

**Planning and Rights of Way Panel 13<sup>th</sup> March 2018**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

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

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

<b>Applicant:</b> Mr S Reeves	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Delegate to Service Lead - Infrastructure, Planning and Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the demolition of the existing building, neighbouring amenity, design, character, parking and highway safety have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters as set out in the report to the Planning & Rights of Way Panel on 13<sup>th</sup> March 2018. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as

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

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

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

<b>Appendix attached</b>	
1	Development Plan Policies

### **Recommendation in Full**

1. Delegate to the Service Lead - Infrastructure, Planning and Development to grant planning permission, subject to the planning conditions recommended at the end of this report and to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including the bus stop relocation, service bay, and any necessary Traffic Regulation Orders to facilitate any changes, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) or details of an independently assessed viability of the project with appropriate triggers for reappraisal;
  - iii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - iv. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
  - v. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;
  - vi. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and
  - vii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

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

## **1 The site and its context**

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

## **2 Proposal**

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

## **3 Relevant Planning Policy**

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

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

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

#### **4 Relevant Planning History**

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

#### **5 Consultation Responses and Notification Representations**

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

needed to aid construction.

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

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

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

### **Consultation Responses**

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

additional impact.

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

## **6 Planning Consideration Key Issues**

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

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

#### Principle of development

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



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

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

### Design

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

### Neighbouring residential amenity

- 6.9 The development is unlikely to cause direct significant harm in terms of overshadowing, privacy or visual impact to neighbouring amenity due to the distance between the site and the closest residential properties (38m). The scheme also safeguards the future development potential of the neighbouring site to the east by not adding windows within the eastern flank elevation.
- 6.10 To ensure that the amenity of nearby residents is not significantly harmed during construction a Demolition and Construction Management Plan is recommended by planning condition. If piling for foundations is needed the timing that the piling works takes place will also be controlled by the construction hours condition. A standard condition restricting construction hours to Monday to Friday 08:00 to 18:00 hours, Saturdays 09:00 to 13:00 hours and at no time on Sundays and recognised public holidays will also be applied.

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

### Quality of the living environment

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

### Highway Safety and Parking

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

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

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

#### Landscaping

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

#### Development Mitigation

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

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

## **7 Summary**

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

## **8 Conclusion**

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

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

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

**MP for 13/03/2018 PROW Panel**

### **PLANNING CONDITIONS**

### **1. Outline Permission Timing Condition (Performance)**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
  - the landscaping of the site specifying both the hard, soft treatments and means of enclosures and maintenance schedule.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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

### **2. Approved Plans [Performance Condition]**

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

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

### **3. Details of building materials to be used [Pre-Commencement Condition]**

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

Notwithstanding the approved plans detailing timber cladding

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

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

#### **4. Window reveal details [Performance Condition]**

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

Reason: To ensure the quality of all window reveals.

#### **5. Archaeological watching brief with provision for excavation investigation [Pre-Commencement Condition]**

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

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

#### **6. Archaeological watching brief with provision for excavation work programme [Performance Condition]**

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

Reason: To ensure that the archaeological investigation is completed.

#### **7. Cycle storage facilities [Performance Condition]**

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

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

#### **8. Refuse & Recycling [Performance Condition]**

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

- The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.
- Internal lighting must operate when doors are open.
- Tap and wash down gully must be provided with suitable falls to the floor.
- Internal doors/walls/pipework/tap/conduits must be suitably protected to avoid damage caused by bin movements.
- The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m.
- The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.
- A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.
- The developer must contact the City Council's refuse team eight weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. Email [waste.management@southampton.gov.uk](mailto:waste.management@southampton.gov.uk).

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

#### **9. Bin Store Door [Pre-Occupation Condition]**

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

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

#### **10. Security gate [Pre-Commencement Condition]**

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

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

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

#### **11. Sightlines [Performance Condition]**

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

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

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

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

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

#### **13. Construction Management Plan [Pre-Commencement]**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a





documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

### **18. Sustainable Drainage [Pre-Commencement Condition].**

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

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

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

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

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

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

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

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

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

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

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

#### **21. Unsuspected Contamination [Performance Condition]**

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

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

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

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

Reason: To ensure satisfactory drainage provision for the area.

