

# Planning and Rights of Way Panel

Tuesday, 3rd October, 2017  
at 6.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Rooms 3 and 4 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Denness (Chair)  
Councillor Savage (Vice-Chair)  
Councillor Barnes-Andrews  
Councillor Claisse  
Councillor Hecks  
Councillor Murphy  
Councillor Wilkinson

### **Contacts**

Democratic Support Officer  
Ed Grimshaw  
Tel: 023 8083 2390  
Email: [ed.grimshaw@southampton.gov.uk](mailto:ed.grimshaw@southampton.gov.uk)

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

## **PUBLIC INFORMATION**

### **ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL**

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

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

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

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

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

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

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

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

### **Dates of Meetings: Municipal Year 2017/18**

<b>2017</b>	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

<b>2018</b>	
9 January	13 March
30 January	3 April
20 February	24 April

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### BUSINESS TO BE DISCUSSED

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

### RULES OF PROCEDURE

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

### QUORUM

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

## DISCLOSURE OF INTERESTS

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

### DISCLOSABLE PECUNIARY INTERESTS

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

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

## **OTHER INTERESTS**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **PRINCIPLES OF DECISION MAKING**

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

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

In exercising discretion, the decision maker must:

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

## **AGENDA**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

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

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 22nd August 2017 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 17/00853/FUL - FORMER LOCAL HOUSING OFFICE SITE PORTSMOUTH ROAD**

(Pages 11 - 34)

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

### **6 PLANNING APPLICATION - 17/01260/NMA - VACANT SITE WEST OF M271 TEST LANE**

(Pages 35 - 60)

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

### **7 PLANNING APPLICATION - 17/00713/FUL - LAND TO THE REAR OF 111 ROWNHAMS ROAD**

(Pages 61 - 74)

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

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 22 AUGUST 2017

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Present: Councillors Denness (Chair), Savage (Vice-Chair), Barnes-Andrews, Murphy, Wilkinson and Fitzhenry

Apologies: Councillors Claisse and Hecks

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

It was noted that following receipt of the temporary resignation of Councillor Hecks from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Fitzhenry to replace Councillor Hecks for the purposes of this meeting. In addition the Panel noted the apologies of Councillor Claisse.

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

**RESOLVED:** that the minutes for the Panel meeting on 1<sup>st</sup> August 2017 be approved and signed as a correct record.

25. **PLANNING APPLICATION - 17/00730/FUL - 10 CECIL ROAD**

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

Erection of 2 x three bed semi-detached dwellings with associated bin/cycle storage following demolition of existing bungalow.

Councillor Lewzey (ward councillor objecting) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the addition of a condition for cycle storage as set out below.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

**RESOLVED** that the Panel:

- (i) Delegated to the Service Lead – Planning, Infrastructure and Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure:
  - a. 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.
- (ii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure & Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 111 or Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

### **ADDITIONAL CONDITION**

#### CYCLE STORAGE FACILITIES

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

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

## 26. **PLANNING APPLICATION - 17/00770/FUL - 48 MERRIDALE ROAD**

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

Erection of a single storey rear extension, hip to gable roof alterations including front and rear dormers to facilitate loft conversion.

Jeffery Mills (local resident objecting), Kim Blunt (agent) and Councillor Houghton (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel discussed the buildings classification as a C3 dwelling and noted that the property was afforded all of the benefits of having legal classification as a dwelling house. It was noted that the dwelling was intended for up to six people living together as a single household and receiving care in a supported housing scheme for people with mental health problems. The presenting officer reported the receipt of additional correspondence that detailed that the property would have a carer on site in the day and at night time. In addition the officer reported the need for a materials condition.



It was noted that the properties classification class meant that the property did have permitted development rights. The Panel discussed the proposed developments potential effect on the amenities of its neighbours. The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Fitzhenry.

RECORDED VOTE to refuse planning permission

FOR: Councillors Fitzhenry, Murphy, Savage and Wilkinson

ABSTAINED: Councillors Denness and Barnes-Andrews,

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

### **REASON FOR REFUSAL**

Impact on residential amenity

The scale and massing of the proposed extensions in terms of the raising in height of the gabled roof pitch and enlarging the current ground floor rear extension would be to the detriment of the amenity of the neighbouring occupiers.

In particular, the lounge area of 46 Merridale Road heavily relies on the natural lighting from the side window directly facing towards the proposed roof extension. The window has a gap of 1.6m to the vertical wall of the gabled roof. The lounge would experience a significantly greater loss of natural light from the additional massing and increased height of the roof extension as the sun path travels from east to west during the day and overshadows the window to the north east.

The deepening of the current ground floor extension, by a further 3.8m to an overall depth of 7.5m (with an eaves and ridge height of 2.64 and 3.51m), would unduly enclose the outlook enjoyed from the most useable garden area of 50 Merridale Road. This is due to a combination of its close proximity as viewed from the common boundary and overall depth of 7.5m beyond the rear wall of the neighbouring property.

The depth of the rear extension is significantly greater than the 4m projection allowed for a rear extension under class A of permitted development. The allowance under permitted development, where planning permission is not required, sets an established and recognised benchmark which the government typically does not consider a householder extension to be a harmful size. In this instance, the size of the roof extension (exceeds permitted development allowance under class B being taller than the existing ridge) and the rear extension above the permitted development tolerance is considered to harm the amenity of the neighbouring occupiers.

As such, the proposal would prove contrary to saved policy SDP1(i) of the Local Plan Review (Amended 2015) as supported by the guidance set out in paragraph 2.2.1-2.2.2 of the Residential Design Guide (September 2006).

27. **PLANNING APPLICATION - 17/00771/FUL - 62 MERRIDALE ROAD**

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

Erection of a single storey rear extension, hip to gable roof alterations including front and rear dormers to facilitate loft conversion.

Jeffrey Mills (local resident objecting), was present and with the consent of the Chair addressed the meeting. In addition Kim Blunt (agent), and Councillor Houghton (ward councillor objecting) were present and choose not to address the Panel when the opportunity was presented to them by the Chair.

The Panel noted the buildings classification as a C3b dwelling because the dwelling was intended was intended for up to six people living together as a single household and receiving care in a supported housing scheme for people with mental health problems. The presenting officer reported the receipt of additional correspondence that detailed that the property would have a carer on site in the day and at night time. In addition the officer reported the need for a materials condition.

It was noted that the properties classification class meant that the property did have permitted development rights. The Panel discussed the proposed developments potential effect on the amenities of its neighbours. The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning approval for the reasons set out below was then proposed by Councillor Denness and seconded by Councillor Fitzhenry was carried unanimously.

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

**REASONS FOR REFUSAL**

**IMPACT ON RESIDENTIAL AMENITY**

The scale and massing of the proposed extensions in terms of the raising in height of the gabled roof pitch and enlarging the current ground floor rear extension would be to the detriment of the amenity of the neighbouring occupiers.

In particular, the lounge/dining area of 60 Merridale Road heavily relies on the natural lighting from the side window directly facing towards the proposed roof extension. The window has a gap of 1.6m to the vertical wall of the extended gabled roof. The room would experience a significantly loss of natural light from the additional massing and increased height of the roof at the eaves as the sun path travels from east to west during the day and overshadows the window to the north east.

As such, the proposal would prove contrary to saved policy SDP1(i), SDP7 and SDP9 of the Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), as supported by the guidance set out in paragraph 2.2.1-2.2.2 of the Residential Design Guide (September 2006).

28. **PLANNING APPLICATION - 17/00772/FUL - 54 MERRIDALE ROAD**

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

Erection of a single storey rear extension, hip to gable roof alterations including front and rear dormers to facilitate loft conversion.

Jeffrey Mills (local resident objecting), was present and with the consent of the Chair addressed the meeting. In addition Kim Blunt (agent), and Councillor Houghton (ward councillor objecting) were present and choose not to address the Panel when the opportunity was presented to them by the Chair.

The report set out the buildings classification as a C3b dwelling, because the dwelling was intended for up to six people living together as a single household and receiving care in a supported housing scheme for people with mental health problems. The presenting officer reported the receipt of additional correspondence that detailed that the property would have a carer on site in the day and at night time. In addition the officer reported the need for a materials condition.

It was noted that the properties classification class meant that the property did have permitted development rights. The Panel discussed the proposed developments potential effect on the amenities of its neighbours. The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission  
FOR: Councillors Denness, Barnes-Andrews,  
Fitzhenry, Murphy and Savage  
ABSTAINED: Councillor Wilkinson

**RESOLVED** that the Panel approved conditional planning approval subject to the conditions set out within the report and the amended condition set out below:

**ADDITIONAL CONDITION**

**Materials to match (Performance Condition)**

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

**REASON:** To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 3<sup>rd</sup> October 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AL	DEL	5	17/00853/FUL Woolston Housing Office
6	SH	CAP	5	17/01260/NMA Test Lane
7	SB	DEL	5	17/00713/FUL 111 Rownhams Road

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

Case Officers:

AL – Anna Lee

SH – Stephen Harrison

SB – Stuart Brooks

## Southampton City Council - Planning and Rights of Way Panel

### Report of Planning & Development Manager

#### Local Government (Access to Information) Act 1985

#### Index of Documents referred to in the preparation of reports on Planning

##### Applications:

##### Background Papers

1. Documents specifically related to the application
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. Statutory Plans
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  - (g) Bassett Neighbourhood Plan (Adopted 2016)
  
3. Statutory Plans in Preparation
  
4. Policies and Briefs published and adopted by Southampton City Council
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Developer Contributions SPD (September 2013)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)
  - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

\* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

## 5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

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



# Agenda Item 5

## Planning and Rights of Way Panel 3<sup>rd</sup> October 2017 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

<b>Application address:</b> Former Local Housing Office Site, Portsmouth Road, Southampton			
<b>Proposed development:</b> Erection of a 3-storey building including basement for use as fast food restaurant with drive thru, landscaping, parking, cycle storage and associated works, following demolition of existing building.			
<b>Application number</b>	17/00853/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	20.09.2017 (Extension of Time Agreed)	<b>Ward</b>	Peartree

<b>Reason for Panel Referral:</b>	More than 5 letters received from local residents	<b>Ward Councillors</b>	Cllr Houghton, Cllr Keogh and Cllr Lewzey
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<b>Applicant:</b> McDonald's Restaurant Ltd	<b>Agent:</b> Planware Ltd
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<b>Recommendation Summary</b>	<b>Delegate to Service Lead - Infrastructure, Planning and Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on neighbouring amenity, design, tree impacts, character and highway safety have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters as set out in the report to the Planning & Rights of Way Panel on 3<sup>rd</sup> October 2017. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). "Saved" Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, CLT15, H2, REI5 and REI7 of the Local Development Framework Core Strategy Development Plan Document (March 2015) Policies – CS3, CS6, CS13, CS16, CS18, CS19, CS20, CS22 and CS25 of the City of Southampton Local Plan Review (March 2015).

