

Planning and Rights of Way Panel

Tuesday, 2nd November,
2021

at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic Centre

This meeting is open to the public

Members

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

Contacts

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Interim Head of Planning and Economic
Development
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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

2021	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 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.

2022	
25 January	29 March
15 February	26 April
8 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

OTHER INTERESTS

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

- Any body to which they have been appointed or nominated by Southampton City Council
- Any public authority or body exercising functions of a public nature
- Any body directed to charitable purposes
- Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

PLEASE NOTE

This meeting is being held adhering the public health guidance necessary precautions to try and combat the spread of Covid, complying with Covid social distancing requirements.

Space is limited and whilst ever effort is being taken to ensure there is enough room it would be helpful if you could register in advance especially if you wish to address the meeting.

The online agenda has a link so that you will be able to watch the meeting virtually.

Should you wish to attend the meeting to address the Panel please register with Democratic Services in advance of the meeting by emailing democratic.services@southampton.gov.uk thank you for you corporation.

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 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 12 October 2021 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 21/00915/FUL - FORMER FORDS, WIDE LANE (Pages 13 - 42)

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

6 PLANNING APPLICATION - 20/00182/FUL - 289 SHIRLEY ROAD
(Pages 43 - 60)

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, 25 October 2021

Service Director – Legal and Business Operations

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 12 OCTOBER 2021

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

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

RESOLVED: that the minutes for the Panel meeting on 21 September 2021 be approved and signed as a correct record.

30. **PLANNING APPLICATION - 21/01139/FUL - 35-41 LONDON ROAD**

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

Change of use of basement nightclub (Sui generis use) and part of ground floor cafe/restaurant to Gentleman's Club (Sui generis use) including extended hours of operation to Sunday - Thursday, 21:00 - 05:00 and Friday and Saturday 18:00 - 05.00.

Mrs Barter (local resident objecting), Mr Johnson (agent), and Mr Nicie (applicant), were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted the statement from Riya Khatri, on behalf of local residents objecting to the application, had been received and posted online

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

RECORDED VOTE to refuse planning permission.

FOR: Councillors Harris, Prior, Coombs, Magee, Windle and Savage

ABSTAINED: Councillor Vaughan

RESOLVED that the Panel supported the officer recommendation to refuse planning permission for the reasons set out below:

Reason for refusal

The proposed opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. It is considered that the intensification of use into the early hours of the morning would cause further detriment to the amenities of the nearby residential properties by reason of noise and disturbance caused as patrons leaving the premises and dispersing into the surrounding area. The proposal would be contrary to the particular provisions of the adopted City Centre Area Action Plan (CCAAP) Policy AP8 which outlines acceptable limits on opening hours within the city centre. Furthermore this would set a difficult precedent to defend against and could lead to further impacts within the locality to the further detriment of the community. The proposal would thereby, having regard to similar appeal decisions in the locality for hours of use beyond the midnight terminal hours, prove contrary to and conflict with 'saved' policies SDP1, SDP16 and REI7 of the

City of Southampton Local Plan Review (amended 2015) and Policy AP8 of the CCAAP (adopted 2015).

31. **PLANNING APPLICATION - 20/01367/FUL - CITY WEST - MILLBROOK ROAD EAST**

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.

Conversion of existing commercial units into 24 (10 one-bed and 14 studio) units with associated parking and cycle/refuse storage (Departure from Local Plan) – description amended following validation.

Simon Reynier (City of Southampton Society), Paul Airey (agent), and Councillor Shields(ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer explained that the Southern Water section 5.6 should state an informative to connect to the foul and surface water disposal was requested and not a condition. In response to Panel questioning an additional condition relating to electric vehicle charging points was added, 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 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:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or confirmation that the proposal complies with the requirements of the Vacant Building Credit criteria (securing development without any affordable housing) and that a review is undertaken should circumstances change;
 - c. 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.
 - d. 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.

- (iii) That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iv) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Panel authorised Head of Planning and Economic Development to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (v) In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above the Panel noted that a report will be brought back to the Planning and Rights of Way Panel for further consideration of the Planning application.

ADDITIONAL CONDITION

ELECTRIC VEHICLE CHARGING POINTS (PERFORMANCE CONDITION)

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

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

32. PLANNING APPLICATION - 20/01785/FUL - COMPASS HOUSE, ROMSEY 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.

Re-development of the site to create a three-storey hotel containing 73 rooms with associated works including 73 car parking spaces. (Resubmission 19/00726/FUL)

Simon Reynier (City of Southampton Society), Chris Brady (agent), and Councillor Spicer (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted the statement received by Councillor Guest which had been circulated and posted on-line.

The Panel requested and officers agreed to include in their recommendation that an additional condition relating to electric vehicle charge points be added to the application, 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 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:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to the amendment set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. 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;
 - c. 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);
 - d. Submission and implementation within a specified timescale of a Travel Plan;
 - e. 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);
 - f. Submission and implementation within a specified timescale of a Waste Management Plan;
 - g. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy; and
 - h. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) and New Forest SPA in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

ADDITIONAL CONDITION

ELECTRIC VEHICLE CHARGING. (PERFORMANCE CONDITION)

Prior to the occupation of the development hereby approved a minimum of 9 (12%) of the 73 hotel car parking spaces shall be fitted with an electric car charging point for use by customers and staff. The electric car charging points shall thereafter be retained and made available for customers and staff to use throughout the lifetime of the development.

REASON: In the interests of encouraging a modal shift towards electric vehicles for both air quality and sustainability/environmental reasons as supported by Core Strategy Policy CS20 (Amended 2015).

33. **PLANNING APPLICATION - 21/01193/FUL - 52-54 WATERLOO 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.

Re-development of the site to create a part two-storey and part three-storey building containing 8 flats (4 x one-bedroom, 4 x two-bedroom) with associated cycle, refuse and parking.

Steve Lawrence (agent), and Councillor Shields (ward councillor were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the landscaping condition needed to be amended to include measures to prevent surface water runoff, from parking area, from flowing onto the public highway, 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 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:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. 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 SPD relating to Planning Obligations (September 2013);
 - b. 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.
 - c. 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).
 - d. An obligation to preclude future residents being issued with car parking permits.

- e. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

ADDITIONAL / AMENDED CONDITION

05. LANDSCAPING, LIGHTING & MEANS OF ENCLOSURE DETAILED PLAN [PRE-COMMENCEMENT CONDITION]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

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

REASON: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a

positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

34. **PLANNING APPLICATION - 21/01199/FUL - COLLEGE STREET CAR PARK**

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.

Installation of storage containers for retail and food and drink use, shared office workspace and studio space for artists, with associated events space for a temporary period of 10 years (Amendment to planning permission ref 20/00173/FUL with the temporary period increased from 5 to 10 years)

Dr Butler, Mr Winter, Mr Reynier (local residents / objecting), and Mr Sanger (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Cycle Parking condition would require amending, as set out below.

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

13. CYCLE PARKING (PERFORMANCE CONDITION)

Before the development hereby approved first comes into occupation, the storage for a minimum of 22 bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved. REASON: To encourage cycling as an alternative form of transport.

35. **PLANNING APPLICATION - 21/01261/FUL - 25 GLASSLAW 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.

Erection of a two-storey side extension and single-storey rear extension (resubmission of 21/00755/FUL).

Chris Bainbridge (agent), and Dean Tyler (applicant) were present and with the consent of the Chair, addressed the meeting.

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

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

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 2nd November 2021 - 4pm Conference Rooms 3 & 4

PLEASE NOTE:

Public Health guidelines have unfortunately limited the numbers of seats available.

Timings are estimated Members of public are advised to attend in advance of these estimated timings. Members of public are advised to arrive in good time allowing for potential variation to the timings.

Members of public wishing to speak must register in advance with the Panel clerk by emailing democratic.services@southampton.gov.uk

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
Application will be heard 16:00				
5	AG	DEL	15	21/00915/FUL Former Fords, Wide Lane
Application will be heard from approximately 17:30/18:00				
6	RS	CAP	5	20/00182/FUL 289 Shirley 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:

AG – Andy Gregory
RS – Rob Sims

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 (2013)
- (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 2nd November 2021

Planning Application Report of the Head of Planning & Economic Development

Application address: Former Ford Motor Co, Wide Lane, Southampton			
Proposed development: Re-development of the site to erect four industrial units with associated parking (flexible use Class E (g)(iii), B2 (General Industrial) and/B8 (Storage or distribution)) following demolition of the existing buildings.			
Application number	21/00915/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	15.09.2021 (ETA)	Ward	Swaythling
Reason for Panel Referral:	5 or more letters of objection have been received	Ward Councillors	Cllr Fielker Cllr Bunday Cllr Vassiliou

Applicant: Carbide Properties Limited	Agent: Pegasus Group
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Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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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 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 loss of the Flight Shed as a non-designated heritage asset is justified because it's historic connection with the manufacturing and testing of the Supermarine Spitfire is not sufficiently unique and the building has been significantly altered and the replacement industrial units will achieve substantial public benefits in terms of job creation. Mitigation for the loss of this non-designated heritage asset can be secured through building recording and the installation of heritage interpretation boards. The development will bring this vacant site back into use and would accord with the site employment allocation and would be in keeping with the character and appearance of the adjacent Mountpark. Furthermore it has been demonstrated that the development will not have an adverse impact on highway safety or in terms of capacity within the surrounding highway network. 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 (2021).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE4, NE5, TI2, HE6 and REI9(ii) of the City of Southampton Local Plan Review (LPR - as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the Local Development Framework (LDF) Core Strategy Development Plan Document (as amended 2015) and National Planning Policy Framework (2021).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report to grant conditional planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Either a s.278 Agreement to undertake agreed works within the highway or a financial contribution and other highway obligations, including Traffic Regulation Orders, where necessary, towards site specific transport improvements in the vicinity of the site in line with policies SDP4 and TI2 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) to include: Contributions toward bus priority within the traffic signals at Wide Lane, to mitigate the impact on capacity to what is a high frequency bus route to the University and City Centre; and contribution toward low-level cycle lights, dropped kerbs and Advanced Stop Line on the Mountpark exit arm to improve overall and in particular cycle safety.
 - ii. An off-site contribution towards sustainable travel improvements on Hampshire County Council Road network, within the vicinity of the site. Contribution towards the design and improvement works at Spitfire Roundabout, Wide Lane Bridge and Wide Lane/A335 Roundabout, in line with policies SDP4 and TI2 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);
 - iii. 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;
 - iv. 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);
 - v. 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);
 - vi. Provision of public art in accordance with the Council's Public Art Strategy to reflect the site's importance, historically, to UK manufacturing and the Spitfire;

