was their intention that any means of enclosure to site boundaries with adjoining gardens should be a minimum of 2 metres in height, when measured from the application site finished ground level.

RESOLVED that the Minutes of the Meeting held on 20th December 2011 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

Copy of all reports circulated with the agenda and appended to the signed minutes.

84. **ADMIRALS QUAY, OCEAN WAY, OCEAN VILLAGE 11/01555/FUL**

Erection of three buildings of 9 - storeys, 16 - storeys and 26 - storeys to provide 299 flats (37 x 1-bedroom, 225 x 2-bedroom and 37 x 3 - bedroom) and 2764 square metres of commercial floor space comprising retail (Class A1) and/or cafes/restaurants (Class A3) and/or drinking establishments (Class A4) with associated storage and parking.

The presenting officer advised that English Heritage had withdrawn their objection and that the city ecologist was satisfied with the ecological report.

Mr Beck (Agent), Mr Clark (supporting) and Mrs Cooper (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED that

1. Authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

(a) the completion of a S.106 Legal Agreement to secure the following heads of terms:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
 - iii. Financial contributions towards open space improvements required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
 - v. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - vi. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
 - vii. 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.
 - viii. Obligations to ensure the permanent provision of public access to the promenade, raised terraces and public square.
 - ix. Submission, approval and implementation of a Waste Management Plan.
 - x. Submission and implementation of a Travel Plan.
 - xi. Obligations to prevent residential occupiers of the development using the public car parking spaces on a permanent basis.
 - xiii. Submission and implementation of a Flood Management Plan.
- (b) the conditions in the report and the amended and additional conditions set out below:

2. Delegated powers being given to the Planning and Development Manager to vary relevant parts of the Section 106 agreement and to vary or add conditions

as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal.

3. If details of materials to be submitted pursuant to condition 2. are the same as those presented to Panel, then power is delegated to the Planning and Development Manager to discharge the requirements of Condition 2 (Details of Building Materials).
4. If there is a significant change to the details of materials from that presented to the Panel then the discharge of condition 2. should be determined by the Planning and Rights of Way Panel.
5. The Planning and Development Manager shall consult the Chair of the Planning and Rights of Way Panel to determine whether any change to materials submitted to condition 2. is significant.

Amended Condition

24 Hours of Use – Food/drink establishments

The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0730 to midnight on any day.

Reason:

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

Additional Conditions

37. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Appraisal Report from Aluco Ecology dated December 2011 with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

REASON

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

38. APPROVAL CONDITION - Doors within basement car park (Performance Condition)

Notwithstanding what is shown on approved drawing number 10.001.130, and before the basement car park is brought into use, the doors to the cycle stores shall be designed so as not to open outwards onto the manoeuvring areas for vehicles.

REASON

In the interests of public safety.

39. APPROVAL CONDITION - Traffic lights to car park (Pre-Occupation Condition)

The basement car park to Buildings 1 and 2 shall not be brought into use until traffic light controls on vehicle entry and exit has been installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The approved traffic light controls shall subsequently be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety and to prevent congestion in the access road.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the application site on the waterfront is an appropriate location for tall buildings and that the detailed design treatment is satisfactory. Furthermore the LPA is satisfied that the proposed development would not have a detrimental impact on the setting of listed buildings nearby or on the character and appearance of the adjoining Canute Road Conservation Area. 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 be granted.

Policies - SDP1, SDP6, SDP7, SDP9, SDP10, SDP13, HE1, HE3, HE6, CLT5, CLT6, CLT11, CLT14, H1, H2, H7, REI7 and MSA1 of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

85. FORMER DILLONS GARDEN SHEDS SITE, OLD REDBRIDGE ROAD / 11/01506/FUL

Part retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT Testing and storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary and siting of a portable building (resubmission of 11/00199/FUL).

Mr Sayle (Agent), Mr Sanders (Vice President Redbridge Residents Association - objecting) and Councillor Pope (Ward Councillor - objecting) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that conditional planning permission be granted subject to the conditions in the report and additional conditions set out below.

Additional Conditions

13 APPROVAL CONDITION – Site Management Plan [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall operated in accordance with the submitted Paris Smith Site Management Plan (October 2011).

REASON

In the interests of highway safety and the amenities of the occupiers of the neighbouring properties.

14 APPROVAL CONDITION – Restriction on Vehicle Movements [performance condition]

The number of HGV movement associated with the uses hereby approved shall not exceed a total of 35 trips per day and within three months of the date of this permission, a method for monitoring the number of HGV trips shall be submitted to and agreed in writing by the Local Planning Authority. The method of monitoring shall be in place three months after being approved in writing by the Local Planning Authority and thereafter retained as approved.

REASON

In order that the Local Planning Authority can control the number of vehicles entering and leaving the site in the interests of highway safety and residential amenity.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 17.01.12 do not have sufficient weight to justify a refusal of the application. With the removal of the use of unit 3 for the storage and sorting of recycled materials, the proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP16, and T12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS6, CS7, CS13, CS19 and CS23 and the Council’s current adopted Supplementary Planning Guidance.

86. **45 THE PARKWAY, SO16 3PD 11/01855/FUL**

Retention of engineering operations to terrace rear garden with associated landscaping to lower retaining wall.

Mr Sayle (Agent) and Mr Moore (East Bassett Residents Association - supporting) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT

CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that conditional planning permission be granted subject to the conditions in the report and amended condition set out below.

Amended Condition

3 Implementation/maintenance of soft planting

Insert date of 13 January 2012 to make condition complete.

Additional Note

The Panel asked the Planning Officer to consult the Tree Team to enquire if consideration could be given to the trees at the rear boundary of the garden being placed under a Tree Preservation Order, such that they might be retained/protected.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including a recent Appeal decision dated 25 July 2011, impact on the character and appearance of the area and neighbouring residential amenities have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

87. **ENFORCEMENT REPORT IN RESPECT OF 141 BURGESS ROAD, BASSETT**

The Panel considered the report of the Planning and Development Manager in respect of an unauthorised change of use of 141 Burgess Road and the possibility of serving a Planning Enforcement Notice. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Holmes (Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION NOT TO SERVE AN ENFORCEMENT NOTICE WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that at the current time it is not expedient to service a planning enforcement notice in respect of the change of use of 141 Burgess Road from a single, four-bedroom dwelling to an office, even though it contravened Policy H6 of the City of Southampton Local Plan Review, as a new house had been

constructed within the sub-plot of the site and therefore case 06/00075/UURES should be closed.

- (ii) that the unauthorised use should be kept under review, if complaints are received until 1st March 2016 unless planning permission for business use of 141 Burgess Road was given before that date.

Reason for report recommendations

A new house has been constructed within the sub-plot of the site of 141 Burgess Road and therefore is no longer a contravention of Policy H6 of the City of Southampton Local Plan Review.

88. PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT

The Panel received and noted the report of the Head of Planning and Sustainability regarding an annual update on the main activities of the Council's Rights of Way function. (Copy of report circulated with the agenda and attached to the signed minutes).

Councillor Thomas expressed his thanks to the presenting officer for his hard work in compiling the annual update to the Panel.

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 MARCH 2020

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

Apologies: Councillors Vaughan

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

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel, the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor Prior to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 11 February 2020 be approved and signed as a correct record.

64. **PLANNING APPLICATION - 144 BUTTS ROAD**

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

Proposed change of use from retail (Class A1) to hot food takeaway (Class A5) with installation of rear extraction flue

Jill Wilcox, Pete Gosden (local residents/ objecting) and Richard Goodall (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition would be required should the recommendation be approved that would restrict parking on the forecourt.

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

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

RECORDED VOTE: to refuse planning permission

FOR: Councillors L Harris, G Galton, Savage and Windle

AGAINST: Councillors Coombs, Mitchell and Prior

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

Reasons for Refusal

1. Reason for Refusal - Loss of amenities

Having regard to the predominantly residential location of the site, which is not within an identified Local or District Centre where the Council would normally encourage food and drink uses to be located, the provision of an additional hot

food takeaway use (Use Class A5) would exacerbate the existing impacts in the immediate surroundings and materially harm the amenities of the neighbouring and nearby residential occupiers. In particular, the noise and disturbance arising from the intensity and nature of the comings and goings associated with the proposed uses would result in a level of activity which would be discordant within a residential area. Furthermore, the additional evening and late night activity resulting from multiple takeaway uses would result in disturbance in late evening when residents would expect to enjoy the peace and quiet of their homes in the evenings. As such, the proposal would be contrary to saved policy SDP1(i), SDP16 and REI7 of the Local Plan Review (amended March 2015).

2. Reason for Refusal - Highway and Parking

The proposed development, by reason of the level and nature of traffic movements to and from the site, would have a detrimental impact on the safety of other highway users, having regard to the existing congestion and vehicle movements resulting from vehicle parking and on-street parking restrictions. Furthermore, the application proposes significantly less parking than permitted by the Council's adopted Car Parking Standards Supplementary Planning Document and it has not been adequately demonstrated that the parking demands generated by the development could be accommodated by the application site without further exacerbating existing parking issues in the surrounding area. As such, the proposal would adversely affect the safety and convenience

65. **PLANNING APPLICATION - 19/01973/FUL - REDBRIDGE BUSINESS PARK**

The Panel considered the report of the Head of Planning and Economic Development recommending that delegated authority be granted in respect of an application for a proposed development at the above address.

Change of use of units 7, 8, 9 and 10 from B8 (Storage and Distribution) to mixed B8 / B1(c) to allow storage, washing and valeting of vehicles (amended description).

Eugene McManus (local residents' association objecting), Gary Bradford (agent) and Councillor Whitbread (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the applicant had presented officers both a business statement and a revised location plan, identifying 25 locations in which vehicles could be kept within the site.

The presenting officer explained that a parking survey had also been presented but, noted that there had been insufficient time for analysis of this survey. However, it was noted that parking was an issue in the area. It was noted that the recommendation would be amended and that conditions 5 and 6 would also be amended.

The Panel were informed that the delegation was still required to enable the Councils flood team time to analyse the flood measures. Following representation from local residents the presenting officer added an additional refuse and recycling condition. Changes to the recommendation and conditions are set out below.

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

RESOLVED that the Panel:

- (i) Delegated authority to the Head of Planning and Economic Development to grant planning permission: subject to the planning conditions recommended at the end of the report; any amended or additional conditions set out below; and the submission of a: Flood Risk Assessment which demonstrates that the development is safe without increasing risk elsewhere.
- (ii) Delegated authority to the Head of Planning and Economic Development to refuse planning permission in the event that the Flood Risk Assessment recommendations are not acceptable on flood risk grounds and lack of information.
- (iii) The Head of Planning and Economic Development be delegated powers to add, vary and/or delete planning conditions as necessary.

Amended Conditions

5. On site vehicular parking (25 vehicles) [Performance Condition]
In accordance with the approved plans the business operation on site (Pit Stop Service) to which this application relates shall at no time accommodate more than 25 customer vehicles as shown on plan ref: 300.14 Rev B
REASON: To avoid congestion of the adjoining highway which might otherwise occur because of overspill parking caused by the business operation.
6. On site vehicular parking (location) [Performance Condition]
Vehicles associated with the use hereby approved, including those belonging to staff and those awaiting collection and/or servicing, shall only park within the red line as shown on plan ref: 300.14 Rev B. Throughout the occupation the development hereby approved the parking areas defined by the approved plans shall not be used for any other purpose.
REASON: In the interests of neighbouring residential amenity and to avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed.

Additional Condition

- 9 Refuse & Recycling (Pre-Commencement)
Within 1 month from the date of this permission details of storage for refuse and recycling, together with the access to it and the daily management and collection regime, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details for the lifetime for the development. 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.

66. **PLANNING APPLICATION - 19/00545/FUL - REDBRIDGE BUSINESS PARK
(TEMPORARY CONSENT)**

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

Temporary retention of structure for a period of 3 years

Eugene McManus (local residents' association objecting), Gary Bradford (agent) and Councillor Whitbread (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported no further updates or proposed amendments.

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

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Mitchell, Coombs, Prior and Windle

AGAINST: Councillors G Galton and L Harris

RESOLVED that planning permission be approved subject to the conditions set out within the report.

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Planning and Rights of Way Panel 20 April 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 27 Obelisk Road, Southampton			
Proposed development: Change of use from C3 dwelling house to 6-bed C4 House in multiple occupation (HMO) (Retrospective)			
Application number:	21/00263/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	Extension of Time 27.04.2021	Ward:	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Payne Cllr Hammond Cllr Blatchford
Applicant: Ian Knight		Agent: Knight Architectural Design	

Recommendation Summary	Conditionally approve
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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 – CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, H4, H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016) and Parking Standards SPD (2011).

Appendix attached			
1	Development Plan Policies	2	Appeal Decision
3	Plans		HMO 40m Radius Survey

Recommendation in Full

Conditionally approve

1. Introduction & background

- 1.1 27 Obelisk Road is an unauthorised House in Multiple Occupation (HMO) with significant recent planning history that is material to the current application. The current application seeks to remedy this breach.
- 1.2 In 2019, the applicant carried out Permitted Development (PD) works to extend the property at ground floor and roof level, and re-landscaped the frontage to form hardstanding for additional parking. Then in February 2020, the applicant applied for retrospective planning permission to change the use of the property from a C3 dwelling to a 7 person HMO (7 bedrooms) – LPA ref no. 20/00156/FUL.
- 1.3 This application received 12 objections, and officers were seeking to negotiate a reduction in the number of bedrooms from 7 to 6-bedrooms in order to be in a position to support the scheme. In March 2020, the COVID-19 pandemic and lockdown ensued and rather than wait for a Planning Panel cycle the applicant lodged an appeal for non-determination of the application. The appeal was subsequently dismissed in September 2020 by the Planning Inspectorate (*see Appendix 2*). The use of the property is currently an unauthorised HMO (sui generis for 7 persons), albeit the 7th bedroom is being used as a lounge. Depending on the outcome of this planning application officers will, in line with our adopted Enforcement Policy, seek to take appropriate enforcement action against the unauthorised HMO use. Such action should not be taken whilst there is a 'live' planning application as this may lead to abortive work and time.
- 1.4 Side facing dormer windows were fitted under PD (see bedroom 6 on the floor plans), which does not form part of the proposed plans. In order to comply with permitted development, these windows should be obscure glazed and fixed shut up to 1.7m above the internal floor level (as per the conditions for PD). The frontage was hard surfaced to allow for unrestricted and informal parking by the occupants, including the removal of a hedge.

2. The site and its context

- 2.1 The site is located on the north side of Obelisk Road in close walking distance of the Woolston district shopping area and other amenities. The boundary of the Old Woolston Conservation Area adjoins east of the site. The surrounding context is mainly characterised as suburban two storey residential properties interspersed with flatted blocks. The site comprises a 2 storey semi-detached dwelling recently refurbished including a dormer loft conversion.

