

Planning and Rights of Way Panel

Tuesday, 16th March 2010
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Fitzhenry (Chair)
Councillor Jones (Vice-Chair)
Councillor Mrs Blatchford
Councillor Cunio
Councillor Davis
Councillor Norris
Councillor Osmond

Contacts

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Development Control Manager
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PUBLIC INFORMATION

Terms of Reference

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

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

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

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

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 2009/10

2009	2010
26 May 2009	19 January 2010
23 June	16 February
21 July	16 March
18 August	13 April
1 September	
29 September	
27 October	
24 November	
22 December	

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 three.

Disclosure of Interests

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

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - any employment or business carried on by such person;
 - any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

/Continued...

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

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

Agendas and papers are now available via the Council's Website

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 PREJUDICIAL INTERESTS

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meetings held on 19th January 2010 and 16th February 2010 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 11:30 AM

5 CIVIC CENTRE MAGISTRATES COURT - 10/00020/R3CFL

Report of the Development Control Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

6 CIVIC CENTRE MAGISTRATES COURT - 10/00021/LBC

Report of the Development Control Manager recommending referral to the appropriate Government Office with a recommendation that Listed Building Consent be granted, for a proposed development at the above address, attached.

7 ITCHEN FERRY SLIPWAY

Report of the Development Control Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11 30 AM TO 1 30 PM

8 UPPER SHIRLEY HIGH SCHOOL

Report of the Development Control Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

9 EX-CIVIL SERVICE SPORTS GROUND

Report of the Development Control Manager recommending delegated authority be granted, following referral to the Government Office of the South-East and written confirmation of no Secretary of State interest, in respect of a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 2.30 PM AND 4.30 PM

10 468 - 480 PORTSWOOD ROAD

Report of the Development Control Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

MAIN AGENDA ITEMS

11 PRE-APPLICATION CHARGING

Report of the Head of Planning and Sustainability detailing the introduction of fee charges for pre-application planning advice, attached.

12 REMOVAL OF A TREE ON THE WOODMILL OUTDOOR ACTIVITIES CENTRE SITE

Report of the Executive Director of Neighbourhoods in respect of an application for the removal of a tree on the Woodmill Outdoor Activities Centre Site, attached.

Monday, 8 March 2010

SOLICITOR TO THE COUNCIL

Agenda Item 4

To approve and sign as a correct record the Minutes of the meetings held on 19th January 2010 and 16th February 2010 and to deal with any matters arising, attached.

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PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 19TH JANUARY 2010

Present: Councillor Fitzhenry (Chair), Councillor Jones (Vice Chair),
Councillors Mrs Blatchford, Davis (except item 53), Norris (except
items 55, 56 and 57), Osmond and Thomas

47. **APOLOGIES/ CHANGES IN MEMBERSHIP**

The Panel noted that Councillor Thomas was in attendance as a nominated substitute for Councillor Cunio in accordance with Council Procedure Rule 4.3.

48. **MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meeting held on 22nd December 2009 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

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

49. **09/01133/FUL 1a - 1h Janson Road**

Conversion of 8 town houses to provide a total of 40 x one-bedroom flats and relief from Conditions 4, 5, 6 and 8 of previous planning permission reference 01/01003/FUL to enable retention of works carried out to convert garages to flat / bin store and retention of conservatories.

Mr Louizou (Applicant), Mr Donohue (Agent), and Mr Bishop, Mr Hooper, Mrs Barter (Local Residents) and Councillors Moulton and Cooke (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION WITH ADDITIONAL AUTHORISATION TO TAKE ENFORCEMENT ACTION WAS CARRIED UNANIMOUSLY

RESOLVED

(i) that conditional planning permission be refused for the following reasons:-

- a) loss of family housing, inadequate refuse, cycle and amenity provision for future occupiers, impact on character of the area and the amenities of local residents.

With regard to the Conversion of the 8 Town Houses to 40 flats:-

- 1 the proposal results in the loss of 8 family houses for which there is an identified need and shortfall within the City. As such, the proposals are contrary to Policy CS16 of the Core Strategy and the requirements of the Supplementary Planning Document: Family Housing June 2009;

- 2 notwithstanding the above, the proposals fail to provide an appropriate mix of dwelling types and sizes contrary to the requirements of Policy H12 of the City of Southampton Local Plan Review 2006 and the requirements of the Supplementary Planning Document: Family Housing June 2009;
- 3 the proposal represents an over-intensive use of the site which by reason of the level of activity and facilities associated with 40 individual households would be detrimental to the character of the area and the amenities of nearby residents contrary to Policies SDP1 (i) - (iii), SDP7 (iii), (iv) - (v), SDP9 (v), SDP 10 (ii) and H4 (i), (ii) - (iii) of the City of Southampton Local Plan Review 2006;
- 4 the proposal fails to make adequate provision for facilities to serve future occupiers of the units including amenity space, refuse storage and cycle storage. The significant deficit of amenity space is compounded by the conservatories, size and layout of the individual units resulting in a failure to provide an acceptable living environment for future occupiers, including no natural light/outlook or ventilation for the bedroom spaces shown in place of the originally approved integral garages. The proposals are therefore contrary to policies SDP1 (i), H4 and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006) and paragraphs 2.2.1 (access to natural light, outlook and privacy), 4.4.1 - 4.4.4 (amenity space), 5.2.1 - 5.2.2 (car-parking), 5.3.1 - 5.3.4 (cycles), and 9.2 - 9.4.7 (refuse) of the Residential Design Guide (September 2006).

b) - Lack of Car Parking

With regard to the relief of conditions 4, 5 and 6 of planning consent 01/01003/Ful:

- 1 given the number of individual units proposed, notwithstanding the high accessibility location of the site, a car free scheme is not considered appropriate and the proposed garage conversions will result in additional on street parking in a location that is already heavily parked, whereby the impact of the free flow of traffic on Janson Road would be to the detriment of highway safety for all users. Furthermore, the subsequent length of retained driveway fail to retain sufficient parking to even accommodate one vehicle and will therefore, result in unsatisfactory parking taking place upon the site resulting in the obstruction of pedestrians using the adjacent highway land, particularly during the process of unloading and loading of goods or items given the current short term nature of the tenancies. The development would therefore prove contrary to the provisions of Policy SDP1, SDP3, SDP5, SDP7, SDP10 of the City of Southampton Local Plan (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006);

2 Hampshire Constabulary have confirmed that there is evidence that residents on Janson Road have experienced and reported anti-social behaviour, which is often linked to criminal damage to vehicles parked on the road. The proposed garage conversions will result in additional on street parking and therewith, more vehicle related crime on Janson Road to the detriment of the owners of the parked vehicles. Furthermore, the subsequent length of retained driveway of the host properties will result in parked vehicles overhanging adjacent highway land and therefore, a likely increase in criminal damage to vehicles to the detriment of the owners. The development would therefore prove contrary to the provisions Section 17 of the Crime and Disorder Act 1998 and of Policies SDP1, SDP3, SDP5, and SDP10 of the City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (September 2006);

c) - Inadequate Amenity Space

With regard to the relief of Condition 8 of planning permission 01/01003/Ful and the retention of the existing conservatories:

The variation of condition 08 to permission 01/01003/FUL, to allow the enlargement of the dwelling houses will fail to leave adequate private amenity space to serve each of the proposed flats. 4,9sq m of external amenity space per flat is significantly below the Council's adopted minimum standards and coupled with the internal living accommodation provided, creates an unacceptable living environment for occupiers of each property. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.12-2.3.14 and Section 4.4 of The Residential Design Guide 2006 [September 2006]) and H7 (iii) of the City of Southampton Local Plan Review (March 2006);

d) - S106 contributions

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not therefore, satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- 1 measures to satisfy the public open space requirements of the development have not been secured. As such, the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 Policy CLT5;
- 2 measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site have not been secured, contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

- 3 measures to support strategic transportation initiatives have not been secured. As such, the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
 - 4 measures to support a refuse management plan to outline the methods of storage and waste collection of refuse from the land in line with Policy SDP1 of the City of Southampton Local Plan March 2006;
 - 5 in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
 - 6 provision of Affordable Housing in accordance with Policy CS15 of the emerging Core Strategy 2010;
 - 7 a Traffic Regulation Order to secure on street parking for the existing residents of Janson Road to attempt to mitigate against the impact of the demands of the new residents living in this development. Residents of this development would not be entitled to parking permits; and
- (ii) that delegated authority be given to the Solicitor to the Council on instruction by the Development Control Manager to serve up to 8 separate enforcement notices against the breaches of planning control identified at 1a-1h Janson Road

50. 09/01213/FUL

Land rear of 82 and 86 - 88 Shirley Avenue

Erection of 3 x 2-storey detached houses with integral garage (2 x 2 bed and 1 x 3 bed) with associated parking and storage

An update sheet was tabled at the meeting setting out the following amendments to the report:-

- Highway Safety was omitted in error from the bullet point list of Planning Consideration Key Issues however the impact of the proposed development on highway safety was a key issue for consideration;
- with reference to Consultation it was confirmed that the application was not advertised in the press;
- Planning Application 08/01479/FUL was omitted in error from the Planning History. Application 08/01479/FUL proposed an identical scheme to Application 08/00768/FUL (included in the Planning History) and the deemed reasons for refusal presented by the Council at Appeal were taken from the refusal reasons of Application 08/01479/FUL and fully debated at Appeal

Mr Beck (Agent), Mrs Baldwin (Applicant) and Mr Wiseman (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Davis, Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillor Thomas

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - a) the conditions in the report and the amended conditions below;
 - b) the applicant entering into a Section 106 Legal Agreement to secure the widening of the footway in front of the application site to a width of 2m; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

4 - Landscaping Details

No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- i. hard surfacing materials, structures and ancillary objects (including lighting); and,
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/planting densities where appropriate. In particular the scheme shall include the planting of two trees on the common rear boundary of 86 Shirley Avenue and the new house behind it hereby approved.

REASON:

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

6 - Landscaping replacement

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it; it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local

planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme

7 - Sightlines specification

Sight lines in the form of a 2 metre strip measured from the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

REASON:

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

9 - Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

REASON:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. Other material considerations 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, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

51. 09//01154/FUL Land to the rear of 68 - 70 Shirley Avenue

Erection of 2 x three-bed detached dwellings with parking and associated storage accessed from Howards Grove

An update sheet was tabled at the meeting setting out the following amendments to the report:-

- Highway Safety was omitted in error from the bullet point list of Planning Consideration Key Issues however the impact of the proposed development on highway safety was a key issue for consideration;
- with reference to Consultation it was confirmed that the application was not advertised in the press;
- Planning Application 08/01479/FUL was omitted in error from the Planning History. Application 08/01479/FUL proposed an identical scheme to Application 08/00768/FUL (included in the Planning History) and the deemed reasons for refusal presented by the Council at Appeal were taken from the refusal reasons of Application 08/01479/FUL and fully debated at Appeal.

Mr Cope (Applicant) and Mr Wiseman (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

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

Amended Conditions

4 - Landscaping Details

No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- i. hard surfacing materials, structures and ancillary objects (including lighting); and,
- 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.

REASON:

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

6 - Landscaping replacement

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

7 - Sightlines specification

Sight lines in the form of a 2 metre strip measured from the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

REASON:

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

9 - Shared access path

The pedestrian route of no less than 900mm in width throughout, between the two dwellings to the rear gardens shall be made available as a shared access before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the path shall not be subdivided.

REASON:

To ensure that satisfactory access to the refuse and cycle stores for both dwellings is provided and retained.

10 - Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

REASON:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. Other material considerations 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, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

52. 09/01236/FUL

210 Bassett Green Road

Redevelopment of the site. Erection of 9 x 4 bed houses (3 x 3 storey terraced houses, 2 x 3 storey semi-detached houses, 2 x 2 storey detached (one with accommodation in roof) and 2 x 2 storey detached houses with a accommodation in roof) following demolition of existing houses with parking and refuse/cycle storage

Mrs Ward (Architect), Mr Thakrar and Mr Thompson (Local Residents) and Councillor Samuels (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Mrs Blatchford and Thomas

AGAINST: Councillors Davis, Fitzhenry, Jones and Norris

ABSTAINED: Councillor Osmond

A FURTHER MOTION proposed by Councillor Fitzhenry and seconded by Councillor Davis 'that the application be refused for the following reasons:-

(i) Impact on Character

The proposed development would be discordant with the spacious character which prevails in the locality of the site. In particular, two of the proposed dwellings would be designed with insufficient private and useable amenity space in contrast to the surrounding area in which dwellings are served by gardens which are well in excess of the Council's adopted amenity space standards. Furthermore, the reliance on obscure glazing to prevent overlooking of the neighbouring properties also demonstrates that the proposal does not reflect the spacious layout of buildings which is typical of the Bassett character. Finally, the incorporation of three-storey development would be incongruous to the original character of buildings to be found within the vicinity of the site. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such the development would prove contrary to the provisions of Policy CS13 (1) (2) of the emerging Local Development Framework Core Strategy 2010, policies SDP1 (ii particularly the guidance of paragraphs 2.3.17, 3.8.2-3.8.3, 3.9.1 – 3.9.2, 3.9.5 to 3.9.6 and 4.4.1-4.4.4 of the Residential Design Guide [September 2006]), SDP7 (iii)/(iv), SDP9 (i)/(v) and H7 (i)/(iii) of the City of Southampton Local Plan Review (March 2006).

(ii) Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

- (a) a financial contribution towards the provision and maintenance of open space in accordance with Policy CLT5 of the revised deposit of the Local Plan and applicable SPG;
- (b) a financial contribution towards the provision of a new children's play area and equipment in accordance with Policy CLT6 of the revised deposit of the Local Plan and applicable SPG;
- (c) a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
- (d) a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG. As such the development is also contrary to the City of Southampton Local Plan Review (March 2006) policies SDP1, SDP2 and SDP3;
- (e) in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
- (f) to implement an agreed series of site specific transport works under S.278 of the Highways Act, specifically the introduction of Traffic Regulation Order to introduce parking restrictions on Bassett Green Road, in line with policies SDP3, SDP4, and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and
- (g) affordable housing in accordance with Policy H9 of the Local Plan Review and Policy CS15 from the emerging Local Development Framework Core Strategy 2010.

RECORDED VOTE:

FOR: Councillors Davis, Fitzhenry, Jones and Norris

AGAINST: Councillors Mrs Blatchford and Thomas

ABSTAINED: Councillor Osmond

RESOLVED that conditional planning permission be refused for the reasons set out above.

53. 09/01169/FUL

12-13 Holland Road

Two storey side extension and alterations to existing building to provide 4x1-bed flats (2 additional) with associated parking and bin/cycle storage

Mr Jackson (Local Resident) and Councillor Richard Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones and Osmond

ABSTAINED: Councillors Mrs Blatchford, Fitzhenry, Norris and Thomas

RESOLVED that planning approval be granted subject to the conditions in the report and the amended / additional conditions set out below.