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

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission, subject to the planning conditions recommended at the end of this report and to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site (listed later in this report), including any necessary Traffic Regulation Orders to facilitate any changes, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
  - iii. Submission and implementation of a Staff Travel Plan.
  - iv. Submission and implementation of a Servicing and Waste Management Plan.
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - vi. Financial contributions to tree replacement off-site and the submission of a tree replacement plan.
  - viii. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;
2. In the event that the S.106 legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, the Service Lead - Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Service Lead - Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **1.0 The site and its context**

- 1.1 The site comprises a former public car park that has been closed for just over a year and the former Local Authority Housing office, all of which are accessed from Portsmouth Road. The Toll Bridge Office does not form part of this application and lies outside the red line. The site is located adjacent to the Itchen Bridge Toll Booths and beyond is the grade II listed Woolston Station. It

is bounded by hedges and mature tree planting there are 37 trees on site which are not covered by a Tree Preservation Order (TPO) but as they are on Council land are protected in the same manner. They provide screening and amenity value around the existing car park and buildings. Although, mainly a flat site, the land level gradually rises in height towards the roundabout with Manor Road South. The site is surrounded on all sides by roads including the access road to the Itchen Bridge to the north and to the west of the site is a busy bus interchange that serves Woolston.

- 1.2 The site lies within the defined Woolston District Centre and the main retail area lies just to the south of the site along Victoria Road. Therefore the surrounding area has a mixed commercial and residential character and is typically comprised of two-storey terraced buildings. The former library and neighbouring property along Oak Road are within the extended Old Woolston Conservation Area (1) from which the site is physically and visually separate. The site is currently owned by Southampton City Council but subject to planning permission the site is to be sold to McDonald's.

## **2.0 Proposal**

- 2.1 The planning system deals with land use and in this case the Panel are being asked to consider the merits of a new restaurant with drive-thru. The proposal seeks to redevelop the site for a McDonald's utilising the existing vehicular access from Portsmouth Road. The end user is not a relevant consideration. The proposed hours of opening as submitted as part of the application are 24 hours/day, seven days a week but a condition is recommended to restrict the hours from 6.00 am to Midnight which has been agreed by McDonald's. The restaurant is to be two-storey in height and 490 sq.m in floor area with a basement. The building will be used for the sale of food and drink for consumption on and off the premises. There is a large car park to serve the use. A total of 38 parking spaces including 2 reserve spaces for drive thru customers, and 2 accessible bays for disabled customers are proposed. The car park circulates clockwise to serve the car park and access the drive thru. A pedestrian crossing is proposed to connect the development with other existing services within the District Centre. The provision of the crossing will be secured via the Section 106 legal agreement. A 600mm high timber fence surrounds the site.
- 2.2 The building is located within the eastern part of the site with the drive thru lane wrapping around the building. The car parking area is located on the western half of the site. The materials chosen for the proposed building are a mix of natural stone tiles, walnut cladding, dark grey engineering brick and grey cladding. Within the building the kitchen and chiller area are provided at basement level, a small dining area and service counter are at ground floor and the main restaurant space can be found at first floor.
- 2.3 Twenty-six trees out of the thirty seven trees currently on site are to be removed these comprise of 17 London Planes, 8 Norway Maples and 1 Silver Maple. Hard landscaping areas are to be paved, including tactile pavements at the pedestrian crossing points and railings to protect customers in the patio area from vehicles. Planting is proposed to enhance and soften the relationship between the building and the surrounding area, the provision of planting is to be secured as part of a landscaping condition. Seating and a small play area is

to be provided within a patio area close to the entrance to the restaurant. The main entrance to the restaurant is to the south of the site.

### **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**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Policy CS3 of the Core Strategy supports the role of District Centre in meeting the week to week needs of the local community. Saved policy RE15 (District Centres) sets out that ground floor A3 uses will be permitted in District Centre locations. Similarly, policy RE17 (Food and Drink Uses) permits A3 uses in District Centre locations providing that suitable conditions are used to control the impact on amenity to local residents from disturbance and nuisance caused by cooking odours and noise. Saved policy CLT15 (Night Time Uses in Town, District and Local Centres) of the Local Plan accepts the principle of night-time uses within District Centre Locations.
- 3.4 Saved policy SDP1(i) (Quality of Development) seeks to protect the amenity of local residents, whilst policy SDP16 will not permit noise generating development if it would cause an unacceptable level of noise impact to nearby sensitive noise uses.

### **4.0 Relevant Planning History**

- 4.1 There are no previous planning applications relating to this site. However, there are three advertisement applications that relate to the restaurant which are pending a decision.

17/00854/ADV

Pending

Installation of various illuminated and non-illuminated signs, associated with new fast food restaurant (ref 17/00853/FUL).

17/00855/ADV

Pending

Installation of 1x internally illuminated totem sign, associated with new fast food restaurant (ref 17/00853/FUL).

17/00856/ADV

Pending

Installation of 6x internally illuminated fascia signs, associated with new fast food restaurant (ref 17/00853/FUL)

## **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 and erecting a site notice (13.06.2017). At the time of writing the report 71 **representations** (62 objections and 9 in support) have been received from surrounding residents/businesses (including comments from Ward Councillor Houghton). The following is a summary of the points raised:

- 5.2 The comments in support relate to the following:
- Suitable location;
  - Improve the design of the area;
  - Provide an alternative eating establishment;
  - Increase activity and attract people to Woolston; and
  - Create jobs.

The objections received set out the following:

### **5.3 Concern about the hours of opening and noise**

#### **Response**

The site lies within a defined district centre where late night/early morning disturbance already occurs. No objection has been raised from Environmental Health on these grounds but an objection has been received by Hampshire Constabulary therefore an hours of operation condition is being imposed to reduce the likelihood of anti-social behaviour and noise from the proposed use.

### **5.4 Impact on highway and congestion**

#### **Response**

No objection has been raised on highway safety grounds. All development has an impact on the highway network, and so a highway safety improvement package, including improved pedestrian access, is being sought as part of the S106 legal agreement to help mitigate any potential highway safety issues. The proposal uses the existing access (which served a car park) and is located within a District Centre and on this basis it is difficult to conclude that harm will arise from the new restaurant.

### **5.5 Too many restaurants**

#### **Response**

The Council's adopted Development Plan policies recognise that food and drink uses can play an important role in maintaining the vitality and viability of retail centres and as such, support them in this location. The adopted Development Plan policies do not set a limit for the number of non-retail uses or food and drink uses within the District Centre nor do they prevent clustering of food and drink establishments. It is important to encourage different uses and users to improve the viability of the area. The use complies with the 'saved' policy RE15 of the adopted Local Plan and policy CS3 of the Core strategy where shops, restaurants, takeaways etc... are supported in principle. There is no policy objection to additional restaurants as this becomes an issue for market forces.

### **5.6 Detract from the character of Woolston**

#### **Response**

The site is currently vacant and, therefore, the proposal to bring the site back into use is positive. The existing building on site is not attractive and therefore its loss is not harmful. The redevelopment of the site would not harm Woolston as it would add to the vitality of the district centre.

**5.7 Insufficient parking and loss of public car park.**

Response

The number of parking spaces proposed exceeds the maximum standards and no objection is raised by Highway Officers. As it lies within the district centre customers will visit on foot and by bus as well as by car to use the drive thru so the parking is deemed sufficient for the size of the use. The public car park has been closed for a year and officers are not aware of any ongoing parking issues. Additional public parking existing elsewhere in Woolston both nearby and at Centenary Quay. If the Council is concerned about parking in Woolston it could have kept the car park open rather than market it for redevelopment.

**5.8 The Council should be promoting healthy eating**

Response

Although the Council and Government encourage healthy eating there are no policies preventing a restaurant/takeaway within district centres. In fact the opposite applies in planning policy terms. The Council has to assess planning applications on relevant policies and there are no policies preventing this use.

**5.9 Unsuitable location**

Response

The site lies within a district centre where the proposed use complies with policy. It is a sustainable location in terms of walking and connection with public transport. Furthermore, no objection has been raised on highway safety grounds.

**5.10 Rubbish and litter will result from the restaurant**

Response

There is no objection from Environmental Health on these grounds. This issue can be controlled by the provision of litter bins, which are to be secured by condition.

**5.11 Consultation Responses**

**5.12 SCC Highway Development Management: No objection**

Highway Development Management raise no objection to the proposal subject to obligations required via the S106 process being agreed and the following conditions:

1. The internal circulation route, car parking and all signage and lining shall be provided prior to occupation.
2. The vehicular access to the site shall be constructed to heavy duty specification to withstand overrunning of the delivery vehicles.
3. Deliveries shall be made avoiding peak restaurant and peak congestion times, avoiding 7.30-9.30am, 12-1.30pm and 4-6.30pm.
4. The delivery management plan shall be agreed prior to commencement of development.
5. A construction management plan shall be agreed prior to commencement of development.
6. No surface water from the site shall drain out onto the highway.

7. The sight lines as shown on the approved plan shall be provided prior to occupation

5.13 **SCC Ecologist – No objection**

The application site consists of hard-standing, trees and shrubs and a small building. The hard-standing and building have negligible intrinsic biodiversity value whilst the building is in good condition with no obvious access points for bats. The trees and shrubs, which are located around the perimeter of the site, have the potential to support nesting birds however, bat foraging activity is likely to be very low due to the high levels of night-time illumination.

The majority of the trees and shrubs are shown to be retained within the new development and consequently ecological impacts are unlikely. Should any trees or shrubs need to be removed this should be undertaken outside the bird nesting season which runs from March to August inclusive. Therefore the Council's Ecologist has no objection to the proposed development subject to a condition relating to the protection of nesting birds.