3. Proposal

- 3.1 This application seeks to regularise the unauthorised change of use from a C3 dwellinghouse to a 6 bed HMO (class C4). The main difference between the previously refused application (and unsuccessful appeal) is to change the maximum number of the occupants from 7 to 6. The applicant has amended the plans to show the installation of soundproofing insulation from floor to ceiling height on the party wall of the habitable room spaces (not including circulation areas & excluding the chimney breasts in the bedrooms) comprising a 30mm plasterboard sheet bonded to an acoustic form (15mm plasterboard and 15mm laminated foam).
- 3.2 The plans have been further amended to reconfigure the frontage to reduce the overall size of the parking area (3/4 spaces) and soften the appearance of the landscaping by re-introducing a hedge (hollies and laurel) and provide a low front brick wall (to match facing brick of house).
- 3.3 The property is licensed as a HMO under the Council's mandatory licensing scheme. In terms of the quality of residential living standards for the occupants, the HMO licensing minimum room size standards are complied with as follows:-

Bathroom1 - shared bathroom required up to 5 persons

Bedroom 1 – 18sqm (min – 6.51sqm)

Bedroom 2 – 14sqm (min – 6.51sqm)

Bedroom 3 (en-suite) – 16sqm (min – 6.51sqm)

Bedroom 4 – 17sqm (min – 6.51sqm)

Bedroom 5 – 14sqm (min – 6.51sqm)

Bedroom 6 – 18sqm (min – 6.51sqm)

Combined Kitchen/living room – 25sqm (11.5sqm for up to to 5 persons)

Lounge – 12sqm (additional space to kitchen living area)

4. Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 4.3 The Council's Houses in Multiple Occupation Supplementary Planning Document (SPD HMO) indicates:

“1.1 Houses in Multiple Occupation (HMOs) provide much-needed housing accommodation. However, a large number of HMOs in one area can change the physical character of that residential area and this can lead to conflict with the existing community.

1.2 The planning system can assist in achieving a mix of households within the city’s neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses. This can best be delivered by preventing the development of excessive concentrations of HMOs and thus encouraging a more even distribution across the city.”

- 4.4 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced communities, whilst these policies require an assessment of how the introduction of HMOs maintain the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in the Council’s House in Multiple Occupation Supplementary Planning Document (SPD) to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a local neighbourhood. This is shown in **Appendix 4**.
- 4.5 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council’s vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

5. Relevant Planning History

- 5.1 Officer’s rejected a planning application in June 2018 to extend and convert the property into 3 flats (LPA ref no. 18/01101/FUL). Since then, the formerly derelict property, has undergone significant investment and renovation to the interior and exterior by the applicant to restore the building back to a habitable standard and a well looked after appearance. This included permitted development extension works carried out in 2019. A retrospective application (LPA ref no 20/00156/FUL) for the change of use from a C3 dwelling to a 7 person HMO (sui generis) was dismissed under a non-determination appeal in September 2020 (**see Appendix 2**). See above in section 1 for more detailed background.

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 05.03.21. At the time of

writing the report **17 representations** (16 objections and 1 support) including an objection from Cllr Payne have been received from surrounding residents. The following is a summary of the points raised:

- 6.2 ***Out of character with the area and overdevelopment of a family home: Should resist more houses turned into flats. Too many units in a semi-detached house that will impact on neighbours and residents privacy. Loss of greenery in property frontage. Should be returned to a large family home. A dormer window has been created on the second floor which overlooks the bedroom of the property next door.***

Response

A strong 90% mix of family homes would still be maintained in the local neighbourhood following the grant of planning permission. With the reduction in occupancy to a small HMO for up to 6 persons, this intensity of residential use is not considered to be out of keeping with the character of the area. The standard of room sizes and living facilities well exceeds HMO licensing requirements. The applicant will implement green landscape improvements to soften the appearance of the frontage. The dormer window has been constructed under permitted development and, therefore, does not fall under the scope of this application.

- 6.3 ***Level of noise disturbance harmful to the residential amenity of the neighbours due to the level of activity and coming and goings associated with too many occupants living at the property, including disturbance through the party wall with no. 25 and tenants gathering to socialise in the garden late at night. Regardless that permission was refused for a 7 person HMO, the Inspector's decision stated that they found harm to neighbour's amenity based on the 6 persons living there at the time of their visit.***

Response

The residential amenity of the neighbouring occupiers would not be adversely harmed with the changes proposed under this application which includes change to a small C4 HMO, installation of acoustic insulation between the party wall of no. 25 and habitable areas of the HMO, and reduction in parking available on the frontage so less car traffic coming and going to the property. The Council has enforcement powers available outside the planning system to enforce against statutory noise nuisance.

- 6.4 ***Road Safety and parking: Car Parking on the property is insufficient for the number of vehicles leading to dangers for Pedestrians and Road Users, as Obelisk Road is a busy Bus and School Route. The limited changes to the plans does not address the issues of parking and road safety. Cars have to park one behind the other, which means moving cars in and out when people want to leave. The road is busy, with yellow lines, and moving cars in this way would be dangerous.***

Response

The parking layout on the frontage has been reconfigured to reduce the

spaces available to 3/4 cars which is compliant with the Council's maximum parking standards. The Planning Inspector did not have road safety concerns from the lack of no site turning available (paragraph 30 of the appeal decision of **Appendix 2**). Furthermore, the Highways Officer does not object to the arrangement of the parking layout initially submitted.

- 6.5 ***The Planning Inspectorate rejected a very similar plan on this site last year (2020) and it is unclear that enough changes have been made so that the previous reasons for refusal have been overcome. The revised plan is identical to the plan that was rejected, apart from the change from bedroom to lounge for the downstairs front room.***

Response

Since the validation of the application, the applicant has amended the plans to offer increased amount of acoustic insulation on the party wall and has reduced the parking spaces available to 3/4. These changes combined with the reduction in size to a small HMO are considered to address the Planning Inspector's concerns under the appeal decision. It should be noted that the Planning Inspector did not object to the principle of changing the use of the class C3 family dwelling to a HMO in respect of the Council's HMO policy test i.e. 10% threshold in 40m radius; that seeks to maintain mixed and balanced communities (see paragraph 11 of the appeal decision of **Appendix 2**).

- 6.6 ***Support: The property has been remodelled after falling into serious disrepair. This provides high quality affordable accommodation in our local area and diversifies the mix of households by providing the opportunity for young professionals to afford to live in the community. The quality of the fit out means it will only attract high quality tenants, who are likely to have disposable money to spend - in Woolston, giving a boost to the local economy. Should be encouraging existing HMO owners to meet the standard provided here and not negatively label all HMOs as anti-social.***

Response

The Council cannot insist that a landowner maintains the existing use and the planning application process enables the assessment of applicant's proposed changes. The standards of the HMO far exceed HMO licensing requirements for 6 persons. The Council's planning policies encourages sustainable and mixed communities and housing opportunities for low income households who cannot afford home ownership including students and young people working in the local economy. The retention of this HMO in this case does not imbalance the mix and balance of households in the local neighbourhood by maintaining a strong 90% mix of family homes.

- 6.7 ***This building has been occupied by many people since the works have been completed, this clearly is a breach of all planning regulations and must be deemed to be illegal, how can the owner and or occupiers have valid insurance, what would happen in the event of a fire, rateable value would be incorrect. The owner of this building should not be granted planning as they have no respect for the planning process involved and***

if they continue to rent out rooms in such a way is putting lives at risk.

Response

Whilst a breach has occurred, under planning law the applicant has the legal right to regularise the unauthorised use. Enforcement action is held in abeyance whilst the current application is considered in line with our adopted Enforcement Policy. They have complied with the safety and housing standards under the mandatory HMO license. Other legal issues mentioned such as invalid insurance are enforced under different legislation.

6.8 *Internal conveniences being shared which is inappropriate with the threat of coronavirus.*

Response

The occupants are living together as a household in a shared house with shared facilities. This arrangement applies to all HMOs in the city and in the country throughout the Covid-19 pandemic.

Consultation Responses

6.9	Consultee	Comments
	Environmental Health	No objection
	SCC Highways	No objection

7.0 Planning Consideration Key Issues

7.1 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

7.2 Principle of Development

7.2.1 Following changes to legislation in April and October 2010, the government introduced the right to change between C3 (family dwelling) to C4 (small HMO) uses without planning permission. The C4 HMO classification was introduced to cover small shared houses within residential areas occupied by between 3 and 6 unrelated individuals who share basic amenities i.e. bathrooms, living rooms, kitchens. These permitted development use rights were removed by Southampton Council in April 2012 when the Council confirmed a citywide Article 4 direction to control the problems associated with high concentrations of HMOs in local communities.

7.2.2 Policy H4 acknowledges that there is a need to maintain the supply of HMO housing whilst balance this against maintaining a sustainable mix of households within the community. The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs

should not exceed 10% of the surrounding residential properties within a 40m radius. Although the property would no longer be available for families, the proposal would not be contrary to policy CS16 which prevents the loss of a family dwelling, given that the property can be readily converted back into use as a family dwelling with minimal changes. That said, a condition can be applied to give the property flexible use so it can be occupied by either a family or as a HMO. Furthermore, the 10% threshold limit allows for an element of lower cost and flexible housing within the community for lower income persons to benefit from, who can provide low paid services in the local economy, as well groups such as students, whilst the 90% of family homes remaining within the 40m radius (see map in **Appendix 4**) retains a strong mix and balance of less transient owner occupiers living in the community.

7.2.3 It should be noted that the Planning Inspector did not object to the principle of changing the use of the family dwelling (class C3) to a HMO in respect of the Council's HMO policy test i.e. 10% threshold in 40m radius; that seeks to maintain mixed and balanced communities (see paragraph 11 of the appeal decision of **Appendix 2**). As such, the principle of development to convert the property into a C4 HMO can be supported subject to an assessment of the planning merits in relation to the relevant policies and guidance.

7.3 Design and effect on character

7.3.1 The internal works to facilitate the change of use does not visually impact on the appearance of the street scene. The applicant has agreed to complete the improvements to the frontage landscaping and reinstate the front boundary treatment within 3 months of the decision date. The softening of the frontage parking by adding hedge planting and reducing the size of the hardstanding will address the Planning Inspector's concerns related to visual impact on character and appearance raised in paragraph 15 of the appeal decision (**see Appendix 2**).

7.3.2 From carrying out the 40m radius survey (**see Appendix 4**), the up to date records for the Electoral Register, Planning Register, Licensing Register, and Council Tax show that **the resulting concentration of HMOs would be 9.5% (rounded up to 10% - 2 HMO out of 21 residential properties)** and, therefore, the application does not breach the 10% threshold limit for the mix of HMOs within the local community. Although the Council does not have a comprehensive database on the location of all HMOs in the city, these sources provide the Council's best known evidence.

7.3.3 The strategy of the Council is to support balanced communities by using the 10% threshold to maintain a sustainable mix of residential properties. The character of the local neighbourhood is predominantly family housing within this suburban street, however, the primary purpose of the HMO SPD guidance is to set a 10% threshold limit to determine where the introduction of HMOs into a local neighbourhood would tip the sustainable balance and mix of households to the detriment of the local character. This would be the second HMO within the 40m radius area, so therefore will maintain a strong mix of 19

family homes out of the overall households in the local neighbourhood. The adjoining flats (8 x 1 bedrooms) at Obelisk Court are discounted from the 40m radius survey as their small sizes are not capable of HMO occupation, however, these small flats affect the balance of the community differently to HMOs being occupied by separate individual households rather multiple persons living as a group in a shared house. Therefore, this HMO would not significantly change the character of the local neighbourhood, whilst the Planning Inspector had raised no policy objection on grounds of a sustainable and balanced communities (see paragraph 11 of the appeal decision of **Appendix 2**).

7.4 Residential amenity

7.4.1 At the time of the Planning Inspector's visit (see paragraph 4 of the appeal decision of **Appendix 2**) they had witnessed the property being used as a 6 bed class C4 HMO, however, it should be noted that the Planning Inspector assessed the impact of the based the maximum occupancy of the property as a 7 person HMO (see paragraphs 8 & 20) so there is a material change to the occupancy levels to be taken into consideration when assessing the impact of the HMO use.

7.4.2 The occupiers of semi-detached pair at 25 Obelisk Road share a party wall with the proposed HMO. The habitable rooms adjacent to the party wall are bedrooms 2, 3 and 5 and the kitchen/diner. These are the spaces of the property where the HMO residents are likely to gather and socialise together as groups and therefore cause disruption to the neighbours through the party wall. Furthermore bedrooms within HMOs can be occupied differently to bedrooms within C3 dwellings with HMO residents spending more time in their bedrooms or hosting visitors within these residents which could lead to noise disturbance if adjacent to the party wall with an adjoining C3 dwelling, which could lead to noise disturbance to neighbouring bedrooms or other habitable rooms on the neighbouring side of the party wall . Living independently of each other, the residents of the 6 person HMO would have a different pattern of lifestyle compared to a family household living a single family unit, however, the activities of 6 persons is less intensive than 7 persons living in a HMO. So the degree of adverse harm to residential amenity from noise disturbance should be assessed on whether the additional (family home to C4 HMO) or reduced (7 to 6 persons) comings and goings at different times of the day and night would cause a significantly greater impact than the activities associated with the class C3 family household. The material difference between the refused application is the occupancy reduction from 7 to 6 persons.