Amended Conditions

2- - Materials to match

The materials and finishes to be used for the external walls (including brick bond), windows and window recess, drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building. In particular, greater clarity on any contrasting coloured brickwork to replicate the design of patterned brickwork in the existing elevation should be fully specified.

REASON:

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

5- Glazing panel specification

The bathroom windows in the side elevation of the building hereby approved shall be glazed in obscure glass and shall only have a top light restricted opening. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

Additional Conditions

15 - Soundproofing of party wall

Before development commences, a detailed scheme for the soundproofing of all of the party wall with 11 Holland Road shall be submitted to and approved by the Local Planning Authority. Such agreed scheme of soundproofing shall be fully implemented prior to first occupation of the flats hereby approved and thereafter retained at all times.

REASON:

To protect the amenities of the occupiers of 11 Holland Road.

16 - Pathway to serve the cycle store

Notwithstanding the plans hereby approved a pathway shall be provided to serve the cycle store. Details of the layout and surfacing treatment of the pathway shall be submitted to the Local Planning Authority prior to first occupation of the flats hereby approved. The pathway shall be fully installed and retained as agreed.

REASON:

To encourage alternative modes of transport to the car and to provide a satisfactory form of development.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that this application to convert and extend the site is acceptable as the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The 12 representations made to the application have raised issues that have been considered as set in the report to Panel. Other material considerations 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 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006.

Cllr Davies was absent for the consideration of this agenda item

54. 09/ 01134 /FUL 238 Weston Lane

Erection of a 3-storey building (including accommodation in roofspace) to create 6 x1-bed and 2 x 2-bed flats with associated parking and cycle/refuse storage

Mr Henderson (Agent) and Councillor Richard Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Davis, Fitzhenry, Jones, Norris, Osmond and Thomas

ABSTAINED: Councillor Mrs Blatchford

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - a) the conditions in the report, the amended and additional conditions below;
 - b) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1 a financial contribution towards the provision and maintenance of open space required by the development in line with polices CLT5 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
 - 2 a financial contribution towards the provision and maintenance of play space required by the development in line with policies CLT6 and IMP1 of the City of Southampton Local Plan March 2006 and adopted guidance on Planning Obligations November 2006;
 - 3 a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site towards measures to encourage the use of alternative modes of transport to the private car in line with polices SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
 - 4 a financial contribution towards strategic transport contributions for highway network improvements in line with polices SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006), the Local Transport Plan, and the adopted SPG relating to 'Planning Obligations' (November 2006);
 - 5 entering into a Traffic Regulation Order to extend the double yellow lines around the junction of Weston Lane and Newtown Road;
 - 6 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - 7 submission and implementation within a specified timescale of a Waste Management Plan;
 - 8 the dedication of part of the application site as indicated on the submitted plan number 7924/100 rev A to the Highways Authority to improve visibility around the junction of Newtown Road with Weston Lane; and

- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within six weeks from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

12 - Delivery times

No deliveries shall be taken in or dispatched from the site during construction between the hours of 08:30 and 09:30 and after 15:00, Mondays to Fridays.

REASON:

To avoid traffic congestion during rush hour times, having regard to the site's proximity to a school.

13 - Sightlines specification

Sight lines 2m by 40m measured at the kerblines shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays

REASON:

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

Additional Conditions

15 – Details of doors to refuse and cycle storage

Notwithstanding, the details shown on the plans hereby approved, prior to the commencement of development, revised details of side hung external doors to the cycle and refuse stores shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these details.

REASON:

To ensure that the storages are easily accessible by residents of the development.

REASONS FOR THE DECISION

General Reason for Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. Other material considerations 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, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review Adopted Version (March 2006).

55. 09/01185/FUL

74 St. Annes Road

Redevelopment of the site. Demolition of the existing building and erection of a 3 storey, 70 bedroom residential care home with associated parking and other facilities

Councillor Richard Williams (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

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

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - (a) the conditions in the report and the additional condition below;
 - (b) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1 financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site – including works to secure a 2 metre wide footpath along the site’s frontage - in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - 2 a financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - 3 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - 4 a revised Green Travel Plan; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 12th February 2010 from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Additional Conditions

29 – Biodiversity Mitigation

Unless otherwise agreed in writing with the Local Planning Authority the demolition and construction phase of the development hereby approved shall be implemented and completed only in accordance with those recommendations as set out at Section 7 of the applicant’s “Bat and Nesting Birds Survey” (January 2010 – Colleen Mainstone).

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of a 70 bed care home is an acceptable use for this site and replaces a previous flatted block associated with an extant planning permission. The scale and design of the building is similar to that previously agreed as acceptable and the reduction in frontage hard-standing enhances the setting of the building. The proposed car parking exceeds the Council's current Local Plan standards but has been justified. There are no fresh tree issues following the receipt of an up-to-date Tree Survey and amended plans. The application has addressed the emerging policies of the Council's Core Strategy and meets its sustainable development obligations. There are no tree objections to the proposals. Other material considerations 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 Planning Permission should therefore be granted.

Policies – SDP1, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, H1, H7, HC3, CLT2 and IMP1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the emerging Core Strategy.

56. WEST QUAY ROAD SITE - REQUEST TO REMOVE TREES

The Panel considered the report of the Head of Planning and Sustainability seeking conditional permission for the removal of two Silver Birch trees at West Quay Road and to condition the planting of up to 8 replacement fastigiata crowned trees. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED

- (i) Subject to the applicant entering into an agreement with the council for the planting of up to 8 replacement fastigiata crowned trees, the choice of species, size and spacing of the trees being delegated to the Senior Tree Officer, that consent be given to the removal of the two Silver Birch trees on the Richmond Hyundai site on grounds of health and safety;

57. PUBLIC RIGHTS OF WAY: UPDATE REPORT

The Panel received and noted the report of the Head of Planning and Sustainability providing an update on the main activities and some of the current key issues affecting the City Council's statutory Rights of Way function, attached. (Copy of report circulated with the agenda and attached to the signed minutes).

PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 16TH FEBRUARY 2010

Present: Councillor Fitzhenry (Chair), Jones (Vice Chair), Mrs Blatchford, Cunio (except Item 61), Davis, Norris and Osmond

58. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

RESOLVED that the Minutes of the meeting held on 19th January 2010 be deferred for consideration until the next meeting.

CONSIDERATION OF PLANNING APPLICATIONS

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

59. 09/01313/FUL 134 Bassett Avenue and 1 Beechmount Road

Redevelopment of the site. Erection of three-storey and four-storey buildings to provide 13 three-bedroom flats and a two-bedroom flat with associated access and parking, following demolition of the existing buildings

Mr Grimes (Applicant), Mr Edmond (Agent), Mr Moore, Dr Miller and Ms Welham (Local Residents) and Councillor Samuels (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones and Osmond

AGAINST: Councillors Mrs Blatchford, Cunio, Davis, Fitzhenry and Norris

A FURTHER MOTION proposed by Councillor Fitzhenry and seconded by Councillor Davis 'that the application be refused for the following reasons:-

(i) 01. Harm to the character of the area

The proposed development is considered to be harmful to the spatial characteristics of the area, symptomatic by reason of the scale, height and massing of the proposed residential blocks, the distance between blocks (relative to their height) and roof terraces, which would adversely affect the privacy of their neighbours. If such proposals were allowed to proceed, this would be likely to place further pressure to re-develop housing immediately adjoining to the south, thus further eroding the strong visual character of this part of the street. As such, the proposals are considered to be contrary to the following Policies of the Development

Plan for Southampton and supporting paragraphs of supplementary planning guidance:- The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) - SP3 (iii), CC6 and BE1 (v); City of Southampton Local Plan Review (March 2006) - SDP1 (i)/(ii), SDP7 (ii)/(iv)/(v), SDP9 (i)/(v), H2 (i)/(iii) and H7 (i)/(iii); City of Southampton Core Strategy (January 2010) - SC13 (Points 1 and 13). Residential Design Guide (September 2006) - 2.2.1-2.2.2, 2.2.18, 3.2.4-3.2.5, 3.7.7-3.7.8, 3.9.5 and 4.1.1-4.1.2.

- (ii) 02. REFUSAL REASON - Failure to enter into a Section 106 Agreement
- In the absence of a completed S106 Legal Agreement, the proposals fail to mitigate against their direct impact and do not therefore, satisfy the provisions of the following Policies of the Development Plan for the City of Southampton:- Policies CC7, H3 and SH6 of The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) and Policy CS25 of the City of Southampton Core Strategy (January 2010) as supported by the principles set out in DCLG Circular 05/2005 and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended and undergoing review) in the following ways:-
- a financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), including an investigation as to whether a Traffic Regulation Order is warranted barring right turn movements into Bassett Avenue from Beechmount Road;
 - b a financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - c financial contributions towards the relevant elements of public open space required by the development in accordance with policies CS21 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to:-
 - Amenity Open Space ("open space")
 - Play Space
 - Playing field;
 - d notwithstanding the provision of a viability statement dated 11 February 2010, provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - e in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase; and

- f an undertaking by the developer that prior to the commencement of development, the developer shall submit a plan/details to the local planning authority for its approval in writing indicating to which four flats in the new block of flats fronting Bassett Avenue that the four car parking spaces accessed from Bassett Avenue are to be allocated to. And once so approved, those car parking spaces shall remain allocated to those flats at all times thereafter.

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, Davis, Fitzhenry and Norris

AGAINST: Councillor Jones

ABSTAINED: Councillors Osmond

RESOLVED that conditional planning permission be refused for the reasons set out above.

60. 09/01163/R30L Chamberlayne College, Tickleford Drive

Redevelopment of the site. Demolition of the existing building and erection of a replacement school building (up to 9,000 square metres gross floor space) with a Multi Use Games Area (MUGA), associated parking and vehicular access from Weston Lane (outline application with means of access for consideration at this stage) - Description amended following validation to include the MUGA

Ms Lake (Local Resident) and Councillor Richard Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillors Mrs Blatchford, Cunio and Davis

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

Additional Conditions

39 – Archaeological 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.

40 – Archaeological 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.

41 – Archaeological damage-assessment

No development shall take place within the site until the type and dimensions of all proposed ground works have been submitted to and agreed by the Local planning Authority. The developer will restrict ground works accordingly unless a variation is agreed in writing by the Local Planning Authority.

REASON:

To inform and update the assessment of the threat to the archaeological deposits.

42 – Proposed Sports Pitch Quality

Prior to commencement of the development/use hereby permitted:-

- (i) A detailed assessment of ground conditions of the land proposed for the sports facility shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and,
- (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme shall be complied with in full prior to commencement of the remainder of the permitted development.

REASON:

To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field.

43 – Replacement Bus Stop (Grampian)

A replacement bus stop along Weston Road shall be provided prior to the commencement of the new access hereby approved.

REASON:

In the interests of promoting alternative travel to the site

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and positive regenerative opportunities associated with the development are considered to outweigh the dis-benefits. The proposed access onto Weston Lane has been considered by Highways DC as acceptable and any impact on the residents of Scott Road can be mitigated as explained in the report to the Planning and Rights of Way Panel on 16th February 2010. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

LDF Core Strategy – Adopted January 2010 - CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25; Local Plan Review (2006) – Saved Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, HE6, L1 and REI7

61. 09/01162/R3OL Sholing Technology College, Middle Road, Sholing

Redevelopment of the site. Demolition of the existing building and erection of a replacement school building (up to 10,000 square metres gross floor space) with associated parking and vehicular access from Heath Road, Middle Road and South East Road (Outline application with mean of access for consideration at this stage)

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

RESOLVED that planning approval be granted subject to the conditions in the report and the amended / additional conditions set out below.

Amended Conditions

02 - Submission of Reserved Matters

The details of the proposed ACCESS are hereby approved and shall be implemented in accordance with the approved plans, namely plan ref: Proposed site plan 910-001 Rev P01 and the amended indicative 061-001 Rev P02 (received by the Local Planning Authority on 15 February 2010). Further application(s) for the approval of the following reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission:

- a) LAYOUT, namely the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- b) SCALE, namely the height, width and length of each building proposed in relation to its surroundings;
- c) EXTERNAL APPEARANCE, namely the aspects of a building or place which determine the visual impression it makes. No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the Local Planning Authority) to be used for external walls, fenestration and the roof of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details;
- d) LANDSCAPING, namely the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls. A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure and treatment of hard

surfaced areas (including the upgrading of the unmade track between South East Road and the existing school gates to a tarmac surface), shall be submitted to and approved in writing by the Local Planning Authority as part of the approval process for the LANDSCAPING reserved matter. These details shall relate to the external spaces and any green roof which may come to be installed, as hereby approved.

The two trees indicated to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

To comply with S.92 of the Town and Country Planning Act 1990 (as amended), Circular 01/06 and in order to secure a high quality form of development having regard to the character of the area and the amenity of existing residents.

29 - Hours of Work for Demolition/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 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.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday	08.00 hours and 09.30 Hours (8.00am to 9.30am)
Monday to Friday	15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

REASON:

To protect the amenities of neighbours and the wider environment, including those attending the nearby schools, in the interests of highway safety.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and

positive regenerative opportunities associated with the development are considered to outweigh the dis-benefits of general disturbance and periodic, localised highway congestion likely during the construction period. The proposed construction traffic access onto Middle Road has been considered by Highways DC as acceptable and any impact on the residents of Middle Road and South-East Road can be mitigated as explained in the report to the Planning and Rights of Way Panel on 16th February 2010. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

LDF Core Strategy - Adopted January 2010 - CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25; Local Plan Review (2006) - Saved Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, HE6, L1 and REI7

62. 09/01282/FUL St Coleman's Church, Warburton Road, Thornhill

Demolition of the existing buildings and erection of 2-storey and 3-storey buildings to provide 13 houses (3 x 2 bedroom, 9 x 3 bedroom and 1 x 4 bedroom) and 18 x 2 bedroom flats with associated access, parking and landscaping including stopping up and diversion of a public footpath.

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

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

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - a) the conditions in the report and the amended conditions below;
 - b) the making of an order under S257 of the Planning Act for the diversion of the footpath on the grounds that the diversion is necessary for the application to proceed;
 - c) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1 provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
 - 2 financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- 3 a financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - 4 financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended):
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing Field;
 - 5 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 3rd March 2010 within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

03 - Refuse and Recycling Bin Storage

Bin storage shall be laid out with a level approach (not in excess of 1:10) prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. Communal stores shall be fitted and retained with lighting that operates when the doors are opened with a tap and wash down gully to be provided. The footpath width to the communal refuse stores shall be constructed to a minimum width of 1.5 metres and a dropped kerb to the adjacent highway. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes with bins kept in their allotted stores on non collection days.

REASON:

In the interests of the visual appearance of the building and the area in general.

06 – 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 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 LPA.