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

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

5.15 **SCC Environmental Health (Pollution & Safety) – No objection**

Following a perusal of the associated documents the Environmental Health Team (EH) can comment as follows:

1. EH are supportive of the Construction Management Plan which when implemented should protect local residents from any potential noise and dust issues during the construction phase of the planned development.

2. Mention is made of odour and noise control in the application and in order to ensure that detailed bespoke odour/noise control schemes are implemented we would recommend conditions relating to noise plant and machinery and ventilation extraction

3. There are no objections to the proposed customer opening times. Due to the location of the store, with no residential properties in relatively close proximity to the proposed restaurant (also it is surrounded by roads) EH are not in a position to object to 24 hr opening on noise grounds.

4. EH are supportive of the Delivery Management Plan.

5. The proposed refuse and litter control management plan is acceptable.

5.16 **SCC Design – No objection**

The Design Officer doesn't have any issues with the building or the site furniture. The main concern is with the boundary around the site, there is an existing screen planted corner to the development. This should be recreated as the space between the edge of the site and the retaining wall is sufficient to re-establish a landscaped boundary. A number of the proposed new trees should be semi mature material to give some instant impact, other trees should be extra heavy standards.

***Officer comment – a tailored landscaping condition is suggested to request the provision of semi-mature trees due to the loss of the existing trees on site.***

**5.17 SCC Tree – No objection**

The proposal to construct a business unit in the location given will not impact the retained trees on site, therefore this causes no concern in relation to trees.

The area of concern was in relation to the proposed retaining wall by the trees on the southern aspect of the site, therefore further information was required to demonstrate that the ground beneath the existing carpark lacks significant roots. Further investigations were undertaken and Tree Officers were present to inspect the pits that were air-spaded. No significant roots were encountered, therefore it was agreed that work in the areas within the theoretical root protection area is extremely unlikely to have a significant impact to the retained trees. As the evidence suggests that there will not be any major roots encountered beneath the carpark, it is considered that the construction of the wall will not be of detriment to the nearby trees, therefore the Tree Officer has no objection to this part of the application.

The Hayden's Arboricultural Report (Ref 4307, dated 05.07.17) outlines the location and specification of the tree protective fencing. Due to the site conditions, the root morphology has been altered by the kerb line, therefore the fencing could follow the line of the kerb to protect the Root Protection Area (RPA), however, the overhanging canopy may be an issue with larger vehicles of material deliveries to site, therefore information on how damage will be prevented to the canopy extending past the fence line will be required.

The trees that are being removed are agreed due to their poor form and health. Therefore officers wish for detailed information as to how the areas that are to be replanted, will be improved to give the replacement trees a suitable area to attain good healthy growth. A planting pit in these areas will not be suitable, therefore the whole area where planting will take place will require improvement with good soil volumes.

The Tree Officer requests a revised method statement to be secured as well as the following conditions;

- Landscaping detailed plan
- No storage under tree canopy
- Overhanging tree loss

**5.18 Hampshire constabulary (HC) – Objection**

Clear evidence shows that this type of venue does tend to lead to relatively high numbers of anti-social behaviour (ASB) and public order (PO) incidents and a considerable number of assaults. Police records for the past 2 years for similar locations at Millbrook, Hedge End, Shirley, Harbour Parade and Totton show (collectively) over 250 reports of ASB and PO incidents and over 80 assaults reported to the Police (other crime types are not included).

This is despite any McDonald's management plan or the efforts of McDonald's staff to tackle situations as they occur. There is nothing to suggest that this location would be any different, particularly as it is located within a high



residential area. HC are concerned with safety aspects due to the lack of secure boundaries adjacent to a roundabout and busy roads which might encourage pedestrians/cyclists to 'short cut' their route rather than use regulated crossing points.

Evidence also shows that where the Play Space incorporates an enclosed structure for young visitors to play and climb in there can be issues with older children (particularly during the evening).

HC consider it is very likely that there will be incidents of crime and anti-social behaviour at the proposed venue which could well affect local residents and visitors alike. Design and security measures to mitigate these issues are limited somewhat. CCTV is already proposed and a secure boundary fence would only address the issue of highway safety.

Taking all this into account, particularly the possible effect on residential amenity, HC would not recommend approval. If however officers are minded to approve the application then HC recommend the inclusion of a secure boundary treatment, comprehensive CCTV coverage of the site and a means of securing access to the play structure after an agreed time.

***Officer comment – a condition is suggested to restrict the opening hours from 6.00 to midnight, noting it is a district centre to prevent anti-social behaviour within the early hours of the morning. Conditions relating to CCTV, boundary treatment and restrictions to the outdoor play area are also suggested.***

## **6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Design;
- Local Amenity;
- Highway Safety and Parking;
- Landscaping; and
- Development Mitigation

### 6.2 Principle of development

The site lies within an area of mixed-use with residential and commercial uses within the Woolston District Centre. The three most relevant policies for the district centre and the proposed use are CS3 of the adopted Core Strategy and 'saved' policies REI5 and REI7 of the adopted Local Plan. Policies CS3 and REI5 support the provision of shops and local services within these areas. Woolston district centres serves the east of the city so there is a need for sufficient services to cater for the needs of the residents. Policy REI7 states that conditions should be secured to prevent undue noise, disturbance, odour and litter to prevent harm to the character of the area and residential amenities. Furthermore, saved policy CLT15 of the Local Plan supports night-time uses in Woolston District Centre. The proposal put forward provides a use that is supported for the location. The redevelopment of the site does result in the loss of 50 car parking spaces but the car park has been closed for some time.

Conditions are recommended at the end of the report that seek to prevent concerns relating to odour and litter. In summary, the proposed use in land use terms is compliant with policy and conditions are suggested to prevent harm to residential amenities and the character of the area.

- 6.2.1 Saved Policy SDP 1 does state that development should only be approved provided it *'does not unacceptably affect the health, safety and amenity of the city and its citizens'*. There is no city-wide planning policy that prevents the provision of takeaways/restaurants close to schools. The Council hopes to implement a policy that restricts the provision of takeaways close to, within 400m, of a secondary school within the new local plan but this cannot be afforded sufficient weight at this time. However, sites within the district centre would be exempt. Therefore in this case due to its district centre location, and as it is not located within 400m of a secondary school, the proposal would comply with the proposed policy (as well as being wholly compliant with the current development plan).
- 6.2.2 Currently the site is vacant previously developed land and, therefore, due to its sustainable location, bringing this site back into use is a positive approach.

### 6.3 Design

The design and materials chosen for the scheme are acceptable as there is no uniform character to the area. The materials are modern and are sympathetic as they do not detract from the character of the area as they are minimalistic in nature. The materials proposed are stone tiles, walnut cladding, grey engineering brick and grey cladding. The overall height of the building would be 8.7 metres, which is a similar height to a modern two storey house. The height is kept low by the flat roof design approach. The buildings floor area does not take up much of the site as the car parking and circulation areas cover more of the site. This amount of hardstanding highlights how key a strong landscaping design is for this site. The site is very prominent and therefore landscaping, including the retention of the existing tree screen, will soften the harsh appearance of the hardstanding proposed. The City Design Officer supports the scheme and the design is considered to achieve the requirements of LDF Policy CS13.

### 6.4 Amenity

The site is effectively an island separated from the neighbouring properties by the highway network. This reduces the impact of the proposal on neighbouring residential properties. The impact is further lessened by the dense vegetation boundary that separates Garton Road and Westcliff Mews from the site where many of the nearest residential properties lie. It is noted that there are residential properties above the premises within Portsmouth Road opposite the entrance to the site but they lie within the district centres on a busy road so are already affected by noise from the district centre. The properties on Portsmouth Road lie 23 metres away and the distance between Westcliff Mews and Garton Road from the site is 43 metres and 33 metres respectively. It is noted that late night activity will arise from the proposals, albeit this will not be peak demand and any restaurant would attract similar activity, and the closing of car doors may create a disturbance but these issues have been considered by SCC Environmental Health and no objection is forthcoming,

whilst further information has also been sought.

- 6.4.1 McDonald's have requested a 24 hour/day opening. Officers have been in discussion with the Council's EH team and they have no objection to these proposed hours of trading. McDonald's would require a Premise Licence trading past 23:00hrs and there are review options in place under the Licensing legislation should noise events occur so the hours of trading could be curbed if this were the case. However, an objection has been received by Hampshire Constabulary as they are concerned about late night anti-social behaviour. Therefore, subject to the inclusion of a condition with a terminal hour, the distance from the neighbouring properties and no objection raised from EH the scheme has therefore been assessed as compliant with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity.

## 6.5 Highway Safety and Parking

The previous pay and display car park is closed, but in its own right would have generated numbers of turning vehicles at this location. The impact of the loss of the car park has already been accommodated in alternative choices for available car parking. The nearest public car parks are located 100m south in the Colonades off Portsmouth Road or 200m away on Oakbank Road, off Bridge Road. There are also some time limited parking bays on Portsmouth Road, Bridge Road and Victoria Road. Within the Woolston car parks, the maximum permissible free parking is for 5 hours, a limit which has been imposed to prevent commuter parking occurring during the working week. The level of parking proposed is higher than the Council's current parking standards should permit, however, to ensure that the site does not impact upon surrounding parking provision, highway officers consider it appropriate to follow the rationale provided by the applicants as the use proposed is not prescriptively covered by Council policies, and the applicant has understanding of their own demand.

- 6.5.1 McDonald's restaurants do generate trips which invariably increase around meal times. Data obtained from conducting surveys with their customers confirms that a significant proportion of McDonald's customers (between 58 and 62%) are already passing by the site on their normal journey or make only a minor deviation to reach the restaurant. Due to the proximity of other McDonalds outlets in the near vicinity (Hedge End 3.3 miles, West Quay, 1.4 miles, and Western Esplanade 1.7 miles) the catchment area is reasonably local. By using the data above, and subtracting the trips which the car park generated, the additional trips created by the new McDonald's restaurant during the morning peak from 8-9am is 47 (less than 1 vehicle per minute on average), 58 trips in the pm peak and 13 trips during the Saturday lunchtime peak.