7.4.3 In paragraph 21 of the appeal decision (**see Appendix 2**), the Planning Inspector commented on the level of disturbance experienced by the neighbour at no. 25 with regards to the 6 persons that were living in the HMO at the time of their site visit in August 2020. They also considered that the HMO application failed to put forward any specific measures to address the potential for noise and disturbance to neighbouring occupiers, such noise insulation measures or procedures for managing the future occupation of the HMO (see paragraph 22). As such, the proposal incorporates the following

changes which are now considered to address the Planning Inspector's reasons for refusal and, therefore, will ensure that the 6 person HMO use would not adversely affect the residential amenity of neighbouring occupiers:-

Planning Inspector concerns See Appendix 2	Changes since the PINS refusal
<p>1. Failed to put forward any specific measures to address the potential for noise and disturbance to neighbouring occupiers (para 22)</p>	<ul style="list-style-type: none"> • Amended plans show acoustic insulation to be fitted on party wall within habitable areas. As it stands, the Environmental Health Officer (EHO) has no objection to the noise impacts of the HMO without any specified mitigation measures. In light of the Planning Inspectors comments though, the EHO advises that this type of acoustic insulation if professionally fitted should reduce noise transmission significantly between the party wall and is a reasonable practicable measure. The applicant has advised that the insulation will be fitted within 3 months of the decision date. • Not being a policy or legal requirement under Building Regulations Part E and planning guidance to have a minimum level of soundproofing between the party walls of existing residential properties for a change of use to a HMO, the applicant has offered improvements by adding soundproof insulation to the party wall to address the Planning Inspector's concerns (secured by condition). The EHO considers this will provide significant reductions in noise transmission. • The concerns of the neighbours are noted about noise disturbance through the party wall and in the garden. It should be held that the use of the property and behaviour of the residents are treated as being in a reasonable manner. The Council has enforcement powers available outside the planning system to enforce against statutory noise nuisance. • In this instance, there are also further

	<p>safeguards because a mandatory HMO licence is required and, therefore, the management and standards of property would be monitored by other teams in the Council.</p>
<p>2. The occupiers of a HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a household. Taking account of the size of the appeal property, the activity generated by <u>seven persons</u> living independent lives, with separate routines, and their attendant comings and goings, much of which potentially involves cars, given the amount of available on-site parking, along with those of their visitors, would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family (para 20)</p>	<ul style="list-style-type: none"> • It is noted that the occupancy levels have only reduced by 1 person, however, the occupancy levels go past a significant threshold in HMO sizes under planning use class rules – the maximum of 6 persons is classed as a small HMO C4 use and 7 person occupancy (or greater) is classed as a large HMO use (sui generis). Introducing class C4 HMO use for shared houses in 2010, the government drew a distinction in planning law between the impacts of these different category of HMOs by allowing family homes to change to a small C4 HMO without the need for planning permission, whilst larger HMOs need planning permission. This was until 2012 when the Council implemented an Article 4 direction to remove those permitted development rights to manage the negative social and environmental impacts seen from HMOs forming high concentrations in certain neighbourhoods. • On balance, with the incorporation of the noise insulation measures, the scale, nature and intensity of the 6 person HMO use, in terms of disturbance from the more intensive levels of occupation and different lifestyle patterns compared to a family home, is therefore not out of character with other properties in the street, and would not adversely harm the residential amenities of the neighbouring occupiers.
<p>3. Taking account of the size of the appeal property, the activity generated by seven persons living independent lives, with separate routines, and their attendant comings and goings, much of which</p>	<ul style="list-style-type: none"> • Landscape and the parking layout amendments shows a significant reduction in on-site parking spaces from 6 to 3/4 spaces, so reduces disturbance to neighbour's level to an acceptable level from the traffic coming and going to the site.

potentially involves cars, given the amount of available on-site parking, along with those of their visitors, would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family (para 20)	
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7.5 Parking highways and transport

7.5.1 The applicant has amended the plans to reconfigure the layout of frontage to allow space for 3/4 parking spaces. There will still be the opportunity for tandem parking, however, it is noted that the Planning Inspector did not have road safety concerns from the lack of no site turning available and, therefore, did not object to vehicles having to reverse out onto the Obelisk Road given the adequate level of driver visibility and taking into account the slow speed limit allowing sufficient time for drivers to react (paragraph 30 of the appeal decision of **Appendix 2**). Tandem parking is acceptable when people live together as a single household and can be managed accordingly. Furthermore, the Highways Officer had no objection to the parking arrangement initially submitted.

7.5.2 The Council's HMO SPD sets out that the maximum parking standards for a 6 bedroom HMO is 2 off-road spaces in this high accessibility location. These parking standards are not required as a minimum in order to encourage residents use sustainable modes of transport and discourage ownership of vehicles. It is noted that the current tenants have a high level of vehicle ownership with up to 6 vehicles having parked on the driveway. No parking survey has been undertaken, however, in reducing the off-road parking spaces available, the overspill impact from the additional parking demand to nearby streets would be adequately controlled by existing parking controls on the majority of local streets within a 200m radius in this part of Woolston.

7.5.3 Conditions can be applied to secure adequate storage facilities for cycles and refuse.

8. Summary

8.1 In summary, the retention of the HMO in light of the reduced occupancy to 6 persons and mitigation measures proposed is considered not to adversely harm the character and amenity of the area, and highways safety. The comings and goings, including traffic and parking demand generated, associated with the HMO use would not be detrimental to the amenity and

safety of the residents living in the area. Furthermore, the changes made address the Planning Inspector's reasons for refusal. The retention of the HMO would not imbalance the mix of the family households in the community by retaining 90% of the properties as family homes, whilst this housing would also positively contribute towards the mix and range of smaller lower cost and flexible accommodation to benefit lower income and transient households within the local community.

9. Conclusion

- 9.1 It is recommended that planning permission be granted subject to 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) 4.(f) (qq) (vv) 6. (a) (b)

SB for 20/04/21 PROW Panel

PLANNING CONDITIONS to include:

01. Retention of communal spaces (Performance)

The rooms labelled lounge and kitchen area shown on the plans hereby approved shall be retained for use by all of the occupants for communal purposes only to serve the occupiers whilst in HMO use.

Reason: To ensure that a suitable communal facilities are provided for the residents.

02. C3/C4 dual use (Performance)

The dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

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

Note to applicant: Whilst this planning permission allows occupation of the building as both a single dwelling and by a shared group, you are advised that an HMO that is licensed needs to have that license revoked before the building can lawfully be occupied again as a single dwelling.

03. Cycle storage facilities (Pre-Occupation)

Within 2 months of the date of the decision notice, secure and covered storage for 6 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details within 2 months of approval and thereafter retained as

approved.

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

04. Refuse & Recycling (Pre-Occupation)

Within 2 months of the date of the decision notice, details of an enclosure for the storage of 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 within 1 month of approval and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the storage approved.

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

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

05. Soundproofing (Performance)

Within 3 months of the decision notice date, the party wall sound proofing insulation from floor to ceiling height shall be installed in accordance with the specification shown on the approved plans and shall thereafter be retained.

Within 1 month of the completed installation, the applicant shall submit a report to the Local Planning Authority to verify that the sound proofing has been installed in accordance with the manufacturer's specification.

Reason: In the interests of residential amenity and for the avoidance of doubt.

06. Landscaping and Means Enclosures (Performance)

Within the 3 months of the decision notice date, the landscaping and means of enclosure works shall be carried out in accordance with approved drawing no. KAD-01-A-EX Rev B. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, the front boundary wall and hedge shall be retained and maintained for the lifetime of the residential use.

The approved landscaping 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: In the interests of visual and residential amenity and for avoidance of doubt.

07. Approved Plans

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

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

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Application 21/00263/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy – (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Houses in Multiple Occupation SPD (Adopted - May 2016)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

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Appeal Decision

Site visit made on 4 August 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/D1780/W/20/3251428
27 Obelisk Road, Southampton SO19 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms R Basi (Jamba Estates Ltd) against Southampton City Council.
 - The application Ref 20/00156/FUL is dated 4 February 2020.
 - The development proposed is change of use from C3 dwelling house to seven bed HMO (Sui Generis).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the appeal form and the Council's statement of case. This is a more precise description of the development involved than that used on the application form.
3. I note that the planning application was submitted retrospectively, and on my site inspection I observed that a HMO use has been implemented. I have dealt with the appeal accordingly.
4. Both parties have confirmed that, prior to the lodging of the appeal, discussions took place between the appellant and the Council in respect of reducing the number of occupants from 7 to 6, with the appellant submitting an amended plan, Ref KAD 01 A EX C, to the Council on 19 March 2020. With this in mind, I saw during my site visit that the ground floor room adjacent to the kitchen is currently used as a communal lounge, and that the premises are currently being used as a 6 bed Class C4 HMO, in accordance with the room layout shown on the amended plan.
5. I have also been provided with emails verifying that the Planning Officer advised that a Class C4 HMO could be supported, subject to the satisfactory resolution of landscaping and parking issues.
6. Notwithstanding this, the Council has advised that, under its scheme of delegation, the application had to be referred to the Council's Planning Committee for determination due to the number of local resident objections, and that the appeal was lodged before the Planning Committee had the opportunity to consider a revised scheme from that originally submitted.

7. In considering which proposal is before me for determination, I am mindful of the planning appeals procedural guidance¹ which advises that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. In this case, no formal Council decision has been made on the application, and from the submissions from both parties, there is no evidence before me that agreement on the outstanding issues had been reached by both parties, or that an agreed revised scheme had been formally accepted by the Council prior to the submission of the appeal.
8. With this in mind, and having regard to the cases put forward by both main parties and the number of third party representations in respect of the originally submitted scheme, notwithstanding the development that has taken place on site, I have determined the appeal on the basis of the original planning application scheme for a 7 bed HMO (Sui Generis) and planning application drawing KAD 01 A EX.
9. The Council has also advised that side facing dormer windows which have been installed to Bedroom 7 did not form part of the originally submitted plans. The Council consider that the dormer windows are not lawful as they are not obscure-glazed and fixed shut up to a height of 1.7m above the internal floor area. The determination of what could potentially be built under permitted development rights is not a matter for me to decide within the context of an appeal made under Section 78 of the Act, and I have, therefore, determined this appeal on the basis of the scheme as originally submitted.

Main Issues

10. The Council's statement of case confirms that it objects to the development, and indicates why it would have refused planning permission for the scheme as originally submitted, had it determined the application.
11. Policy CS16 of the *Local Development Framework Core Strategy Development Plan Document (2010)* (CS) supports the provision of a mix of housing types, and more sustainable and balanced communities. In this regard, the development would not breach the 10% limit set on conversions to houses in multiple occupation (HMOs) within a 40m radius, which is set out in the *Houses in Multiple Occupation Supplementary Planning Document (2016)* (the HMO SPD). It would thus contribute towards fulfilling the objective of CS Policy CS16. The Council nonetheless indicates that the conversion would adversely affect the character and appearance of the area, the living conditions of neighbours and future occupants of the HMO, and highway safety.
12. Accordingly, based on the Council's statement of case and the evidence before me, I consider the main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance;
 - Whether the development would provide appropriate living conditions for future occupants having regard to communal living space provision; and

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019

- The effect of the development on highway safety.

Reasons

Character and appearance

13. The appeal property is a semi-detached, two storey building located within a suburban residential road close to the Woolston shopping centre. Whilst there are some commercial properties within the road, the character of the street is predominantly residential, comprising two storey dwellings with some blocks of flats. Low front boundary walls are a common feature of the road, providing a sense of enclosure to property frontages, with front garden landscaping and frontage hedging also providing a green softening effect to the built development and positively contributing to a pleasant and attractive street scene.
14. The Council's statement of case includes photographic evidence of the appeal site frontage dated May 2018 which shows that the front boundary of the site was formerly defined by mature hedging, enclosing a grassed front garden. As such, the site made a positive contribution to the visual amenities of the public realm of Obelisk Road.
15. The landscaped front garden and frontage hedging has been removed and replaced by a gravelled and hard-surfaced parking area extending across the whole width of the site and with a completely open frontage. This has resulted in built development, with the likelihood of parked cars associated with seven individual households, dominating the site in views from the street, with no soft landscaping or front boundary enclosure to soften the visual impact on the street scene. This is out of keeping with the partially enclosed and soft landscaped property frontages which feature in the street, so that the appeal scheme appears as an incongruous and visually intrusive element in the road which would be detrimental to the visual amenities of the townscape.
16. With this in mind, I consider that the likelihood of occupants of the property, and their visitors, parking on the appeal site would be high, given the existing on-street parking restrictions along Obelisk Road. The appellant has confirmed that it is possible to park 6 cars on the site frontage.
17. I have noted the appellant's confirmed intention to reinstate a front boundary hedge in response to the Planning Officer's concerns regarding the frontage treatment of the site, and that the Planning Officer also requested a front boundary wall and a change of material for the forecourt parking area. However, I do not have details of any such alterations and I must determine this appeal on the merits of the appeal scheme before me.
18. For the above reasons, I therefore conclude that the proposed development would have a detrimental impact on the character and appearance of the area. As such, it would be contrary to Saved Policies SDP7 and H4 of the *Local Plan Review (2015)* (LP) and CS Policy CS13. These policies, amongst other things, seek to ensure that new development, including proposals for the conversion of dwellings into HMOs, integrates with its surroundings and does not materially harm the character and appearance of an area. For similar reasons, the proposal would also be contrary to chapter 12 of the *National Planning Policy Framework 2019* (the Framework) which seeks to ensure high quality design.

Neighbour living conditions

19. The appeal property is surrounded by residential properties to both sides, to the rear and on the opposite side of Obelisk Road. It is physically attached to no.25, the other house in the semi-detached pair. Although their respective front doors are not immediately adjacent to one another, they are relatively close and the premises share a party wall. The two properties have a sensitive relationship to one another as a result.
20. The occupiers of a HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a household. Taking account of the size of the appeal property, the activity generated by seven persons living independent lives, with separate routines, and their attendant comings and goings, much of which potentially involves cars, given the amount of available on-site parking, along with those of their visitors, would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family.
21. Even if the occupiers of the HMO may be out at work for long periods, the appeal scheme would still give rise to a level of general noise and disturbance at an intensity that would be disruptive, particularly to the occupiers of 25 Obelisk Road and consequently their living conditions. In this respect, I have noted the third party comments from the occupier of no.25 stating that the central dividing wall between the semi-detached properties contains no acoustic insulation, and that that the occupier of no.25 has experienced noise and disturbance as a result of the activities associated with the existing 6 separate households occupying the site, including from late night parties. Having regard to the layout of the appeal property, whereby the communal kitchen, rear patio leading off from the kitchen and the sizeable rear garden are all sited next to no.25, I have no reason to doubt the neighbour's comments. Furthermore, the appeal scheme has the potential to exacerbate the existing situation through the provision of an additional bedroom.
22. The appellant has not put forward any specific measures to address the potential for noise and disturbance to neighbouring occupiers, such as noise insulation measures or procedures for managing the future occupation of the HMO. I am not persuaded that car sharing by the existing tenants, who have the same employer, would reduce the comings and goings associated with the site to a degree that would not be harmful to neighbouring living conditions. This would not be a very practical arrangement for 7 individuals, and it would not be possible to ensure the future occupation of the site by co-workers in perpetuity.
23. For the above reasons, I therefore conclude that the proposed development would materially harm the living conditions of neighbouring occupants in respect of noise and disturbance. As such, the development would be contrary to LP Saved Policy H4, which states that planning permission for conversions to HMOs will only be granted where it would not be detrimental to the amenities of the residents of adjacent or nearby properties, and LP Saved Policy SDP1 which seeks to ensure that new developments do not unacceptably affect the health, safety and amenity of the city and its citizens. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that

developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Living conditions of future occupants

24. I concur with the Council's view that the size of the bedrooms and access to outlook, light and privacy are acceptable, and that occupants would have access to sufficient external private living space in the rear garden which would provide adequate sitting out, washing drying and cycle storage space.
25. On my site visit, I found the communal kitchen/dining room to be light and airy with a well-laid out standard of utility, including seating/dining space. The property also benefits from 4 shower rooms. Taking into account the overall provision of internal and external communal living space, and standard of bedroom accommodation, whereby residents would be comfortable spending time within their rooms, I am not convinced by the evidence before me, that the overall amount of proposed internal and external communal living space is such that it would not be capable of accommodating use by 7 residents, nor that it would result in overcrowding to the detriment of the living conditions of the occupants.
26. In this respect I note that the Council has not drawn my attention to any adopted minimum size requirements in respect of HMO communal living space, bedroom or garden sizes.
27. For the above reasons, I therefore conclude that the proposed development would provide satisfactory living conditions for the future occupiers of the appeal scheme in respect of communal living space provision. As such, the development would accord with LP Saved Policy H4, which states that planning permission for conversions to HMOs will only be granted where it would provide adequate amenity space, and LP Saved Policy SDP1 which seeks to ensure that new developments do not unacceptably affect the health, safety and amenity of the city and its citizens. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Highway Safety

28. The Council is concerned about the availability of on-site turning, should the driveway be fully or tandem parked, and the migration of loose stones from the parking area onto the road where they could be picked up by other vehicles. However, noting that the on-site parking has been implemented, I have not been presented with any substantial evidence from the Council to demonstrate that these matters have resulted in danger to highway users.
29. I am mindful of paragraph 109 of the National Planning Policy Framework (the Framework) which advises that "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".
30. On my site visit, I observed the absence of parked cars along both sides of the road within the vicinity of the appeal site as a result of the existing parking restrictions. Consequently, visibility along this straight stretch of road for any drivers having to reverse out of the site would not be impaired by parked cars.