- vii. Submission and implementation of a Construction Traffic Management Plan;
 - viii. Submission and implementation of an Operational Phase Lorry Routing Agreement to limit HGV traffic turning left out of the site; and
 - ix. Submission and implementation of a Staff Travel Plan.
2. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1.0 The site and its context

- 1.1 The application site has an area of 2.7 hectares, and comprises the remaining part of the former Ford factory site. The site is located to the south-east of Mountpark and is accessed from Wide Lane through this Industrial and Logistics Park. The Fords site has a significant history of manufacturing having been central to the manufacturing of aircraft components and parts during the Second World War. This part of the site was occupied by various hangars and sheds housing a series of important engineering companies such as Vickers-Supermarine and Cunliffe-Owen who were building and developing new commercial aircraft who then moved into military production in the build up to the Second World War. The airport as a whole was requisitioned by the military in 1936 and this area of the site continued to develop, build, and test new prototype aircraft such as the Vickers Wellington, and the Supermarine Spitfire. Following the War the site evolved and grew into the manufacture of vehicle chassis and eventually the Ford Transit van before its closure in 2013. Please note the part of the Fords site which is the subject of this application was retained for use as a vehicle repair centre and export distribution centre however that operation has also now closed.
- 1.2 The application site is bounded to the south-east by Stoneham Cemetery Road, to the north-east by the M27 and Southampton Airport beyond. There are no residential properties adjacent to the application site and the nearest residential properties are within Walnut Grove which is to the south-west, beyond the existing Mountpark Industrial/warehouse units. The application site is occupied by a number of vacant industrial building; one of which is a surviving aircraft hangar, known as 'The Flight Shed', was constructed in the late 1930s and formed part of the flying field and wider airfield complex utilised by Supermarine for the final assembly and testing of Spitfire aeroplanes. The 'Flight Shed' was subsequently adapted and occupied as factory premises associated with vehicle manufacturing (LPA ref: 14/00028/FUL).
- 1.3 The site is designated in the Local Plan Review (LPR) for light or general industrial (Classes B1c and B2), research and development (Class B1b), storage or distribution (Class B8) and ancillary office use (LPR Policy REI9(ii) refers). The application site is close to the administrative boundary of the city with Eastleigh Borough Council.

2.0 **Proposal**

2.1 The application seeks redevelopment of the site with the demolition of existing buildings and the erection of four no. industrial buildings with associated parking for flexible use for light industrial (use class E (g)(iii)), general industrial (use class B2) or storage and distribution (use class B8). The four proposed industrial units would have a Gross Internal Area of 9 249 sq. The proposal seeks to incorporate 112 car parking spaces including 18 electric vehicle charging points and 60 cycle parking spaces and a breakdown on this provision can be viewed in the table below:

	Unit 1	Unit 2	Unit 3	Unit 4
Gross Internal Area	1788 sq m	3526 sq m	1217 sq m	2718 sq m
Car Parking	19 vehicles (Including 2 disabled spaces and 4 E V)	37 vehicles (Including 2 disabled spaces and 6 E V)	16 vehicles (Including 2 disabled spaces and 2 E V)	38 vehicles (Including 2 disabled spaces and 6 E V)
Cycle Parking	12 Covered cycle parking spaces	22 Covered cycle parking spaces	10 Covered cycle parking spaces	16 Covered cycle parking spaces
Dedicated service yard and bin storage	Y	Y	Y	Y

2.2 The proposed site access would be from Wide Lane connecting into the south-eastern end of the Mountpark access road. The proposed layout provides each unit with their own individual service yards and car parking area with a shared access road running parallel with Stoneham Cemetery Road. Each unit is similar in scale and form with a curved barrel roof design with a composite cladding finish to the external elevations. Each unit is single span with a small first floor mezzanine office level with disabled toilet/shower at ground floor level.

2.3 In terms of landscaping there are no proposals to remove any existing trees on the boundary with Stoneham Cemetery Road and the scheme seeks to provide new hedgerow, shrub and tree planting (15 no. specimen trees) to provide a landscaped setting for the new industrial units. There are no proposed alterations to the site boundary treatment which comprises a mix of close boarded and secure mesh fencing.

2.4 The submission indicates that this development would support up to 257 permanent full-time equivalent (FTE) jobs once it is built and fully occupied. The proposal seeks unrestricted hours of operation (24hrs) and the submitted noise report supporting the application recommends appropriate operational noise limits for daytime and night time hours.

3.0 **Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to

these proposals are set out at **Appendix 1**. The application site is designated for employment development under Policy REI9(ii) which reads as follows:

3.2 *REI 9 Major Employment Sites*

The major employment sites are defined on the Proposals Map and will be safeguarded for employment use. Development proposals will be permitted as follows:

(ii) Ford's, Wide Lane for light or general industrial (Classes B1c and B2), research and development (Class B1b), storage or distribution (Class B8) and ancillary office use.

LDF Policy CS7 adds that:

3.3 *In order to meet the South East Plan's economic aims, as set out in Policy CS 6, there is a strong need to safeguard employment sites. All existing employment sites and allocations will be safeguarded for employment use...*

3.4 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. The applicant's pre-assessment for this scheme predicts that the buildings will achieve the Building Research Establishment's Environmental Assessment Method (BREEAM) 'Excellent' rating as required.

3.5 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 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.

3.6 Paragraph 203 of the NPPF indicates:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

4.0 Relevant Planning History

4.1 The site's physical development has evolved since the Second World War and has been used for manufacturing since before the current planning system. The Council's planning history records numerous additions to the site throughout this period, application from the 50/60s identify the hanger being used as factory premises with record of a tool room extension.

4.2 In 2014, planning permission was granted for use of the part of the Fords site, the subject of this current application, for use as a vehicle repair centre and export distribution centre (ref 14/00028/FUL).

The 7 no. industrial and warehousing units forming the adjacent Mountpark development were consented under planning permission references:

16/00885/FUL - Development to provide new industrial and warehouse buildings for business use (class B1c), industry (class B2) and storage/distribution (class B8) with landscaping, tree planting and new boundary treatment, new car parking and service areas, new vehicular access from Wide Lane.

16/02035/MMA - Minor material amendment sought to planning permission 16/00885/FUL for the sites redevelopment to provide new industrial warehouse buildings for business use (class B1 c), industry (class B2) and storage/distribution (class B8). Amendments sought to the layout and number of the buildings along the southern boundary of the site.

17/01470/FUL - Development to provide new industrial and warehousing buildings for business use (class B1c), industry (class B2) and storage/distribution (class B8) with landscaping, tree planting, new car parking and service areas, vehicular access to Wide Lane via the approved employment site (Phase 1) to the south and other associated infrastructure.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (some 113 letters sent), placing a press advertisement (16.07.2021) and erecting a site notice (16.07.2021). *Please note that an online petition has been set up to save the flight shed from demolition because of its association with the manufacturing and testing of the Supermarine Spitfire; to date the petition has received 47,000 signatures, however this petition has not been submitted to the Planning Department for formal consideration as part of this planning application.* At the time of writing the report **6 objection** letters have been received. The following is a summary of the points raised:

5.2 *Loss of a building of historical significance due to the association of the flight shed for the assembly of component parts and testing of the Supermarine Spitfire.*

Officer Response

The flight shed is the last surviving structure of what was once a prominent group of aerodrome buildings that contributed to the development, the testing, and the mass production of commercial and military aircraft in the 20th Century. It played a vital role in the build up to, and during, the Second World War and contributed to the early testing and development of the Spitfire. It also played a vital role in the development of Eastleigh Airport during the post-war period. For these reasons, the Council's Historic Environment Officer considers the building should be afforded a high degree of historic interest.

5.3 However, the flight shed is not considered to meet the national significance criteria for statutory listing, and would not be afforded protection from demolition as a locally listed asset, based on the following:

- Other than the pitch roof form of the hangar the building has been subject to notable alterations which have changed its character including: recladding and alterations to fenestration; extension which has changed the building proportions removal of original fabric; removal of the original door wings and door units; and internal remodelling and insertion of a mezzanine floor.

- The building does not represent an early example of an aircraft hangar structure, nor is it unique or innovative in construction design terms.
- The building does not represent the only surviving site operated by Supermarine (with designated examples surviving at Hythe), nor does it represent the only location in the Country where Spitfires were built.
- Although the building was associated with the assembly and flight tests of Spitfires, it is understood the aircraft was not designed in this location nor were the major components constructed here (this was undertaken at other Supermarine facilities and manufacturing sites. Furthermore, the building was not specifically created to facilitate a specific form of aircraft testing - for example, designated examples of testing facility at RAE Farnborough and RAE Bedford are deemed to be of importance due to the role which they played in aviation research and testing, and the manner to which this is reflected in the structure of the buildings. The building within the site is a very simple aircraft hangar structure.
- The building does not hold any group value with other buildings associated with the utilisation of the area for the construction of Spitfires, and the relationship with the flying field has been severed by the construction of the M27. The removal of the wider Ford Transit facility has also removed any group value which may have derived from this aspect of the building's history, with other structures within site being of no heritage interest.