5.5.2 The figures below are those used to provide these results:

	Week day 8-9am	week day 5-6pm	Saturday 1-2pm
1.Car Park trips generated (actual observed)	19	40	87
2.McDonalds Trips generated	156	231	263
3.Factored down trips due to already being on the road 58/62 %	66	98	100
Additional trips generated (calculated by Subtracting item 1 from 3)	47	58	13

5.5.3 Concern has been raised that the existing congestion that can be found in the area will worsen. There are proposals that are being put forward by the Council to improve the roundabout capacity on Portsmouth Road by changing the format of the junction, and improving cycle facilities and safety within the junction. Although the new trips created by McDonalds will add to the junction the impact of the numbers is not significant. The proposal will be required to make a contribution to the works set out above as part of the S106 legal agreement. Furthermore, changing the way the toll is taken on the bridge will also speed up the throughput of traffic through this junction, this is currently under review.

5.5.4 Overall, although the proposal will result in an increase in the number of trips it will not detrimentally harm the congestion already found within the area. The current situation would be improved by the provision of the measures set out above (which a contribution from the applicant to provide this is sought) as they should reduce the queuing and congestion currently experienced at peak times in this area.

## 6.6 Landscaping/trees

The existing site is bounded with trees and shrubs which add to the amenity of the area so it is key that replanting should take place to reduce the harsh appearance of a building in this location. A total of 26 trees will be lost as part of the development. The site is not large enough to provide a two for one replacement on site as required by Council policy so the provision of off-site replacement trees is secured. The replacement trees will need to be secured via the Section 106 legal agreement and be located elsewhere within the locality as set in the above recommendation. However a landscaping condition is proposed to secure the provision of some screening and also to provide semi-mature trees. Subject to the conditions suggested by the Council's Tree Team the proposal will not result in any harm to the character of the area.

## 6.7 Development Mitigation

As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the impacts associated with this development a package of contributions and obligations are proposed as part of the application. The main area of contribution for this development, in order to mitigate against its wider impact, is a contribution sought to aid the provision of highway works to; improve the roundabout capacity, make changes to CCTV

and signage locations, provide a pedestrian crossing on Portsmouth Road and refreshed lining on Portsmouth Road. In addition the scheme triggers the Community Infrastructure Levy (CIL).

## **7.0 Summary**

7.1 Overall the scheme is acceptable as the site lies with a defined district centre and provides a use in compliance with local plan and core strategy policies. The design, layout and legibility with the district centre have been designed to prevent detrimental harm to the character of the area and neighbouring residential amenity. The resulting trips to and from the site are deemed not to result in any further highway safety issues. The proposal is therefore consistent with adopted local planning policies and the National Planning Policy Framework.

7.2 Despite significant local opposition to the proposals officer's feel that a suitable balance has been achieved between securing a viable use for a vacant site in the Woolston District Centre whilst not detrimentally harming the residential amenity and highway safety.

## **8.0 Conclusion**

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

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

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

### **ARL for 03/10/2017 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. Full Permission Timing Condition (Performance)**

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

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

#### **02. Details of building materials to be used (Pre-Commencement Condition)**

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

why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

### **03. Hours of Use (Performance)**

The use hereby approved shall not be open for business outside the following hours:  
Monday to Sunday and recognised public holidays – 6.00 am – 00.00 (Midnight)

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

### **04. Refuse & Recycling (Pre-occupation)**

Before the development hereby approved first comes into occupation, details of litter bins and their emptying/management to serve the use shall be submitted to and be agreed in writing by the Local Planning Authority. The provision of the litter bins shall be provided in accordance with the plans approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

### **05. Delivery management plan and delivery times (Pre-commencement)**

Prior to commencement of the development hereby approved a delivery management plan shall be submitted to and be agreed in writing by the Local Planning Authority. Deliveries to the development hereby approved shall be undertaken in line with the approved details unless agreed otherwise in writing by the Local Planning Authority.

No deliveries shall take place between the hours of 7:30-9.30 am, 12.00-13.30pm and 16.00-18:30 hours Monday to Sundays unless agreed otherwise in writing by the Local Planning Authority.

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

### **06. Vehicular access and Highway Works (Pre-commencement)**

Prior to commencement of the development details showing that the proposed vehicular access is to be constructed to ensure it can withstand overrunning by heavy goods vehicles shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless agreed otherwise in writing by the Local Planning Authority. In addition, prior to occupation of the building hereby approved the internal circulation route, car parking and all signage and lining shall be provided in accordance with the approved plans unless agreed otherwise in writing by the Local Planning Authority. These works shall be maintained to serve the use for the lifetime of the development

Reason: In the interests of highway safety.

### **07. Sightlines specification (Performance)**

The Sight lines hereby approved shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other

means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays unless agreed otherwise in writing by the Local Planning Authority.

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

#### **08. Surface water (Performance)**

No surface water from the site shall be permitted to run onto the public highway unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety

#### **09. Construction Management Plan (Performance)**

The development hereby approved shall be carried out in accordance with the construction management plan hereby approved R151795/003 dated December 2016 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.

#### **10. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)**

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

- i. proposed finished ground levels; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects ( lighting columns etc.);
- ii. planting plans; written specifications; 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 with the provision of semi-mature trees (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including low level boundary restrictions along the soft landscaped areas to prevent parking and;
- v. a landscape management scheme of all the landscaped areas within the site.

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

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

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

### **11. Hours of use for outdoor seating (Performance)**

The play area hereby approved should not be used outside the hours of 6.00am – 21.00pm Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

### **12. 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

### **13. No storage under tree canopy (Performance)**

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

Reason:

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

### **14. Overhanging tree loss (Performance)**

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

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

### **15. Arboricultural Method Statement (Pre-Commencement Condition)**

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

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.



4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

#### **16. Land Contamination investigation and remediation (Pre-Commencement & Occupation)**

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

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

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

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

#### **17. Use of uncontaminated soils and fill (Performance)**

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

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

### **18. 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.

### **19. Sustainable Drainage (Pre-Commencement Condition)**

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

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

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

### **20. Noise - plant and machinery (Pre-Commencement)**

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

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

### **21. Extract Ventilation (Pre-Commencement)**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

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

## **22. Site Levels (pre-commencement)**

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

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

## **23. Hours of work for Demolition / Clearance / Construction (Performance Condition)**

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

Monday to Friday	08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

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

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

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

### Community Infrastructure Liability (Approval) - Informative

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

### S106 Legal Agreement - Informative

Please note that a Section 106 agreement has been completed in relation to this site which should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement is available to view on Public Access via the Southampton City Council website.

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**Application** 17/00853/FUL

**APPENDIX 1**

## **POLICY CONTEXT**

### Core Strategy - (January 2010)

CS3	Town, district and local centres, community hubs and community facilities
CS6	Economic Growth
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
CS25	The Delivery of Infrastructure and Developer Contributions

### City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
CLT15	Night Time Uses in Town, District and Local Centres
H2	Previously Developed Land
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)

### Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

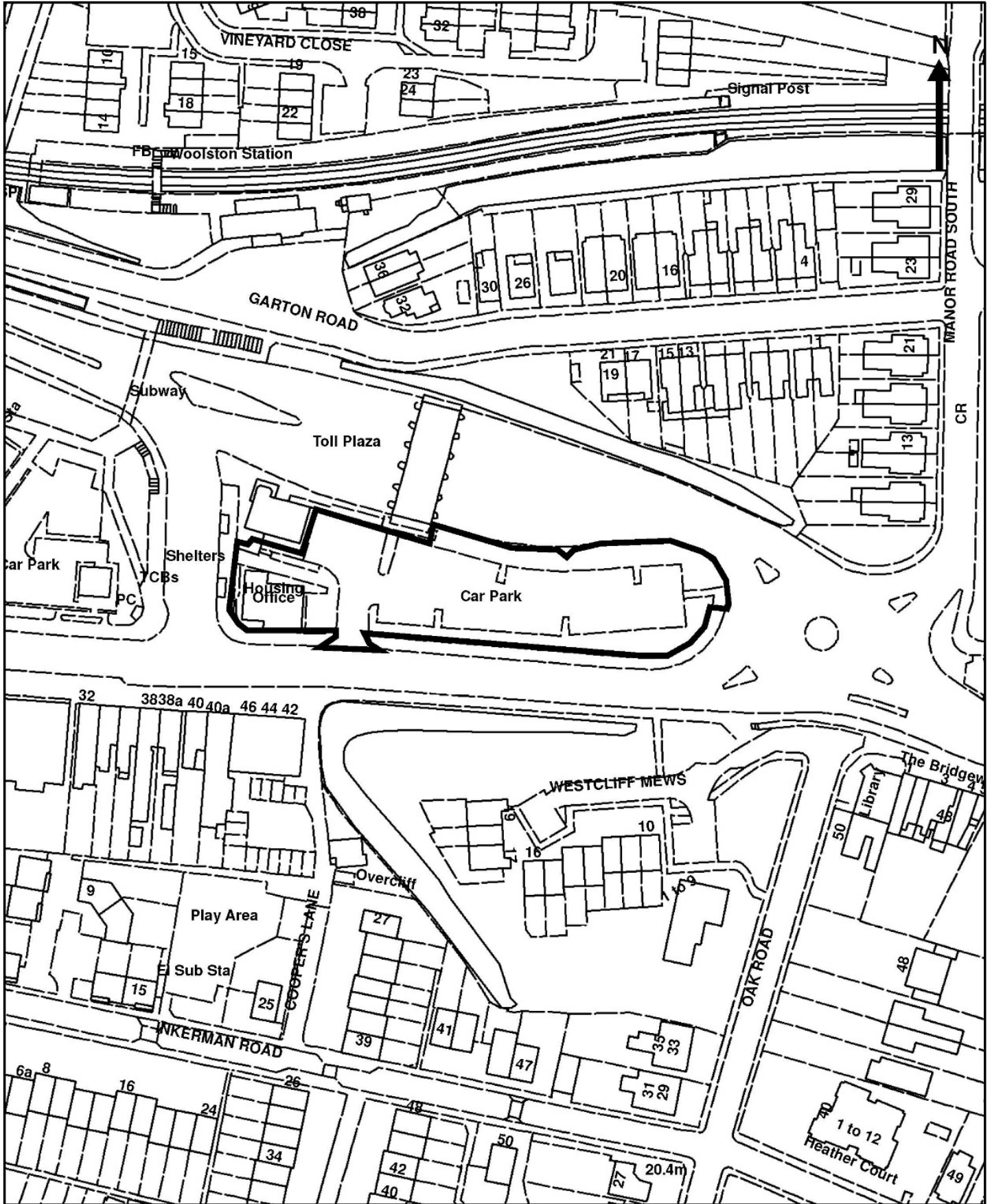
Parking Standards SPD (September 2011)

### Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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# Agenda Item 6

## Planning and Rights of Way Panel 3<sup>rd</sup> October 2017 Planning Application Report of the Service Lead – Infrastructure, Planning & Development

<b>Application address:</b> Land at Test Lane, Southampton			
<b>Proposed development:</b> Non material amendment sought to planning permission ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 7 to 18 (18 as originally approved ref: 14/01911/FUL) and to include concrete frames on units 1, 2 and 3			
<b>Application number</b>	17/01260/NMA	<b>Application type</b>	NMA
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	16.08.2017	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Request by Ward Cllr and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Mc Ewing Cllr Pope Cllr Whitbread
<b>Referred to Panel by:</b>	Councillor Pope	<b>Reason:</b>	<ol style="list-style-type: none"> <li>1. Developers shouldn't be allowed to continually change the scheme</li> <li>2. A new planning application is required given the number of NMAs sought</li> <li>3. The increase in loading bays will result in harmful air quality issues</li> <li>4. The increase in loading bays will significantly increase road traffic</li> <li>5. The increase in loading bays will increase the amount of noise</li> </ol>

<b>Applicant:</b> Evander Properties Ltd/Peel Logistics	<b>Agent:</b> Michael Sparks Associates
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<b>Recommendation Summary</b>	<b>No Objection</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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### Reason for raising NO OBJECTION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The request for a Non-Material Amendment seeks to reinstate the number of loading bays to Unit 3 from 7 (as approved under 17/00154/NMA) to 18 (as originally consented under 14/01911/FUL). Other material considerations, such as those listed in the report to the Council's Planning and Rights of

Way Panel on 3<sup>rd</sup> October 2017, do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 another revision to planning permission 14/01911/FUL should therefore be granted.

Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Southampton City Council Local Development Framework Core Strategy – Adopted January 2010 (as amended 2015) as supported by the Council’s current adopted Supplementary Planning Guidance and the guidance contained with the evolving National Planning Practice Guidance.

<b>Appendix attached</b>			
1	Development Plan Policies	2	14/01911/FUL Decision Notice

**Recommendation in Full**

**Conditionally Approve** - The proposed changes sought by this request (set out at paragraph 2.3 below) are considered to provide a Non-Material Amendment to the approved planning permission. All planning conditions applicable to the approved planning permission remain in force.

**1.0 The site and its context**

- 1.1 The application site is some 6.5 hectares in area and is situated on the eastern side of Test Lane. The site is under construction following the grant of planning permission for 3 employment buildings. The site is allocated in the Local Plan for light industrial and warehousing development (Classes B1(c) and B8) under Policy MSA19 of the Local Plan and the planning permission was granted in June 2016 for a speculative development in accordance with this allocation (14/01911/FUL refers).
- 1.2 The surroundings are of mixed character with industrial development (including the Daily Echo headquarters) to the north; the M271 motorway to the east; the Lower Test Lane Nature Reserve to the West beyond the Southampton to Romsey railway line; and a residential area to the south comprising bungalows and two-storey houses in Gover Road, Coniston Road, Westover Road and Test Lane. The application site is close to the administrative boundary of the city with Test Valley Borough Council.

**2.0 Proposal**

- 2.1 Full planning permission was granted for the redevelopment of the site last year following consideration by the Planning and Rights of Way Panel (14/01911/FUL refers).
- 2.2 The permission gives approval for the redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane. This permission is in the process of being implemented.

- 2.3 A further set of revisions to the approved scheme are now sought. The applicants have applied for a Non Material Amendment (NMA) to their original permission but are not seeking a fresh planning permission. If the Panel accept that these changes are relatively minor (and not material to the original permission) then no objection will be raised by the Council to the principal planning permission being implemented in accordance with the agreed changes. The proposed alterations comprise:
- a) An increase in the number of HGV loading bays to unit 3 from 7 to 18; and,
  - b) The addition of a concrete frame to the dock levellers to all 3 approved units

2.4 Unit 3 is located in the south-east corner of the site and the loading bays face north into the site and away from the nearest residential neighbours.

### **3.0 Relevant Planning Policy & Guidance**

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

3.2 The application site is allocated for development under Policy MSA19 which reads as follows:

*Test Lane South is safeguarded for B1 and B8 uses. Development will be permitted which:*

- (i) provides a buffer of landscaped and planted open space on the southern boundary of the site; refer to CLT 7;*
- (ii) would not adversely affect the residential amenity of the occupiers of nearby properties on Gover Road and Coniston Road.*

*Built development will not be permitted on the southern part of the site.*

3.3 In 2009 the Government introduced a formal procedure for agreeing changes to an existing planning permission. Flexibility was offered for small changes to existing schemes without the need for applying again for the whole development. A nominal planning fee and a 28 day target date applies, and it is for the Local Planning Authority to determine whether or not the requested changes can be treated as ‘Non Material’. Further guidance on this relatively new process can be found within the ‘National Planning Practice Guidance’ (NPPG). The Council can either ‘object’ (where a refusal notice would be issued and there would be no right of appeal; the applicants would then need to make a planning application for either the revised scheme or to vary the relevant planning conditions) or raise ‘no objection’ and issue a supplemental notice to the principal planning permission. There is no right of appeal.

3.4 This procedure does not allow the Council, or the scheme’s objectors, to revisit the planning merits of the original scheme as the planning permission will remain regardless of the decision made on the NMA application.

### **4.0 Relevant Planning History**

4.1 14/01911/FUL – Conditionally Approved 29.07.2016 – see **Appendix 2**  
Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class

B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.

4.2 16/02201/NMA – Conditionally Approved 22.02.2017 (by Planning Panel)  
Non material amendment sought to planning permission ref 14/01911/FUL to reduce the height of the approved buildings and amend the approved drainage strategy - description amended following validation to remove reference to any external elevational changes.

4.3 **17/00154/NMA – Conditionally Approved - 27.02.2017 (by Planning Panel)**  
**Non material amendment sought to planning permission Ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 18 to 7 and pedestrian footpath extended to access unit 3.**

4.4 *Note:*  
*17/00154/NMA is very relevant to the current application. As the buildings are being constructed on a speculative basis minor changes are regularly needed to satisfy prospective tenants. In this case Unit 3 was originally approved as part of the permission for the wider scheme with 18 loading bays (as now sought again). The approval of 17/00154/NMA changed the permission so that Unit 3 is to be built with only 7 loading bays. The applicants actually want a building with 18 loading bays (as originally consented) but unfortunately the planning process requires a further approval from the Council to revert back.*

## **5.0 Consultation Responses and Notification Representations**

5.1 The Government's National Planning Practice Guidance explains that 'as an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views'.

### Notification

5.2 Officers have agreed to notify residents of all submitted changes to this development. 112 letters have been sent and residents have been given 21 days to comment. A Site Notice was posted on 28<sup>th</sup> July 2017. A deadline for comments of the 15<sup>th</sup> August 2017 was set.

5.3 At the time of writing the report **16 objections** have been received, including objections from all three ward councillors and the Redbridge Residents Association. A verbal update will be given should any further objections be received before the Panel meeting. The following is a summary of the planning related points made:

5.4 **Ward Cllrs McEwing & Whitbread – Objection**  
I wish to register an objection to this NMA. Planning had already agreed to 18 docking stations then the relevant company changed to 7 docking stations – I see no merit in going back to 18 docking stations as there is enough disruption in the locality.

#### 5.5 **Ward Cllr Pope – Objection**

I wish to object to this application. I request that under the Constitution, it be sent to the PROW Panel for a public decision by councillors. It must not be decided by delegated authority. The reasons for my objection are:

1. As I've said all along with this development, this level of detail should have been decided BEFORE planning permission was granted, not afterwards. The developers should not be allowed to meddle with the size of the development YEARS after the original application. This is NOT a "Non-Material" Amendment. Changing the number of dock loaders by almost treble (7 to 18) IS material. In addition, the other so-called NMAs are mounting up. Therefore a NEW planning application should be submitted instead.
2. Increasing the number of dock loaders so significantly will increase the levels of air pollution and a new air quality assessment is necessary by the Council's officers. If this is not done, it is clear that this development is approved no matter what harm it does to our City's already poor air quality.
3. Increasing the number of dock loaders so significantly will increase road traffic on Test Lane, assuming that they will definitely be blocked off from using Gover Road, Test Lane, Westover Road and other roads south of the Test Lane site. This will also impact negatively on road safety.
4. Increasing the number of dock loaders will increase the amount of noise from the development. Another noise assessment is needed by Council officers.

#### 5.6 **Redbridge Residents Association – Objection**

I make submissions in my capacity as Chairman of The Redbridge Residents Association subsequent to our most recent Committee meeting when this NMA was an item on the Agenda.

- 5.7 The Panel allowed the Developer every opportunity to ensure Residential Amenity was not affected by this Development as per the explicit condition within the sale document. We are now a short period into contracted works and it is very evident the Developer has failed to do so, a planning decision was deferred whilst further submissions were required re the Traffic Impact on surrounding residential roads, the developer promised the panel and in turn residents a road layout would be designed to prevent left turn out of the site and right turn into it from Test Lane, the new road layout is complete and wholly fails to prevent either of the aforementioned so in direct contradiction to the Sale Document, Submissions to Panel AND promises to Residents.
- 5.8 In view of this I fail to see quite why Vanessa White STILL supports this application, we did not know the impact prior to commencement of works, well now we do and 38 Tonne Material Movement Lorries have trundled daily up and down Gover Road turning right into the site..38 Tonne Trucks!! breaking the Law due to the 7.5t restriction and contravening planning law as per the conditions set out by the panel to the developer.
- 5.9 Currently Gravel Extraction is taking place on the South of the site metres away from houses which border the site, the developer is taking the gravel out from that area to utilise in areas of the site to be developed due to poor conditions of the same, they are then simply back filling the expansive holes from which the gravel

has been extracted with the soil from those 'poor' areas "compacting down" in the contractors own words, this will have a major impact on drainage, again, something Residents warned of in previous submissions.