I have also taken account of the low speed limit of the road so that passing drivers are likely to have time to react to any cars reversing out of the appeal site.

31. For the above reasons, and in the absence of cogent evidence from the Council to the contrary, I conclude that it has not been satisfactorily demonstrated that the appeal scheme would result in material harm to highway safety. Accordingly, having regard to the matter of highway safety, I cannot conclude that the appeal scheme would be contrary to LP Saved Policy SDP1 which seeks to ensure that new developments do not unacceptably affect the health, safety and amenity of the city and its citizens.

Other Matters

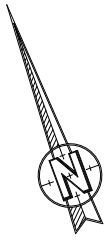
32. I have noted that the property benefits from a seven person HMO licence. However, the standards that apply to Licensing and Planning are the subject of separate regulations, and my decision must be based solely upon the planning merits of the scheme that is before me.
33. I acknowledge that the appellant has refurbished the building and that the property has been finished to a good standard of décor. I also note the accessible location of the site with respect to facilities and services and public transport routes, and that it is currently let out to professional working tenants. However, these matters do not alter my conclusions on the main issues.

Conclusion

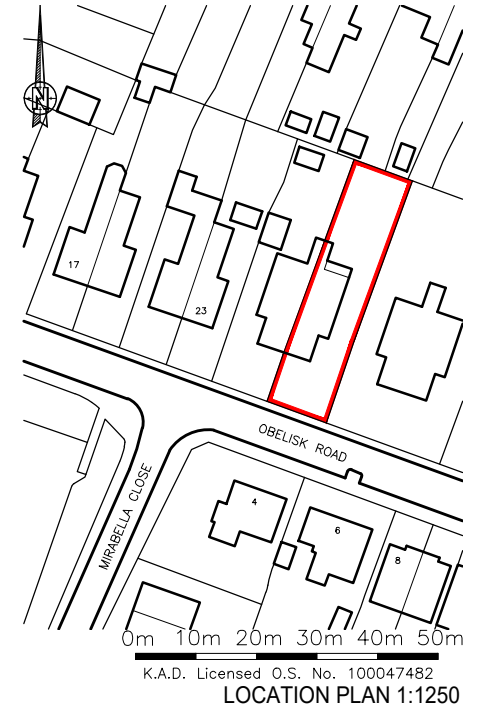
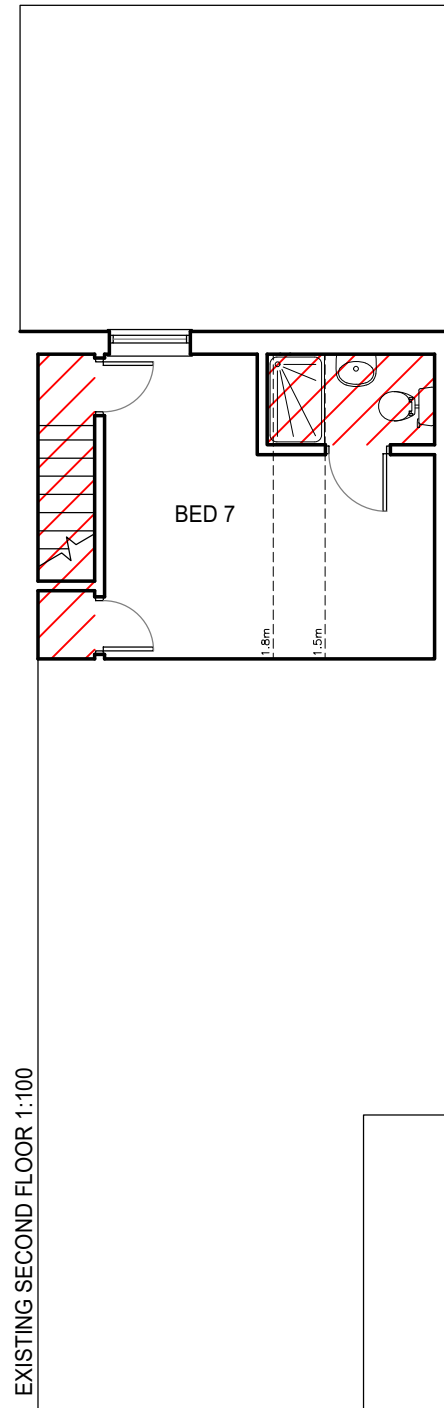
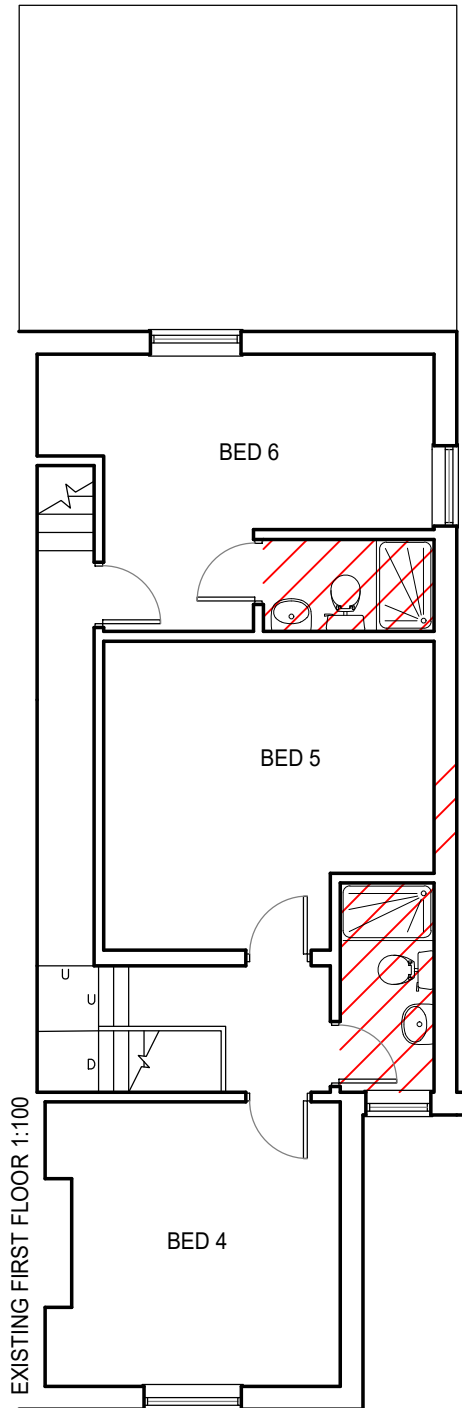
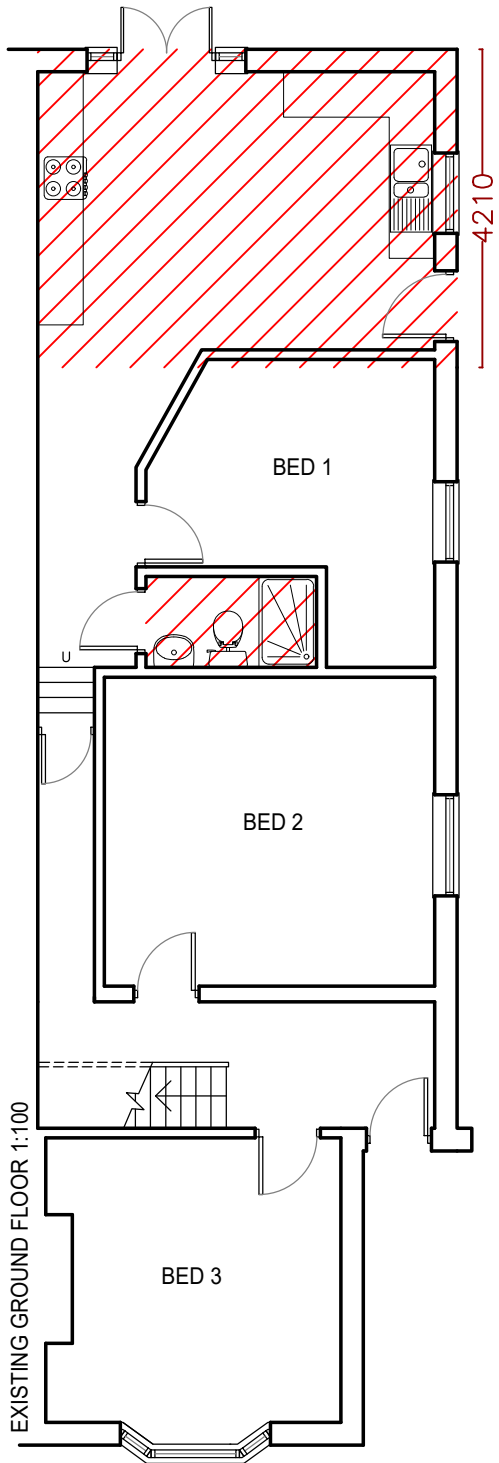
34. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR



Page 103
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<div style="display: flex; justify-content: space-between;"> <div style="font-size: 2em; font-weight: bold;">K A D</div> <div style="text-align: right;"> <p>KNIGHT ARCHITECTURAL DESIGN</p> <p><small>K.A.D. Ltd. Unit 7 First Floor Quarterdeck Offices Port Solent PO6 4TP</small></p> <p><small>T: 01489 660194 E: admin@k-a-d.co.uk W: www.k-a-d.co.uk</small></p> </div> </div>			
Client		RB PRIVATE FINANCE	
Project		27 OBELISK ROAD SOUTHAMPTON HAMPSHIRE SO19 9BL	
Drawing		EXISTING PLANS	
Scale		Date	
1:100@A4		JAN 2020	
Project no.	Sequential	Bldg/Floor	Detail
KAD	01	A	EX

Appendix 3

Agenda Item 6

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Application 21/00263/FUL



Street	Use type	HMO record/Planning History	Number of Residential properties
Obelisk Road			
17			1
19, ground floor flat		Council Tax	2
21			3
23			4
25			5
27		Proposed	6
29-31	Flats		
33			7
35			8
4			9
6			10
8			11
8a			12
Florence Road			
6a			13
6			14
8			15
10			16
12			17
14			18
16			19
18			20
20			21

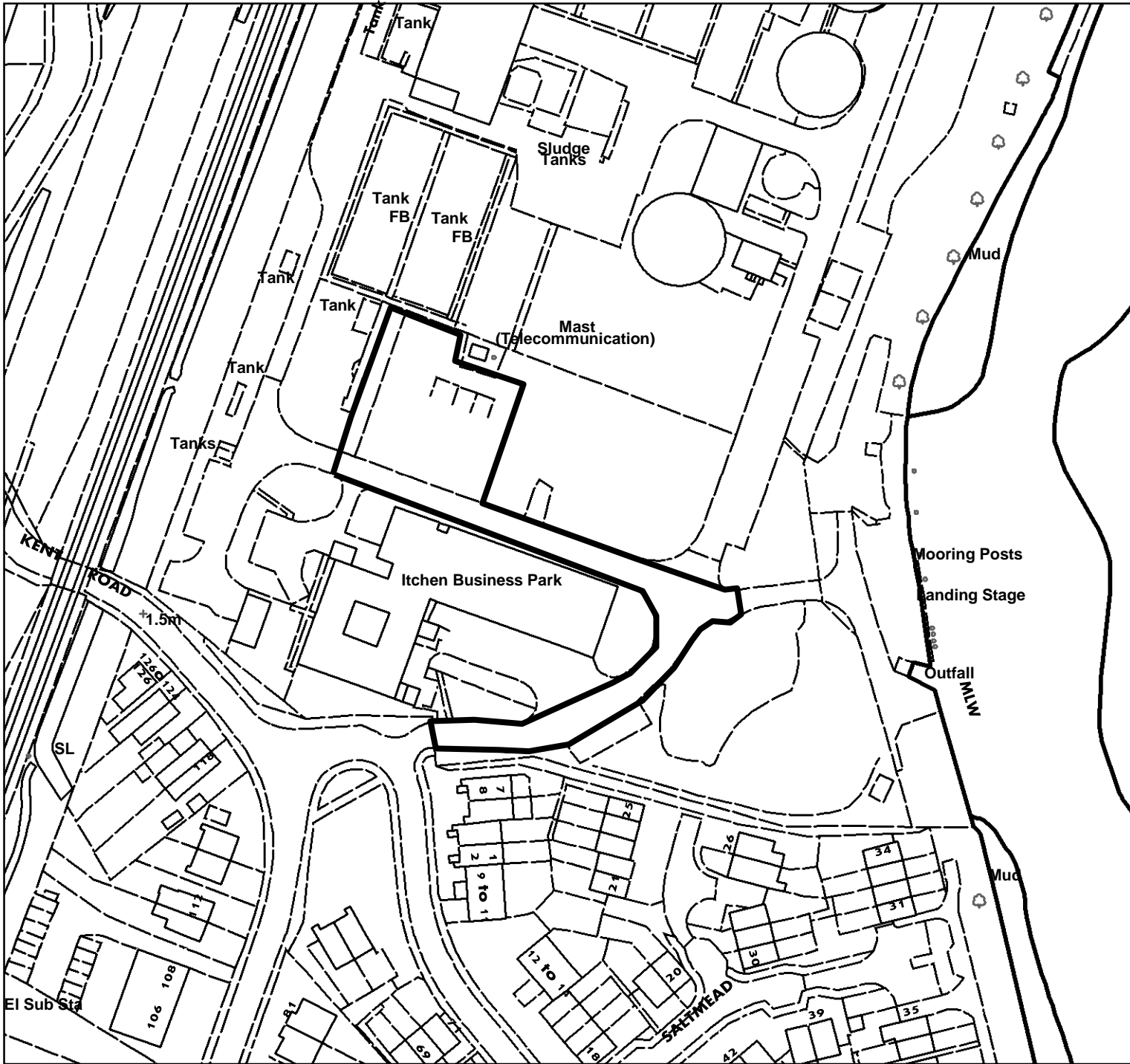
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21/00101/FUL



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**Planning and Rights of Way Panel 20th April 2021
Planning Application Report of the Head of Planning & Economic Development**

Application address: Itchen Business Park, Kent Road, Southampton			
Proposed development: Change of use of the land for car sales and construction of ancillary site office and workshop (retrospective).			
Application number:	21/00101/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	19.03.2021 (Extension of time 27 th April 2021)	Ward:	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Mitchell Cllr Savage Cllr Cooper
Applicant: DSG Car Sales		Agent: Goadsby Planning	

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 including impact on the highway network, residential amenity and neighbouring business operations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies - SDP1, SDP7, SPD9, SDP16, NE1, NE2, NE4 and NE5 of the City of Southampton Local Plan Review (Amended 2015) and policies CS7, CS13, CS18, CS19, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies
2	A simplified guide to lorry types and weights with Images

Recommendation in Full

Conditionally Approve subject to confirmation in writing from the applicants before Panel determination (20th April 2021) that the site can be serviced by delivery car transporters with not more than 2 axels and not more than 11.2m in length. In the event that this information is not forthcoming then delegation given to the Head of Planning and Economic Development to refuse planning permission.