In addition, deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

REASON:

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

11 - Landscaping detailed plan

The development shall be carried out in accordance with the approved landscaping plan ref: Drawing no: SO/Hs/731.1 Rev B

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 scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

12 – Boundary fence

Before occupation of the development hereby approved and its installation, details of the design and specifications of the boundary treatment of the site – including the replacement fencing along the site’s western boundary following the removal of the existing Leylandii hedge and the gated vehicular access - shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

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

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The use of this previously developed site for affordable housing accords with local and national planning policy. The loss of the community use is justified in this instance and although the proposed density exceeds the targets sets by the LDF Core Strategy the proposed layout and design is considered fit for this context. There are no third

party objections to the proposals. Other material considerations 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 Planning Permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance.

63. 10/00017/FUL 8 Canada Road

Single storey side extension and additional window to first floor side elevation to enable conversion of dwelling into 2 one-bedroom flats

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

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

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Davis, Fitzhenry, Jones, Norris and Osmond

ABSTAINED: Councillor Cunio

RESOLVED that planning approval be granted subject to the conditions in the report and the amended / additional conditions set out below.

Amended Conditions

Conditions 7 and 8 to be deleted.

Additional Conditions

10 - Sustainable measures

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Energy minimisation and renewable energy or low carbon technologies
- Water efficiency measures
- Urban Drainage Systems
- Waste management and recycling
- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Local Plan (March 2006) policies SDP13 and LDF Core Strategy Policy CS20.

11 - Surface Water Disposal

No development shall take place until details of the proposed means of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details prior to the occupation of the development.

REASON:

To ensure an adequate surface water disposal for the development.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme for intensifying this property for further residential use is in keeping with the character of the local area, providing sufficient level of private amenity space and off street parking to serve the occupiers, whilst not causing harm to neighbouring residential amenity and local visual character of the local area. The current application has fully addressed the Council's previous reasons for refusal. The departure from policy CS19 due to the loss of family housing in this instance has been accepted with due regard to the nature and period of pre-application discussions with the applicant dating back to July 2009. 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010)

64. 09/01136/FUL Hinkler Parade, 318 – 400 (evens) Hinkler Road, 2-32 Marston Road and Housing Office at Tatwin Crescent, Thornhill

Redevelopment with 2, 3 and 4-storey buildings to provide 106 dwellings (8 two-bedroom houses, 26 three-bedroom houses and 5 four-bedroom house, 20 one-bedroom flats, 41 two-bedroom flats, 6 three-bedroom flats), retail uses (Class A1) , hot food take-away uses (Class A5), a community centre and with associated access, parking and open space (affects public rights of way at Hinkler Parade) following demolition of existing buildings

Mr Jones (Applicant), Mr Reay (Agent) and Mr Williams (Architect) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
- a) the conditions in the report, the amended and additional conditions below;
 - b) for the making of an order under S257 of the Planning Act for the diversion of the footpath on the grounds that the diversion is necessary for the application to proceed;
 - c) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1 site specific highway works in the vicinity of the site to be secured through a Section 278 agreement;
 - 2 provision of affordable housing in accordance with policy;
 - 3 a financial contribution towards strategic transport improvements in accordance with policy;
 - 4 a financial contribution towards open space improvements in accordance with policy;
 - 5 a highways condition survey;
 - 6 a Training and Employment Management Plan;
 - 7 the developer paying for the necessary Traffic Regulation Order;
 - 8 submission and implementation of a Travel Plan;
 - 9 the provision of Public Art in accordance with policy;
 - 10 a Servicing Management Plan for vehicles serving the development;
 - 11 a Construction Traffic Management Plan;
 - 12 a Refuse Management Scheme;
 - 13 off-site tree planting to ensure 2 for 1 replacement tree planting;
 - 14 Energy Conservation Measures in accordance with Council policy'; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within six weeks from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

02 - Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form no development works, apart from demolition of the existing buildings, shall be carried out unless and until a schedule of materials and

finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

REASON:

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

05 - Landscaping detailed plan

Before the commencement of any site works, apart from demolition of the existing buildings, a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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.

08 - BREEAM Standards (commercial development)

Written documentary evidence demonstrating that the development will achieve at minimum a rating of Very Good against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006). Also to comply with Submission Core Strategy policy CS22.

09 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006).

20 - Refuse and Recycling

Before the works commence, apart from demolition of the existing buildings, details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

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

24 - Hours of Use

Those parts of the development to be used for purposes within Class A5 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall not be open for public use outside the hours of 0730 to 2300.

REASON:

To protect the amenities of residents within the site and occupiers of adjoining residential

26 - Foul and Surface Water Drainage

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

Additional Conditions

28 - Road Construction

No development hereby permitted, apart from demolition of the existing buildings, shall be commenced until the Local Planning Authority have approved in writing:-

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

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

REASON:

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

29 - Surface Water Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is completed and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- 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;
- a timetable for its implementation; and
- 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 urban drainage scheme throughout its lifetime.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance. Annex F of Planning Policy Statement 25: Development and Flood Risk (PPS25), requires that surface water arising from a developed site should, as far as is practicable, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.

The drainage system should be designed so that:

- Rainfall runoff from the site is controlled for the 1 in 1, 1 in 30 and 1 in 100 year storm events (plus an allowance for climate change of 30%);
- The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the Greenfield runoff rate for a given storm event;
- Excess surface water runoff must be stored on site and released to receiving watercourses/sewers at Greenfield rates.

30 - Hours of Use

Those parts of the development to be used for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall not be open for public use outside the hours of 0730 to 2300.

REASON:

To protect the amenities of residents within the site and occupiers of adjoining residential occupiers.

31 - Hours of Use

The community use building hereby approved shall not be open for public use outside the hours of 0730 to 2330.

REASON:

To protect the amenities of residents within the site and occupiers of adjoining residential occupiers.

32 - Noise - plant and machinery

The Class A1 and A5 uses hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

REASON:

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

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has also taken into account the findings of the specialist reports submitted with the application and considered the regeneration benefits associated with the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, H1, H2, H7, CLT5/6 of the City of Southampton Local Plan (March 2006).

Policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20 and CS25 of the Southampton Core Strategy 2010

65. 09/01391/FUL 97 Botany Bay Road

Part two-storey/part three-storey side/rear additions (including accommodation in enlarged roof) and conversion to create five flats (1 three-bedroom maisonette, 2 two-bedroom and 2 one-bedroom flats) with associated remodelling of site levels to rear to create car/cycle parking with amenity space areas

Mr Patrick (Agent) Mr Sheppard (Local Resident) and Councillor Smith were present and with the consent of the Chair, addressed the meeting.

The Panel noted the corrected position of the cycle store within the scheme layout and that the list of background papers that should have been referred to was:- 1 (a), (b), (c), (d), 2 (a), (c), (d), that 3 (a) was the City of Southampton Core Strategy (January 2010), 4 (a), (c), (e), (s – The Residential Design Guide

[September 2006]), 5 (a), (e), 6 (a), (c), (l), 7 (a), (c), (i), (m), (n), (q), (y), (z - The South East Plan: Regional Spatial Strategy for the South East of England [May 2009]), 8 (a), (j), 9 (a) and (b).

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

A FURTHER MOTION proposed by Councillor Mrs Blatchford and seconded by Councillor Cunio 'that the application be refused for the following reasons:-

(i) 01. Harmful to the character of the area

The proposed development exhibits the following poor features, which would be harmful to the character of this semi-rural area:-

- (i) Encroachment onto and harsh abutment to the Shoreburs Greenway Site of Importance for Nature Conservation (as shown on the Proposals Map of the City of Southampton Local Plan Review [March 2006]), where no Certificate of Lawfulness exists to use the south-western margin of the site as private garden land/curtilage of a dwelling house and no information has been submitted in relation to external lighting which could impact on bats foraging in the area.
- (ii) Whereas the roof ridge line and front building line appear subordinate to the original property at 97 Botany Bay Road, the proposals represent an excessive and overbearing enlargement and overdevelopment of that property, both in respect to the host dwelling and the semi-detached pair of 95 and 97 Botany Bay Road taken together. This would include views either from the street, from the garden on 95 Botany Bay Road and the adjoining public open space, by reason of the proposed extension's scale, bulk and massing and the 75% site coverage from built form footprint and parking apron.

These harmful environmental impacts justify that Policy H8 of the City of Southampton Local Plan Review (March 2006), nor Policy CS5 of the Core Strategy (January 2010) are not dogmatically adhered to. The proposed development is therefore considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:-

The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) - SP3 (iii), CC1 (ii), CC6, CC8, NRM5 (iv) and BE1 (v); City of Southampton Local Plan Review (March 2006) - SDP1 (i)/(ii), SDP7 (i)/(ii)/(iv)/(v), SDP9 (i)/(v), NE3, CLT3, H2 (i)/(ii)/(iii)/(vii) and H7 (i)/(iii); City of Southampton Core Strategy (January 2010) - CS5, CS13 (Points 1, 7 and 13), CS21 and CS22; Residential Design Guide (September 2006) - Paragraphs 2.2.18, 2.3.1-2.3.2, 3.3.2, 3.2.4-3.2.5, 3.9.1-3.9.2, 3.9.5, 4.1.1-4.1.2 and 5.2.16; Nature Conservation Strategy (1992) - Policies 4 and 8.

- (ii) 02. Poor living conditions
- Whereas the applicant has attempted to meet the Council's Family Housing Supplementary Planning Document, by re-providing a three bedroom unit on the site as part of the proposals, this has resulted in the third bedroom to that unit not having direct access to natural light and ventilation. This is considered to represent poor living conditions, not compatible with modern day requirements and good design. Mechanical ventilation to this room would also add to the development's carbon footprint. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:-
- City of Southampton Local Plan Review (March 2006) - SDP1 (i) and H7 (i)/(iii); City of Southampton Core Strategy (January 2010) - CS13 (Points 2 and 11); Residential Design Guide (September 2006) Paragraph 2.2.1.
- (iii) 03. Poorly located cycle store
- Notwithstanding the design constraints of the site caused by its topography, the proposed cycle store is considered to be too remote from the dwellings to enable convenient use, which would make it less likely that this form of travel would be used over the private motor vehicle. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:- The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) - T1 (ii); City of Southampton Local Plan Review (March 2006) - SDP1 (i), SDP4 and SDP10 (ii); Residential Design Guide (September 2006) - Paragraphs 5.3.3-5.3.4.
- (iv) 04. Potential harm to highway safety
- Notwithstanding achieving a level of car parking exceeding the Council's standards, it is considered that a scheme proposing a total of 9 bedrooms could generate a demand for car parking that - along with visitors to those residing at the property - could be likely to cause overspill car parking in the street. Notwithstanding the application site being located in a zone of medium accessibility, regard has also been had to the poor level of street lighting to reach buses in the public transport corridor of Portsmouth Road, in terms of the realistic prospect of residents still depending upon the private car to meet their travel demands. Any resulting additional on-street parking would be at a narrow point of the carriageway, which could add to congestion, especially when a nearby school in Bay Road is in operation. This would be likely to increase congestion on the local highway network and inconvenience to other highway users and be likely to add to highway hazards to pedestrians, given only one side of the street has a footway. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton:- City of Southampton Local Plan Review (March 2006) - SDP1(i) and SDP3.

(v) 05. Failure to secure S.106 agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of the following Policies of the Development Plan for the City of Southampton:- Policy CC7 of The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) and Policy CS25 of the City of Southampton Core Strategy (January 2010) as supported by the principles set out in DCLG Circular 05/2005 and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended and undergoing review) in the following ways:-

- a a waste management plan, to ensure that refuse containers are brought to the property's front forecourt on collection day and removed back to their enclosure within the site once emptied;
- b a financial contribution towards the reinstatement and enhancement of the biodiversity immediately adjoining the application site's south-western boundary, in accordance with Policies CS22, CS23 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) ; and
- c in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase.

RESOLVED that conditional planning permission be refused for the reasons set out above.

66. STREET NAMING REPORT – 10 BATH ROAD AND LAND TO THE REAR OF 4 – 14 BATH ROAD

The Panel considered the report of the Head of Planning and Sustainability seeking approval for a street name for the development under construction at 10 Bath Road. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that the name 'Sanctuary Close' be approved for the development under construction at 10 Bath Road.

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR PANEL CONSIDERATION

16 March 2010

Abbreviations Used for officer recommendations:

CAP - Conditional Planning Approval

DEL - Delegate to Officers to determine in line with resolution of Panel

REF - Refusal of application

pst = public speaking time allowance to Panel

<u>Application No</u>	<u>Site Address</u>	<u>Type / pst</u>	<u>Recomm</u>	<u>Case Presenting Officer</u>	<u>Officer</u>
<u>between 9.30am and 11.30am</u>					
10/00020/R3CFL	Civic Centre Magistrates Court	Q13 / 05	DEL	JT	RP
10/00021/LBC	Civic Centre Magistrates Court	Q23 / 05	GOSE	JT	RP
10/00041/FUL	Itchen Ferry Slipway	Q28 / 05	CAP	MP	SL
<u>between 11.30am and 1.30pm</u>					
09/01328/R3OUT	Upper Shirley High School	Q12 / 15	CAP	RP	RP
10/00105/R3CFL	Ex-Civil Service Sports Ground	Q20 / 05	DEL	SL	SL
<u>LUNCH BREAK</u>	The panel will break for lunch for 30 to 60 minutes at approximately 1.30				
<u>between 2.30pm and 4.30pm</u>					
09/01377/OUT	468 - 480 Portswood Road	Q01 / 15	DEL	SL	SL

APPENDIX

Southampton City Council - Planning and Rights of Way Panel

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) City of Southampton Local Development Framework – Core Strategy
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Hampshire County Structure Plan 1996-2011 (review) - the Joint Structure Plan for the counties of Hampshire, Portsmouth and Southampton 2000.
 - (e) Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan 1998.