5.10 A meeting with Council Offices, Ward Councillors etc..highlighted the fact that they were wholly unaware this was to take place..that cannot be right.

5.11 To date, and early in to this development, Residents fears are being realised, it is incumbent upon the Council to protect Residential Amenity, they have failed thus far to do so, the Panel have a chance to go some way to mitigating the impact of this development on traffic within the area by refusing this application.

5.12 **Officer Response**

*The concerns raised are noted and the site is being monitored during the construction phase. However, the above matters do not directly relate to this request to change the external appearance of Unit 3 and are being dealt with outside of the Planning Panel.*

5.13 *The Panel are being asked to consider the proposed change from 7 loading bays to 18 for Unit 3. The fact that the Council approved 18 loading bays last year is a significant material consideration and circumstances have not changed in terms of predicted traffic movements, air quality and noise issues arising from the completed development since the Panel agreed that 18 loading bays for unit 3 would be acceptable.*

5.14 **The proposed changes will result in additional traffic, reduce air quality further and more lorries will bring additional noise, dust and disturbance. These issues need to be assessed properly through the submission of a fresh planning application rather than through yet another NMA. Residents feel that they are being ignored by the developer and the Council. This field should never have been sold by the Council for development.**

Response

See officer response above and the comments from the Council's Environmental Health and Highways officers set out below.

5.15 The opportunity to formally comment on the details of the scheme – namely the quantum, location, appearance and the impact of the development upon air quality, highways and noise has passed with the approval of planning permission 14/01911/FUL.

Consultation Response

5.16 **SCC Environmental Health** – No objection

As this makes no change to the previously approved application for 18 bays, I see no reason for a further submission on noise or air quality grounds.

5.17 **SCC Highways** – No objection

As the site was originally designed to accommodate the number of HGVs likely to be generated by this larger number of loading docks. The site will be governed by the routing restrictions as proposed for the whole site.

5.18 *Officer Comment:*

*The details of this current NMA have already been subject to detailed consideration under application 14/01911/FUL, which included a transport, noise and air quality assessments, and the Planning Panel found this level of loading bays to be acceptable after scrutiny. There is, therefore, no objection to returning to the baseline position now proposed.*

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this NMA application are the change to the number of loading bays to unit 3 and the amendment to the external appearance.

### Non Material Amendments

6.2 In 2009 the Government set out a formal procedure and guidance (“Greater Flexibility for Planning Permissions”) to enable applicants to secure confirmation from the Local Planning Authority (LPA) that minor changes to a consented scheme are acceptable without the need to obtain a further planning permission. This was designed to be a light touch approval process and no limit was set on the number of NMAs that an applicant could apply for.

6.3 No definition of what constitutes a “Non-Material Amendment” is provided. The NPPG explains that *‘this is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another’*. The guidance explains that the LPA should be content that the proposed changes do not significantly alter the permission.

6.4 In respect of each of the proposed changes officers comment as follows:

#### **a) A change to the loading bays for Unit 3 from 7 to 18 in total**

6.5 This change reverts back to the 18 bays that were approved in 2016 and that were found to be acceptable under permission 14/01911/FUL. There have been no change in circumstance to suggest that a completed building with 18 loading bays is now harmful. Officers consider that the change is acceptable.

#### **b) Change to the materials around the loading bays to units 1-3**

6.6 The proposed change to a concrete frame provides a more robust finish and greater protection around the docks where there is potential for contact between the building fabric and vehicles. Officers consider that the change is acceptable and will not look out of keeping on this type of development.

## **7.0 Summary**

7.1 The proposed changes to the approved buildings are considered to maintain an acceptable scheme for the site and have been assessed as acceptable and within the spirit of the approved development. The proposals are still considered to meet the requirements of the development plan as detailed at **Appendix 1**. The changes listed are not regarded material enough to warrant the need for a fresh planning application for the entire development, and have been assessed as non-

material to the original planning permission. All previous planning conditions remain effective.

## **8.0 Conclusion**

8.1 This application for a non-material amendment is acceptable and it is recommended that no objection is made.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

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

#### **SH2 for 03.10.17 PROW Panel**

#### **Amended Condition:**

#### **29. Approved Plans (Amended)**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the original permission 14/01911/FUL as updated by the revised plans approved under 17/01260/NMA, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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



**Application 17/01260/NMA**

**APPENDIX 1**

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
NE7	Rail Corridor
HE6	Archaeological Remains
CLT7	Provision of New Public Open Space
MSA19	Test Lane South

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

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

Michael Sparks Associates - FAO Mr Ashley Chambers  
11 Plato Place  
St. Dionis Road  
London  
SW6 4TU

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:** **Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.**

**Site Address:** **Land at Test Lane, Southampton,**

**Application No:** **14/01911/FUL**

Subject to the following conditions.

#### 01. Full Permission Timing Condition - Physical works

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

#### 03. 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; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate including semi-mature tree planting;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; 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

#### 04. Land Contamination investigation [Pre-Commencement]

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 the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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.

05. Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

06. Use of uncontaminated soils and fill [Performance Condition]

Only clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall 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.

07. Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

08. Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the Local Planning Authority. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties and to safeguard the special ecological value of the adjoining nature reserve.

#### 09. Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

#### 10. Piling [Pre-Commencement 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 piling and/or foundations design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

#### 11. Lighting Scheme (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason

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

#### 12. Restricted Use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c)) or (Class B8) for Unit 2.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

13. Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the buildings shall not be sub-divided into separate units without the approval of the Local Planning Authority.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

14. Junction Details [Pre-Occupation Condition]

The junction between the proposed service road and the highway shall be constructed in accordance with the approved plans before the development is first occupied.

Reason:

To ensure a safe access to the site is achieved.

15. Cycle and changing facilities (Pre-Occupation Condition)

The buildings hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

16. Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before each building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained thereafter.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

17. Layout of Car Parking/ Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to the that building and for no other purpose.

REASON

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

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

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

#### 19. BREEAM Standards (Pre-Occupation 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).

#### 20. Ecological Mitigation Statement [Pre-Commencement Condition]

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

Reason

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

#### 21. Protection of nesting birds [Performance Condition]

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

REASON

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

#### 22. No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or openings other than those expressly authorised by this permission shall be constructed in the southern elevations of Units 1 or 3.



Reason:

To protect the amenities of the adjoining properties.

### 23. Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

### 24. Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

### 25. Electric Car Charging Points (Pre-Occupation Condition)

No part of the development shall be occupied until a minimum of 11 electric car charging points have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainability and air quality given the proximity to an Air Quality Management Area.

### 26. Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures to include details of reversing alarms of fork lift trucks and lorries have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

### 27. Refrigerated Vehicles (Performance Condition)

All refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

28. Refrigeration Compressors (Performance Condition)

All refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

29. 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.

30. Night time operation (Pre-Occupation Condition)

Between 2300 and 0700 hours the development shall not operate or be used otherwise than in accordance with a Night Time Operation Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the occupiers of the building operate in a manner which would safeguard the amenities of adjoining residential occupiers.

31. Advertisement Restriction (Performance Condition)

Notwithstanding the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or any subsequent amending regulations, no site marketing advertising shall be displayed on the site facing South so as to be visible from the residential properties in Gover Road.

Reason:

In the interests of the amenities of neighbouring residential properties.

32. Construction Phasing (Pre-Commencement Condition)

No development shall commence until a programme of construction work has been submitted to and approved in writing by the Local Planning Authority. The programme shall define the phasing of the development to include when the buildings and the bund along the boundary with the new park will be constructed. The development shall subsequently be carried out in accordance with the approved construction phase programme.

Reason:

To allow the Local Planning Authority to control the construction programme in the interests of the amenities of the area.

33. Construction Phasing (Performance Condition)

No occupation of Units 1 or 3 shall take place until both these buildings and the bund and acoustic fence between them have been constructed as shown on the approved plans or such alternative acoustic measures as may be approved in writing by the Local Planning Authority.

**Reason:**

To ensure that the noise mitigation measures are in place before these buildings are first occupied in the interests of the amenities of local residents.

**34. No open storage of metal containers (Performance Condition)**

No open storage of metal shipping containers shall take place within the service yards or car parking areas of this development.

**Reason:**

To mitigate potential noise problems in the interests of the amenities of residential neighbours.

**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that the impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. 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 the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

**Notes to Applicant**

1. Water Main - The exact position of the public water distribution main on the site must be determined before the layout of the development is finalised. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 7 metres of the public water main without consent from Southern Water. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

2. Sewerage Infrastructure - The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

3. Water Supply - A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

4. Public Sewer - Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

5. Network Rail - The applicant should contact Network Rail's Asset Protection team at [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) and sign up to an asset protection agreement prior to proceeding with any design and construction works.

6. Pollution Prevention - All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency guidance, 'PPG1 - General Guide to the Prevention of Pollution. In the event of a pollution incident all works should cease immediately and the Environment Agency should be contacted via the Incident Hotline 0800 807060.