5.4 The Council received a recent request to serve a Building Preservation Notice (BPN) on the Flight Shed. A BPN is served to preserve a building from demolition or alteration, ahead of statutory listing. As part of this process the Council sought the opinion of Historic England, the relevant body, who responded to indicate the building has been too altered to satisfy the listing criteria. Therefore a BPN has not been served and the building is not afforded any significant protection from demolition.

5.5 It should be noted that Historic England's guidance on the listing selection criteria for Industrial Buildings provides the following guidance in relation to motorcar and aircraft factories:

"The large assembly plants seldom are unless they have intrinsic architectural or technical interest, as is the case with some inter-war and post-war plants such as the American-designed Cummins Engine Factory of 1964-5 in Darlington (County Durham) by Roche and Dinkeloo (listed Grade II). Some factories can claim historical importance, such as the former Hawker factory in Kingston-upon-Thames of 1933 (Grade II) wherein a number of important aircraft, above all the Hurricane, were designed and produced. Often, however, remarkable vehicles were produced in unremarkable premises whose listing is unlikely to be warranted."*

5.6 Therefore, the Flight Shed building is considered to be a non-designated heritage asset as having a degree of heritage significance whilst not meeting the criteria for designated heritage assets (statutory listing). On this basis, the NPPF tests in the public benefits of the scheme must be balanced against the loss of the heritage asset.

- 5.7 In this case the delivery 9249sqm of new industrial/warehousing floor space to meet current market requirements with the opportunity to create 257 gross permanent full-time equivalent (FTE) jobs is considered to outweigh the loss of the existing flight shed building. The size and condition of the exiting building make it unlikely there would be market demand to bring the existing building back into use for industrial purposes. Moreover the location of the site, to the rear of Mountpark, make it unlikely the Flight shed building would be suitable for re-purposing for non-employment use and in any event the application must be assessed based on the proposals as submitted.
- 5.8 Mitigation for the loss of this heritage asset is recommended in the form of conditions to secure building recording of the Flight Shed and also to secure Heritage Interpretation boards to be installed on the site boundary fence facing Stoneham Cemetery Road.

Consultation Responses

- 5.9 **SCC Heritage – No objection**

Site History

- 5.9.1 Prior to Ford's extensive occupation of the site, the area was once part of Eastleigh Airport, an early C20 aerodrome. The site was occupied by various hangars and sheds housing a series of important engineering companies such as Vickers-Supermarine and Cunliffe-Owen who were building and developing new commercial aircraft who then moved into military production in the build up to the Second World War. The airport was requisitioned by the military in 1936 and this area of the site continued to develop, build, and test new prototype aircraft such as the Vickers Wellington, and the Supermarine Spitfire, with the now famous fighter taking its maiden flight from Eastleigh Airport in March 1936.
- 5.9.2 The 3-bay aircraft hangar is referred to as a test hangar by Hatchard in his book Southampton / Eastleigh Airport in 1990, with photographic evidence dating the building to the mid-1930's. This date is supported by testimonials of past employees of Supermarine where their website content concurs that:
- 5.9.3 'The Flight Shed was a large, separate hangar located at the southern end of the airfield at Southampton Municipal Airport in Eastleigh. Named 'The Flight Shed' because it was here that final 'Flight Testing' and approval of completed aircraft was performed and, as such, it was the final destination for Supermarine's land based aircraft (like the Spitfire and Seafire) and many of the amphibian aircraft (like the Walrus and Sea Otter) before delivery to the RAF, Royal Navy etc. Fitter's mate, Gordon Bailey who who was working in the Main Hangar in Eastleigh recalled that "some time midway through 1936 a new hangar was erected at the south end of the aerodrome, a new Flight Shed for Supermarine". In reality Supermarine only agreed the lease for the site of the new hangar with Southampton Corporation in June 1937. However, by 1938 the new Flight Shed was constructed and operational`.
[<https://supermariners.wordpress.com/the-places/southampton/the-supermarine-works-1936-1939/southampton-airport-1936-1939/the-flight-shed/#FlightShedPeople>]

5.9.4 Unfortunately, despite further research, no building plans or primary documentation for the construction of the Flight Shed appear to exist. Nor, despite recent assumptions, is there any evidence that the building was built by Supermarine to specifically develop and test the Spitfire alone. An image of the interior of a hangar thought to be the Flight Shed found within Solent Sky Museum's collection illustrates the type of assembly activity occurring within, however, by virtue of its simple steel frame construction and high-level windows, it is not too dissimilar in its form or appearance to other contemporary hangars of the period, such as the similarly constructed Bellman hangars used to house folding and fixed wing aircraft at this time. These units were simple to erect and were utilitarian in character and many intact hangars of this period can be found at airfields today. [Airfields of Britain Conservation Trust <https://www.abct.org.uk/>]

5.9.5 On Fords occupation, the site and its surroundings were extensively re-modelled and the whole site was separated from Eastleigh Airport by the introduction of the M27. It appears that the building was subsequently used in the production of car manufacture, most recently as a spraying and finishing workshop.

Current Condition

5.9.6 A site visit revealed that the Flight Shed has been much altered, and relatively recently in its history to accommodate vehicle production. Externally the whole building has been re-clad with modern sheeting and the original corrugated roofing and rooflights have all been lost. The original flanking metal windows remain in place however, the new cladding system has partially enclosed the steel columns, and in some instances whole sections of the walls have been rebuilt in blockwork. All the original openings, including those once frequented by the hangar doors to the north have been enclosed and large new distribution openings have been inserted into the front (north) and side (west). Single storey additions clad in metal sheeting have also been added to the north and side (east).

5.9.7 Internally, the floor is an open plan concrete apron and the steel roof trusses remain fully exposed with other modern plant fitted around the historic roof arrangement. A full width gantry crane remains in-situ, but its orientation differs from the interior image referred to above suggesting that this element relates to car manufacture and is not an original feature. One side of a vertical hangar door remains in its housing in the easternmost bay however, no other discernible pre- or post- war features of significance remain. There are no directional markings for moving around aircraft on the floor, all of the suspended chain lights have been lost, there is no period signage left on any of the walls, and there is no associated fixtures or fittings such as valves or pipework associated with early aircraft manufacturing or testing plant in-situ. The whole interior appears to have been stripped bare and the open space presents an interior of limited character. The surroundings of the Flight Shed have fared little better. The creation of the motorway to the north has led to the building being disassociated with the current airport and a series of large-scale buildings, new delivery aprons, and car plant paraphernalia have all been erected on-site effectively hemming in the building on all sides.

Assessment and advice

5.9.8 The modern buildings surrounding the Flight Shed are of no historic significance and replacing the units with larger modular buildings would have no adverse impact on the local character of the area or the setting of neighbouring South Stoneham Cemetery.

In contrast, the Flight Shed, because of its history and former aviation use, is afforded a degree of heritage interest. It is the last surviving structure of what was once a prominent group of aerodrome buildings that contributed to the development, the testing, and the mass production of commercial and military aircraft in the C20. It played a vital role in the build up to, and during, the Second World War, one of the most dramatic events of the C20. It contributed to the testing and assembly of the Spitfire in Southampton, an aircraft that went on to become a national icon. It also played a role in the development of Eastleigh Airport during the post-war period and was then utilised once more by the developing Ford Factory.

- 5.9.9 Despite this, the building itself, in terms of rarity, or in terms of its technical construction or design, it is not unique. There is no available documentary evidence linking this building specifically to the sole development of one aircraft, such as the Spitfire. It is more likely this structure was a utilitarian building used in the development of many aircraft during its working life. Furthermore, the building has been heavily modified over time where a substantial degree of original fabric, and almost all of its original fixtures and fittings have been lost. Other than the pitch roof form of the shed itself, there is little, if any, physical evidence within or around the building that can be directly associated with the pre-war or wartime period use of the building. No other buildings of a contemporary age remain in-situ so the Flight Shed is no longer part of an important group, whilst its wider setting has been completely compromised by surrounding development.
- 5.9.10 As such, and without further evidence to the contrary, the level of significance attached to the Flight Shed would be considered low, and as such, it would unlikely meet the national criteria for statutory listing as set out in Historic England's Military Structures (2011) or Infrastructure: Transport (2011) Listing Selection guides. This view, based on all the evidence currently available, is supported by an initial assessment of the building undertaken by the listing team at Historic England.
- 5.9.11 Notwithstanding this, and as noted above, the Flight Shed is a period building and it is not without a degree of historical interest in terms of its local association in the development of Southampton's aviation history, and as such, it would be considered a non-designated heritage asset under the National Planning Policy Framework (NPPF).
- 5.9.12 Consequently, the advice of paragraph 203 of the NPPF would apply and where it advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.
- 5.9.13 Paragraph 205 advises local planning authorities to require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Summary

- 5.9.14 The retention and reuse of a non-designated heritage asset would be preferred from a conservation perspective in the first instance, and its direct loss would cause some harm. That said, this level of harm would be considered `less than substantial harm` due to the low degree of significance attached to the building in heritage terms. For instance, the building has been heavily modified and denuded, it is no longer intact, and its setting has been severely diluted. It is currently a redundant structure located on private land and it is inaccessible to the public. Its size and open plan arrangement is a limiting factor in finding it a viable new use, and the whole plot is a brownfield site where the principle of development would normally be supported. To offset its loss, interpretive panels presenting the history of this site to the wider public would be erected in an appropriate location.
- 5.9.15 On this basis, should it be considered that the proposed scheme presents clear and convincing economic and public benefits that would demonstrably outweigh the `less than substantial harm` resulting from the total loss of the non-designated heritage asset in the planning balance, a preservation by record approach would be expected where attaching conditions to record the building, and its setting, prior to its demolition would be advised. A condition controlling the location and content of the interpretative panels would also be required.