1 Background & Current Uses

- 1.1 The Planning Panel have recently considered other planning applications at the Itchen Business Park, as detailed in Section 5 of this report.
- 1.2 This retrospective application has been submitted following a planning enforcement enquiry from December 2020. The enquiry was initiated as a result of alleged harm caused by large/heavy commercial vehicles, associated with the proposed storage use/car sales use, using Kent Road to access and egress the site. Site access is the principal issue for consideration of this planning application.
- 1.3 *It should be noted that lorries are permitted to use any classification of road for access and deliveries.* HGVs currently use Kent Road to service the Wastewater treatment works, business premises within Itchen Business Park and to serve housing within the street (deliveries/removals/refuse collection). There are no parking restrictions within Kent Road and vehicles can park on either side of the street, however any vehicle owner parking in a manner that obstructs the flow of traffic (including any vehicles permitted to use the road), is at risk of a penalty fine under Section 137 of the Highways Act 1980. It is understood that TRO parking restrictions could be introduced to remove some kerbside parking from Kent Road to ensure parked vehicles do not obstruct all permitted vehicles using Kent Road, however such a measure would require public consultation with local residents and does not form part of this recommendation.
- 1.4 This report refers to a number of different standard vehicle sizes (on the basis of the number of axels) and for clarity a simplified guide to lorry types and weights from the Drivers and Vehicle Standards Agency is provided at **Appendix 2**, along with an image showing an example of a 2 axel car transporter.
- 1.5 The applicant's business 'DSG Car Sales', which operates out of the application site, have used various vehicles to transport cars to and from the site. Whilst the business has been serviced by larger car transporters up to this point, the operators have indicated that the site could be serviced by smaller 2 axel car transporters (up to 11.2m in length) which can manoeuvre within the business park without prejudicing pedestrian safety or causing obstruction to traffic serving other businesses. The applicant's planning agent has indicated that they would accept a planning condition to restrict deliveries by car transporter to not more than one per week and by vehicles of the aforementioned size. However, at the time of writing this report, the applicants

have yet to confirm that their suppliers or deliverers have 11.2m length/2 axel car transporters within their fleets and an update will be provided at the Panel meeting as required by the above recommendation.

- 1.6 The planning application seeks a change of use from car parking for cruise liner and airport customers (granted by permission 03/01020/FUL) to car sales (*sui generis* use).
- 1.7 To the south of the site and also within the Business Park are two other plots which have also been the subject of retrospective planning applications. One for a warehouse and distribution use (Bryonswell, 19/01469/FUL), which was refused at panel (05/11/2020) and which is currently the subject of an appeal that is yet to be determined; and the other relates to a storage and distribution of pallets (Palletmove, 20/00954/FUL) which was approved by planning panel subject to conditions.
- 1.8 Bryonswell collects donated clothes and textiles for resale. This business uses articulated vehicles (3 axels or more) to transport sorted goods to continental Europe. The planning refusal, made by panel, agreed with officers recommendation that the proposed operation would have a harmful impact on neighbouring business operations and sewage disposal, associated with the Portswood Waste Water Treatment Works and highways safety owing to the failure of acceptable HGV parking required for loading and unloading purposes.
- 1.9 Palletmove was established in 2015 and specialises in the supply of pallets across Southern England. Currently the company are the main source of pallets to the NHS and NHS related businesses. The decision, made by panel, agreed with officers that the proposed operation was acceptable on the basis that the vehicles used by Palletmove were limited to a maximum of three axels only, operational hours of 08.00 - 16.00 Mon – Fri; loading/unloading, storage and parking to only occur within the boundary of the fenced site enclosure.
- 1.10 To the north of the site is Portswood Waste Water Treatment Works. The works benefit from a historic planning permission whereby there are no restrictions on the type/size or number of vehicles used to service the site.

2 The site and its context

- 2.1 The site is formed of part of the former Portswood Waste Water Treatment Works that has since become the Itchen Business Park, which alongside the Portswood Waste Water Treatment Works is accessed from Kent Road. The site was formally used for the parking of vehicles for cruise liner and airport customers. The site has a hard surface and is bounded by 2m high palisade fencing and measures approximately 0.12 hectares.
- 2.2 The site topography is flat and fronts an access road that connects with Kent Road and Saltmead, to the west. It is to the north of Leornian House, which is comprised of commercial businesses and a community use. The five other

operators within the Business Park are:

1. Ash creative wireless electronics,
2. Wessex drivability, a charity who specialise in helping disabled or those with a disability to drive independently,
3. Covenant Church; and
4. Bryonswell – subject of a planning appeal following the refusal of application LPA ref: 19/01469/FUL
5. Palletmove – approved 16/10/2020 (LPA ref: 20/00954/FUL)

- 2.3 The site is situated within the northern part of Portswood, immediately to the west of the River Itchen. To the north are filtration tanks and an open area used by Southern Water. The Southampton to London railway line is to the west. There are houses to the south, accessed from Saltmead. This also provides access into the site. Kent Road is a narrow resident's street which links to the arterial St Denys Road (A3035) to the south and to Portswood Road to the north via a railway and road bridge. There is a height restriction for vehicles passing under the railway and road bridges to the north of 8ft 9in (2.6m).
- 2.4 To the south is an area of mature landscaping, beyond which is the residential estate of Saltmead located 55m to the south.
- 2.5 Narrow residential streets surrounding the site result in a high percentage of parked vehicles straddling the pavement. Kent Road is the main vehicle route used by large commercial vehicles associated with Southern Water's waste water treatment works and other commercial vehicles, including large vehicles (three or more axels) visiting the business park. The access road to the south of the application site includes a turning head for larger vehicles at the western end.

3 Proposal

- 3.1 Retrospective planning permission is being sought for the change of use of the land from surface parking for cruise liner and airport customers (*sui generis use*), to a car sales use (also *sui generis*) which supports 2 full time jobs. Planning enforcement action is held in abeyance awaiting the outcome of this application in line with our adopted Enforcement Policy.
- 3.2 The site principally accommodates surface storage of cars in rows behind a security fence and gates. There is also one single storey building, in use as offices and for minor (ancillary) vehicle repairs. As well as the change of use permission is also being sort for the building.
- 3.3 The business operates from 08:00 – 17:00 Monday to Saturday and 09:00 – 16:00 on Sundays and Bank Holidays.
- 3.4 A mix of vehicle delivery vehicles and times have been used since the business first started operating from the site. Following the submission of the application additional plans have been received showing that a two-level car transporter HGV, of no more than 2 axels (max 18 tonnes), can be used to

access and deliver vehicles to the site, with turning area, loading and unloading provided within the Business Park and in a position that would not restrict access to other businesses premises including Southern Water's waste water treatment works.

4 Relevant Planning Policy

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

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

4.3 The National Planning Policy Framework (NPPF) states in section 6. 'Building a strong, competitive economy' paragraph 80: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

4.4 Paragraphs 109 and 110 of the NPPF sets out clear circumstances when planning applications should be prevented or refused on highway grounds indicating:

'109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and*

- emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'*

5 Relevant Planning History

- 5.1 As the Panel will be aware the site has a long and complex planning history. The earliest planning history for the site, detailing the use as a waste water treatment works, held by the City Council, is 1959 whereby an extension to the existing works was approved.
- 5.2 Planning permission 960043/7072/W was granted on 12th March 1996 for the change of use of part of the wastewater treatment works site to an area proposed for the storage of materials and plant and operated by 'Pipeworks Ltd. The permission was granted having consideration to the applicant's personal circumstances and accordingly a restrictive condition was added so that the operation of the site for vehicle parking and material/plant storage could occur only for the benefit of 'Pipeworks' (condition 3 refers). Other conditions were also applied, including hours of use.
- 5.3 In 2013 retrospective planning permission was granted for part of the former waste water treatment works to be used as an area for car parking for cruise ship and airport passengers (13/01020/FUL). The application covered the site area associated with the Pipeworks consent as well as an additional area to the south east. Condition 3 specified that the use allowed the parking of a maximum of 125 cars and for the car parking layout to be in accordance with the submitted and approved plans.
- 5.4 Once the car parking for cruise ship and airport passengers use of the site had ceased part of the open storage area previously used for vehicle storage became occupied by McNicholas Construction Services Ltd. McNicholas used the site for the storage of construction related equipment and vehicles needed to service their development projects within the local area/region. This use didn't secure the correct planning consents.
- 5.5 A planning enforcement notice (EN), dated 1st December 2017, was served on McNicholas as the Council considered that a breach of planning control had occurred in the past 10 years. The breach of permission being the use of the land for the storage of plant, equipment and vehicles (B8 use) rather than the permitted storage of cars associated with cruise ship and airport customers (*sui generis* use).
- 5.6 The enforcement notice was appealed by McNicholas, however the appeal was dismissed by the inspector who agreed with the council that there had been a breach of planning control on the site on the basis that car parking for cruise ship and airport passengers is a *sui generis* use. The Inspector did not consider the merits or otherwise of the site's vehicular access.
- 5.7 Part of the waste water treatment works site was also proposed to be re-developed into 41 dwellings in 2007 however the application was not

supported.

- 5.8 Within the waste water treatment works itself there have recently been two planning applications that have been approved by the Planning and Rights of Way Panel. The first, in June 2018, was granted for the construction of a 20 Mega Watt gas standby facility and in January 2020 planning permission was granted for the construction and operation of a motor control centre kiosk, poly dosing kiosk and polymer powder handling kiosk (3 detached buildings) These developments facilitated the operation of two centrifuges which removes water from sewage thus reducing its volume prior to further processing and disposal. Within the application approved in January 2020 it was confirmed that there would be a total of 24 HGV trips associated with the improved dewatering process on site (12 in and 12 out) per week. The use of the infrastructure was set to start in April 2020 given that that date would see the end of the operational lifespan of the existing barge used to transport liquid waste (sewage sludge).
- 5.9 Retrospective planning permission was also applied for on the neighbouring site to the south, which is being used in association with the business 'Bryonswell' (19/01469/FUL). The application was refused 05/11/2020 and the decision is now the subject of an appeal which, at the time of writing this report, was yet to be determined. The application was refused because there was insufficient space to park articulated vehicles associated with loading and unloading without guaranteeing clear access to other businesses (including Southern Water) in the Business Park and associated potential harm to highways safety.
- 5.10 'Palletmove' were granted retrospective permission (20/00954/FUL) on 16/10/2020. The decision, made by planning panel, limited vehicles associated with the business to a maximum of three axels only (although the majority of the trips are by vehicles with two axels), operational hours of 08.00 - 16.00 Mon – Fri and loading/unloading, storage and parking only to occur within the boundary of the fenced site enclosure.

6 Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice 05.03.2021. At the time of writing the report **9 representations** have been received from surrounding residents. The following is a summary of the points raised:
- 6.2 ***Kent road and Priory road cannot support the weight and size of large/heavy commercial vehicles (in particular articulated vehicles) resulting in damage to roads, private vehicles and houses. The company has frequently used HGVs carrying cars although said that it would not do so. Vehicle speeds also generate noise and vibration.***

Response

- Damage to houses and cars locally cannot be categorically attributed to

traffic associated with the business. Residents would need to settle any disputes with businesses as a civil matter.

- The Highways Development Management Team do not object to the application on the basis of road damage. There are no weight restrictions or limits on local roads preventing access by large/heavy commercial vehicles
- The anticipated number of large/heavy commercial vehicles visiting the site is not considered to be significant when judged against, and in tandem with, the number and size of southern water related tankers visiting the site.
- A planning condition limiting the size of vehicles to 2 axels can be applied and has been agreed by the applicant's agent.
- Driver behaviour, and highway laws, rather than planning permission, will control traffic speeds.
- Separate legislation is used to enforce traffic speed.

6.3 *The need for large vehicles to access the site results in private vehicles being parked on the pavement causing an obstruction. Pram and wheelchair users must use the road resulting in reduced highway safety. The council and police do not enforce against this behaviour.*

Response

- Larger vehicles are permitted to use Kent Road for access, refuse collection, and deliveries. There are no parking restrictions within Kent Road and vehicles can park on either side of the street – see Background section above.

6.4 *Contrary to the Active Travel Zones - increasing the number of vehicles using Kent Road.*

Response

- The Council is exploring the implementation of a permanent Active Travel Zone in the area with a 12-month trial. The main change that is relevant to the application prevents vehicles from passing under the railway bridge and using Kent Road/Priory Road as a short cut. The purpose of the Active Travel Zone is to stop the route from being used as a vehicular 'rat run' avoiding the St Denys Road/Thomas Lewis Way traffic light junction. The active travel zone, whilst resulting in commercial vehicles needing to use Kent Road, will also prevent rat running within this residential area. The proposals are not anticipated to have resulted in a significant increase of traffic on Kent Road.

6.5 *The site, its access and the location was not designed for large/heavy commercial vehicles/not the correct place for a Business Park.*

Response

- As explained in the Planning History section above this estate, like many others across the City, has evolved and expanded over decades and will have different demands placed upon it to when it was first developed. The application is to be determined on the unique set of characteristics and merits that prevail today.
- Despite using larger vehicles the business has agreed to a condition

preventing the use of vehicles with two or more axels from servicing the site and this is a material consideration in the officer's considered recommendation to the Panel.

- The majority of the business operations associated with pallet movement to and from the site is associated with 3.5 tonne vehicles.
- As above, large vehicles including HGVs are permitted to use any classification of road for access and deliveries and Kent Road is no exception to this.

6.6 *The road is frequently gridlocked.*

Response

- The commercial vehicles operated by DSG Car Sales are anticipated as being a small proportion of overall number of vehicles using Kent Road and a condition can be added to ensure that servicing movements avoid peak traffic times of the day.

6.7 *Impact of traffic and workshop generated noise and air pollution.*

Response

- Separate legislation is used to manage air pollution from vehicle exhausts.
- Owing to the location of the workshop, the ancillary nature to the car sales use of the site and juxtaposition with the closest residential properties harm is not anticipated.
- No objection has been received from the Council's Environmental Health Officers.

6.8 *It was originally understood that car transporters would not travel on Kent Rod to access the site however this has not materialised. On one occasion a car transported parked on St. Denys Road causing a series tailback.*

Response

- Officers do not support the use of the larger car transporters to service this site and have negotiated alternative arrangements with the applicants.
- There are no weight restrictions or limits on local roads preventing access by large/heavy commercial vehicles.
- Parking on St Denys Road is not allowed – the section of road around the junction with Kent Road is restricted by a 'no waiting at any time' traffic regulation order.

6.9 *Unsuitable development in Flood Zone 3*

Response

No objection raised by the Council's Flood Risk Management Team subject to recommended conditions.