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (c) Women in the Planned Environment (1994)
 - (d) Advertisement Control Brief and Strategy (1991)
 - (e) Nature Conservation Strategy (1992)
 - (g) Economic Development Strategy (1996)
 - (h) Banister Park (1991)
 - (i) Bassett Avenue (1982)
 - (k) Howard Road (1991)
 - (l) Lower Freemantle (1981)
 - (m) Mid Freemantle (1982)
 - (n) Westridge Road (1989)
 - (o) Westwood Park (1981)
 - (p) Test Lane (1984)
 - (q) Northam Road Area Improvement Strategy (1987)
 - (r) Houses in Multiple Occupation (1990)
 - (s) Residential Standards (1989)
 - (u) Vyse Lane/58 French Street (1990)
 - (v) Tauntons College Development Guidelines (1993)
 - (w) Old Woolston Development Control Brief (1974)
 - (x) Cranbury Place (1988)
 - (y) Carlton Crescent (1988)
 - (z) Old Town (1974)

 - (aa) Oxford Street (1982)
 - (ab) The Avenue (1988)
 - (ac) Bassett Green Village (1987)
 - (ad) Old Woolston and St Annes Road (1988)
 - (ae) Itchen Valley (1993)
 - (af) Itchen Valley Strategy (1993)
 - (ai) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
 - (ak) Land between Alder Moor Road and Worston Road Development Brief (1997)

- (al) The Bevois Corridor Urban Design Framework (1998)
- (am) Southampton City Centre Urban Design Strategy (2000)
- (an) St Mary's Place Development Brief (2001)
- (ao) Ascupart Street Development Brief (2001)
- (ap) Design Guidance for the Uplands Estate (Highfield) Conservation Area 1993
- (aq) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (ar) Canute Road Conservation Area Character Appraisal (1996)
- (as) The Avenue Conservation Area Character Appraisal (1997)
- (at) St James Road Conservation Area Character Appraisal (1996)
- (au) Old Town Development Strategy (2004)

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. Planning related Government Circulars in most common use

- | | | |
|-----|---|-------|
| (a) | Planning Obligations | 1/97 |
| (b) | Planning Controls over Hazardous Uses | 11/92 |
| (c) | The Use of conditions in planning permissions | 11/95 |
| (d) | Planning out Crime | 5/94 |
| (e) | Environmental Impact Assessment | 2/99 |
| (f) | Development and Flood Risk | 30/92 |
| (g) | Planning Controls over Demolition | 10/95 |
| (h) | Planning and Affordable Housing | 6/98 |
| (i) | Planning and the Historic Environment | 14/97 |
| (j) | Prevention of Dereliction through the Planning System | 2/98 |
| (k) | Air Quality and Land Use Planning | 10/97 |
| (l) | Town and Country Planning General Regulations | 19/92 |
| (m) | Planning and Affordable Housing | 6/98 |

7. Government Policy Planning Advice

- (a) PPS1 Delivering Sustainable Development (February 2005)
- (b) PPG2 Green Belts (January 1995 - Amended March 2001)
- (c) PPS3 Housing (November 2006)
- (d) PPG4 Industrial, Commercial Development and Small Firms (November 1992)
- PPG5 Simplified Planning Zones (November 1992)
- (e) PPS6 Planning for Town Centres (March 2005)
- PPS7 Sustainable Development in Rural Areas (August 2004)
- (f) PPG8 Telecommunications (August 2001)
- (g) PPS9 Biodiversity and Geological Conservation (August 2005)
- (h) PPS10 Planning for Sustainable Waste Management (July 2005)
- (i) PPS11 Regional Spatial Strategies (September 2004)
- (j) PPS12 Local Development Frameworks (September 2004)
- (k) PPG13 Transport (March 2001)
- (l) PPG14 Development on Unstable Land (1990)
- (m) PPG15 Planning and the Historic Environment (September 1994)
- (n) PPG16 Archaeology and Planning (November 1990)
- (o) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (p) PPG18 Enforcing Planning Control (December 1991)
- (q) PPG19 Outdoor Advertising Control (March 1992)
- (r) PPG20 Coastal Planning (September 1992)

- (s) PPG21 Tourism (1992)
- (t) PPS22 Renewable Energy (August 2004)
- (u) PPS23 Planning and Pollution Control (November 2004)
- (v) PPG24 Planning and Noise (September 1994)
- (w) PPG25 Development and Flood Risk (July 2001)
- (x) Regional Planning Guidance for the South East (July 2004)

8. 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
- (h) Buildings at Risk Register SCC (1998)
- (i) Southampton City Safety Audit (1998)
- (j) Urban Capacity Study 2005 – 2001 (March 2006)

9. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

Partially Revised: 29.01.2010

Agenda Item 5

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 March 2010
 Planning Application Report of the Head of Division

Application address Chief Executive Southampton City Council Civic Centre, Civic Centre Road SO14 7LY			
Proposed development Change of use of the courts and police block of the Civic Centre into a Sea City Museum with associated alterations and extensions at roof level and to the north side of the building.			
Application number	10/00020/R3CFL	Application type	Regulation 3
Case officer	Jenna Turner	Application category	Q18 - Other minor

Recommendation Summary	Delegate to the Development Control Manager to grant planning permission subject to criteria listed in report (Regulation 3 application)
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Reason for Panel consideration	Application submitted on behalf of Southampton City Council and which affects a Grade II* Listed Building
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Applicant Southampton City Council Leisure Services	Agent Wilkinson Eyre Architects
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Date of receipt	21.01.2010	City Ward	Bargate
Date of registration	21.01.2010	Ward members	Cllr Bogle
Publicity expiry date	25.02.2010		Cllr Damani
Date to determine by	18.03.2010 OVER		Cllr Willacy

Site area		Usable amenity area	N/A
Density - whole site	N/A	Landscaped areas	N/A
Site coverage (developed area)	N/A		
Residential mix	numbers	size sq.m	Other land uses
Studio / 1-bedroom	N/A	N/A	Commercial use
2-bedroom	N/A	N/A	Retail use
3-bedroom	N/A	N/A	Leisure use
			D2 - Museum

accessibility zone	high	policy parking max	N / A	spaces
parking permit zone	no	existing site parking	50	spaces
cyclist facilities	yes	parking proposed	50	spaces
motor & bicycles	Not determined	disabled parking	0	spaces

Key submitted documents supporting application:			
Design and Access Statement		Ecological Appraisal Report	
Statement of Community Involvement		Transport Assessment	
Sustainability Checklist		Sustainability Statement	
Site Waste Management Plan			
Appendix attached			
1	Local Plan Policy schedule	2	Suggested conditions

Recommendation in full

Delegate the Development Control Manager to grant planning approval subject to

1. the Head of Leisure giving a written undertaking for the provision of the following:
 - a) Confirmation from English Heritage that they raise no objection to the application;
 - b) Submission of a Tree Replacement Management Plan, including 2 for 1 replacement tree planting and off-site, in accordance with Policies CS22, CS23 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - c) Site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - d) Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

Procedural Context

Councils Own Development

The proposed scheme is a Regulation 3 application for Full Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Public Leisure Service) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

Background

The Civic Centre is a Grade II* Listed building designed by Berry Webber following a design competition. The complex of buildings was designed in the neo-classical modern style and is a steel framework building clad in Portland Stone. The Law Courts block, which contains the landmark clock tower, was the second section of the Civic Centre complex to be constructed after the Municipal block and was completed in 1933. There have been no significant previous alterations to this section of the building.

The Law Courts front Havelock Road and to the north of the building is West Watts Park which is part of English Heritage's register of parks and gardens of special historic interest. The Magistrates Courts moved from the Law Courts to Rockstone Place in 2001 and since this time has been used as storage and meeting room space in association with the offices within the Municipal Block.

Proposed Development & Surrounding Context

The application proposes the alteration and extension of the existing law courts within the Civic Centre to provide a museum of Southampton's maritime history.

As well as a maritime exhibition, the museum would also incorporate a Titanic exhibition, special exhibition space and educational facilities. It is intended that the museum be open for public use by April 2012 to coincide with the centenary of the sinking of the Titanic.

Phases

The development of the museum would take place in two phases; the current applications (for planning permission and Listed Building consent) relate to Phase 1 works which includes the alterations to the entrance, the pavilion extension to the north of the building and the rooftop extension. Phase 2 relates to the lower ground floor and the northern end of the ground floor which will continue to be occupied by the police until April 2011.

An application for Listed Building Consent has also been submitted, which will consider the internal alterations to the building including the demolition works.

Pavilion extension

The main entrance and exit to the museum would be through the existing grand entrance on Havelock Road. The existing internal ground floor level is higher than pavement level and the existing entrance comprises external and internal flights of steps which link the pavement level with the internal ground floor. As part of this proposal, the existing entrance would be remodelled to create a level access to the lower ground floor of the building. The works to the entrance also include the extension of the existing screen around the entrance downwards and the provision of new entrance doors within a stone portal.

The lower ground floor of the building would contain the ticketing area, cafe and shop. At this level, a glazed link would provide access to the special exhibition space that would be contained within the pavilion extension building.

The pavilion would be a single storey structure, positioned to the north side of the building, occupying the existing irregularly shaped grassed landscaped bounded by a low Portland stone wall and contains 3 young trees. There is a notable change in levels at this point, with the land sloping up from the northern end of the building towards Havelock Road.

The pavilion extension would provide an additional 500sqm of exhibition space. The massing of the extension is shown to be broken into three interlocking bays and attached to the existing building by a subordinate glazed link section. It is proposed that the extension itself be finished in reconstituted stone cladding and semi-translucent glazing. A separate entrance would be provided within the glazed linked structure to enable the special exhibition area to be accessed independently from the rest of the museum. A hard landscaped area would be provided around the perimeter of the pavilion.

The proposed rooftop extension which would shroud plant and equipment would also enable the enclosure of the existing prisoner exercise yard to create a triple height exhibition space. The roof extension would be set back approximately 2.5m from the western roof parapet and 8m from the north and south roof parapets. The extension would be just over 3m in height and would be finished in reconstituted stone cladding system and opaque glazing, to match to pavilion extension.

Setting

The proposal also involves the closure of the Havelock Road spur to general traffic and the removal of the existing metered parking bays from this area. This would enable the provision of a coach drop-off area which would accommodate two coaches at any one time and 3 taxi bays in front of the pavilion extension. The spur would operate a one way for the coaches and taxis. The road closure would be demarcated by signage, bollards and a contrasting road surface treatment. It is proposed to construct a build-out to the south-west corner of the Havelock Road spur which would accommodate visitor cycle storage. The road closure itself would require a Traffic Regulation Order (TRO).

Servicing and would take place from the eastern side of the building via loading doors in the back of the pavilion extension. Refuse and cycle storage would be provided internally to the south of the building and would be accessed by the existing internal service courtyard.

Operation

The museum would be open 364 days a year, with the exception being Christmas Day, between the hours of 10:00 and 17:00 and it is anticipated that it would attract 157,000 visitors on an annual basis.

Relevant Planning Policy

Policy CS1 of the Core Strategy supports further leisure development within city centre locations and promotes the creation of a cultural quarter in the Northern Above Bar Area. This is supported by saved policy MSA5 of the Local Plan Review which encourages the development of the Civic Centre and Guildhall Square as a mixed-use cultural quarter. The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

Relevant Planning History

No relevant applications

Consultation Responses & Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **4** representations had been received from interested parties which include, Southampton Commons and Parks Protection Society and the City of Southampton Society.

Summary of Representations made

Impact of the pavilion extension – The design and positioning of the proposed pavilion, forward of the northern building line of the Civic, would be unsympathetic with the existing building. The extension should defer to the Civic in terms of its design, as do many of the buildings built in the vicinity of it. The extension would adversely affect the symmetry of the building and diminish the impact of the clock tower. The loss of the grassed area is also regrettable as this provides an attractive setting to the building.

Impact of the entrance - The works to the entrance would erode its grandeur and have a damaging impact on the building. There is insufficient width to the pavement to accommodate groups that may congregate outside the entrance.

Impact of the roof extension - The height of the roof extension will unbalance the scale of the west elevation of the building and detract from the entrance.

Location of the museum - The siting of a maritime museum in a location which does not have strong physical, historical or visual links to the waterfront is philosophically incorrect.

Impact on the Listed Parks - The Civic Centre provides a positive setting and backdrop to the Listed Parks and the proposed pavilion extension would detract from this. In addition to this, the pavilion extension would detract from the library entrance to the building when viewed from the parks.

Summary of Consultation comments

SCC Highways - Improved pedestrian crossing facilities are required to address pedestrians crossing Havelock Road. Further details of the measures to prevent traffic using the Havelock Road spur are required as well as details of how the proposal would improve and link into existing cycle network.

SCC Archaeology – No objection. Suggests the imposition of conditions to secure a written scheme of archaeological investigation, an archaeological work programmes and to carry out a record of the building prior to the commencement of works.

SCC Ecology - No objection. Suggests a condition to ensure no adverse impact to bats during the removal of trees.

SCC Sustainability - No objection. The development should achieve BREEAM Very Good.

SCC Trees - No objection to the removal of the trees since they are not significant amenity features. Suggests that replacement trees are secured for planting off-site, at a 2 for 1 ratio.

SCC City Design - No objection. The proposed pavilion extension would be an exciting and dynamic contrast to the existing building which would sit well in its context. The interventions to the entrance could work well from a design perspective. Suggest further information is required with respect to the proposed materials and the detailing of the roof enclosure.

BAA - No objection. Suggests adding an informative to the decision notice to make the developers aware of the Code of Practice relating to the use of cranes.

Planning Consideration Key Issues

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

- The principle of development
- The impact on the special historical and architectural character of the building
- The impact on transport infrastructure
- The impact of the proposal on surrounding land uses

1. Principle of Development

PPG15: Planning and the Historic Environment advises that the best way to secure the upkeep of listed buildings is to ensure that they remain in active use. The Courts will be vacated in autumn 2010 and it important to secure an appropriate use for this substantial Listed Building before this time. The building itself is no longer fit for its intended function and the continuation of the Law Courts as a public building is welcomed.

The proposed museum would play an important part in the realisation of a 'Cultural Quarter' in this northern Above Bar area. Core Strategy and Local Plan policies support the principle of leisure facilities within city centre locations; the site is within walking distance of the central train station and well served by bus stops. The provision of a museum in this location would provide a valuable cultural facility for the city's residents and visitors.

2. Character and Design Issues

Pavilion Extension

The proposed pavilion extension has been designed to respond to the varied land levels and irregular shape of the plot. The footprint of the building follows the tapered nature of the plot, whilst the roof apexes of each of the 3 bays ascend slightly towards the northern boundary. The use of the interlocking bays provides articulation to the built form, alleviating the massing whilst acting as a subtle reference to the maritime nature of the museum. The extension defers to the Civic Centre in its height.

The subordinate glazed link between the pavilion and the Civic provides sufficient separation between the original and the new, allowing the extension to read as a neighbour and providing clarity between the two elements. It is because the pavilion would read as a separate entity to the Civic Centre that would allow the symmetry and grace of the original building to prevail.

The façade of the extension would be finished in stone cladding and glazing, separated by a diagonal crease which would provide lightness to its appearance. The upper and lower sections of the façade slope in different directions, giving visual breaks within the elevation.

A hard landscaped finish is proposed to the perimeter of the extension which follows the topography of the land and reflects the elevation treatment of the extension. This will provide an effective setting for the new building.

Overall, it is considered that the addition would appear as an exciting and high quality addition to the building that would enhance the setting of the Civic Centre and help raise the profile of the new museum facility.

Roof Extension

Two rooftop additions that would provide plant-room accommodation would be positioned either side of the base of the clock tower. The extensions would appear as symmetrical additions and therefore would not detract from the overall balance of the building. The enclosure would be set back from the roof parapet and being single-storey in scale and would not be unduly prominent when viewed from public vantage points. The additions would be the same height as the lower plinth of the base of the clock tower, which ensures it integrates into the fabric of the building. It is also important to note that the Law Courts section of the Civic Centre is lower in height than the remainder of the complex of the buildings and as such the addition would not detract from the rest of the building.