5.10 **SCC Highways** – No objection

Off-Site Highway Impacts

- 5.10.1 Additional traffic surveys were carried out in September 2021 at the request of SCC and HCC Highways to use real time data with the operation of the Mountpark development rather than proposed trips from the 2016 TA. The data was uplifted by 1.11% for a `Covid factor` to cover that traffic levels are close to pre-2020 levels. This has been agreed with HCC. The results indicate that the site access/Wide Lane junction is operating close to its capacity in 2026 and with the development the degree of saturation increases by 1.3% in AM and 2.6% in PM. This would have an impact on traffic on Wide Lane including buses. While the current signals operate on MOVA, which optimises timings, an assessment has been done whereby the existing pedestrian crossing phases are called every other cycle. This has a demonstrable positive impact and alongside with mitigation measures to provide buses and cycles with priority will mean that the junction operates in capacity.

EV Charging

- 5.10.2 Notes that there has been an increase in the number of EV ready charging spaces to 18, which is 16% of the total amount of spaces. All remaining space will be provided with passive provision i.e. the facilities such as ducting and wiring is already provided, this allows for future growth. This is accepted.

Cycle Parking

- 5.10.3 No enclosed cycle storage has been provided and the applicant states that there is no space to accommodate the parking. A condition should be that as part of the Travel Plan the usage of the cycle parking should be monitored and if required enclosed cycle parking provided.

5.10.4 In conclusion, there are no highway reasons for objection to the application.

Officer Note: Cycle parking has since been addressed and is conditioned

5.11 **Hampshire County Council (Highways) – No objection**

Based on the submitted traffic counts and junction modelling HCC are satisfied that the proposed development will not have a severe on impact the operation of these junctions. Furthermore the submission demonstrates that the proposed development is unlikely to significantly increase the accidents in the vicinity of the site.

An off-site contribution towards sustainable travel improvements within the vicinity of the site is requested along with contributions towards the design and improvement works at Spitfire Roundabout, Wide Lane Bridge and Wide Lane/A335 Roundabout.

5.12 **Highways England – No objection**

5.13 **Airport Safeguarding – No objection subject to condition to secure a Bird Hazard Management Plan.**

5.14 **SCC Archaeology – No objection subject to conditions**

The Archaeology and Built Heritage Assessment describes the former aircraft hangar that lies at the centre of the application site (HER record MSH4546). The hangar was built in the mid-1930s at Eastleigh Airport. Plans name the hangar as the Supermarine flight shed. D Hatchard (Southampton/Eastleigh Airport, 1990) identified the hangar as the flight shed used to flight test all spitfires, and a late 1930s photograph (reproduced in Hatchard) shows spitfires outside the flight shed. The hangar became part of the Ford Factory in the 1970s. (Note that the spitfire link is not mentioned in the ABHA.)

5.14.1 The proposal involves re-development of the site to erect four industrial units with associated parking.

5.14.2 Development here threatens to damage potential archaeological deposits, and a phased programme of archaeological investigations will be required, as follows:

- Watching brief on all geotechnical/ground investigation works.
- Evaluation trenching to establish the nature, state of preservation and significance of archaeological remains across the site.
- Further archaeological work as necessary, depending on the results of the evaluation.
- No below-ground demolition works should take place until archaeological issues have been resolved.

5.14.3 If the application is approved, it will be necessary to make an archaeological record of the building prior to and perhaps during demolition, to be secured by condition. Other buildings on the site may also need to be recorded (as were all buildings on the rest of the Ford site). This is in line with NPPF paragraph 205 and Local Plan Policy HE6. The level of record will be confirmed after discussion with the conservation officer. However, it should be noted that the ability to carry out such a record should not be a factor in deciding whether consent should be granted (see NPPF 205). (NPPF paragraphs relate to recent revision.)

- 5.15 **SCC Ecologist** – No objection subject to conditions to secure Biodiversity mitigation and enhancement and to control the external lighting design.
- 5.16 **SCC Environmental Health** – No objection
Following a perusal of the submitted Environmental Noise Report we would concur with its findings and support the recommendations that all fixed mechanical services plant associated with the new development be selected and specified to achieve the noise limit criteria derived at Section 7.4 of the report. A condition is also recommended to secure a Construction Environment Management Plan.
- 5.17 **SCC Flood Team** – No objection
The drainage strategy supplied with this application proposes the use of permeable paving to vehicle parking and underground geocellular storage tanks and landscaped areas, to attenuate and restrict runoff rates for the 1 in 100 year rainfall event plus 40% allowance for climate change.
- 5.17.1 The flow rate is restricted to 8l/s which is not a betterment on existing runoff rates. Whilst this proposal is acceptable in principle, it is noted that the drainage strategy is reliant upon a connection to an existing surface water sewer which has not yet been confirmed.
- 5.17.2 Confirmation will be required that the connection has been identified and approved by Southern Water to enable the drainage strategy to proceed. It is noted that there is currently inadequate capacity within the Southern Water network.
- 5.17.3 To ensure that the drainage proposals and connection to a public surface water sewer has been agreed, or a revised drainage strategy to fully manage flows within the site has been developed, then detailed drainage plans should be secured by condition to ensure that surface water is appropriately managed in line with the National Planning Policy Framework.
- 5.18 **SCC Sustainability Team** – No objection subject to conditions to secure a BREEAM rating of 'Excellent' and Energy performance of 12.5% improvement over current Building Regulations Building Emission Rate requirements.
- 5.19 **SCC Contamination** – No objection subject to conditions to secure appropriate land contamination investigation and remediation and to prevent contaminated soils being imported into the site.
- 5.20 **Southern Water** – No objection subject to conditions to secure diversion of the public sewer and water distribution main and details of foul and surface water drainage.
- 5.21 **Eastleigh Borough Council** - No objection subject to no adverse comments being received by Hampshire County Council as Local Highways Authority for Eastleigh Borough.
- 5.22 **Cllr Fielker** - I was not aware of the importance of the buildings noted in this application to the Spitfire heritage of Southampton as the connection is not well made in the planning documents submitted by the developer. I am also aware that I have missed the deadline to respond as a consultee. However, I wanted to note that the Spitfire is important to Southampton and it is important that we preserve the physical history that remains, alongside new projects such as the Spitfire

Memorial which Southampton City Council have recently committed funding to support.

5.23 City of Southampton Society – No objection

We fully support this application to replace the existing buildings on the site with 4 new industrial units or small warehouses. The accessibility to the motorway network makes this an ideal site. We note that there is currently only one unused unit on the site (which is considerably larger than the proposed units) indicating a demand for further smaller units.

5.23.1 We are mindful of the proximity of the proposed units to the motorway and the end of the airport runway, with the associated noise and pollution issues (albeit only at peak times in the morning and evening for the airport). We trust that adequate noise insulation will be incorporated into the construction of the units.

5.23.2 Ideally we would have liked to see more green space between the various units. We are mindful that the closeness to the airport runway rules out planting trees, but more shrubs and grass would help 'soften' the impact of extensive hard-standing. We appreciate that this would result in a loss of car-parking spaces and ultimately the decision will lie with the developer. We are also aware that there is a substantial 'carbon sink' provided by the neighbouring cemetery.

5.23.3 Finally we support the comments made by the Archaeology Unit with suggestions for Conditions.

6. Planning Consideration Key Issues

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

1. The principle of this form of development;
2. Economic development considerations;
3. Heritage Impacts
4. Traffic and transport issues;
5. Impact on the amenities of neighbours, including noise impacts;
6. Design;
7. Off-site Mitigation; and
8. Air Quality and Green Charter

6.2 Principle of Development

6.2.1 National and local planning policy is supportive in principle of development proposals that bring economic development and employment opportunities; NPPF paragraphs 8, 81 and 83 are directly relevant. The economic objective is one of the overarching objectives of the planning system, to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity

6.2.2 This development is in accordance with the site's designated uses under LPR Policy RE19(ii) (as set out in full above), which has been part of adopted planning policy since 2006. The principle of reconfiguring the site to provide up to date employment use, to replace the manufacturing buildings associated with Fords, is acceptable in principle.

6.3 Economic Development Considerations

6.3.1 Research carried out for PUSH, and other organisations, in recent years has recognised a shortage of Class B8 floorspace in South Hampshire, and a shortfall of suitable sites for large scale distribution facilities. This has been carried forward by Policy CS6 of the Core Strategy, which identifies the need for 97,000sq.m of industry/warehousing over the plan period.

6.3.2 The proximity of the site to the motorway network makes this an attractive location for a distribution facility. The applicants are seeking flexibility within any permission granted to find operations within either E (g)(iii)/B2 and/or B8 uses.

6.3.3 In terms of the need for local employment opportunities, the 2011 Census for the Swaythling Ward suggests 18.8% of residents have no qualifications (compared to 21% for the City as a whole), with 39% of households having no adults in employment (compared with 32.8% for the City). It confirms that 52.4% of residents in the ward are economically active (compared with 68.4% for Southampton) with 3.6% registered as unemployed. The economic development benefits associated with this development are potentially, therefore, considerable and a large number of new jobs would be created with positions likely to include warehouse operatives, office administrators, transport and logistic positions. The recommendation includes the need to secure targeted local training and employment initiatives, at both the construction and operational phases (in accordance with LDF Policy CS24). Given the loss of employment associated with the closure of Fords these economic benefits are clearly a significant material consideration in the determination of this planning application.

6.3.4 The applicants have indicated that the operational benefits of the scheme will include £15.6million of output per annum in terms of gross value added. The scheme forecasts the creation of 257 Gross full-time equivalent jobs supported on-site with 55.3% requiring level 3 or above qualifications and 38.1% requiring level 2 qualifications or below. For information Level 3 or above qualifications include A-levels and above and Level 2 includes GCSEs and below. The local employment opportunities can be secured with the suggested s.106 legal agreement through a training plan at both construction and operational phase.