7. Noise Management Plan - The information to be submitted to discharge Condition 30 of this planning permission shall include the following matters:

- (a) Yard Surface Material and Maintenance.
- (b) Equipment Maintenance
- (c) Acoustic Barrier Maintenance
- (d) Site facilities including attenuation of external plant
- (e) Vehicle Management Arrangements
- (f) Staff Management Arrangements



**Samuel Fox**  
**Planning & Development Manager**

29 July 2016

If you have any further enquiries please contact:

**Richard Plume**

**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:

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
30715-PL-100		Location Plan	09.12.2014	Approved
30715-PL-101	Rev D	Site Plan	18.09.2015	Approved
30715-PL-200	Rev B	Site Plan	18.09.2015	Approved
30715-PL-105	Rev A	Floor Plan	16.04.2015	Approved

30715-PL-106	Rev A	Floor Plan	16.04.2015	Approved
30715-PL-107	Rev A	Floor Plan	16.04.2015	Approved
30715-PL-102	Rev B	Elevational Plan	18.09.2015	Approved
30715-PL-201	Rev A	Elevational Plan	18.09.2015	Approved
30715-PL-103	Rev A	Elevational Plan	16.04.2015	Approved
30715-PL-202		Elevational Plan	16.04.2015	Approved
30715-PL-104	Rev A	Elevational Plan	18.09.2015	Approved
30715-PL-203	Rev A	Elevational Plan	18.09.2015	Approved
16089-04	Rev A	Other Plans	22.09.2015	Approved
2066-PL 006	Rev A	Other Plans	18.09.2015	Approved
2066-PL 002	Rev A	Other Plans	16.04.2015	Approved
2066-PL005	Rev A	Other Plans	18.09.2015	Approved
17798_0300	Rev B	Other Plans	18.09.2015	Approved
17798_0600	Rev C	Other Plans	18.09.2015	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 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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**Planning and Rights of Way Panel 3<sup>rd</sup> October 2017**  
**Planning Application Report of the Service Lead – Planning, Infrastructure & Development**

<b>Application address:</b> Land to the rear of 111 Rownhams Road, Southampton			
<b>Proposed development:</b> Erection of a two storey detached 3 bedroom dwelling with associated parking, cycle and refuse storage and access from Dolton Road [NB. The scheme is amended from 2 flats]			
<b>Application number</b>	17/00713/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	EOT – 13.10.17	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	More than 5 letters received from local residents	<b>Ward Councillors</b>	Cllr McEwing Cllr Whitbread Cllr Pope

<b>Applicant:</b> Ms C Andrade	<b>Agent:</b> Designaplace
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<b>Recommendation Summary</b>	<b>Delegate to Service Lead – Planning, Infrastructure &amp; Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H5, H7, NE4, REI6 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

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

## **Recommendation in Full**

1. Delegate to the Service Lead – Planning, Infrastructure & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure:
  - i. 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.
2. That the Service Lead – Planning, Infrastructure & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure & Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 111 or Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

## **Background**

The proposal originally submitted was to erect 2 flats (1x3 and 1x2 bed) within a 2 storey building. Following negotiations with the applicant during the application stage, they have agreed to significantly improve the schemes' design through amending the plans to a 3 bedroom family dwelling to be built on a smaller footprint. A public re-consultation of the amended plans originally took place on 14<sup>th</sup> August 2017, however, due to a technical IT fault the plans were not available for the members of public to view. To ensure that due process was correctly followed, the public were re-notified on 5<sup>th</sup> September for 14 days once the IT fault was rectified.

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

- 1.1 The site lies within the ward of Redbridge. The plot will be formed by subdividing the land to the rear of 111 Rownhams Road to be accessed from the north east side of Dolton Road. The land at the rear is currently enclosed by fencing and is used in connection with the fish and chip shop fronting Rownhams Road (containing a storage container). The use of the commercial unit itself is safeguarded as part of the Maybush Local Centre (policy REI6), however, the land to the rear is not included within this designation.
- 1.2 The character of Dolton Road mainly consists of 2 storey residential properties in a mixed style, and the length of the plots narrow off towards the corner with the junction of Rownhams Road. The properties along this stretch of Rownhams Road are commercial units with flats above, where the rear space fronting onto Dolton Road has an uncharacteristic 'back of house' appearance given that it is used for a mix of parking, small gardens for flats, and ancillary storage for the commercial units.

### **2. Proposal**

- 2.1 It is proposed to erect a two storey detached 3 bedroom dwelling with associated parking, cycle and refuse storage and access from Dolton Road. The scheme will retain a gated route from the rear of the chip shop to Dolton Road to enable the collection of waste from the chip shop and flat.

- 2.2 The proposed building itself aligns with the rear and front building line of 4 Dolton Road within a 171 sqm sized plot. The occupiers of the family house will have access to 80sqm of private amenity space and 2 off street parking spaces. Following the removal of the storage container, the chip shop business already has storage space available within a single storey outbuilding at the rear to meet their day to day needs. The existing air conditioning unit will be relocated to the rear wall of 111 Rownhams Road to be directed away from the garden of the new property and acoustically rated to control its noise emission. The applicant has confirmed that the deliveries for the chip shop takes place at the front, and the flat above (staff accommodation for the chip shop) currently has no garden space allocated at the rear.
- 3. Relevant Planning Policy**
- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply.
- 3.5 Policy CS5 acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council’s approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012). A car free development is, in principle, possible under this Policy and guidance.
- 4. Relevant Planning History**
- 4.1 There are various historic applications in relation to the chip shop, however, there are no relevant permissions to this application.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (16.05.2017). Following the receipt of amended plans the expire of the 14 day consultation period finished on 19.9.2017. At the time of writing the report **7 representations** (5 objections and 2 support) have been received from surrounding residents, including an objection made by Cllr Pope. The following is a summary of the points raised at the time of writing this report:

5.1.1 **Out of character and overdevelopment. Lack of amenity space for the flat of 111 Rownhams Road. The bin and cycle store are not very accessible and there will be limited access to the side of property for maintenance. Encroaches on land to the rear of 109 Rownhams Road.**

### Response

The street scene is characterised by two storey development with a mix of detached and semi-detached housing. The replacement of the fence enclosure would significantly improve the 'back of house' and commercial appearance of this part of the street scene. The smaller building form of the amended scheme is a significant improvement in design, whilst the provision of a single family home at density of 58 dwellings per ha (dph) would be significantly inside the density range of 50-100dph set for this location. The amended building layout has been pulled away from the boundary and cycle and bin storage can be adequately accommodated within the plot without obstructing access to each other. Not all the flats within this row of shops have access to amenity space, so the lack of amenity space for the flat would not be uncharacteristic. That said the occupiers of the flat would benefit from the Aldermoor Road park for recreational space within 5 minutes walking distance.

5.1.2 **Loss of privacy, outlook and light to neighbouring occupiers.**

### Response

The layout and form of the amended scheme will ensure that there is sufficient spacing between the neighbouring properties to comply with the amenity standards set out in the Residential Design Guide to protect the amenities of the neighbouring occupiers. This is expanded upon in more detail in section 6.3 of the report.

5.1.3 **Additional traffic will cause congestion and overspill parking in Dolton Road and surrounding streets leading to road safety problems and increased competition for on street parking. In addition, road safety concerns on Dolton Road caused by deliveries to the shops, especially the takeaway who have the container and its relocation. Loss of amenity due to the loss of parking for the business and the existing flat. More congestion in Rownhams Road as Dolton Road would be able to absorb less overspill parking for visitors to the shopping parade. Drivers cannot see properly on Dolton Road and on the adjacent roads and properties.**

### Response

The site is located within a high accessibility zone (20+ buses per hour weekday daytime within 4 minutes walk of a bus route). There will be 2 parking spaces in accordance with the maximum parking standards, so it is considered that this would provide sufficient level of parking to meet the demand of the new family home without increasing competition with the on-street parking in surrounding streets. The applicant has confirmed that the deliveries will take place at the front

of the chip shop so this would ensure there is no obstruction caused to the driveways of the neighbouring properties. Although the existing parking area would be lost for the business and flat this would not be to the detriment of the amenity of these users as there are parking opportunities in Rownhams Road. The Highways Officer has advised that the parking layout can be easily rearranged to accommodate 2 vehicles and provide safe access and sightlines for pedestrians using the pavement.

- 5.1.4 **Misleading information on the planning application and site notice. The headline does not mention that it is two flats. So due process has not been followed.**

Response

Officer's negotiated changes to the original scheme submitted which has now been superseded by amended plans. A public re-consultation of the amended plans originally took place on 14<sup>th</sup> August 2017, however, due to a technical IT fault the plans were not available for the members of public to view. To ensure that due process was correctly followed, the public were re-notified on 5<sup>th</sup> September for 14 days once the IT fault was rectified.

- 5.1.5 **Loss of adequate space for servicing and storage in relation to the chip shop.**

Response

The access way between the rear garden of 4 Dolton Road would only be used to collect the bins and would not be used to store bins. The deliveries will take place at the front of the chip shop on Rownhams Road. The chip shop business will retain access to the existing store at the rear of the shop.

- 5.1.6 **There is sufficient space between the rear of 113 Rownhams Road and the windows of the new dwelling to avoid overlooking. There is adequate parking provided. A 2 storey building in this location would not significantly affect the access to natural light of 4 Dolton Road, nor would it be out of character with the street scene.**

Response

The support to these aspects of the scheme are noted.

**Consultation Responses**

- 5.2 **SCC Highways** – No objection subject to conditions to improve the layout of the bin collection point serving the existing flat, and provide adequate sightlines for the parking space fronting onto Dolton Road.
- 5.3 **SCC Sustainability Team** – No objection subject to conditions for energy and water efficiency to ensure compliance with policy CS20.
- 5.4 **Southern Water** – No objection subject to conditions
- 5.5 **SCC Environmental Health** – No objection subject to conditions.
- 5.6 **SCC Design** – No objection. Recommended using a gable ended roof to match the property adjacent to 2 Dolton Road.
- 5.7 **SCC Contaminated Land** – No objection
- 5.8 **SCC Archaeology** – No objection subject to conditions

**6. Planning Consideration Key Issues**

- 6.1 The application needs to be assessed against the following key issues:

- Principle of Development;
- Design and Impact on Character and Amenity;
- Parking and Impact on Highway Safety; and
- Appropriate Mitigation

## 6.2 Principle of Development

6.2.1 This proposal would contribute towards the delivery of family housing stock and is, therefore, welcome in principle. The development would achieve a residential density of 58 dwellings per hectare (dph). This will be comfortably in the range of 50 to 100 dph that the Policy CS5 suggests as being appropriate for medium accessibility locations such as this. With removal of the access from Dolton Road, the chip shop business will still retain its ability to be serviced and receive deliveries and therefore the viability of the local centre (as required by policy REI6) would not be compromised in this case. As such, the principle of making more efficient use of previously developed land for housing is supported, however, this would be subject to an assessment of the relevant material considerations as set out below.

## 6.3 Design and Impact on Character and Amenity

6.3.1 The size of the plot provides sufficient space to provide for all the necessary amenities to create suitable living conditions for the occupiers, whilst the 58 dph density of development is well within the expected range of 50-100 dph. Although the 80sqm garden space being provided would fall slightly under the standard size of garden space expected for a new detached dwelling (90sqm), its 10m length meets the other minimum garden size criteria and would be a good sized and usable garden suitable for family use. The coverage of the building footprint to plot area meets the 50% ratio expected for new developments. The application is therefore not considered to be an overdevelopment.