The enclosure would be finished in materials to match the proposed pavilion extension and would be sympathetic to the Portland stone of the Civic Centre whilst ensuring that the addition appears as a lightweight and modern structure.

Entrance alterations

The demolition works associated with the alterations to the entrance will be considered in the

Listed Building application.

The proposed alterations to the entrance would enable it continue as the primary entrance to the building and facilitate its use by all visitors to the building. This is fundamental to avoid the segregation of people able to use the steps from those who are not able to use the steps. Having regard to the prominence and importance of the existing entrance, it is crucial that it remains as the principle entrance to the building and its significance is retained.

The application proposes the extension of the existing door screen downwards by one glazed panel either side of the door and this would be a simple solution which would not detract from the existing detailing. The new glazed doors would be positioned within a new a stone portal which reflects the main entrance to the Municipal block.

The new Portland stone paved area will be provided in front of the entrance following the removal of the steps. This would follow the pattern of the removed steps and be at a slight gradient to emphasise the threshold of the entrance.

2. Transportation considerations

No car parking spaces would be provided to serve the museum and this is appropriate in such a highly accessible location such of this since it would promote access to the site by more sustainable modes of transport other than the private car. The application is accompanied by a detailed Transport Assessment which demonstrates that anticipated car travel to the museum could be accommodated within the existing city centre car parking provision. A condition is suggested to secure a Sustainable Travel Plan to promote sustainable travel to and from the site. The vehicular movements to and from the site itself, would be less than is currently generated by the existing police operations.

In terms of the removal of the existing car parking spaces within Havelock Road, the submitted information demonstrates that the displaced car parking can also be accommodated within existing city centre car parking provision. Two of the existing car parking bays on Commercial Road would be converted to provide the disabled spaces that would be removed from the Havelock Road spur.

To avoid congestion of the footway outside of the entrance by groups or queues, it is proposed that the internal lobby would serve as a holding area to avoid congregation on the footway which hinders the passage of other users.

3. Impact on surrounding land uses

The application site is separate from the nearest residential development and having regard to the proposed hours of operation (10:00 and 17:00), the proposal would not have a harmful impact on residential amenity.

Summary

The proposed museum represents an exciting opportunity for the city that would make good use of the existing fabric of the Civic Centre; retaining and enhancing the role that the building plays within Southampton.

CONCLUSION

By securing the matters set out in the recommendations section of this report, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Development Control Manager.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d) 2 (a) (c) (e) 6 (i) (l) 7 (a) (f) (o)

(JT for 16.03.10 PROWP)

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document

CS1	City Centre Approach
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce, manage, invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	Infrastructure and Developer Contributions

Saved Policies of the City of Southampton Local Plan Review

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE3	Listed Buildings
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
MSA1	City Centre Design
MSA5	Civic Centre and Guildhall Square
IMP1	Provision of Infrastructure

RECOMMENDATION: CAP

CONDITIONS for 10/00020/R3CFL

01. APPROVAL CONDITION - 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. APPROVAL CONDITION - 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 schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

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

03. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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. APPROVAL CONDITION – Details of Hard Landscaping [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the hard landscaping works to be carried out shall be submitted to the Local Planning Authority for approval in writing. The details shall include samples of materials to be used, the existing and finished land levels and the design of paving to be laid. The development shall proceed in accordance with the agreed details.

REASON

To ensure a satisfactory setting to the building is provided.

05. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved, a feasibility study shall be submitted to the Local Planning Authority for approval in writing regarding the attainment of a Very Good rating against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method). This shall be verified in writing prior to the development first coming into use.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS22 of the Core Strategy and SDP13 of the City of Southampton Local Plan (2006).

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the Ecological Appraisal Report October 2009, submitted with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

07. APPROVAL CONDITION – Lighting Scheme [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of lighting scheme shall be submitted to the Local Planning Authority for approval in writing. The lighting shall be implemented as approved prior to the development first coming into occupation.

REASON

In the interests of reducing crime and anti-social behaviour and in the interest of the visual amenity of the area

08. APPROVAL CONDITION – Entrance screen detailing [pre-commencement condition]

Prior to the commencement of the development hereby approved detailed plans at a scale of no less than 1:20 of the new glazing to the entrance scheme shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

In the interest of the special historic and architectural character of the Civic Centre.

09. APPROVAL CONDITION – Details of signage [pre-commencement condition]

Notwithstanding the submitted information, prior to the commencement of development, full details of external signage shall be submitted to the Local Planning Authority for approval in writing. The signage

shall be implemented in accordance with the agreed details prior to the development first coming into use.

REASON

In the interest of the special historic and architectural character of the Civic Centre.

10. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

11. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

12. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]

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

Reason:

To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

13. APPROVAL CONDITION – Highway Works [pre-commencement condition]

Prior to the commencement of works in association with the closure of the Havelock Road spur, two disabled car parking bays shall be provided within Commercial Road in accordance with the details in the submitted Transport Assessment and made available for use.

REASON

To ensure adequate disabled car parking spaces are provided within the vicinity of the site.

14. APPROVAL CONDITION – Coach and Taxi Bays [pre-occupation condition]

Prior to the development first coming into use, the coach drop off bays and taxi bays shall be provided and made available for use within the Havelock Road spur in accordance with the submitted plans and information. The bays shall be thereafter retained whilst the building is used for the development hereby approved.

REASON

In the interest of the safety and convenience of the users of the adjoining highway

15. APPROVAL CONDITION – Works to Havelock Road Spur [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the physical measures to be used to sign the closure of Havelock Road shall be submitted to the Local Planning Authority for approval in writing. These details shall include details of signage, bollards and the road surface

treatment. The measures shall be implemented as approved prior to the development first coming into use.

REASON

To secure an acceptable setting to the Grade II* Listed Building

16. APPROVAL CONDITION – Visitor Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the visitor cycle storage to be provided shall be submitted to the Local Planning Authority for approval in writing. The details shall include the number, type, appearance and location of visitor cycle hoops. The cycle storage shall be implemented as approved before the development first comes into use.

REASON

To promotes cycling as a sustainable form of transport

17. APPROVAL CONDITION – Refuse and Recycling Bin Storage [performance condition]

The storage for refuse and recycling bins shall be provided in accordance with the plans hereby approved prior to the development first coming into use and thereafter retained as approved whilst the development is occupied for the approved use.

REASON

To ensure a satisfactory form of development

18. APPROVAL CONDITION – Staff Cycle Storage [performance condition]

The storage for staff bicycles shall be provided in accordance with the details hereby approved prior to the development first coming into use and thereafter retained as approved whilst the development is occupied for the approved use.

REASON

To promote cycling as a sustainable form of transport

19. APPROVAL CONDITION – Travel Plan [pre-commencement condition]

Prior to the commencement of development a sustainable travel plan shall be submitted to the Local Planning Authority for approval in writing, detailing how sustainable travel to and from the development hereby approved will be promoted. The development shall proceed in accordance with the agreed travel plan.

REASON

To promote sustainable forms of transport

20. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

21. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS 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 CMS 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, and the character of the area and highway safety.

22. APPROVAL CONDITION – Hours of Deliveries [performance condition]

No deliveries (including construction traffic) during the hours of 08:30 to 09:30 and 16:00 and 17:30.

REASON

To ensure that deliveries to the site do not coincide with rush hour traffic

00. Reason for granting Planning Permission

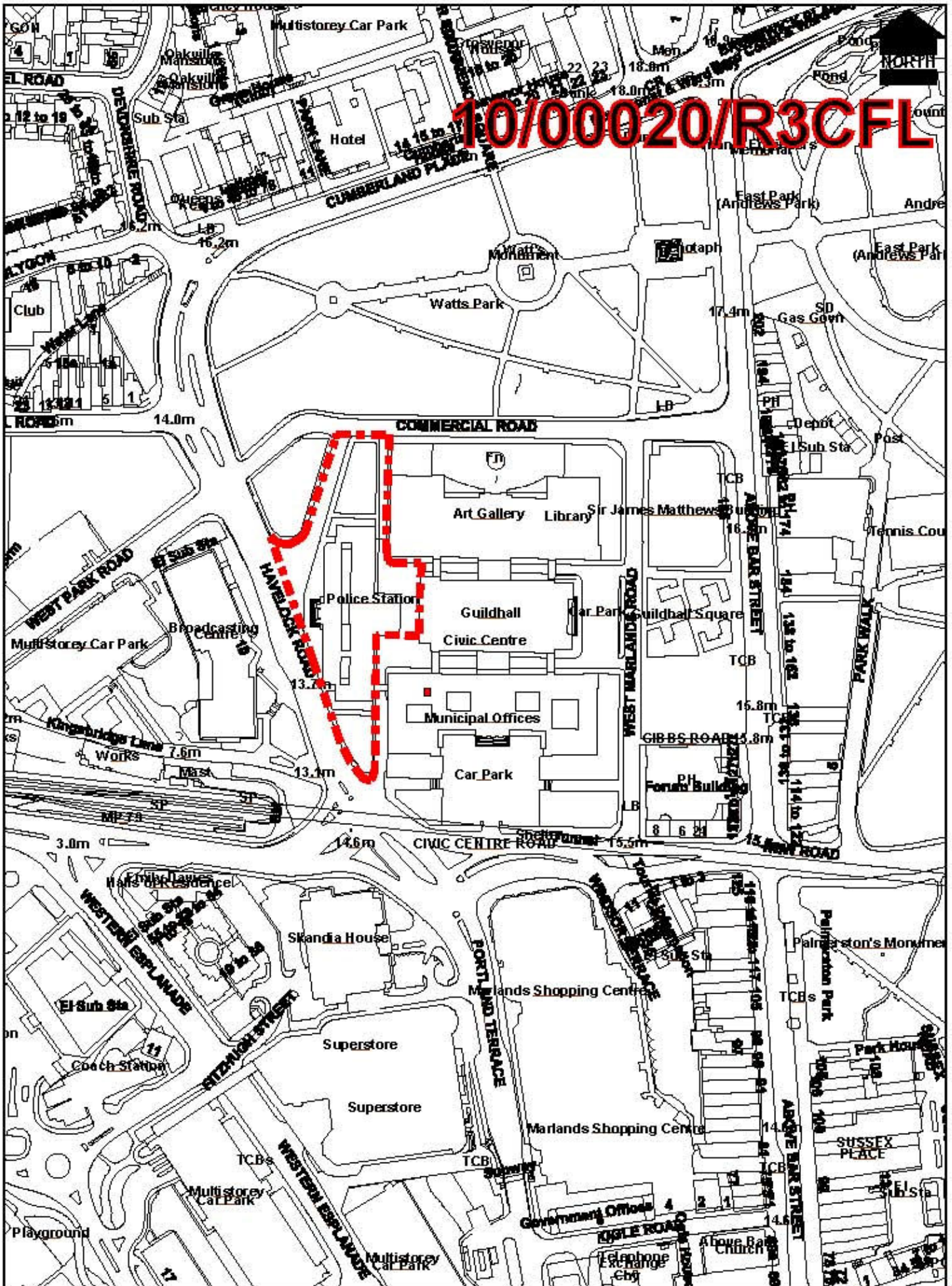
The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The development is an acceptable use for the Civic Centre and the proposed additions are considered to preserve and enhance the appearance of the building. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies CS1, CS13, CS14, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE3, HE5, HE6, CLT1, MSA1, and MSA5. of the City of Southampton Local Plan Review (March 2006).

Note to Applicant

1. The developer's attention is drawn to the requirements within the British Standard Code of Practice for the safe use of cranes. Crane operators should consult the aerodrome before erecting a crane on site.



10/00020/R3CFL

Scale : 1:2500

Date : 03 March 2010

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Agenda Item 6

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 March 2010
 Planning Application Report of the Head of Division

Application address Chief Executive Southampton City Council Civic Centre, Civic Centre Road			
Proposed development Change of use of the courts and police block of the Civic Centre into a Sea City Museum with associated alterations and extensions at roof level and to the north side of the building.			
Application number	10/00021/LBC	Application type	LBC (Regulation 13)
Case officer	Jenna Turner	Application category	Q23-Listed Building

Recommendation Summary	Referral to the Government Office under Listed Building determination procedures for Local Authorities with a recommendation that Listed Building Consent be granted
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Reason for Panel consideration	Application submitted on behalf of Southampton City Council and which affects a Grade II* Listed Building
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Applicant Southampton City Council Leisure Services	Agent Wilkinson Eyre Architects
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Date of receipt	21.01.2010	City Ward	Bargate
Date of registration	21.01.2010	Ward members	Cllr Bogle
Publicity expiry date	25.02.2010		Cllr Damani
Date to determine	18.03.2010 OVER		Cllr Willacy

Site area		Usable amenity area	N/A
Density - whole site	N/A	Landscaped areas	N/A
Site coverage (developed area)	N/A		
Residential mix	numbers	size sq.m	Other land uses
Studio / 1-bedroom	N/A	N/A	Commercial use
2-bedroom	N/A	N/A	Retail use
3-bedroom	N/A	N/A	Leisure use
			class
			N/A
			N/A
			D2 - Museum

accessibility zone	high	policy parking max	N / A	spaces
parking permit zone	no	existing site parking	50	spaces
cyclist facilities	yes	parking proposed	50	spaces
motor & bicycles	Not determined	disabled parking	0	spaces

Key submitted documents supporting application:			
Design and Access Statement		Ecological Appraisal Report	
Statement of Community Involvement		Transport Assessment	
Sustainability Checklist		Sustainability Statement	
Site Waste Management Plan			
Appendix attached			
1	Local Plan Policy schedule	2	Suggested conditions

Recommendation in full

That the application be referred to the Government Office for the West Midlands with a recommendation that Listed Building Consent be granted subject to:

1. Confirmation from English Heritage that they raise no objection to the application

Procedural Context

Councils Own Development affecting a Listed Building

The proposed scheme is a Regulation 13 application for Listed Building Consent for works to a Listed Building which is within the ownership and control of the City Council. A Regulation 13 application relates to proposals made by the Local Authority (in this case as the Public Leisure Service) for development that it wishes to undertake to a Listed Building as part of its remit as a public sector service provider.

Under the provisions of Regulation 13 of the Town and Country Planning General Regulations, such applications should be initially assessed by the Local Planning Authority and if resolved to be approved, be forwarded to the appropriate Government Office for their own appraisal and determination. It is not within the scope of the Local Planning Authority to determine the application.

Background

The Civic Centre is a Grade II* Listed building designed by Berry Webber following a design competition. The complex of buildings was designed in the neo-classical modern style and is a steel framework building clad in Portland Stone. The Law Courts block, which contains the landmark clock tower, was the second section of the Civic Centre complex to be constructed after the Municipal block and was completed in 1933. There have been no significant previous alterations to this section of the building.