Heritage Impact

6.4

6.4.1 The historical contribution this site and in particular the Flight Shed played in terms of aeronautical manufacturing and testing, including the manufacturing and testing Supermarine Spitfire, is significant and should not be understated. However, Historic England have confirmed that the building is unlikely to meet the statutory listing criteria. As such, the loss of the Flight Shed as a non-designated heritage asset is justified because it's historic connection with the manufacturing and testing of the Supermarine Spitfire is not sufficiently unique, and because the building has been significantly altered. The replacement industrial units will achieve substantial public benefits in terms of bringing this employment site back into a more intensive use with the creation of new jobs creation and will also bring wider economic benefits having regard to the tests of section 16 of the NPPF. Mitigation for the loss of this non-designated heritage asset can be secured through building recording and the installation of heritage interpretation boards.

6.5 Traffic and Transport

- 6.5.1 The planning application has been assessed by the Council's Highways Team, Hampshire County Council Highways and by Highways England in terms of highway safety and impacts on capacity on the local and strategic road networks and no highway objection is raised. Mitigation is recommended through the S106 agreement to promote sustainable travel and to secure contributions towards Contribution towards the design and improvement works at Spitfire Roundabout, Wide Lane Bridge and Wide Lane/A335 Roundabout
- 6.5.2 The submission demonstrates that the proposed 112 car parking spaces and parking split is broadly compatible with the Council's maximum standards for the range of flexible uses proposed (208 spaces is the maximum permissible for warehousing use and 103 spaces is the maximum permissible for warehousing use based on the GIA proposed). The scheme has been amended to increase the number of Electric Charging Points from 6 to 18 (which equates to 16% of the parking spaces) with facilities such as ducting provided to allow installation of additional charging points in the future. The amount of cycle parking has also been amended and increased from 38 to 60 spaces achieving compliance with the Council's Parking Standards in terms of short stay and long stay cycle parking with appropriate distribution of cycle parking facilities between each unit. Showers are to be provided within the disabled toilet area of each unit in order to promote sustainable travel and this shower provision arrangement is recommended on the basis that it will be subject to review and improvement if necessary, through the Travel Plan.
- 6.5.3 Please note that the access from Mountpark onto Wide Lane is designed to encourage large vehicles to enter and exit the site from the north, thereby limiting the impact on the residential area to the south. The design of the junction at the entrance to the site is such that heavy goods vehicles would find it difficult to turn out of the site in a southerly direction. Various measures for regulating the traffic operation of this site can be secured through the s.106. In practice, given that the M27 is so close it is more than likely that operators will choose this route in any event.

6.6 Impact on the amenities of neighbours, including noise impacts

- 6.6.1 The development will not adversely harm the residential amenities of the nearest residential properties in Swaythling, which are to the south-west beyond the Mountpark development, some 170m from the nearest proposed industrial unit. The proposed development is screened by the existing industrial units within Mountpark and as such there will be no adverse visual impact or shadowing/sense of enclosure to neighbouring gardens.
- 6.6.2 The application is supported by a noise assessment and no objection has been raised by the Council's Environmental Health Team. A planning condition is recommended to ensure that any plant and equipment installed by end users does shall be limited to daytime (07:00 - 23:00) 50 LAeq and nighttime (23:00 - 07:00) 37 LAeq when measured at any dwelling. In terms of the existing noise environment regard should be had to the existing industrial units within Mountpark (which are permitted 24 hours), the former unfettered historic use, and also background noise from traffic on the M27 and Wide Lane and also from the airport.

6.7 Design

6.7.1 There is no design objection in terms of layout, scale, form and appearance of the proposed industrial units which acceptably tie into the existing Mountpark development. The proposed barrel roof design and external cladding treatment and colour is acceptable within the context having regard to the neighbouring industrial/warehousing units and site employment allocation.

6.7.2 The proposal included new hedgerow, shrub and tree planting (15 no. specimen trees) which will represent landscape enhancement of this brownfield site. Furthermore the development will have no adverse impact when viewed from the adjacent Cemetery and the M27 having regard to the historic Ford buildings which occupied the site, backdrop of Mountpark and existing boundary trees to be retained.

6.7 Off-site Mitigation

6.7.1 LDF Policy CS25 seeks to ensure that all new development mitigates against its direct impacts and this scheme is no different. The proposed uses do not attract the Community Infrastructure Levy (CIL), but the negotiations with the applicants, and relevant consultees, has resulted in the need for a s.106 legal agreement to be completed before planning permission could be granted. Providing the application addresses the areas of mitigation, set out above, then the scheme will have complied with the requirements of Policy CS25.

6.8 Air Quality and the Green Charter

6.8.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

6.8.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

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

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

- 6.8.4 The application has addressed the Green Charter and the air quality impact of the development by incorporating electric vehicle charging points (increased from 6 to 18), promoting sustainable travel, increasing soft landscaping cover for the site and additional planting biodiversity enhancements measures. The proposal will also improve site drainage through the incorporation of a sustainable urban drainage system.

7. Summary

- 7.1 These are substantial new buildings, on a previously developed site, which will be in keeping with the character and context having regard to the adjacent Mountpark development, historic manufacturing use and site policy allocation for employment use. The economic development and employment opportunities weigh in support of the proposal. The loss of the Flight Shed as a non-designated heritage asset is justified because it's historic connection with the manufacturing and testing of the Supermarine Spitfire is not sufficiently unique and the building has been significantly altered and the replacement industrial units will achieve substantial public benefits in terms of job creation. Mitigation for the loss of this non-designated heritage asset can be secured through building recording and the installation of heritage interpretation boards. The development will not adversely harm the residential amenities of the nearest residents having regard to the existing noise environment and having regard to the proposed noise controls on plant and machinery. The proposal is also acceptable in terms of highway safety and network capacity and measures are recommended to encourage sustainable travel.

8. Conclusion

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

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

1a-d, 2b,d,f, 4b,f,vv, 6a-b & 7a

AG for 02.11.2021 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. Materials to be used (Performance Condition)

The development shall be carried out and retained in accordance with the materials schedule as set out within the plans hereby approved, as listed at the end of this decision notice.

Reason: In the interests of good design and the visual amenities of the area.

03. 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.

04. Construction Management Plan (Pre-Commencement)

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

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

(b) loading and unloading of plant and materials;

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

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

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

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

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

05. Landscaping (Performance)

The development shall be carried out and maintained in accordance with Drawing No. KL-487-001 by Kova Landscape Ltd and Boundary Treatments Plan P405 Rev C. To include a minimum of 15 no. specimen trees as shown.

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

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

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

06. Parking (Pre-Occupation)

The parking totalling 112 spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

07. Electric Car Charging Points (Pre-Occupation Condition)

Each unit hereby approved shall not be occupied until the minimum amount of EV parking for each particular unit, as set out within with paragraph 2.2 of the Transport Assessment Addendum by ADC dated 12.10.2021, has been installed and rendered fully operational. A minimum of 18 EV charging points shall be provided for all the units combined. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

08. Cycle parking (Performance Condition)

Before the occupation of each building the cycle storage, changing, washing and shower facilities for members of staff shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

09. Refuse & Recycling (Performance)

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

Reason: To secure a satisfactory form of development

10. Restricted Use (Performance)

The maximum floorspace of the development hereby approved shall be 9 249 sqm square metres (gross internal), and the buildings shall not be sub-divided into separate units without the first written approval of the Local Planning Authority. Furthermore, this permission does not allow for the installation of additional mezzanine floorspace (other than those shown) within the buildings to serve the development.

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 E (g)(iii), B2 and/or B8) and not for any other purpose.

Any office space provided to serve the development shall be ancillary to uses specified and shall not be let, leased or sold separately.

The external areas, accessways, loading areas and car parking areas shall not be used for manufacturing, industrial or maintenance purposes: for the installation of any ancillary plant or machinery; or for the storage of any raw materials, scaffolding; finished or unfinished products or parts, crates, packing materials or waste without the prior consent of the Local Planning Authority. The areas shall be kept clear at all times for access, circulation, car parking, servicing and loading/unloading operations.

Reason:

In the interest of the amenities of nearby residential occupiers, to ensure that the site is retained for employment generating uses, to ensure that the office space provided is integral to the principal uses due to the out of centre location and in the interests of highway impacts that have been determined.

11. Noise (Performance)

The development shall be carried out and retained in accordance with the recommendations of the submitted Noise Report REVISION 1 - 14 JUNE 2021. Prior to occupation of any unit to be occupied for B2 use with hours of operation beyond the hours of 07:00 and 23:00 hours, a 'Night Time Management Plan' to

provide night time noise control measures in relation to shift changes and deliveries, shall be submitted to the Local Planning Authority and agreed in writing. The development shall be carried in accordance with the agreed noise control measures.

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

12. APPROVAL CONDITION Archaeological structure-recording [Pre-Commencement Condition]
No demolition works shall take place within the site until the implementation of a programme of recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.
13. APPROVAL CONDITION Archaeological structure-recording 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.
14. APPROVAL CONDITION Archaeological damage-assessment [Pre-Commencement Condition]
No ground disturbance shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.
Reason: To inform and update the assessment of the threat to the archaeological deposits.
15. APPROVAL CONDITION Archaeological evaluation investigation [Pre-Commencement Condition]
No ground disturbance 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.
16. APPROVAL CONDITION Archaeological evaluation work programme [Performance Condition]
The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.
Reason: To ensure that the archaeological investigation is completed.
17. APPROVAL CONDITION Archaeological investigation (further works) [Performance Condition]
The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

18. APPROVAL CONDITION Archaeological work programme (further works)
[Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

19. Ecological Mitigation Statement (Performance)

The development shall be carried out and retained in accordance with the Biodiversity mitigation and enhancement measures as set out within the Biodiversity Management Plan and Biodiversity Net Gain Assessment v1 dated 10/09/2021.

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

20. External Lighting Scheme (Performance)

The development shall be carried out and retained in accordance with the external lighting scheme as set out within Private Lighting Design - Rev A by Loveday Lighting Limited Dated 01 September 2021 and Drawing No. LL1312-001

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

Reason: To minimise the impact on protected species.