6.10 **Consultation Responses**

Consultee	Comments
SCC CIL Officer	The proposal is not CIL liable.
SCC Highways	<p>In principle, highways can support the scheme based on the minimal change in trips generated by the existing and proposed land uses. In terms of HGV movements, the industrial use will generate slightly more HGV movements and although it is not known what size of HGV's use the site, it is reasonable to associate large car transporters with a car sales use. Therefore, in the first instance, tracking would need to be provided to ensure a car transporter can access the site – even if the applicant suggests this will only happen once to supply the initial stock for the site. Thereafter, the main consideration would be whether a suitably worded condition can be secured to robustly ensure that no more HGV's can visit the site (as proposed by the applicant). If this is considered achievable, then highway can support the scheme but would only be subject to this condition as well as tracking diagram being secured.</p> <p><u>Officer Response:</u> <i>Tracking for the proposed small HGV car transporter has been provided and conditions can be added to limit vehicle size and frequency of trip. This approach has been verbally supported by the Highways Team.</i></p>
SCC Environmental Health	<p>Environmental Health has no objection to the site being used for car sales. The effect of noise breakout from the open shutter and/or from extraction needs to be considered.</p> <p><u>Officer Response:</u> <i>Given the distance from the workshop to the nearest residential properties (approximately 75m) and the position of the Business Park building in between the workshop and closest residential houses significant harm from noise is not anticipated to occur. It is also noted that no objection have been received from local residents on the abas of noise generated from within the site.</i></p>
Environment Agency	No objection to the proposal as submitted.

<p>SCC Contamination</p>	<p>This department considers the proposed land use as being sensitive to the effects of land contamination.</p> <p>Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;</p> <ul style="list-style-type: none"> - Sewage Works (on site) - Tanks (Adj. to W) <p>To facilitate this apply recommended conditions.</p> <p><u>Officer Response:</u> <i>The application is retrospective and no material was imported into the site to facilitate this commercial use with hard surfacing. Therefore the proposed condition is not considered reasonable or necessary.</i></p>
<p>Sustainability (Flood Risk)</p>	<p>If the case officer is mindful to approve this application (21/00101/FUL) it is recommended the following pre-occupation conditions are applied:</p> <ul style="list-style-type: none"> • The Flood Risk Assessment is to be resubmitted to show how the development will be safe over its lifetime, including confirmation of the business signing up to receive flood warnings. • Finished floor levels of the office and workshop are to be set no lower than 4.1mAOD. If this level cannot be achieved the applicant is to provide details on appropriate flood mitigation measures to the Local Authority for approval, these may include raising electrical sockets and wires, flood doors, air brick covers, use of water resistance materials, etc. The Local Authority requires photographic evidence of the measures once implemented. • Submission of a site flood plan to the Local Authority to ensure occupants of the site are aware of the flood risk and what to do in the event of a flood. <p>The applicant needs to be aware that flood resistance measures such as flood doors and windows are not suitable for water depths greater than 600mm as they may cause structural damage.</p>

7 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development.
 - ii. Character and appearance; and neighbouring amenity.
 - iii. Parking, highways and transport.
 - iv. Economic growth.

Principle of Development

- 7.2 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape. The proposal is not deemed to be at odds with policy NE5 ii in principle, particularly given the wider context of the Estate. The scale of the proposal, and whether or not it can be seen from the public realm surrounding the River Itchen, will determine if the scheme is contrary to that policy. Officers consider the proposals (storage of cars for sale and erection of a single storey building) to be limited in scale and is not harmful to the visual quality of the public realm surrounding the River Itchen (as discussed in more detail below). Visually there is little difference between car storage and car sales.

Character and appearance; and neighbouring amenity

- 7.3 The land is within the Itchen Business Park which is accessible to the public; the site cannot however be seen clearly from outside of the Business Park.
- 7.4 The nearest residential dwellings are over 30m to the south at Saltmead. There are mature trees situated along the southern boundary of the business park. These act as a visual screen. The scale of the parked vehicles and single storey building also does not harm visual amenity achieved from nearby residential properties and no objections have been received on this basis.
- 7.5 By the nature of the storage use, the noise generated on site comes in the form of vehicle movements including delivery vehicles. Owing to these noise sources and the distance from residential properties it is deemed that there is little noise generated that would adversely impact residential amenity. No objections have been received on the basis of noise generated from within the site whilst vehicles are being loaded and unloaded, when vehicles are being moved around on site or when vehicles are being maintained within the workshop.

- 7.6 The majority of trips made in association with the business are by car when customers arrive and depart from the site.
- 7.7 The business model used by DSG Car Sales includes purchase of cars at auction and to date has been serviced by bulk delivery of cars by large HGV with three or more axels. The applicants originally informed the Council, as part of enforcement investigations, that larger car transporter deliveries would only be required as part of the setting up of this car sales premises with smaller delivery vehicles and alternative delivery arrangements to be used going forward, however this has not transpired and it is understood that larger car transporters are still servicing this site. The applicants have now indicated that they are prepared to accept the following delivery restrictions through a legally binding planning condition:
- Car transporters: No more than 11.2m long or more than 2 axels.
 - No more than one delivery of vehicles by car transporter in any one week.
- 7.8 The size of vehicle used to deliver cars to the site has been determined by the available land within the Business Park that can be used to facilitate turning, loading and unloading. An additional plan has been provided indicating that this manoeuvre and operation can take place to the south west of the site without harming access to any of the other sites and therefore the application has indicated that similar harm to that which was identified when considering the Bryonswell application (19/01469/FUL) will not occur. However at the time of writing this report, the applicants have yet to confirm that their suppliers or deliverers have 11.2m length/2 axel car transporters within their fleets – including following an auction - and an update will be provided at panel meeting.
- 7.9 Hours of delivery can also be limited to avoid peak traffic hours and times of the day when Kent Road is most likely to be heavily parked to avoid creating conflict when two vehicles seek to pass one another. This will also improve transport efficiency and prevent drivers from being stuck in traffic. The site is open 08:00 – 17:00 Monday to Saturday and 09:00 – 16:00 on Sundays and Bank Holidays. Restricting the delivery hours to 10:00 and 15:00 Monday – Saturday would limit the impact of traffic generated by DSG Car Sales on the residents of Kent Road further; many of which use their vehicles between 10:00 and 15:00 leaving the road less heavily parked. As such the operation of the DSG Car Sales potentially has less impact than vehicles using the road at any time of the day or night.
- 7.10 On the basis of this information and subject to confirmation that suppliers/delivery companies can meet these restrictions on vehicle size and frequency, the operation would seem reasonable in terms of impact on residents on Kent Road as well as other operators within the Business Park. This is also assuming that drivers behave responsibly and do not exceed traffic speed limits. The Local Planning Authority must also plan for reasonable and lawful behaviour including driver conduct. Furthermore consideration is given to the other vehicles that currently use Kent Road to access the Business Park

and the waste water treatment works which include articulated vehicles with three or more axels.

- 7.11 In this instance, unlike the Palletmove application, it is considered practical to restrict the operation to a specific number (1) of car transporter vehicle trips per week as it would not be difficult to monitor and enforce given the informal monitoring that is carried out by residents on Kent Road who have provided photographic evidence of car transporters visiting the site.
- 7.12 The effect of the active travel zone is anticipated to have reduced overall traffic numbers in Kent Road by preventing vehicles, other than those associated with local housing, businesses and Southern Water based in the business park, from regularly needing to access Kent Road.

Parking highways and transport

- 7.13 There are no weight restrictions on Kent Road for vehicles and there is no method to prevent vehicles with three or more axels from using the road. Pavement and road obstruction is managed by highways act with prosecution as necessary. Objections have not been received from the Highways Team on the basis of congestion, highway safety, road damage or highway obstruction. It is also the Highways Authority who are responsible for maintaining the quality of the road surface.
- 7.14 There are other larger commercial vehicles that use Kent Road, most notably those used by Southern Water to remove sewage sludge after the processing of raw sewage as well as refuse collection vehicles. These will also cause vehicle owners living on Kent Road to park straddling the pavement. On this basis it is difficult, as a result of the application proposal, to attribute significant harm in highways terms and in particular highways safety and congestion.
- 7.15 Planning permission was approved for Palletmove on the basis of vehicles with no more than three axels, or articulated, or exceeding 26 tonnes from servicing the site. Hours of operation were also restricted to 08.00 - 16.00 Mon – Fri. A similar approach can be used for the current application associated with DSG Car Sales.
- 7.16 The modal filter (part of the active travel zone) restricts through traffic which has the impact of reducing traffic speed, noise and potential for highway conflict caused by two vehicles trying to pass. It is hope that this will significantly improve the residential environment on Kent Road.

Economic Growth

- 7.17 It must be recognised that the business provides local employment which helps to achieve economic growth. The business also makes good use of the available land. The negative impact of this development must be weighed against this in the planning balance. Owing to the position of the site and the

size of vehicles used to service the business being limited by condition the application is not judged to cause sufficient harm to other neighbouring businesses to justify refusal. Furthermore none of the other businesses in the business park have objected to the application.

8 Summary

- 8.1 The retrospective application for a change of use to car sales hinges on the suitability of Kent Road to service the demands of the use. Officers do not condone retrospective applications but the Council has a duty to consider them. Residents in Kent Road have provided representations that the use is not appropriate. Officers consider that certain controls can be used to limit the impacts and, due to the limited scale of the business, the impacts proposed are within tolerable limits. For instance, operational hours and number of car deliveries per week can be conditioned to help reduce impact on residential amenity at peak traffic times of the day. A condition restricting larger delivery vehicles is also considered to meet the necessary tests for imposing a planning condition.
- 8.2 In coming to this decision officers have balanced the limited identified harm caused by traffic associated with the business on Kent Road residents against the economic growth, employment and the efficient use of the site. This recommendation has also been made having regard to the size of vehicle considered necessary by the business operators and reasonable and enforceable planning conditions that can be used to limit impact. Consideration has also been made to the other business operations in the Business Park and Southern Water's operation of the waste water treatment works and their associated vehicle movements and the Panel will note that the Council's Highways Team have not objected to the application, the proposed access, or the use of Kent Road for larger servicing vehicles.

9 Conclusion

- 9.1 It is recommended that planning permission be granted subject to relevant planning conditions listed 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) (f) 6. (a) (b)

MP for 20/04/2021 PROW Panel

PLANNING CONDITIONS to include:

1.Approved Plans [Performance Condition]

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

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

2.Hours of Use [Performance Condition]

The vehicle sales use hereby approved shall not operate outside the following hours:
08:00 – 17:00 Monday to Saturday and

09:00 – 16:00 on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

3.Hours of Delivery [Performance Condition]

The delivery of vehicles by vehicle transporter lorry shall not occur outside the following hours:

10:00 and 15:00 Monday – Friday.

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

4.Delivery operations location restriction [Performance Condition]

Unless otherwise agreed in writing the turning of vehicle transporter lorries and loading/unloading of vehicles from them shall not take place outside of the vehicle tracking/parking area shown on the approved plans and in particular (for avoidance of doubt) shall not obstruct access to any neighbouring business including Southern Water waste water treatment works) or require any part of the public highway

Reason: To avoid congestion and obstruction of the adjoining access

5. Restricted use of vehicles with more than two axels or exceeding 11.2m in length [performance condition]

The site shall receive not more than one car transporter delivery per week and the car transports servicing the use hereby approved shall have not more than two axels or shall not exceed 11.2m in length..

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents and in the interests of highway safety

6. Refuse & Recycling (Performance Condition)

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 (outside of the fenced and gated site boundary).

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby business properties and access into the Portswood waste water treatment works; and in the interests of highway safety.

7. Flood Resilience measures (within 2 months)

Within 2 months of the date of this permission the applicant shall provide details of flood resilience measures covering the listed points below. Once approved in writing by the Local Planning Authority the agreed measures shall be provided on site within

6 months of the date of this permission and shall thereafter be retained as approved.

- Details of appropriate flood resilience measures including all electrical equipment and wiring raised 300mm above the 1 in 200 year flood event level of 4.1mAOD, these may also include raising wires, addition of flood doors, air brick covers, use of water resistance materials.
- Confirmation of the business signing up to receive flood warnings from the Environment Agency.

Reason: To ensure the building remains safe should potential flooding occur.

Note to Applicant: Flood resistance measures such as flood doors and windows are not suitable for water depths greater than 600mm as they may cause structural damage.

8.Flood Resilience measures (within 2 months)

Within 2 months of the date of this permission the applicant shall provide details of a flood evacuation plan for staff. Once approved in writing by the Local Planning Authority all existing and subsequent staff will be made aware of the evacuation procedure. A copy of the agreed evacuation plans shall also be retained on site at all times.

Reason: To ensure that staff on site are aware of flood evacuation procedures.

9.Workshop – ancillary use (Performance Condition)

The use of the workshop shall only be used for maintenance purposes associated with vehicles for resale and therefore ancillary to the use of the site for the purposes of car sales only.

Reason: For the avoidance of doubt and owing to the permitted *sui generis* use of the site for car sales.

10. Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details, namely vehicle sales with ancillary workshop and office and not for any other purpose.

Reason: In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

11.Vehicle Storage (Performance Condition)

Unless otherwise agreed by the Local Planning Authority no cars associated with the business hereby approved shall be stored outside of the fenced and gated site boundary of the site as detailed but the approved plans

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby business properties and access into the Portswood waste water treatment works; and in the interests of highway safety.

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Application 21/00101/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
SDP17	Lighting
NE1	International Sites
NE2	National Sites
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
REI10	Industry and Warehousing
REI11	Light Industry

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

















The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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A SIMPLIFIED GUIDE TO LORRY TYPES AND WEIGHTS

Appendix 3

Recommended Description		Identifier	UK Maximum Gross Weight (tonnes)	Shape		
LIGHT GOODS VEHICLES		2 axles	3.5	no rear side windows 		
LORRIES	SMALLER 2-AXLE LORRIES	2 axles	Over 3.5 7.5			
	BIGGER 2-AXLE LORRIES	2 axles	Over 7.5 18			
	HEAVY GOODS VEHICLES	MULTI-	3 axles rigid	25 26*		
			3 axles artic.	26		
			4 axles rigid	30 32*		
	VEHICLES (Vehicles over 7.5 tonnes gross require a Heavy Goods Vehicle Driver's Licence)	MULTI-	4 axles artic.	36 38*		
			Vehicle and draw-bar trailer 4 axles	30 36**		
		LORRIES	AXLE	5 axles or more artic. See note (a)	40	
			Vehicle and draw-bar trailer 5 axles See note (a)	40**		
			6 axles artic. See note (b)	41*		
			6 axles draw-bar See note (b)	41* and **		
			5 or 6 axles artic. See notes (b) and (c)	44* and ***		
			6 axles draw-bar	44*, ** and ***		
			6 axles artic. See note (b) and (d)	44*		
6 axles draw-bar See note (b) and (d)			44* and **			

* If the driving axle, if it is not a steering axle, has twin tyres and road friendly suspension, or each driving axle is fitted with twin tyres and the maximum weight for each axle does not exceed 8.55 tonnes.

** Distance between the rear axle of the motor vehicle and the front axle of the trailer is not less than 3 metres.

*** If the vehicle is being used for combined transport.

(a) 5 axles or more artic and the 5 axles or more drawbar could alternatively have a 3 axle motor vehicle and a 2 axle trailer.