#### **23. Green roof feasibility study [Pre-Commencement]**

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

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

## **POLICY CONTEXT**

### Core Strategy - (as amended 2015)

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

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

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

### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

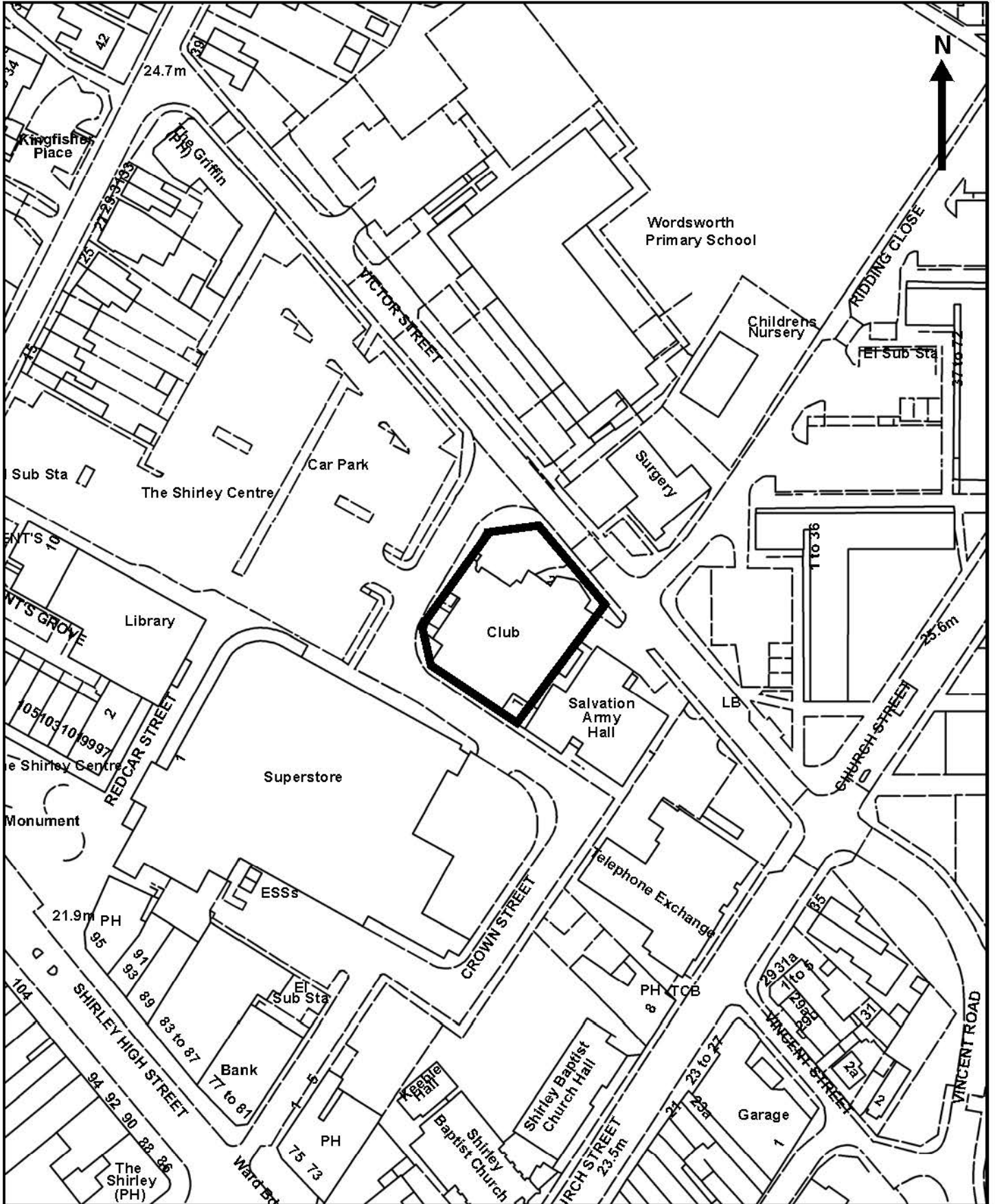
Parking Standards SPD (September 2011)

### Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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