The Law Courts front Havelock Road and to the north of the building is West Watts Park which is part of English Heritage's register of parks and gardens of special historic interest. The Magistrates Courts moved from the Law Courts to Rockstone Place in 2001 and since this time has been used as storage and meeting room space in association with the offices within the Municipal Block.

Proposed Development & Surrounding Context

The application proposes the alteration and extension of the existing law courts within the Civic Centre to provide a museum of Southampton's maritime history.

As well as a maritime exhibition, the museum would also incorporate a Titanic exhibition, special exhibition space and educational facilities. It is intended that the museum be open for public use by April 2012 to coincide with the centenary of the sinking of the Titanic.

Phases

The development of the museum would take place in two phases; the current applications (for planning permission and Listed Building consent) relate to Phase 1 works which includes the alterations to the entrance, the pavilion extension to the north of the building

and the rooftop extension. Phase 2 relates to the lower ground floor and the northern end of the ground floor which will continue to be occupied by the police until April 2011.

An application for Listed Building Consent has also been submitted, which will consider the internal alterations to the building including the demolition works.

Pavilion extension setting

The main entrance and exit to the museum would be through the existing grand entrance on Havelock Road. The existing internal ground floor level is higher than pavement level and the existing entrance comprises external and internal flights of steps which link the pavement level with the internal ground floor. As part of this proposal, the existing entrance would be remodelled to create a level access to the lower ground floor of the building. The works to the entrance also include the extension of the existing screen around the entrance downwards and the provision of new entrance doors within a stone portal.

The lower ground floor of the building would contain the ticketing area, cafe and shop. At this level, a glazed link would provide access to the special exhibition space that would be contained within the pavilion extension building.

The pavilion would be a single storey structure, positioned to the north side of the building, occupying the existing irregularly shaped grassed landscaped bounded by a low Portland stone wall and contains 3 young trees. There is a notable change in levels at this point, with the land sloping up from the northern end of the building towards Havelock Road.

The pavilion extension would provide an additional 500sqm of exhibition space. The massing of the extension is shown to be broken into three interlocking bays and attached to the existing building by a subordinate glazed link section. It is proposed that the extension itself be finished in reconstituted stone cladding and semi-translucent glazing. A separate entrance would be provided within the glazed linked structure to enable the special exhibition area to be accessed independently from the rest of the museum. A hard landscaped area would be provided around the perimeter of the pavilion.

Magistrates Court Wing

Works to the lower ground floor would include the removal of partitions within the existing police offices and the partial demolition of the exercise yard wall. The prisoner exercise yard would be enclosed by the proposed roof extension to provide a triple height light-well. The roof extension would be set back approximately 2.5m from the western roof parapet and 8m from the north and south roof parapets. The extension would be just over 3m in height and would be finished in reconstituted stone cladding system and opaque glazing, to match to pavilion extension.

The proposal also involves the insertion of a flight of stairs and a lift within the light-wells to provide access to the ground floor exhibitions. Within the grand entrance hall two new openings would be made within the existing blank doorways to provide links to the new stair and lift to the lower ground floor.

In terms of works to the ground floor, Courts 1 and 3 would be altered to provide exhibition space with the Coroners court excluded from the phase 1 works. The alterations to Court 1 include the removal of a section of the raised dais to provide access to the Retiring Room behind and the door opening would be extended to floor level. The alterations to Court 3 also involve altering the connection to the Retiring Room by removing sections 1200mm in width in the dais. In addition to this, a central section of the judge's bench, dais and wall

panelling would be removed. The benches and dock would be removed from this courtroom and a further opening would be created within the west wall.

Relevant Planning Policy

The Council's usual considerations apply in respect of protecting and enhancing Listed Buildings as required by CS14 of the Core Strategy and HE3 of the Local Plan. The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report. The Conservation Plan and Strategy for the Civic Centre (April 2009) is also of relevance in the consideration of this application, although this document does not have any planning status, it is a useful background document which assesses the relative merit of the different areas of the Civic Centre and sets out a policy framework for managing works within these areas.

Relevant Planning History

No relevant applications

Consultation Responses & Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **4** representations had been received from interested parties which include, Southampton Commons and Parks Protection Society and the City of Southampton Society.

Summary of Representations made

Impact of the pavilion extension – The design and positioning of the proposed pavilion, forward of the northern building line of the Civic, would be unsympathetic with the existing building. The extension should defer to the Civic in terms of its design, as do many of the buildings built in the vicinity of it. The extension would adversely affect the symmetry of the building and diminish the impact of the clock tower. The loss of the grassed area is also regrettable as this provides an attractive setting to the building.

Impact of the entrance - The works to the entrance would erode its grandeur and have a damaging impact on the building. There is insufficient width to the pavement to accommodate groups that may congregate outside the entrance.

Impact of the roof extension - The height of the roof extension will unbalance the scale of the west elevation of the building and detract from the entrance.

Location of the museum - The location of a maritime museum in a location which does not have strong physical, historical or visual links to the waterfront is philosophically incorrect.

Impact on the Listed Parks - The Civic Centre provides a positive setting and backdrop to the Listed Parks and the proposed pavilion extension would detract from this. In addition to this, the pavilion extension would detract from the library entrance to the building when viewed from the parks.

Summary of Consultation comments

SSC Historic Environment – Supported with the need for some further clarification prior to works starting on site.

There are three major issues that deserve closer scrutiny. These are; the proposed addition to the roof to house the M&E equipment; the proposed removal of the front steps to create a new entrance; and the proposed extension. These three issues form the crux of the application in conservation terms. There are however other issues relating to the level and quality of some of the supporting information that, while not incapable of resolution, nevertheless will require the submission of additional information to support the proposals.

1. Proposed new roof structure.

The justification for the size and location of the proposed structure are set out in the Heritage Statement (3.4.2, but see below), and the Design and Access Statement (1.3.5). The architects propose an elegant solution to the problem of enclosing the air handling units, and clearly considerable thought has gone into the solution proposed. This element is supported, with the caveat that details of materials, with samples, should be subject of a condition.

2. Proposed new front entrance

The proposed new front entrance is clearly a major intervention that will result in a significant impact on the character and setting of the building. The architects make a strong argument that the existing entrance should be retained as the main way into the building, not least in respect of the requirements of the Disability Discrimination Act (DDA), and the need to maintain the symmetry of the building. It should be noted that of the four main entrances to the civic complex, three have DDA-compliant accesses, but only one (the North Block) has maintained the symmetry implicit in Berry-Webbers design. The other two (the Municipal Block and the Guildhall) both have DDA-compliant entrances set some way from the main entrances. It should be accepted that in the case of the Municipal Block this has to do with the difference between the external ground level, and the difficulty and deleterious impact that DDA-compliant ramps would have on the front façade of the building. Equally, the recent re-ordering of the services located within the civic has meant that the main service (Gateway) is equally well accessed from the inserted ramp into the East wing. Therefore, while symmetry has not been maintained, it has been sacrificed for reasons of topography, rather than architectural expediency. The same could also be said of the separate DDA-compliant access to the Guildhall, which has been inserted to the north of the grand portico, without a similar entrance being created to the south.

The need to create a DDA-compliant entrance while maintaining the original symmetry of the building is accepted, and in heritage terms carries more weight than the operational needs of the proposed new museum. However, it is accepted that in order for the former courts to be adapted successfully for new uses, an element of compromise is needed to ensure that operational difficulties are minimised.

It is accepted that the proposed re-modelling of the doorway will change the accepted image of the building from one of stern judicial function to one that is less formal and more inviting.

If this element of the proposal is agreed, it is recommended that the works are recorded by an archaeologist, and that conditions are imposed relating to materials, details of construction, the need for samples to be agreed etc.

3. Proposed pavilion extension

This is potentially the most controversial of the proposals contained in the application. In

essence, once a decision had been taken that additional space is required to support the new museum, and that this space had to be accommodated via a new build, the designers had two choices. Either they should design a high-quality pastiche to better blend in with the existing building, or they had to design a building that is unapologetically modern. The key principle that should lie behind any proposed design solution is that any new build should reference the underlying principles behind Berry-Webbers design. The applicants make a strong case in the Design and Access Statement that they have done so, and therefore the application is supported.

SCC Archaeology – No objection. Suggests the imposition of conditions to secure a written scheme of archaeological investigation, an archaeological work programmes and to carry out a record of the building prior to the commencement of works.

SCC Sustainability - No objection. The development should achieve BREEAM Very Good.

SCC City Design - No objection. The proposed pavilion extension would be an exciting and dynamic contrast to the existing building which would sit well in its context. The interventions to the entrance could work well from a design perspective. Suggest further information is required with respect to the proposed materials and the detailing of the roof enclosure.

Planning Consideration Key Issues

The key issue for consideration in the determination of this application for Listed Building Consent is the impact of the proposed extensions and alterations on the special historic and architectural character of the Civic Centre.

Principle of Development to the Listed Building

Central Government guidance in PPG15: Planning and the Historic Environment advises that the best way to secure the upkeep of listed buildings is to ensure that they remain in active use. The Courts will be vacated in autumn 2010 and it important to secure an appropriate use for this substantial Listed Building before this time. The building itself is no longer fit for its intended function and the continuation of the Law Courts as a public building is welcomed.

PPG15 also acknowledges that ensuring listed buildings remain in active use will often necessitate a degree of adaptation. The key aspects of the proposal are hereby assessed in turn in terms of their relative impacts on the building.

The proposed museum would play an important part in the realisation of a 'Cultural Quarter' in this northern Above Bar area. Core Strategy and Local Plan policies support the principle of leisure facilities within city centre locations; the site is within walking distance of the central train station and well served by bus stops. The provision of a museum in this location would provide a valuable cultural facility for the city's residents and visitors.

Character and Design Issues

1. Entrance alterations

Whilst the removal of the entrance steps would erode the sense of grandeur and sense of procession created by the existing entrance, the proposed alterations to the entrance would enable it continue as the primary entrance to the building and facilitate its use by all visitors to the building. This is fundamental to avoid the segregation of people able to use the steps from those who are not able to use the steps. Having regard to the prominence and

importance of the existing entrance, it is crucial that it remains as the principle entrance to the building and its significance is retained.

A number of alternative options for the entrance have been considered by the architects prior to the selection of the chosen approach. These options have included the provision of an entrance ramp, the length of which would have a significant harmful impact on the appearance of the building as well as result in the removal of the lamps either side of the entrance. Other options have resulted in the segregation of stair users from non stair users such as the introduction of an internal lift or the provision of a disabled entrance elsewhere as well also involving inherent listed building issues.

The application therefore proposes the removal of the steps and the extension of the existing door screen downwards by one glazed panel either side of the door and this would be a simple solution which would not detract from the existing detailing. The new glazed doors would be positioned within a new stone portal which reflects the main entrance to the Municipal block. The bases of the lamp stands would be re-dressed in Portland stone and the existing entrance screen and glazing would be restored. The new stone entrance portal would help to reinforce the sense of arrival that would be eroded by the loss of the steps.

In addition to this a new Portland stone paved area will be provided in front of the entrance following the removal of the steps. This would express the pattern of the removed steps and be at a slight gradient to emphasise the threshold of the entrance.

2. Alterations to the Courts

Court 1, which is the principle of the three courtrooms and that which is of the highest architectural quality, would remain relatively intact apart from the intervention to the dais. The intervention to the dais would not significantly impact upon the historic and architectural integrity of this space. Court 1 would accommodate an exhibition relating to the Titanic Inquiry, therefore the existing building's fabric can be utilised as part of this exhibition. Court 3 however would not be used in the same manner and therefore, the proposed interventions are more extensive when compared with Court 1. The building itself is no longer appropriate for its intended law court function and some degree of adaptation will be required to ensure that the Court can be utilised.

3. Roof Extension

Two rooftop additions that would provide plant-room accommodation would be positioned either side of the base of the clock tower. The extensions would appear as symmetrical additions and therefore would not detract from the overall balance of the building. The enclosure would be set back from the roof parapet and being single-storey in scale and would not be unduly prominent when viewed from public vantage points. The additions would be the same height of the lower plinth of the base of the clock tower, which ensures it integrates into the fabric of the building. It is also important to note that the Law Courts section of the Civic Centre is lower in height than the remainder of the complex of the buildings and as such the addition would not detract from the rest of the building.

The enclosure would be finished in materials to match the proposed pavilion extension and would be sympathetic to the Portland stone of the Civic Centre whilst ensuring that the addition appears as a lightweight and modern structure.

4. Pavilion Extension

The proposed pavilion extension has been designed to respond to the varied land levels and irregular shape of the plot. The footprint of the building follows the tapered nature of the plot, whilst the roof apexes of each of the 3 bays ascend slightly towards to northern boundary. The use of the interlocking bays provides articulation to the built form, alleviating the massing whilst acting as a subtle reference to the maritime nature of the museum. The extension defers to the Civic Centre in its height.

The subordinate glazed link between the pavilion and the Civic provides sufficient separation between the original and the new, allowing the extension to read as a neighbour and providing clarity between the two elements. It is because the pavilion would read as a separate entity to the Civic Centre that would allow the symmetry and grace of the original building to prevail.

The façade of the extension would be finished in stone cladding and glazing, separated by a diagonal crease which would provide lightness to its appearance. The upper and lower sections of the façade slope in different directions, giving visual breaks within the elevation.

A hard landscaped finish is proposed to the perimeter of the extension which follows the topography of the land and reflects the elevation treatment of the extension. This will provide an effective setting for the new building.

Overall, it is considered that the addition would appear as an exciting and high quality addition to the building that would enhance the setting of the Civic Centre and help raise the profile of the new museum facility.

5. Other alterations

The application proposes a plethora of associated minor alterations and works to the buildings including the removal of partitions, alterations to a window and existing door openings. The proposed works are considered to be sympathetic to the building and subject to the imposition to secure a method statement and appropriate materials, would not have a harmful impact on the building.

Summary

Subject to the imposition of the suggested planning conditions, the application for Listed Building Consent is considered to be acceptable and should be referred to the Government Office with a favourable recommendation.

CONCLUSION

The proposed museum represents an exciting opportunity for the city that would make good use of the existing fabric of the Civic Centre; retaining and enhancing the role that the building plays within Southampton.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d) 2 (a) (c) (e) 6 (i) (l) 7 (a) (f) (o)

(JT for 16.03.10 PROWP)

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document

CS1	City Centre Approach
CS13	Fundamentals of Design
CS14	Historic Environment

Saved Policies of the City of Southampton Local Plan Review

SDP1	General Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
HE3	Listed Buildings
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
MSA1	City Centre Design
MSA5	Civic Centre and Guildhall Square

RECOMMENDATION: CAP

CONDITIONS for 10/00021/LBC

01. APPROVAL CONDITION - Listed Building Commencement Period Condition

The works to which this Listed Building consent relates must be begun not later than three years beginning with the date on which this consent is granted.