(b) Conditions:
 - each vehicle must have at least 3 axles.
 - drive axle has twin tyre and road friendly suspension and maximum of 10.5 tonnes, or each driving axle is fitted with twin tyres and has a maximum of 8.55 tonnes
 - trailer has road friendly suspension

(c) Conditions for operation on 5 axles:
 - must have 3 axles on tractor unit
 - single container 40ft in length conforming to standards laid down by the International Standards Organisation being carried only
 - vehicle being used for international journey.

(d) Powered by a low pollution engine.

OVERLOADING OF GOODS VEHICLES

Why does overloading matter so much?

1. **ROAD SAFETY.** Lorries which are loaded beyond their design weight are less able to stop quickly in an emergency and the steering of the vehicle can be affected.
2. **ROAD WEAR AND TEAR.** It is estimated that the overloading of good vehicles costs the community over £50M a year through additional wear and tear to roads and bridges. Heavy axles cause proportionately far more wear and tear, and overloading drive axles (legal limit 11.5 tonnes) are the biggest single cause of excessive wear and tear on roads.
3. **COMPETITION.** Gross overloading is unfair to the majority of law-abiding operators who accept the constraints of the plated weight limits set by the law. An operator who persistently overloads a lorry can earn additional profits amounting to thousands of pounds per annum.

SOME TECHNICAL TERMS EXPLAINED

AXLE WEIGHT	: The total weight transmitted to the road by all the wheels on one axle.
GROSS VEHICLE WEIGHT	: The weight of a vehicle and its load.
TRAIN WEIGHT	: The weight of a vehicle, a trailer and its load.
PLATED WEIGHT	: Either the design weight limit given on a manufacturer's plate or the legal weight limit given on the Department's plate.
TRAILER	: Any vehicle drawn by a motor vehicle.
DRAW-BAR TRAILER	: A trailer pulled by a rigid vehicle.
SEMI-TRAILER	: A trailer forming part of an articulated vehicle.
ARTICULATED VEHICLE	: A tractor unit with a semi-trailer attached where part of the load is borne by the drawing vehicle.

OVERLOADING

Goods vehicles are subject to U.K. weight limits. The weight limits are given on the manufacturer's plate or the Department's plate on each vehicle. They are determined by the technical specification of the vehicle and the need to protect U.K. roads and bridges from excessive wear and tear. Vehicles over 41 tonnes operate under special arrangements. 44 tonnes is allowed for combined (road to rail) transport.

A vehicle is overloaded if it exceeds the plated weight limits. A vehicle could be overloaded on all its axles, on its gross weight and on its train weight. Each of these would be separate offences, e.g. a 3 axle articulated which exceeded the plated weights on the 1st axle, 2nd axle and gross weight would make both the vehicle operator and driver liable to three separate offences.

A vehicle or vehicle combination from 1 January 1999 can operate under either The Authorised Weight Regulations 1998 or The Road Vehicles (Construction and Use) Regulations (as amended).

This leaflet has been produced by the Department for Transport, at the request of the Magistrate's Association to give guidance to Magistrates in dealing with cases on overloading. It is not intended to be a full authoritative statement of the law.



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Agenda Item 8

Planning and Rights of Way Panel 20th April 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: 30 Brookvale Road, Southampton			
Proposed development: Extension of existing annexe/store building including a new pitched roof			
Application number:	21/00074/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	EOT 27.04.2021	Ward:	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Lisa Mitchell Cllr Gordon Cooper Cllr John Savage
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Yellow Door (Solent) LTD		Agent: Ashplan	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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 – SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, SDP16, HE1 of the City of Southampton Local Plan Review (Amended 2015) and CS10, CS13, CS14, CS19, and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), as supported by the relevant guidance set out in the Parking Standards SPD (2011).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1. The site and its context

- 1.1 The application site is not in residential use and comprises a large two-storey, detached building with a detached annexe/store building to the northern side of the large plot. The site has been operated for many years as the headquarters of a

charity, Yellow Door (Solent) Ltd. Their website explains that they offer ‘a wide range of specialist therapeutic, support & prevention services to anyone at risk from or affected by domestic abuse, sexual violence/abuse or other forms of interpersonal harm’.

1.2

There is a large front driveway, providing parking spaces for staff and visitors with two entrances onto Brookvale Road. To the rear is a large garden sloping gently down to the rear boundary.

1.3

Immediately to the rear of the detached annexe/store building is a small raised patio area. There was previously a sycamore tree to the rear, but this was removed last year with permission from the Council. There is a tall leylandii tree further to the rear of this building.

1.4

Brookvale Road lies within the Portswood Residents’ Gardens Conservation Area and is within a medium accessibility area for access to public transport routes on Portswood Road, Highfield Lane and Bassett Avenue, and is characterised as a residential area with predominantly large detached dwellings of varying styles and sizes.

2. Proposal

2.1

The proposal is to extend and convert the existing annexe / store building to provide a mix of storage, accessible WC, small kitchenette and a flexible office / meeting space to support the established use. The proposal involves the following elements:

- Adding a hipped roof;
- Extending the building to the rear;
- Installing windows to the front elevation;
- Installing rooflights on the southern roof slope, facing the host building.

2.2

The proposal will not extend any further forward, so the existing driveway parking area is unaffected.

2.3

The proposed plans were amended during the application process as follows:

- Reduce the scale and height of the originally proposed gable end roof by lowering the roof pitch and introducing hipped ends to a height of 4.5m.
- Reduce the rearward extension of the building by 750mm to 11.8m in length, to reduce the impact to neighbouring property No.32.

3. Relevant Planning Policy

3.1

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

3.2

The National Planning Policy Framework (NPPF) 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), SDP10 (Safety and Security) and SDP16 (Noise) of the Local Plan Review seek development that would not unacceptably affect the health, safety or amenity of the city and its citizens.
- 3.4 Saved policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, and policy CS13 (Fundamentals of Design) of the Core Strategy assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. Saved policy HE1 (New Development in Conservation Areas) of the Local Plan Review and policy HE14 (Historic Environment) of the Core Strategy seek development that either preserves or enhances the character and appearance of the conservation area.
- 3.5 Policy CS10 (A Healthy City) supports proposals for the intensification of healthcare uses on existing sites in accessible locations.
- 3.6 Saved policy SDP5 (Parking) and policy CS19 (Car and Cycle Parking) require adequate provision of car and cycle parking, as supported by the Parking Standards SPD.
- 3.7 Saved policy SDP12 (Landscape and Biodiversity) and policy CS22 (Promoting Biodiversity and Protecting Habitats) require development to protect existing landscape features of value to local ecology and biodiversity.

4. **Relevant Planning History**

- 4.1 The planning history is summarised as follows:

Case Ref:	Proposal:	Decision:	Date:
19/01403/FUL	Erection of a part single, part two storey extension and conversion of existing store building to create 1 x 2 bed detached residential accommodation.	Withdrawn	24.09.2019
19/00009/TCA	Tree Works Cypress & laurel at front of property. Fell Sycamore at rear of property. Fell	No objection	18.03.2019
07/02001/FUL	Erection of a ground floor conservatory and new steps at rear of property.	Conditionally approved	08.02.2008
1637/M19	Use of premises as a hostel for low dependency mentally-handicapped persons.	Consent given	31.01.1984

- 4.2 A previous scheme for alterations to this existing annexe / store building was withdrawn in September 2019. The withdrawn scheme involved a more significant

extension of the annexe / store building in order to form a unit of residential accommodation with 2 bedrooms. The current application now proposes a more modest extension and retains an ancillary use.

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 posting a site notice (12.02.2021) and an advert in the Hampshire Independent (12.02.2021) and notifying adjoining and nearby landowners. At the time of writing the report, **23 representations from surrounding residents have been received. 10 in support of the application and 13 objecting to the application.** The following is a summary of the points raised:

5.2 **Current Occupiers**

Comments in support of the application:

- *The Yellow Door charity provides an important service of specialist therapeutic support to the community, which has been locally and nationally recognised and should be supported.*
- *The charity has been operating from this site for many years and they have maintained and improved the existing buildings well.*
- *The proposal will support the capacity of Yellow Door to provide a safe environment for service users, staff and volunteers.*
- *The site is ideally suited to the charity's needs, as it provides a calm and peaceful green setting for service users.*
- *The current owners are peaceful neighbours who have proven sensitive to the character of the property and its location within the conservation area*

Officer Response

These issues are discussed in the Planning Considerations below.

5.3 **ISSUE 1 - Character of the host building and conservation area:**

Comments in SUPPORT of the application

- *The rear extension does not extend beyond the rear of the existing property, so has no material impact on the Residents' Gardens.*
- *The proposal is in keeping with the main house and will be an improvement on the existing building, which is in a poor state of repair.*
- *The majority of buildings attached to houses in local streets have pitched roofs, so this would be in keeping with local character.*
- *There will be minimal change in the ratio between open space and buildings.*

- ***The proposal is not an office block or commercial use.***

Comments in OBJECTION to the application

- ***The proposal is out of character, scale and proportion with the special residential character of the conservation area.***
- ***The proposal fails to preserve or enhance the character of the conservation area and does not respect the historic pattern and layout of development.***
- ***The characteristic ratio between green space and buildings is reduced.***
- ***Brookvale Road is residential in character, not commercial.***
- ***The proposal will create a new structure in the conservation area and presents an inappropriate change of use from a garage to an office block.***

Officer Response

These issues are discussed in the Planning Considerations below.

5.4 **ISSUE 2 - Intensification of use:**

- ***The proposal results in significant increase in the footprint of the building and an over intensification of the commercial use on site.***

Officer Response

This issue is discussed in the Planning Considerations further below.

5.5 **ISSUE 3 - Residential Amenity:**

Comments in SUPPORT of the application

- ***The proposal will not significantly increase the footfall in and out of the building.***

Comments in OBJECTION to the application

- ***The proposal will cause increased noise and disturbance from new activity close to the boundary, causing harm to the amenity of neighbouring property No.32 Brookvale Road.***
- ***Loss of light and outlook for side-facing windows of No.32, due to the increased height and length of the building close to the boundary.***
- ***Overlooking to neighbours.***
- ***Light spill from the front and rear windows would be intrusive.***
- ***Recommend a condition to restrict operating hours to 9:30am – 5:30pm.***

Officer Response

These issues are discussed in the Planning Considerations further below. The proposed plans have been amended in order to reduce the height and length of the proposed extension, in order to reduce the impact on neighbouring property No.32.

The current use within the main building is unfettered by restrictions on operating hours, however a condition has been recommended to restrict the hours of use of the converted annexe / store building only.

5.6 **ISSUE 4 - Highways and parking:**

Comments in SUPPORT of the application

- ***The volume of traffic will hardly change, since the charity's expectation is to continue their work as it is, just with improved facility.***

Comments in OBJECTION to the application

- ***The proposal will increase road traffic and noise, increasing risk on a busy mini roundabout with adjacent Children's' Nursery and Scouts opposite.***
- ***The extension will create more parking demand.***
- ***The application form states there are 6 existing parking spaces, but up to 12 cars have been observed on site.***

Officer Response

The highway and parking impact of this development is discussed in the Planning Considerations further below. Whilst the application form mentions an increase from 6 car parking spaces to 8, it is clear from a visit to the site, and from Google Streetview archive images, that the front hardstanding provides for at least 10 parking spaces and has done since at least 2011. The officer assessment set out in this report has been made on this basis.

5.7 **ISSUE 5 - Documentation:**

- ***The building is and was a garage, not an annexe / storeroom.***
- ***The photographs in the Design and Access Statement are out of date and do not reflect recent changes, such as the side gate and landscaping changes.***

Officer Response

A site visit has been undertaken by the case officer to understand the current situation on site. Whilst the building may have originally been built as a garage, it has been in use as a store for many years and the narrow double doors (2.2m wide) are too narrow for the majority of modern cars. Notwithstanding this dispute over the description of the existing building, an assessment has been made on the basis of the impact of the proposed plans.

5.8 **ISSUE 6 - Landscaping:**

- ***There were no flowerbeds removed to create car parking spaces.***
- ***The new wooden side gate is more suited to a residential area.***
- ***The previous metal gate shown in the Design Access Statement has been replaced with a wooden gate. PRG7 of the Conservation Area Management Plan resists the removal of existing gates.***
- ***The approved removal of the laurel has also resulted in removal of its flowerbed, replaced with scalping / hardcore. And the flowerbeds / turfed area on the right-hand side have been removed to increase the parking area. PRG6 states encroachments by hardstanding for parking will normally be resisted.***
- ***A section of the brick wall on the right-hand side has fallen and been removed. PRG7 states that alteration or demolition of boundary walls requires planning permission.***
- ***There is a presumption against a second vehicular access. Tarmac and concrete are inappropriate.***
- ***Concern for the loss of greenery and biodiversity and request for additional parking spaces.***

Officer Response

It is not clear when the damage to the right-hand southern side boundary wall happened, as this was previously obscured by the laurel and cypress trees that have since been removed.

In conservation areas, notice is only required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5m from ground level.

That said, the removal of the cypress and laurel on the right-hand (southern) side boundary of the front parking area was granted permission by the Council in 2019. Removal of smaller shrubs and planting along this boundary is unlikely to have required planning permission, since they did not result in the encroachment of hardstanding.

Google streetview archive images show that there has been an area of hardstanding large enough for 3 parking spaces and two euro bins along the right-hand (southern) side boundary since 2011. These parking spaces here have not increased in number due to the approved removal of the cypress and laurel trees.

It is also clear from the streetview archive images that the site has had two vehicular entrances since at least 2011 and that there has been no increase in tarmac or concrete hardstanding.

5.9 **ISSUE 7 - Protected trees:**

- ***There are references to a “beech tree removed” to facilitate the rear extension. This tree has already been removed. Did it require permission?***

- ***TPO permission letters are enclosed, regarding removal of a sycamore tree, but the works have already taken place.***
- ***The proposal might affect a mature yew tree in the garden of No.32, next to the boundary.***

Officer Response

The reference to “beech tree removed” has now been removed from the plans. This referred to the sycamore tree that was granted permission to fell in 2019 by the Council and has since been removed from site.

The proposed roof pitch and height have been reduced, reducing potential impact on the adjacent yew tree. The foundations for the proposed rear extension will be approximately 8m from this yew tree. Further details will be requested via condition to demonstrate how this tree will protected during works on site.

5.10 **ISSUE 8 - Reason for expansion:**

- ***There are only 17 rooms, several are small and need for social distancing. The spatial needs of the service are best understood by the charity themselves.***
- ***The existing main building is large enough that the charity’s needs should be able to be met without needing to convert this annexe / store building.***
- ***There are many vacant commercial buildings in Portswood High Street that could be used instead.***
- ***Post Covid-19, most people are now working from home, so there will be plenty of space available in the main building, and the proposal is not needed.***
- ***The application is purely speculative for commercial gain.***

Officer Response

This proposal needs to be assessed on the basis of the plans that have been submitted, not on the intentions of the applicant or suggesting alternative schemes.