6.3.2 The amended layout and form of the dwelling is now sufficiently spaced from the neighbouring properties to ensure that the amenity of the occupiers is safeguarded. In particular, the positioning of the new first floor 'bedroom 2' meets the minimum 21m back to back privacy separation required between the opposing flats on Rownhams Road, and the stairway window can be obscurely glazed and made top opening only so there is no overlooking from this window. The 2 storey element has been significantly pulled away from the garden area of 4 Dolton Road, whilst the single storey element does not project beyond the rear building line of 4 Dolton Road. Side by side 2 storey properties is the typical arrangement of residential properties within the suburban areas of the city. That said the set back of the first floor wall of the new dwelling ensures that there would only be oblique overlooking of the neighbouring gardens. This arrangement would therefore ensure that there is no significant loss of outlook, natural light and privacy to 4 Dolton Road.

6.3.3 The new building steps back between 0.5 and 1.5m from the common boundary adjacent to the garden serving the flat above 109 Rownhams Road. The orientation of the building to the north would ensure that there is no overshadowing of the garden space when the sun path moves east to west from the south. The 2 storey element of the new dwelling would project 5.6m along the total 13m length of the garden (the upper half of the garden furthest away from back door of the flat), with the single storey element being even further set back (1.5m). As such, this level of step back combined with location towards the rear end of the neighbours' garden will sufficiently maintain the outlook enjoyed by the occupiers. There would be no overlooking of this garden space from the obscured window of the stairway landing.



## 6.4 Parking and Highway Safety

6.4.1 The 2011 Census for Redbridge indicates that 32% of households do not have access to a car, 44% have access to one car and 23% have access to 2 or more cars. The Council's Parking Standards permits the applicant to provide less than the maximum number of 2 spaces per dwelling, however, the maximum amount of spaces can be provided in this instance, albeit secured by condition to revise the parking layout. As such, the proposal is considered to acceptably mitigate the impact from overspill of parking within the surrounding streets.

6.4.3 The applicant has confirmed that the deliveries to the chip shop would take place from Rownhams Road so this would prevent any obstruction of the driveways of neighbouring properties within Dolton Road. The Highways team has not raised an objection in terms of highways safety. This is subject to lowering the height of the southern boundary treatment (to 60cm); adding a low height front wall adjacent to the north side of the parking area; and adjusting the layout of the 2 parking spaces which will ensure that the sightlines provides a safe access. The Highways Officer is satisfied that these changes can be secured by condition. The detailed design of bin and cycle storage can be agreed further by condition, including bin management for the shop and flat.

## 6.5 Other Matters

6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

6.5.2 The contributions deemed to make the development necessary, as listed in the recommendation, can be secured through the S106 agreement subject to the panel granting a resolution to support the scheme and delegating powers to officer's to complete the S106.

## 7. Summary

7.1 In summary, this is a well-designed residential scheme in terms of its layout and scale that will sit comfortably within the surrounding properties and significantly improve the 'back of house' appearance of this part of Dolton Road. The more efficient use of previously developed land would contribute to the family housing stock for the city, whilst maintaining the viability of the chip shop business. The layout of the development will respect the amenity of neighbouring occupiers, and have an acceptable impact on road safety and on-street parking availability.

## 8. Conclusion

8.1 In conclusion, the proposal would have an acceptable impact in accordance with the Council's policies and guidance.

**Local Government (Access to Information) Act 1985**

**Documents used in the preparation of this report Background Papers**

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

**SB for 03/10/17 PROW Panel**

**PLANNING CONDITIONS**

**01. Full Permission Timing Condition**

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. Details of building materials to be used**

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

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

**03. Residential - Permitted Development Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (enlargement of roof)

Reason: In the interests of residential amenity.

**04. Amenity Space Access**

Before the development hereby approved first comes into occupation, the external amenity space (including laying out as a grassed surface) and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwelling.

Reason: To ensure the provision of adequate amenity space in association with the approved dwelling.

**05. Energy & Water (Pre commencement)**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

#### **06. Energy & Water (Post Occupation)**

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

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

#### **07. Boundary Treatment**

Before occupation of the development hereby approved, details of boundary treatment for the site and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a secure gated route to the rear of 111 Rownhams Road. The agreed enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

#### **08. Unsuspected Contamination**

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.

#### **09. Use of uncontaminated soils and fill**

Only clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall be permitted for infilling and landscaping on the site. Any such materials

imported on to the site shall 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.

### **10. Refuse & Recycling**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans to be submitted to and agreed in writing by the Local Planning Authority and thereafter retained as approved. This shall include the details of the refuse management for the collection of bins in association with the existing commercial unit and flat. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the approved store and the bins serving the flat and commercial unit shall not be kept within the gated route to the rear of 111 Rownhams Road or the frontage of Dolton Road.

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

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006):

If this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

### **11. Hours of work for Demolition / Clearance / Construction**

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.

### **12. Construction Management Plan**

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.

### **13. Landscaping**

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

- i. hard surfacing materials (consisting of permeable and non-migratory);
- 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. a landscape management scheme.

The approved hard and soft landscaping scheme 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

### **14. Cycle storage facilities**

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

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

### **15. Public Sewer protection**

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

Reason: In order to safeguard the public sewer.

### **16. Archaeological watching brief investigation**

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

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

### **17. Archaeological watching brief work programme**

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

Reason: To ensure that the archaeological investigation is completed

### **18. Business Deliveries**

The deliveries and servicing in association with the commercial use of 111 Rownhams Road shall only take place from Rownhams Road with the exception to refuse collection.

Reason: In the interests of highway safety.

### **19. Parking**

The parking, access, and pedestrian sightlines shall be provided in accordance with the plans to be submitted and agreed in writing with 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.

### **20. Noise – relocation of air conditioning unit**

The dwelling hereby approved shall not be occupied until the a/c unit serving the commercial unit has been relocated as shown on the approved plans and installed in accordance with details of measures to minimise noise to be submitted to and approved in writing by the Local Planning Authority and thereafter retained as approved. This is unless the a/c unit is no longer required for use.

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

### **21. Obscure Glazing**

In accordance with the approved plans, the windows specified shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

### **22. 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)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
NE4	Protected Species
H1	Housing supply
H2	Previously developed land
H5	Conversion to Residential Use
H7	Residential environment
REI6	Local Centres

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

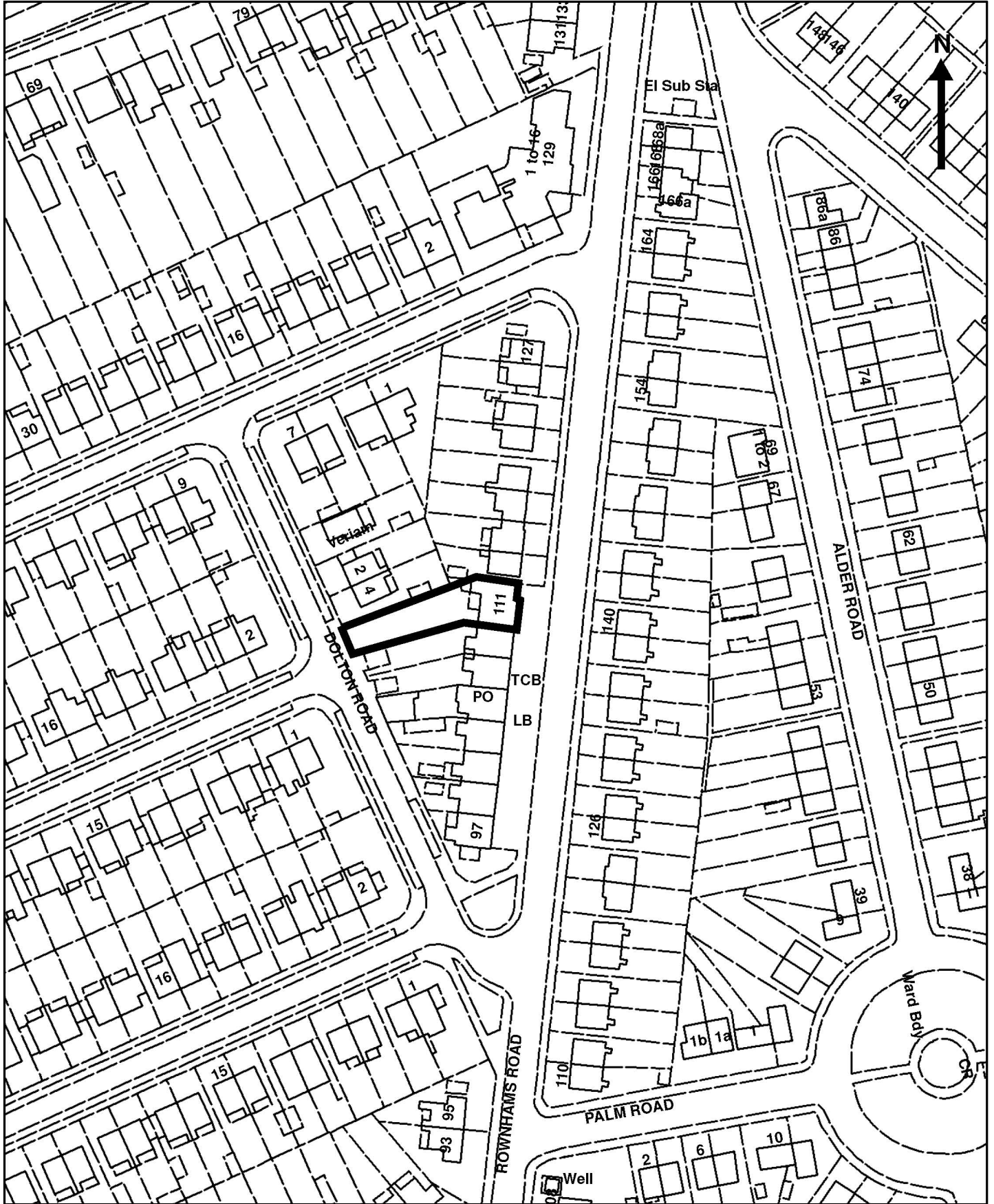
Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:1,250

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