Reason:

To conform to the requirements of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

02. APPROVAL CONDITION - 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 schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

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

03. APPROVAL CONDITION – Details of Hard Landscaping [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the hard landscaping works to be carried out shall be submitted to the Local Planning Authority for approval in writing. The details shall include samples of materials to be used, the existing and finished land levels and the design of paving to be laid. The development shall proceed in accordance with the agreed details.

REASON

To ensure a satisfactory setting to the building is provided.

04. APPROVAL CONDITION – Lighting Scheme [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of lighting scheme shall be submitted to the Local Planning Authority for approval in writing. The lighting shall be implemented as approved prior to the development first coming into occupation.

REASON

In the interests of reducing crime and anti-social behaviour and in the interest of the visual amenity of the area

05. APPROVAL CONDITION - Method Statement [pre-commencement condition]

Prior to the commencement of the development hereby approved, a detailed method statement for the works hereby approved shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

In the interests of the special and historic importance of the Grade II* Listed Building.

06. APPROVAL CONDITION – Details of signage [pre-commencement condition]

Notwithstanding the submitted information, prior to the commencement of development, full details of external signage shall be submitted to the Local Planning Authority for approval in writing. The signage shall be implemented in accordance with the agreed details prior to the development first coming into use.

REASON

In the interest of the special historic and architectural character of the Civic Centre.

07. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

08. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

09. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]

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

Reason:

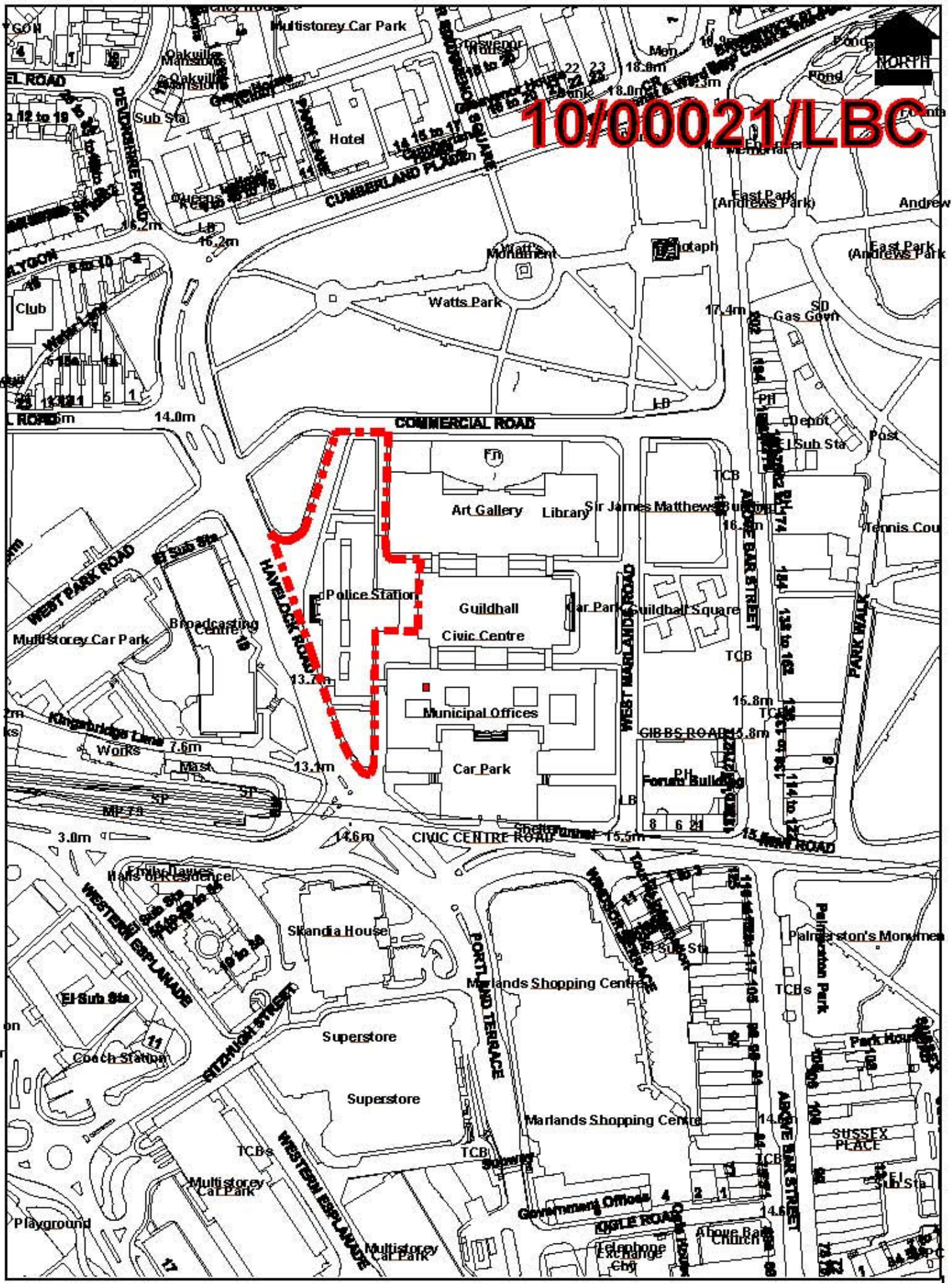
To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

10. APPROVAL CONDITION – Entrance screen detailing [pre-commencement condition]

Prior to the commencement of the development hereby approved detailed plans at a scale of no less than 1:20 of the new glazing to the entrance scheme shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

In the interest of the special historic and architectural character of the Civic Centre.



10/00021/LBC

Scale : 1:2500

Date : 03 March 2010

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Agenda Item 7

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 March 2010
 Planning Application Report of the Head of Division

Application address Itchen Ferry Slipway, Hazel Road			
Proposed development Works in association with the regeneration of the Itchen ferry foreshore and beach including the extension of the slipway, construction of a removable flood barrier, regrading of foreshore wall and associated street furniture			
Application number	10/00041/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Application category	Q28 - Other

Recommendation Summary	Grant Conditional Approval
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Reason for Panel consideration	Development affecting the water front of the River Itchen
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Applicant: John Bailey – Southampton Amateur Rowing Club	Agent: n/a
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Date of receipt	06/01/2010	City Ward	Peartree
Date of registration	06/01/2010	Ward members	Cllr Drake
Publicity expiry date	11/02/2010		Cllr Slade
Date to determine by	03/03/2010 OVER		Cllr Jones

Site area	1.2ha	Usable amenity area	n/a
Site coverage (developed area)	n/a	Landscaped areas	n/a
Density - whole site	n/a		

Residential mix	numbers	size sqm	Other land uses	Class	size sqm
Studio / 1-bedroom	n/a	n/a	Commercial use	n/a	n/a
2-bedroom	n/a	n/a	Retail use	n/a	n/a
3-bedroom	n/a	n/a	Leisure use	D2	1.2ha
other	n/a	n/a	other	n/a	n/a

Policy designation <i>see Appendix 1</i>	Archaeological Remains (HE6) Intertidal Mudflat Habitats (NE5) Flood Zone 3
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Accessibility zone	high	Policy parking max	0 spaces
Parking Permit Zone	no	existing site parking	0 spaces
Cyclist facilities	no	car parking provision	0 spaces
motor & bicycles	0 motor / 0 cycles	Disabled parking	0 spaces

Key submitted documents supporting application			
1	Flood Risk Assessment	2	Design and Access Statement

Appendix attached			
1	Local Plan Policy schedule	2	Conditions

Recommendation in full

Grant conditional planning permission.

Procedural Context

Proposals which affect the water front of the River Itchen or The Solent are identified as applications which require a Panel consideration rather than a delegated determination by the Development Control Manager on behalf of the Panel.

Background

The site has operated as a strategic location for river crossing since before the Middle Ages and is therefore of some historic importance. In more recent times a rowing ferry operated which was replaced by a chain driven floating bridge. Following the building of the High Itchen Bridge the emphasis of the use of the land became recreational in nature.

The slipway was concreted in the 1970's and subsequently a fine weed tends to grow on its surface which has now become a potential hazard to the users of the slipway. The unnatural shingle bank to the south of the slipway has been caused due to propeller wash from ships docking at the super marine wharf.

Site and surrounding context

The application site is located on the eastern bank of the River Itchen and consists of a shingle beach with slipway running down the centre leading from Hazel Road down to the low water mark some 70m to the west.. It is positioned between two industrial sites on the river frontage and residential to the east landward side.

The Solent and Southampton Water SPA/Ramsay site lie approximately 280m to the north and 630m to the south. The site is situated within Flood Zone 3 of the River Itchen.

A memorial garden is located at the top of the beach, adjacent to the boundary with Hazel Road and is in need of rejuvenation.

Proposed Development

The proposal is for physical works to the slipway and riverside flood defences and to provide general improvements to the adjacent memorial garden and the beach foreshore. The application seeks approval for the physical works and agreement in principal for other associated proposals (such as the erection of a replacement monument stone) for which details have not yet been confirmed. Some of the works intended by the applicant (clearing litter, repairing and repainting street furniture, etc.) do not require planning approval).

Slipway

The slipway is proposed to be resurfaced by the incorporation of additional concrete edge members cast in situ with steel ties to secure timber rubbing boards. The surface of the slipway would be a mixture of consolidated shingle and compacted gravel held in place by a plastic honeycomb structure. The height of the slipway would increase by 0.3m as a result of the proposal and the width would be increased by an additional 0.5m either edge of the slipway resulting in a width increase to 4m.

Where the slipway is in a particularly poor state (near the top) the surface shall be repaired in a like for like fashion owing to the need of this section to have the ability to take heavy loads. The slipway shall also be lengthened by 5m and the additional section shall be

constructed of concrete as this section is more susceptible to the effect of daily tidal flow.

Foreshore - (area between Mean High water and Mean Low water)

The foreshore area is intended to be re-graded to remove the bank which has been created by propeller wash from shipping associated with the adjacent Supermarine Quay Berthing area. This re-grading work would allow for improved access to the water via the slipway with recreational vessels being able to manoeuvre around the slipway with greater ease.

Removable Flood Protection Barrier

The surrounding residential and industrial sites have experienced flooding of the lower Itchen in recent years following spring tides combined with storm surges. To counter act this the application proposes a removable flood barrier at the boundary of the slipway and Hazel Road.

To facilitate the operation of the barrier and in order to improve the appearance of the site minor improvements to the brick wall, adjacent to Hazel Road, is necessary. The boundary railings shall also be refurbished, realigned and painted.

The operation of this barrier and a flood risk management plan detailing who is to be responsible for both the closing and opening of the flood risk barrier has not yet been agreed with the city council's legal department (as land owners of the site). Furthermore the storage location of the barrier has also not been finalised.

Memorial Garden

A memorial garden adjacent to the slipway on Hazel Road commemorates the community known as Itchen Ferry whose village was devastated by the bombing raids of the Second World War which targeted the adjacent Supermarine factory. The garden consists of landscaping, seating and the supporting plinth for the memorial.

The garden is in a poor state of upkeep and repair. As part of the slipway works it is indicated that associated improvement works would include two additional benches to match the existing with the existing benches being re-painted, a rubbish bin, additional planting (sympathetic to wildlife), improvements to the tree pits and associated tree works to stimulate growth. In addition the memorial itself would be reinstated.

At the current time details are still awaited to be confirmed in writing but advice has been offered that this would be similar to the previous memorial, not exceed 1m wide by 0.5m deep and 0.75m high at the front and 0.9m high at the back. The design of the memorial shall be confirmed at a later date following input from pupils of Ludlow Road Junior School.

The Beach

The area of beach above the high water mark shall be cleaned and the existing habitat shall be improved by re-seeding with native species.

Relevant Planning Policy

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

Relevant Planning History

1983 - Extensions and repairs to slipway.

1988 – New sea wall with landscaped area and fencing.

Consultation Responses and Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report 0 representations had been received from surrounding residents.

Summary of Consultation comments

SCC Ecologist: The scheme is supported as the slipway extension shall only result in the loss of a small area of intertidal mud protected under Policy NE5. As this area of mud is only exposed at the lowest tides it is unlikely that the area makes a significant contribution to the foraging habitat of wading birds. The landscaping and planting of native species on the upper part of the beach is also supported. The timing of the construction work can be controlled through the use of conditions to avoid the overwintering period for migratory birds (avoid November – February) and the timing of the re-profiling of the intertidal area should also be controlled to reduce the mobilisation of silt which has the potential to adversely affect migratory Atlantic Salmon (avoid April - July).

SCC Archaeologist: The site is defined as being within an area of high archaeological importance however, due to the scale of the proposal, no archaeological conditions are recommended.

Economic Development and Regeneration: Hard landscaping, street scene and site improvements proposed improve access to the waterfront and therefore the scheme is supported

English Heritage: The scale of the development is considered to be so small that English Heritage do not suggest the use of any specific planning conditions.

Environment Agency: No objection in principal, the design is considered acceptable and the applicant would like to recommend one pre commencement condition requiring a demolition and construction method statement.

Associated British Ports: There are “no overriding objections to the scheme going ahead”.

Planning Consideration Key Issues

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

- Whether or not the proposal would affect sensitive species and habitats located within close vicinity to the site;
- whether or not public access to the river front would be harmed;
- whether or not the construction works would adversely affect water quality;
- whether or not the scheme improves the quality of the public realm; and
- whether or not the navigation of the River Itchen would be adversely affected by the development proposal.

There is no indication that the proposed works, of a fairly minor nature to the wider waterfront area, would have any harmful impact on the ecology of the location. The

intended physical improvements could be considered to benefit and improve the habitats of local wildlife.

Access to the waterside would be retained and improved for public use. The use of the removal flood barrier would assist in reducing water incursion and should not cause an impediment to access to the water areas. The outstanding flood barrier issue (operation and storage) still needs to be clarified but as this is a matter of detail which may be provided at a later stage, the principal is not opposed.

The environment agency do not object to the principal on flood risk or water pollution grounds. The nature of the works are fairly low key and would not be considered to adversely affect or impact on waterborne traffic or navigation along the river.

Summary

The scheme was originally proposed in order to improve the design of the slipway and therefore access to the water front. The knock on effect has been to enlarge the objective to include improvement works to the site in general and the result is a comprehensive scheme with significant benefits to the local community.