21. Protection of nesting birds (Performance)

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

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

22. Sustainable Drainage (Pre-commencement)

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of detailed infiltration testing completed in accordance with BRE DG
- b) Digest: 365 and confirmation of groundwater levels. (to be deleted if not appropriate).

- c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100
- d) (+ 40% allowance for climate change) storm events, associated discharge rates and storage volumes shall be provided.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- e) A plan showing exceedance flows (i.e. during rainfall greater than design events
- f) or during blockage) and how property on and off site will be protected from these flows.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

23. Sustainable Drainage - Verification (Pre-occupation)

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

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

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

Reason: To ensure satisfactory drainage provision for the area.

25. Public Sewer diversion (Performance)

Prior to the commencement of development, details of the measures which will be undertaken to divert the public sewer and water distribution main shall be submitted to and approved by the Local Planning Authority in writing (in consultation with Southern Water). The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

26. Submission of a Bird Hazard Management Plan
Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The Bird management plan shall be in accordance with AOA Advice Note 3. Please see link below.

Microsoft Word - AN 03 Wildlife Hazards Around Aerodromes - 2016.docx
(aoa.org.uk)

The submitted plan shall include details of:

- monitoring of any standing water within the site temporary or permanent
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached
- reinstatement of grass areas
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste
- monitoring of waste imports (although this may be covered by the site licence)
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
- signs deterring people from feeding the birds.

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 local planning authority.

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

27. APPROVAL CONDITION - BREEAM Standards
With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, 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).

28. APPROVAL CONDITION - BREEAM Standards [performance condition]
Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard, in the form of post construction assessment

and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

REASON:

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

29. Energy [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 12.5% improvement over current Building Regulations Building Emission Rate requirements 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).

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

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

1. A report of the findings of an updated Detailed Quantative Risk Assessment (DQRA) to include the findings of the Phase II Environmental Site Assessment report undertaken by Arcadis (ref: 10041083-AUK-XX-XX-RP-ZZ-0012-01)
2. 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 (1) 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.

31. Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate

their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

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

32. Unsuspected Contamination (Performance)

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

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

33. Heritage Interpretation Panel (Pre-Occupation)

Prior to first occupation of the development hereby approved, the content, design and location of an historic environment interpretation panel shall be submitted to and approved in writing by the Local Planning Authority and installed and retained as agreed.

Reason: In recognition of the site history in connection with the production and testing of aircraft such as the Vickers Wellington, and the Supermarine Spitfire.

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

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. The development shall be carried out in accordance with the tree protection measures as set out within the British Standards 5837:2012 Tree Survey: Arboricultural Impact Assessment, Method Statement and Tree Protection Plan - RSE_4919_R1_V1_ARB

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

35. Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

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
CS25	The Delivery of Infrastructure and Developer Contributions

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

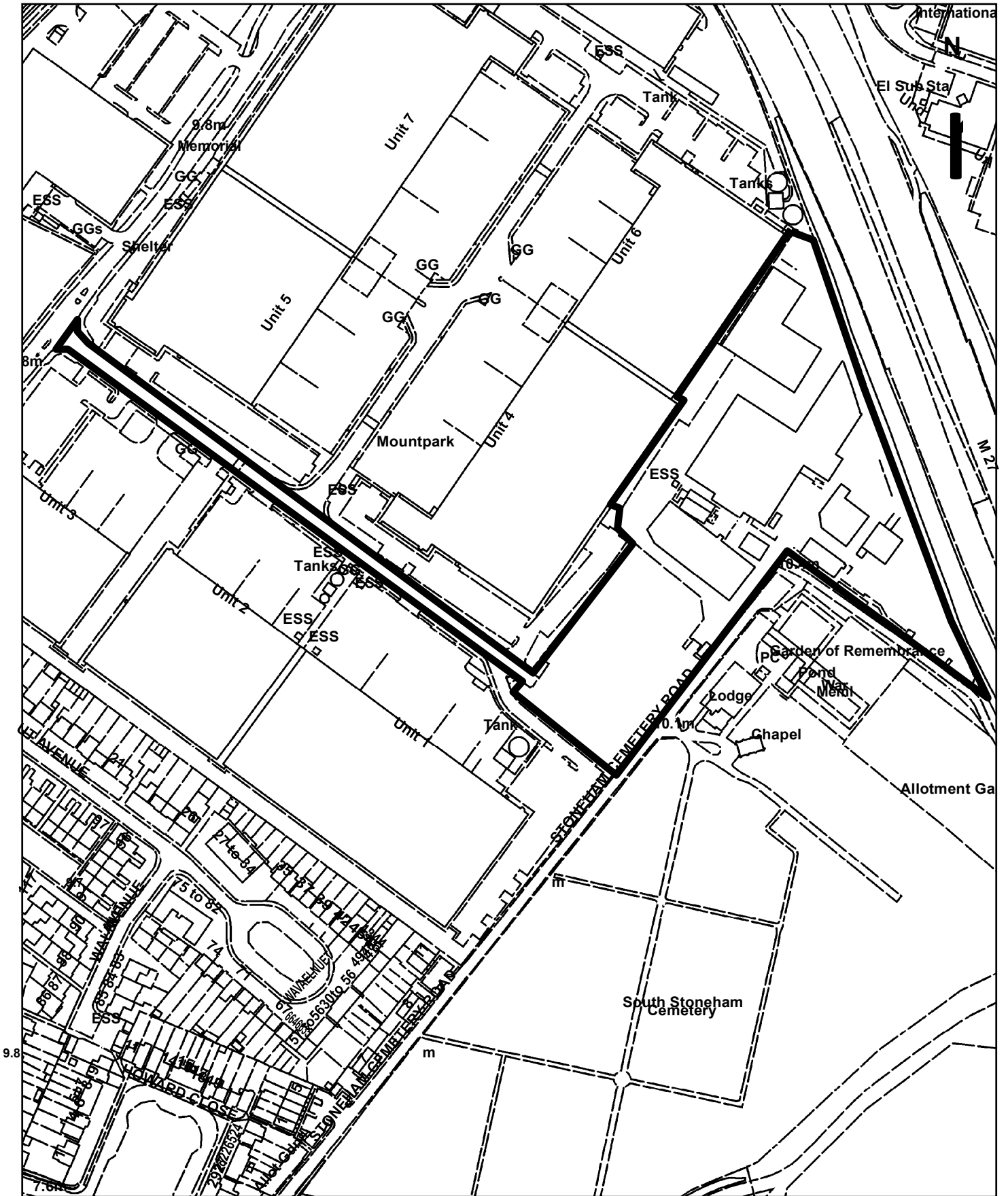
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
REI9	Major Employment Sites
TI2	Vehicular Access

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:2,500

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Planning and Rights of Way Panel 2nd November 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 289 Shirley Road, Southampton			
Proposed development: Change of use to Sui Generis (Drinking establishment) and erection of decking and balustrading to the front and lean-to side extension (Retrospective)			
Application number:	20/00182/FUL	Application type:	FUL
Case officer:	Rob Sims	Public speaking time:	5 minutes
Last date for determination:	5 th November 2021	Ward:	Freemantle
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr D Shields Cllr V Windle Cllr S Leggett
Referred to Panel by:	N/A	Reason:	Five or more letters of objection have been received
Applicant: Mr Attal Mihanpoor		Agent: Aaron Brown	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
---------------------------------------------	-----------------------

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 (2021).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Decision Notice for 17/01108/FUL		

Recommendation in Full

Conditionally approve subject to the conditions listed at the end of this report.

1. The site and its context

- 1.1 The application site occupies a corner plot at Shirley Road and Lumsden Avenue. The plot forms part of the designated secondary retail frontage in Shirley Town Centre. The premises is currently in use as a bar, however previous to that the site obtained planning permission for a restaurant and takeaway use (17/01108/FUL).

2. Proposal

- 2.1 The application seeks retrospective planning permission to change the use of premises from a restaurant/takeaway to a Sui Generis (Drinking establishment). The premises is already in use as a drinking establishment whereby the applicant has erected decking and balustrading to the front on to Shirley Road and erected a lean to side extension on to Lumsden Avenue, which accommodates outdoor seating area to support the use.
- 2.2 The use of 289 Shirley Road as a drinking establishment has been the subject of enforcement complaints. The planning application description has also changed during the course of the application to enable the submission of amended plans to include the decking and lean to side extension. A full round of public re-consultation was carried out following receipt of the amended plans and new description.
- 2.3 The application form submitted for this application does not specify any opening hours, however 'Rio's' website advertises the opening hours of the premises as 11:00am – 23:00pm. The site has a current premises licence (for Rio's as a bar) with opening times between 09:00-00:00.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 The most relevant and recent application relating to the premises was the planning permission granted in 2017 under application 17/01108/FUL for 'Change of use of

existing retail unit (class A1) to restaurant/takeaway (mixed use class A3/A5).'

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 25.02.2020 and 24.09.2021. At the time of writing the report **8 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Premises for granted permission for a (vegan) restaurant but has been operating as a bar without planning permission.

Response

Agreed. The application is retrospective and that the owners did not secure planning permission before operating their bar. The Council's Planning Enforcement Policy echoes the National Planning Policy Framework, which states that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application' (para 6). Following the complaints the applicant was invited to apply ahead of taking matters further through Planning Enforcement. An application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan.

5.3 Residents have experienced a noise and disturbance including anti-social behaviour and loud noise after 11:30pm.

Response

Anti social behaviour is a police matter. The impact on residential amenity from the opening hours is a material consideration, which will be discussed below in Section 6.

5.4 Cars parked on double yellow lines, blocking driveways along Lumsden Avenue, which has made this junction dangerous for both car drivers and pedestrians

Response

The site is located along Shirley High Street which is a sustainable location. Illegal parking is a police matter. The application does not propose any off street parking – as is the case with many other high street businesses. If illegal is taking place, there is no ability within the planning process to enforce against indiscriminate parking behaviour in instance.

5.5 Covenants prohibit the operation of a bar on the street. The majority of the bar's outside seating is actually along Lumsden Avenue.