5.11 **ISSUE 9 - Procedural issues:**

- ***The proposal would set a precedent.***
- ***There was a previously withdrawn scheme for residential accommodation, so there is a concern that the original scheme could be pursued.***
- ***Concern that the converted building could be used as a separate unit, rather than ancillary to the current charity use.***
- ***Recommend a condition and a s106 legal agreement to restrict the use of the converted building to ancillary use only.***

Officer Response

All applications are considered on their own merits and this proposal would not set a precedent for future development.

If the converted annexe / store building is altered further and used as residential accommodation, or as a separate planning unit in the future (either commercial or residential), then it would require planning permission and the Planning Enforcement team have powers to investigate this.

Whilst a s106 legal agreement is not appropriate in this instance, a condition to secure the converted building as ancillary to the main building has been recommended further below.

Consultation Responses (summarised)

5.12 Historic Environment Officer – No objection, subject to conditions.

The existing garage appears post-war and is of limited heritage interest. The original front building line will be preserved. The use of conservation roof lights would not be contentious. A traditional clay-tiled roof and similar upper gable treatment would harmonise with the character of the host dwelling.

The structure is set back within the plot with limited views from the pavement and no direct impact on the principle view north-south along Brookvale Road. For these reasons the proposal is considered to have a neutral impact and as such would 'preserve' (and cause no adverse harm) to the character or appearance of this part of the conservation area.

Recommend conditions to secure material, joinery and rooflight details; a schedule of works for the historic boundary wall; and restriction to ancillary use only.

5.14 City of Southampton Society – Approve.

Recommend condition to secure window frames and vertical gable elements in timber to match the main house.

5.15 Highfield Residents Association – Object

Highfield Residents' Association objects to this application on the following grounds:

- The extension, which is effectively conversion of a garage for business use, would be contrary to the residential nature of the area and the Conservation status of Portswood Residents' Gardens. This follows a number of similar applications within the area in recent years, all of which have been refused.
- It would thus be detrimental to the character and amenity of the area.
- It would be an over-intensification of use for the site.
- Its massing and scale which increases the current footprint by 57% (current building being 35 sq. m and planned extension 20 sq. m). This scale would be completely at odds with the residential nature of the area and have a particularly injurious effect on the neighbouring property.
- It would thus cause material harm, particularly within a Conservation Area
- It would create additional traffic and effectively be for business use in a predominately residential area. There is already a traffic hazard for this part

of Brookvale Road with parking on both sides of the road and adjacent Children's Nursery and Scouts opposite.

- Although the stated aim for the extension would be to create, "a quiet informal area for the charity and occasional staff meeting area" there would be the potential for future commercial use in the enlarged and detached space.
- Granting of the application would create a significant precedent from which the Council would find it difficult to refuse similar applications in the future.

HRA believes there are sufficient Planning grounds for this application to be Refused under Delegated Powers, but failing that, ask for it to be brought to Panel for determination.

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 and highways;
- Impact on protected trees

6.2 Principle of Development

6.2.1 Policy CS10 of the Core Strategy supports the intensification of healthcare uses on existing sites in accessible locations. Given the vital work of this charity providing specialist therapeutic services as part of wider mental health provision in the City, and its sustainable location within a short walking distance of public transport routes and local facilities in Portswood District Centre, expansion of this existing service would not be inappropriate in this location.

6.2.2 The property has not been in residential use for many years, as demonstrated by the 2007 planning application for a conservatory (07/02001/FUL), which describes the use at that time as a mental health clinic for adolescents run by Southampton City PCT, so there is no loss of a dwelling on site.

6.3 Design and effect on character

6.3.1 The amended proposal for the rear extension and new pitched roof to the existing annexe / store building are relatively modest in scale. The amended design with a shallower pitched roof with hipped ends and a height of 4.5m., and a reduction in the length of the proposed rear extension to 11.8m would ensure that the converted building would remain subservient and would not dominate the host building.

6.3.2 The reduction in the size of the proposed pitched roof and the building's position set well back from the road would ensure that the changes would not have a significant impact on character of the host property or wider conservation area, as noted by the Council's Historic Environment Officer further above.

6.3.3 The property has been established as a healthcare setting for mental health services since at least 2007, so it naturally has a very different character to that of surrounding residential properties. This fundamental difference in character needs

to be taken into consideration in the assessment of any planning application for this site.

- 6.3.4 The proposed extension of the annexe / store building will provide additional flexible office / meeting space for the existing charity, along with a store, WC and kitchenette, but is not considered to significantly increase the intensity of the existing use on site, given its relatively small scale compared to the existing use. A condition can be applied to ensure it remains ancillary to the main building, not subdivided into a separate planning unit, or a residential use in the future.
- 6.3.5 The statutory tests for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.3.6 Given the modest size of the extension, it would not significantly alter the building to plot ratio on this site and the existing large rear garden is not compromised. The footprint of the existing building, when viewed from the public footpath and conservation area, will not change. The extension of the footprint of the building is purely to the rear and would only be visible from neighbouring property No.32. The visual gaps in the streetscene between this annexe / store building and the main building and between this annexe / store building and neighbouring property No.32 will not change, so the rhythm within the streetscene and the pattern of development which make up the special character of the conservation area will not be harmed.
- 6.3.7 Given the details discussed above, and in accordance with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would preserve the character of the building and the appearance of the Conservation Area. Conditions are recommended to secure details of the materials, joinery and rooflights; to secure a schedule of any works to the historic boundary wall between No.30 and No.32, and a condition to restrict the use of the converted annexe / store building to a use ancillary to the main building only.

6.4 Residential amenity

- 6.4.1 The proposal has no side-facing windows on the northern elevation towards No.32. There is an existing patio to the rear of the annexe / store building, next to the boundary wall, which is currently used as an external amenity space. The proposed extension would enclose this area resulting in some increase in privacy for neighbouring property No.32, moving activity further away from their rear windows. As such, the proposal is not considered to result in a harmful loss of privacy to neighbouring residents.
- 6.4.2 The nearest side-facing ground floor window of No.32 serves a utility room, which also benefits from a large rear-facing window looking out with a south-westerly

aspect over their garden. The separation gap between the proposed rear extension and the closest neighbouring ground floor windows is approximately 3.4m. The amended shallower roof pitch and hipped roof shape have significantly reduced the height and bulk of the proposed roof. The reduction in the length of the rear extension by 750mm has also reduced the impact of the proposed building on this boundary. The rear-ward extension would not breach a line drawn at 45 degrees from the mid-point of the nearest habitable room window of No.32 and therefore there would be no significant loss of light to this neighbouring property.

- 6.4.3 The residents of No.32 advised that this room was originally a study, so consideration has been given to the impact on this room as if it were a habitable room, however the comfortable separation distance from the proposed extension and the large rear-facing window ensure that this room will retain good light and outlook if it were to be changed back to a study in future. Given the details discussed above, the proposal is not considered to present an overbearing or overshadowing impacts for neighbouring residents.
- 6.4.4 The reduction in the height of the roof has removed the previously proposed full-height glazing in the rear elevation, reducing potential light spill nuisance to the neighbouring property. The conversion of the annexe / store building into office / meeting space would introduce more activity close to the boundary with No.32, however given the nature of the business operation and the relative small scale of the converted space, this is not considered to be a significantly harmful change. A condition restricting the operating hours of this converted annexe / store building only from 8am to 8pm could be applied, in order to prevent noise nuisance in the late evening and early morning
- 6.4.5 The proposed roof and rear extension would have an impact on the northern side-facing windows of the main building at No.30, however the modest scale of the changes are not considered to cause a significantly harmful loss of outlook for these rooms.
- 6.4.6 Given the above, the proposal is not considered to have a significantly harmful impact on the amenity of neighbouring residents and would not harm the amenity of staff or service users in the main building. As such the application satisfies saved Policy SDP1.

6.5 Parking and highways

- 6.5.1 The modest scale of the proposal is not considered to generate a significant impact on the level of traffic in or out of the property, but enables more flexibility to the current charity. The application form states that the proposal will not result in any increase in the number of employees on site. The proposal is to improve the existing facilities, rather than expanding the level of provision on site.
- 6.5.2 Whilst the application form suggests the number of parking spaces will increase from 6 space to 8, it is clear from a site visit and Google Streetview archive images that the site has provided at least 10 parking spaces on the front forecourt for many years. There are no changes proposed to this parking area and the proposal will not compromise access to existing parking spaces on site.
- 6.5.3 Brookvale Road lies within a medium accessibility area for access to public transport routes on Portswood Road, Highfield Lane and Bassett Avenue. The site

lies within walking distance of local facilities within Portswood District Centre (approximately 390m). The application site is also in the outer edge of a Residents Parking Zone Zone 12 with restricted parking 8am-6pm Mon-Fri.

- 6.5.4 Given the sustainable location of the application site with public transport routes and local facilities nearby, and given the relatively small scale of the proposal, it is not considered to present significant harm to local parking amenity, nor is the proposal considered to present a significant increase in traffic in and out of the site or risk to highway safety at the nearby junction.

6.6 Impact on protected trees

- 6.6.1 The Council's Trees team have been consulted on this application, but have not made any comments. A verbal update will be given if any are received ahead of the meeting. The protected trees on site that have been removed previously were done so with the consent of the Council. The yew tree within neighbouring property No.32 adjacent to the boundary with the annexe / store building could potentially be affected by the proposed works to the roof of this building, so a condition is recommended to secure details of how this neighbouring tree will be protected during the proposed works.

7. Summary

- 7.1 In summary, the proposed scheme has been designed in such a way to make effective use of land to improve the facilities on site, whilst maintaining the residential amenity of neighbouring residents. The scale and design respond to that of the host building and would not be considered to cause harm to the significant character of the wider conservation area. Furthermore, the development is considered to maintain an acceptable level of highways safety and local parking amenity and the scheme is, therefore, recommended for approval.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to appropriate 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) 4. (o) (vv) 6. (a) (b)

AC for 20/04/2021 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)

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

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

02. 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. 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, joinery, rainwater goods, rooflights and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

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

The mature Yew tree within the front garden of No.32, directly adjacent to the site of the proposed works to the existing annexe / store building shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective measures shall be agreed with the Local Planning Authority in writing before any site works commence. The protection measures shall be implemented and maintained in accordance with the agreed details until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority, following which it shall be removed from the site.

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

05. Schedule of works – Boundary Wall (Pre-Commencement Condition)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of any works proposed for the modification of the historic northern boundary wall between No.30 and No.32 has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

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

06. Limitation to ancillary use (Performance)

The converted annexe / store building hereby approved shall only be occupied as a use ancillary to the main building and shall not be subdivided, sold, leased, separated or altered in any way so as to create a separate planning unit, or separate unit of residential accommodation without the grant of further specific permission from the Local Planning Authority.

Reason: To avoid any unacceptable sub-division of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies with regards to new business operations, or self-contained residential accommodation.

07. Hours of Use (Performance)

The ancillary use of the converted annexe / store building hereby approved shall not operate outside the following hours:

Monday to Saturday - 08:00 to 20:00 (8:00am to 8:00pm)

Sunday and recognised public holidays - 10:00 to 17:00 (10:00am to 5:00pm)

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

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS10	A Healthy City
CS13	Fundamentals of Design
CS14	Historic Environment
CS19	Car & Cycle Parking
CS22	Promoting Biodiversity and Protecting Habitats

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

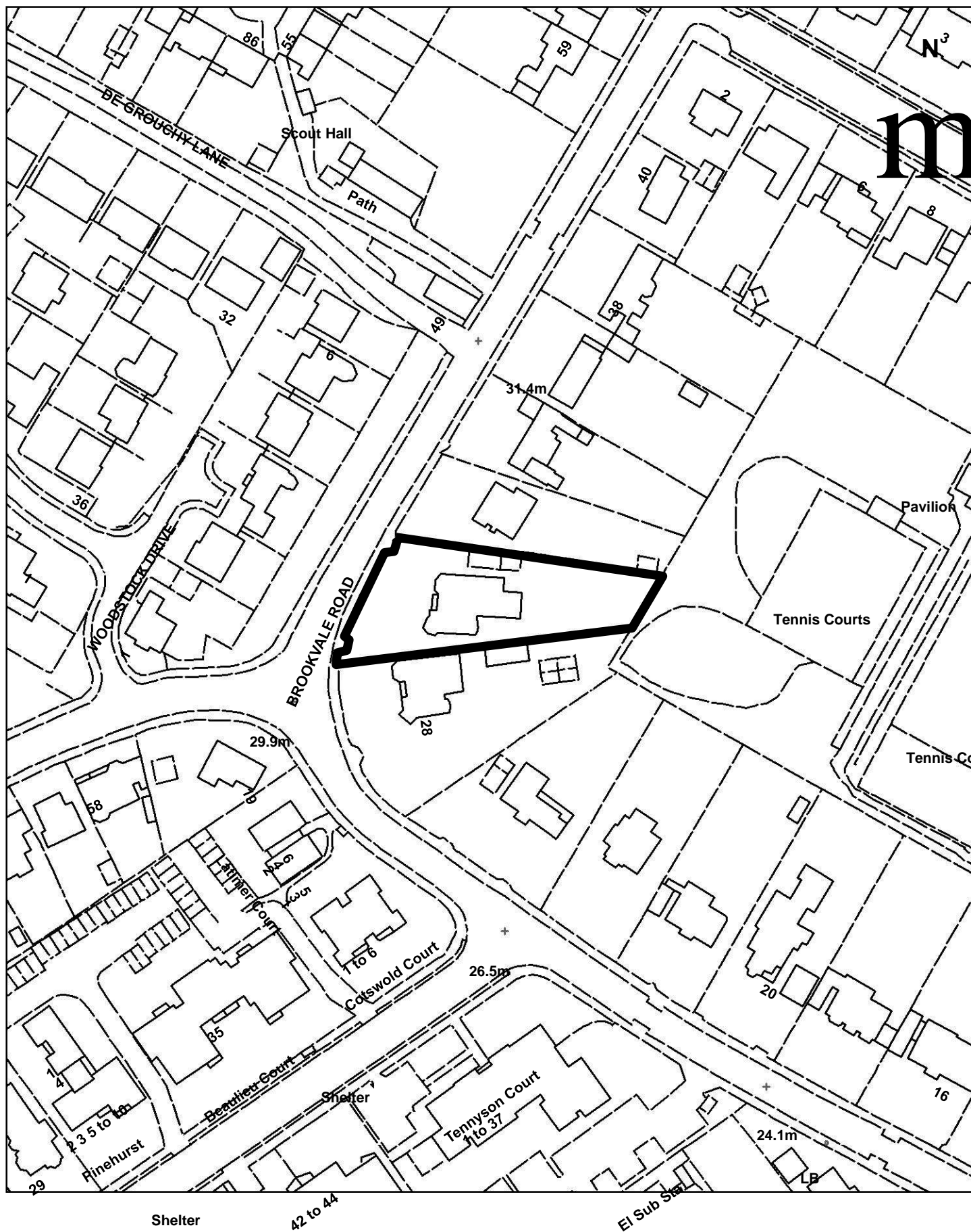
SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscape & Biodiversity
SDP16	Noise
HE1	New Development in Conservation Areas

Supplementary Planning Guidance

Portswood Residents' Gardens Conservation Area Appraisal and Management Plan (2009)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)



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