Response

Covenants are not a material planning consideration. The site has a dual frontage being on a corner location. The appropriateness of the side lean to extension and front decking, and its impact on the character and appearance

of the area will be discussed in Section 6 below.

5.6 If the requested retrospective application for Sui Generis status and covered decking is granted, I implore Southampton City Council planners to do this with the following restrictions:

- 1) No use of the decked area after 10pm
- 2) Premises doors and windows closed after 10pm
- 3) Alcohol service stops by 11pm, which is akin to the practice of most other premises in the area even if their licences extend beyond this.

Response

Restriction to the opening hours are discussed below and appropriate planning conditions are recommended.

Consultation Responses

5.7 **Cllr Shields**

In light of a number of concerns raised with me by local residents in Lumsden Avenue, I wish to object to the (retrospective) application for change of use to a licensed establishment where consumption of liquor is the central activity which is at variance with the original application for a 'vegan restaurant'.

5.8 **Environmental Health**

We still have no objections to this development but would recommend that the hours of use are conditioned as follows:

Hours of Use (Performance)

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

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

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

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;
- Impact on the character and appearance of the area;
- Impact on Residential amenity;
- Impact on Parking

6.2 **Principle of Development**

6.2.1 The application site is positioned within the Shirley Town Centre and forms part of the identified secondary retail frontage. Policy REI4 of the Local Plan identifies properties within these area as being appropriate for Class A1-5 uses or other uses which offer a direct service to the public. In September 2020 the Use Classes Order was updated which incorporated a drinking establishment as a 'Sui Generis' use. Prior to this change, a drinking establishment was an 'A4' use. As such, when assessed directly against Policy REI4, there is no objection to the principle of the use as a bar.

- 6.2.2 Policy CLT15 of the Local Plan states that 'proposals for A3, A4 and A5 uses will be permitted in town, district and local centres subject to compliance with Policy REI 7.
- 6.2.3

Policy REI7 (Food and Drink Uses (Classes A3, A4 and A5) states that:

Proposals involving classes A3, A4 and A5 Food & Drink uses will be permitted in city, town, district, local centres and sites identified for mixed use areas in accordance with CLT 14 and 15 provided that;

(i) appropriate planning conditions are imposed where necessary to prevent the generation of any undue noise or other forms of nuisance directly arising from the proposed use;

(ii) any adverse impact on the amenities of neighbouring residential premises by reason of noise and disturbance within the premises can be prevented by the installation of sound attenuation measures by appropriate conditions;

(iii) any adverse impact caused by cooking smells can be prevented by the installation of fume filtration and extraction equipment which in itself is not visually intrusive or otherwise unneighbourly by appropriate conditions;

(iv) any adverse impact on the amenities of the area through the discarding of litter is prevented by the provision of litter bins on the premises.

- 6.2.4 Based on the above requirements of Policy REI7, the acceptability of the change of use to a drinking establishment is subject to assessing the material harm of the use. Decking to the front and a lean to side extension have been added to the premises, as such the impact on the character and appearance of the area also falls for consideration. In addition, given the close proximity of the residential properties along Lumsden Avenue, the impact of the proposed use on noise and disturbance to neighbouring properties must also be considered.

6.3 Design and effect on character

- 6.3.1 Policies CLT 15, REI 4 and REI7 establish that the principle of a drinking establishment in this location, along Shirley Road, is acceptable subject to any adverse impact on the amenities of neighbouring residential premises by reason of noise and disturbance being considered. Therefore, it can be concluded that the principle of the use itself would not cause harm to the character and visual appearance of the area, but further mitigation and assessment will be required.
- 6.3.2 As part of the change of use, outdoor seating areas to the front and to the side (fronting Lumsden Avenue) have been installed. Open decking previously wrapped around the front and side of the premises to provide outdoor seating. In March 2021 this was replaced with an open decking area to the front measuring 3.4m deep x 4.1m wide. A lean-to addition was also added with open sides fronting on to Lumsden Avenue. This addition spans the length of the Lumsden Avenue frontage measuring 8.6m long x 1.8m wide. The amended plans also show 'picnic' benches and planters to be located between the lean to and the Lumsden Avenue pavement. The lean to itself is constructed of timber framing with a 'camouflaged' roof material to soften the appearance of the timber roof structure.

6.3.3 The proposed front and side additions are notable additions to the bar in the street scene and the use of timber framing and fascia's and artificial roof covering draw attention to the use of the drinking establishment. However, they are not considered to be disproportionate or incongruous additions to the area. The Sangha restaurant (opposite) has decking to the front (approved under delegated authority), and there are other cafe / restaurant and pubs along Shirley Road which include outdoor seating areas. In addition, it is recognised that the Covid 19 pandemic has led to the increasing need for bars and restaurants to provide more outdoor seating areas in order to avoid the spread of the virus. Notwithstanding the noise and disturbance impacts that may arise from outdoor seating areas, it is not considered that the provision of outdoor structures results in an incongruous addition to the area and they do not significantly harm the character and visual amenities of the area. An assessment of the impact on local amenity is, nevertheless, still required.

6.4 Residential amenity

6.4.1 289 Shirley Road comprises of a dual frontage on Shirley Road and Lumsden Avenue. At first floor there is a residential flat, which is typical of properties along Shirley Road which have flats on the first floor. In contrast to the mixed-use development along Shirley Road, Lumsden Avenue comprises of a number of flats and two storey residential properties and quickly becomes wholly residential in character. The nearest property is located approximately 35m to the east of the application site. There are also residential properties located along Malmesbury Road to the south east of the site.

6.4.2 The retrospective nature of the application has generated a number of objections from neighbouring properties along Lumsden Avenue regarding noise and disturbance. With regards to noise, concerns have been raised that the bar has been open past 11:30pm and sometimes 1am during the summer. This has resulted in noise disturbance to neighbouring occupiers as well as anti social behaviour.

6.4.3 When determining the previous application for a restaurant (17/01108/FUL), a condition was imposed to restrict the opening hours to:

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

6.4.4 This condition was more restrictive than the hours stipulated on the premises licence which allows for opening hours 0900 – 0000 Monday to Sunday. The delegated report for the lawful use explained that the reason for restricting the opening hours was as follows:

The Shirley Road district centre has typically been controlled to around 11PM closing, with an allowance for midnight closing times on Friday/Saturday nights, to take account of the proximity and residential mix in the area. This is of particular concern given the external seating which potentially allows for the congregation of people and associated noise. On balance it is considered reasonable to restrict the opening hours in line with other properties in the area to ensure the impacts of the development are controlled to an acceptable level.

- 6.4.5 In addition a condition was imposed to secure 'sound insulation measures against internally generated noise and vibration.' These sound insulation measures included evidence that a 'Soundcheck plasterboard on the acoustic supports' had been installed, which the Environmental Health Officer concluded was acceptable to comply with the requirements of the condition.
- 6.4.6 The application forms submitted for the use of the premises as a bar does not specify any opening hours, however 'Rio's' website advertises the opening hours of the 'cocktail bar and coffee shop' as 11:00am – 23:00pm. The site has a current premises licence (for Rio's as a bar) with opening times between 09:00-00:00. The concerns raised by neighbours regarding noise and disturbance are fully understood, and primarily relate to disturbance outside of these hours. The main points of concern relate to anti social behaviour from people leaving the premises and the use of the external decking. From a planning perspective, it is not possible to control activities occurring outside of the site and as any issues relating to anti social behaviour is a police matter. However a condition can be imposed to secure details of CCTV systems to cover the inside and outside areas of the establishment.
- 6.4.7 It is acknowledged that the use of the premises as a bar and its controls may contribute to noise disturbances. That said the policy requirement under REI7 for assessing the acceptability of the bar use advocates the use of planning conditions and sound insulation measures to protect the amenity of neighbouring residents. The site already has a fallback position for its use as a restaurant to limit the opening hours to 11pm Monday to Thursday (including public holidays) and 12am Fridays and Saturdays. In addition sound insulation measures have already been installed. In responding to this change of use application, the Environmental Health Officer states that the previous opening hours for the restaurant use would also be appropriate for the bar use. The hours of use would also be shorter than what the premises licence allows for. Furthermore these hours would be comparable to other pubs and drinking establishments within the area (which also have outdoor seating areas) including:
- The Bright Water Inn (JD Wetherspoon)
Monday – Sunday 8am – 12am
 - Brass Monkey
Monday to Thursday 10am – 11pm, Fridays and Saturdays – 10am to 12am
 - Rover Inn
Monday – Sunday 11am – 11pm
- 6.4.8 On this basis it is considered reasonable and appropriate to reimpose the previous opening hours from the last permission. This would ensure that midweek hours are kept to an amenable hour. Furthermore, the weekend hours would be retained in line with the premises licence and be consistent with the hours of opening of other pub uses. The imposition of these opening hours would also regulate the current noise and disturbance issues that have raised concerns from neighbouring residents, and seek to mitigate their concerns alongside the anti social behaviour controls that the Police can monitor. If further concerns are raised in relation to noise and disturbance, these can be reported to Environmental Health team who can use Environment Protection powers to enforce further controls on the premises.
- 6.4.9 Subject to compliance with the following opening hours, the use of the premises as

a bar is considered to be acceptable and would mitigate the concerns of neighbouring occupiers in terms of noise and disturbance:

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

6.4.10 With the regards to the noise impacts from the outdoor seating area specifically, whilst the lean-to addition to the side is covered, it has open sides, therefore there is potential for noise to project out on to Lumsden Avenue. The outdoor seating is required partly to support covid measures as well as provide an area for smoking, which often results in people outside an establishment (drinking). During the course of the application conversations were had with Environmental Health Officers regarding the potential for more limited opening hours to be imposed on the outdoor seating areas. However, this was considered unreasonable due to the longer hours allowed under the premises licence, as well as the potential practical difficulties with enforcing these controls. Any further limitations imposed on the number of people using the outdoor area and hours of use would be difficult to enforce and would be unreasonable given the allowances under the premises licence. Therefore further restrictions beyond the overall opening hours stipulated above are not considered to be appropriate in this instance.

6.4.11 Notwithstanding the Council's Environmental Health team have not requested conditions to control the use of specific external noise systems, in view of the objections to the application based on noise generation, it would be prudent and reasonable to restrict any external music sources (either live or amplified) unless a noise assessment has been submitted and any associated mitigation. Subject to compliance with this condition, the application would meet the requirements of saved Policy SDP1(i) as the application would ensure that it does not 'unacceptably affect the health, safety and amenity of the city and its citizens.'

6.5 Parking highways and transport

6.5.1 The site lies within a very sustainable location with good access by foot and to public transport serving the City Centre. The site does not provide a dedicated parking area to serve the use. The original retail use did provide informal parking spaces off Lumsden Avenue, however these were not served by a dedicated dropped kerb. The erection of decking to the front and the lean-to side addition removes any possibility of on-site parking. The bar use would inevitably generate footfall from customers, however its sustainable location would not generate the requirement for on-site parking spaces. Furthermore Lumsden Avenue is not subject to any specific parking controls, except for double yellow lines that extend partially down the junction with Shirley Road. Any illegal parking on double yellow lines would be responsibility of the police to enforce, which would also negate any conflict with highway safety at this junction.

6.5.2 No details of waste and litter collection have been provided. The management of litter is a requirement of Policy RE17, therefore a condition will be imposed to secure details of waste and litter collection for the bar use. On this basis it would not be reasonable to refuse the application on highway safety due to the above considerations.

7. Summary

7.1 In terms of its scale, siting and visual appearance of the proposed lean to addition and front decking are acceptable and would not significantly harm the character and appearance of the area.

7.2 Subject to conditions regarding the opening hours of the premises and details of waste and litter collection, the proposed use would not give rise to further material harm in terms of noise and disturbance to neighbouring occupiers and the proposals would comply with the requirements of the Development Plan policies.

8. Conclusion

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

Rob Sims PROW Panel 02/11/2021

PLANNING CONDITIONS

01. 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.

02. Hours of Use (Performance)

The use hereby approved shall not operate and no deliveries received outside the following hours:

Monday to Thursday - 8AM until 11PM (08:00-23:00)

Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

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

03. Waste Management Plan

Within three months of the date of this consent a waste management plan that includes details of storage for refuse and recycling, collection, 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 two months of the details being approved and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved .

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

4. CCTV

Within three months of the date of this consent, details of a scheme for a CCTV system to cover the inside and outside areas of the establishment shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational within two months of the details being approved and thereafter retained as approved. It shall be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

Reason: In the interests of crime reduction and customer/staff safety.

5. No sound amplification systems

No sound amplification systems that is audible from outside the building shall be operated unless a noise assessment has been submitted to and approved by the Local Planning Authority, and any noise mitigation measures required have been installed in accordance with the approved details. Any such mitigation shall be installed within a timeframe first agreed by the Local Planning Authority and retained thereafter for the lifetime of the development

Reason: To ensure the amenities of nearby residents and businesses are not harmed.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS13	Fundamentals of Design
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
CLT15	Night time Uses in Town, District and Local Centres
REI4	Secondary Retail Frontages
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
920670/W	ERECTION OF A 2 STOREY SIDE EXTENSION TO PROVIDE 3 NO FLATS AND 1 NO SHOP UNIT	Conditionally Approved	18.09.1992
16/01791/FUL	Erection of a single storey side extension.	Conditionally Approved	12.12.2016
17/01108/FUL	Change of use of existing retail unit (class A1) to restaurant/takeaway (mixed use class A3/A5)	Conditionally Approved	02.11.2017
19/00879/DIS	Application for approval of details reserved by condition 2 (Noise & Vibration) of planning permission ref: 17/01108/FUL for change of use.	No Objection	03.07.2019



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Concept Design & Planning
 Mr Rob Wiles
 Unit 7, First Floor
 Cross House Centre
 Crosshouse Road
 Southampton
 SO145GZ

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 existing retail unit (class A1) to restaurant/takeaway (mixed use class A3/A5)

Site Address: 289 Shirley Road, Southampton, SO15 3HT

Application No: 17/01108/FUL

Subject to the following conditions.

01.Full Permission Timing Condition (Performance)

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

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

02.Noise & Vibration (internal noise source) (Pre-Commencement)

The use hereby approved shall not commence until sound insulation measures against internally generated noise and vibration have been provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter retained as approved.

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

03.Hours of Use (Performance)

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

Monday to Thursday - 8AM until 11PM (08:00-23:00)
 Friday and Saturday - 8AM until 12AM (08:00-00:00)

Sunday and recognised public holidays - 8AM until 11PM (08:00-23:00)

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

04.Extract Ventilation (Performance)

The extract ventilation equipment shall be installed in accordance with the details outlined in the submitted documents (Drawing No: C17/046.08 and supporting information in the submitted statement) prior to the first occupation of the development hereby approved. The development shall be maintained in accordance with the approved details thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

05.Approved Plans

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

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

Reason for granting Planning Permission

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

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



Samuel Fox
Planning & Development Manager

2 November 2017

If you have any further enquiries please contact:
John Fanning

IMPORTANT NOTE TO APPLICANT

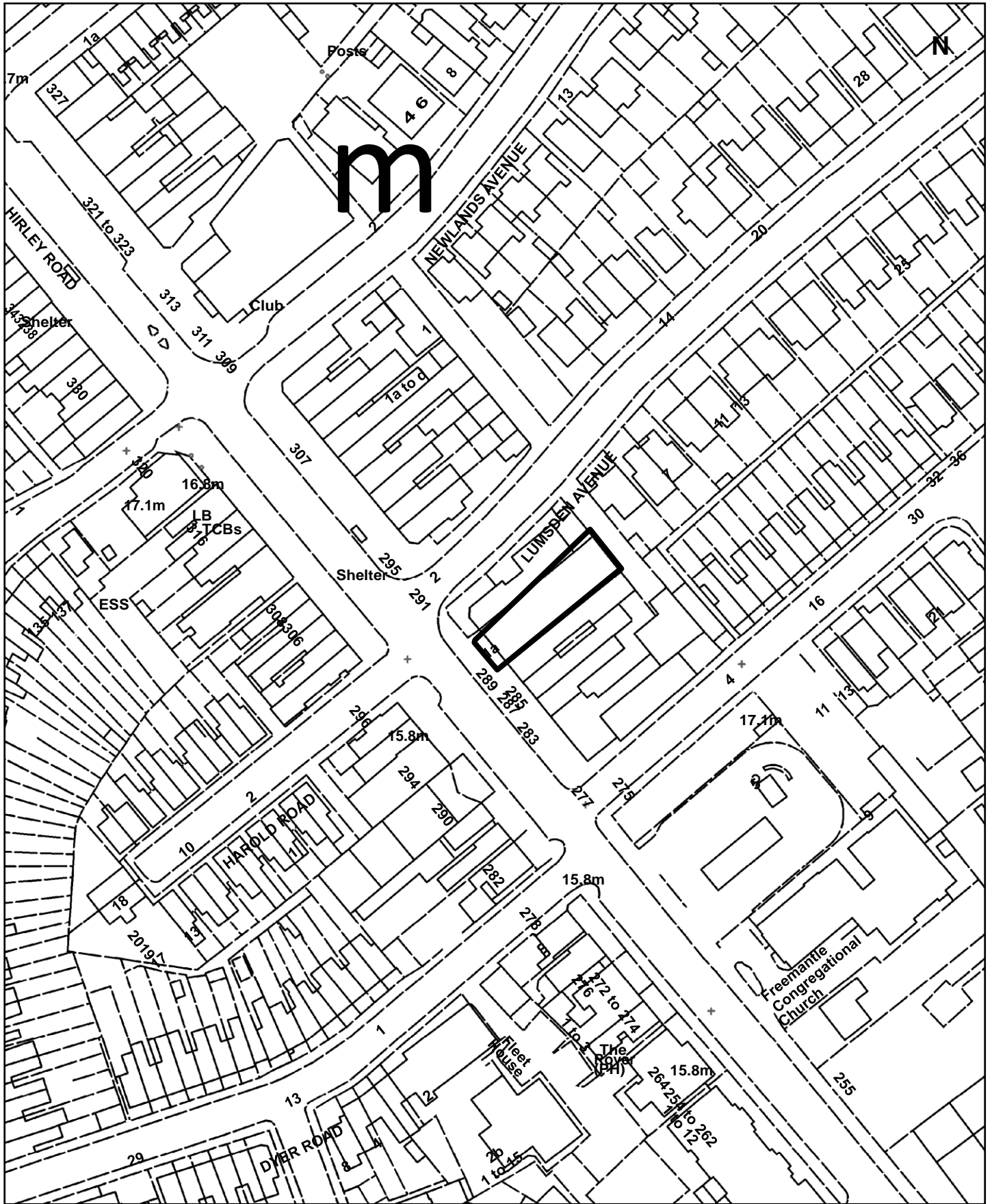
This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Date Received:	Status:
		Planning Statement	21.06.2017	Approved
C17/046.01		Location Plan	21.06.2017	Approved
C17/046.02		Floor Plan	21.06.2017	Approved
C17/046.03		Roof Plan	21.06.2017	Approved
C17/046.04		Elevational Plan	21.06.2017	Approved
C17/046.05		Site Plan	21.06.2017	Approved
C17/046.06		Floor Plan	21.06.2017	Approved
C17/046.07		Roof Plan	21.06.2017	Approved
C17/046.08		Elevational Plan	21.06.2017	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. The applicant is recommended to retain this form with the title deeds of the property.
10. 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.
11. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012)

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



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12

NIGHTINGA
10

246 to 232
1 to 29

SHIRLEY

Scale: 1:1,250

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