Conclusion

The scheme has been designed with due consideration to the sensitivity of the site and pre-application consultation response. As a consequence the Local Planning Authority is able to support the scheme which, subject to relevant conditions, shall have a beneficial impact on the local environment.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2a, 2c, 2e, 4e, 4s, 5d, 6c, 6f, 6i, 6l, 7i, 7k, 7l, 7o, 7p, 7t, 7w, 7y, 7z, 8b, 9a, 9b, MP 02.03.10 for 16.03.10 PROW Panel

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document

CC2	Climate Change
NRM1	Sustainable Water resources and Ground Water Quality
NRM2	Water Quality
NRM4	Sustainable Flood Risk Management
NRM5	Conservation and Improvement of Biodiversity

Saved Policies of the City of Southampton Local Plan Review

SDP1	Quality of Development
SDP7	Context
SDP8	Urban Form and Public Space
SDP12	Landscape and Biodiversity
HE6	Archaeological Remains
NE2	National Sites
NE5	Intertidal Mudflat Habitats
CLT10	Public Waterfront and Hards
CLT11	Waterside Development
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk

PPS25 - Development and Flood Risk

RECOMMENDATION: CAP

CONDITIONS for 10/00041/FUL

01. APPROVAL CONDITION - 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. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the first planting season following the completion of the development hereby approved.

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

03. APPROVAL CONDITION - Demolition and construction Method Statement (Pre-Commencement)

The development hereby permitted shall not be commenced until such time as a method statement for demolition and construction works has been submitted to, and approved in writing, by the local planning authority. The scheme shall be implemented as approved.

Reason: The proposed works to the slipway may include removal of part of the existing hard standing that could expose contaminated soils. Runoff from potential contaminated materials must be appropriately controlled to prevent pollution of controlled waters. Mitigation for risks to controlled waters must be considered in the method statement.

04. APPROVAL CONDITION - Demolition and construction timing

No development associated with the slipway extension hereby approved shall take place during the months of November, December, January and February; and no development associated with the re-profiling of the foreshore hereby approved shall take place during the months of April, May, June and July unless otherwise agreed in writing with the Local Planning Authority.

REASON

In the interests of nature conservation.

05. APPROVAL CONDITION - Scale of Memorial - [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority the scale of the memorial shall be no greater than 0.1m x 0.5m, x 0.9m.

REASON

To protect the visual amenity of the memorial garden.

06. APPROVAL CONDITION - Appearance of street furniture - [PERFORMANCE CONDITION]

Prior to the installation of the street furniture hereby approved the external metal work of the existing and hereby approved refuse bins and benches shall be painted black and thereafter permanently retained.

REASON

To protect the visual amenities of the occupiers of nearby residential properties and to protect the visual character and context of the listed building located to the north.

07. APPROVAL CONDITION - Restricted use of flood barrier [Performance Condition]

The installation of the hereby approved flood barrier shall only take place in times of emergency flood event and shall otherwise be stored in accordance with details to be submitted to and approved by the local planning authority in writing before their first use.

Reason:

In the interests of facilitating public access to the water front.

00. 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 sensitive species and habitats, public access to the water front, water quality, quality of the public realm and navigation of the River Itchen have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - HE6, NE2, NE5, SDP1, SDP7, SDP8, SDP12, CLT10 and CLT11 of the City of Southampton Local Plan Review (March 2006); CS12, CS13, CS21, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (January 2010); CC2, NRM1, NRM2, NRM4 and NRM5 of The South East Plan (Regional Spatial Strategy of the South East of England (may 2009); and Planning Policy Statement 25: Development and Flood Risk (PPS25).

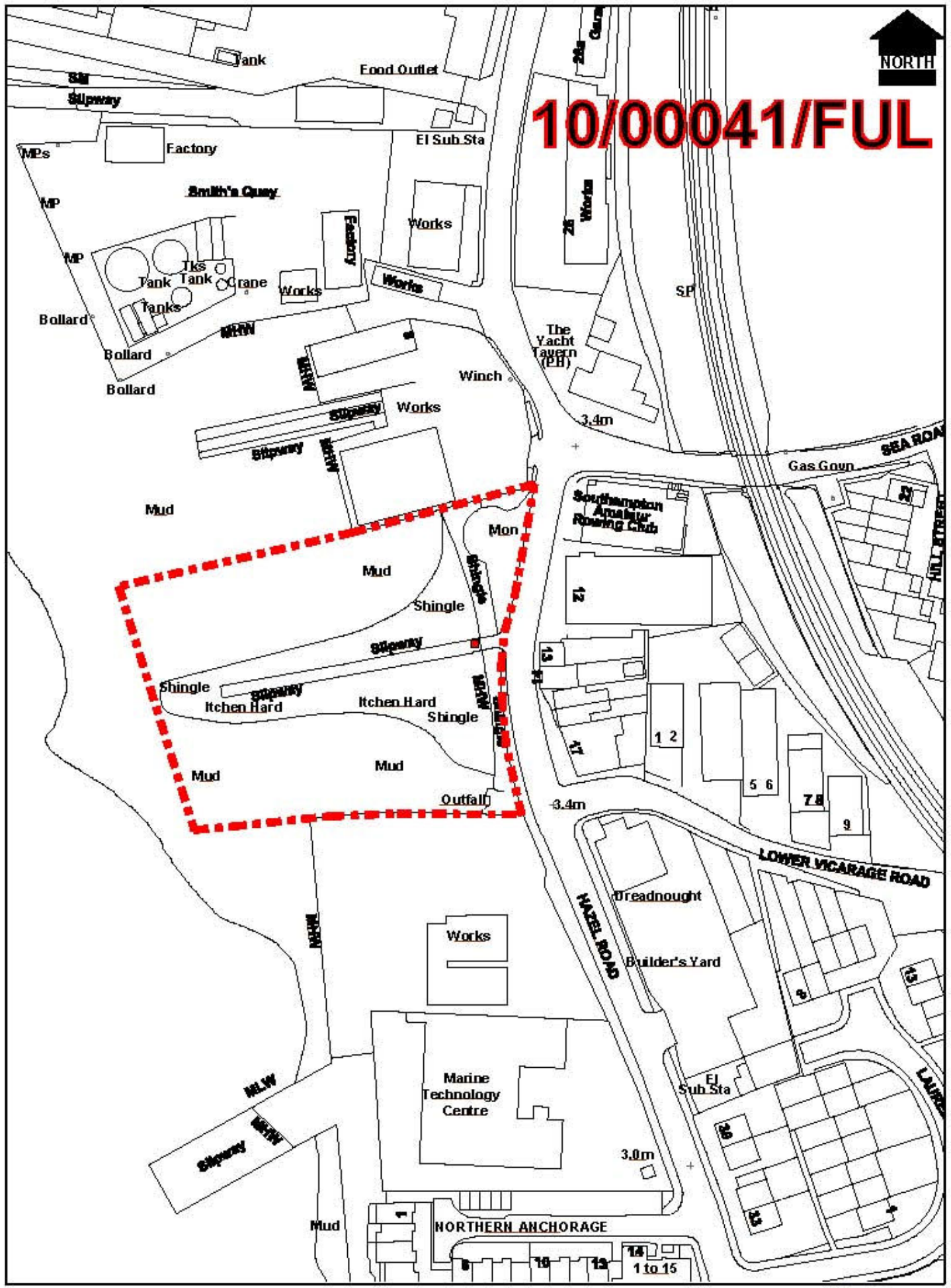
Note to Applicant

1. Informative.

For advise on pollution prevention measures, the applicant should refer to guidance 'PPG1 – General guide to prevention of pollution', which is available on the environment agency website www.environment-agency.gov.uk



10/00041/FUL



Scale : 1:1250

Date : 03 March 2010

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Agenda Item 8

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16th March 2010
 Planning Application Report of the Head of Division

Application address: Upper Shirley High School, Bellemoor Road, Southampton			
Proposed development: Redevelopment of the site with erection of a replacement school building (up to 8,350 square metres gross floor space) with relocated sports pitches, associated parking and vehicular access from two positions in Bellemoor Road following demolition of the existing buildings (Outline application: means of access for consideration			
Application number	09/01328/OUT	Application type	Outline
Case officer	Richard Plume	Application category	Q12 Majors S - other

Recommendation Summary	Delegate to Development Control Manager to grant planning permission subject to criteria listed in report (Regulation 3 application)
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Reason for Panel consideration	Application submitted on behalf of Southampton City Council
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Applicant: Southampton City Council	Agent: Capita Symonds
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Date of receipt	18.12.2009	City Ward	Shirley
Date of registration	07.01.2010	Ward members	Cllr Cooke
Publicity expiry date	11.02.2010		Cllr Dean
Date to determine by	08.04.2010 IN TIME		Cllr Matthews

Site area	33,790sq.m (3.3ha)	Usable amenity area	N/A
Site coverage	N/A - Outline	Landscaped areas	N/A
Density - whole site	N/A		

Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	N/A	N/A	Retail use	N/A	N/A
3-bedroom	N/A	N/A	Leisure use	N/A	N/A
other	N/A	N/A	other	D1	upto 8350sqm

accessibility zone	Low	policy parking max	1.5 spaces/classroom
parking permit zone	no	existing site parking	41 spaces
cyclist facilities	yes	car parking proposed	41 spaces
motor & bicycles	Not determined	disabled parking	2 spaces

Key submitted documents supporting application			
1	Design & Access Statement	2	Statement of Community Involvement
3	Planning Supporting Statement	4	Ecology Report
5	Contaminated Land Report	6	Biodiversity Checklist
7	Sustainability Checklist	8	Flood Risk Report
9	Tree Survey	10	Archaeology Report
11	Transport Assessment	12	Travel Plan
13	Acoustics Report		

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Planning Conditions		

Recommendation in full

Grant conditional planning permission subject to conditions.

Procedural Context

Councils Own Development

The proposed scheme is a Regulation 3 application for Outline Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

Application Content

A modification of the outline planning application procedure was introduced in August 2006 by the Government. These changes require applicants to demonstrate more clearly that their proposals have been properly considered in light of the relevant development plan policies and guidance. As a minimum Circular 01/2006 (Guidance on Changes to the Development Control System) explains that outline applications should now include (as a minimum) information relating to land use, the amount of development, an indicative layout, scale parameters and indicative access points.

Background

The process leading up to the submission of this application and this project's place within the City Council's wider objective of achieving better educational attainment and attendance.

The Building Schools for the Future (BSF) project aims to rebuild or renew nearly every secondary school in England and will deliver the Government's 'Every Child Matters' agenda. As part of this agenda every BSF school will offer additional or "dual use" facilities (such as sports halls, libraries, nurseries and ICT) to the wider community. Southampton BSF was launched in Spring 2009.

The expectation of the HM Treasury and its partners is that the planning risk of each project is mitigated as far as reasonable and an initial outline planning application has been submitted to secure broad principles and give sufficient certainty to the procurement process and funding.

The detailed design and layout of the scheme is not currently known and will be pursued in due course in the event of a successful outline planning application.

Site and surrounding context

The application site is approximately 3.3ha in area and is situated on the north side of Bellemoor Road between the junctions with Wilton Road and Pentire Avenue. The existing school buildings are a mixture of single-storey, 2-storey and 3-storey of various ages and styles and are concentrated in the middle and western parts of the site. The eastern part of the site is used for sports provision with a grassed playing field and enclosed hard surfaced

tennis courts. There is currently a single vehicular access to the school which is in the south western part of the site between 46 and 60 Bellemoor Road. In the south eastern part of the site, between 80 and 82 Bellemoor Road is what is understood to be a former vehicular access. There is a lowered kerb 'crossover' to the street but the access has been closed off with an established hedge and fence with the land within the school grounds being grassed and used for sports activities. It is proposed to provide a new 'secondary' vehicular access in this position.

The immediate surroundings are predominantly residential in character with 2-storey houses adjoining in Queen's Road, Pentire Avenue and Bellemoor Road. On the north western side of the school are retail/leisure uses in large retail 'sheds' on Winchester Road. The rear of these buildings closely adjoins the school grounds. The land slopes up from south to north across the site which is situated in Flood Risk Zone 1 and therefore is at low risk of flooding.

Proposed development

The outline application is made with all matters reserved except access, which is listed for consideration. The main vehicular access and the pedestrian access would continue to be in the existing location. This access would serve the school car park which would remain unaltered in terms of the number of parking spaces. A new vehicular access would be created between 80 and 82 Bellemoor Road with a new access road running along the rear of the houses in Pentire Avenue. This access road will be for servicing and delivery access only and would have a controlled gated entrance.

All other details, including Appearance, Landscaping, Layout and Scale are indicative at this stage and are reserved for consideration at the 'reserved matters' stage. An indicative site layout is provided which shows the proposed new school building along the north-western boundary adjoining the proposed retail units in Winchester Road. The layout indicates that the existing all-weather pitch would be retained to the rear of the houses in Queens Road. Additional sports facilities would be provided in the form of a new Multi Use Games Area (MUGA) and enlarged replacement sports pitches to provide two football pitches and provision for summer sports. The indicative landscape plan shows proposed woodland buffer planting along the boundaries with the properties in Winchester Road, Pentire Avenue and Bellemoor Road. A habitat zone is indicated in the south-east corner of the site.

The Estates Appraisal has concluded that it is not economically viable, or desirable from a functional educational perspective, to repair or refurbish the existing buildings as they will not meet modern educational standards. It is therefore proposed to construct a new school building on part of the existing playing fields/open space within the school site. This would be a tandem build whereby the existing school facility will remain unaffected and pupils will continue to attend and then decant across to the new facility once it is completed.

The proposed new school building would provide a maximum of 8,350sqm of new floorspace, compared to the existing building of 5,442sqm which is to be demolished. The building is indicated to be 3-storeys in height and would be built a minimum distance of 300m from the eastern site boundary. The capacity of the school is proposed to increase from 750 pupils to 912. At January 2009 the school had a pupil roll of some 579 students.

Following the completion of the new school and replacement sports pitches these will be provided for school and community use. Details of the arrangements for this dual use will be provided at the reserved matters stage. The applicant has confirmed that if the all weather pitch is retained in its current location the hours of use of this pitch will not change from that previously approved (0800 to 1700 hours Mondays to Fridays during school term time).

No additional car parking is proposed and 41 parking spaces will be relocated and re-provided to the western part of the site.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/09) and its consideration and adoption by the Council (20/01/10) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined. The relevant policies are set out at **Appendix 1**.

The application site is not allocated in the current development plan, although the existing playing pitches are designated under Local Plan "saved" Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists.

Local Plan Policy L1 has been superseded by LDF Core Strategy Policy CS11, which supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours. The South-East Plan recognises the need to improve education and skills to strengthen the region's economy.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Local Plan "saved" Policy SDP13 and Core Strategy Policy CS20 the applicants have made a commitment to securing a building with "excellent" design credentials when assessed against the Building Research Establishment Environmental Assessment Method (BREEAM). The design team will adopt an approach that reduces carbon emissions through the provision of high levels of insulation. Low and zero carbon technologies will also be employed to offset a percentage of CO₂ emissions that each building generates through its functional operation. As the detailed design is, however, currently unknown the attached planning condition is recommended to secure delivery at the 'reserved matters' stage.

Relevant Planning History

The school has expanded on a number of occasions since it was built in the 1960's. There have been many subsequent planning decisions not all of which are relevant to the current planning application. The relevant decisions are set out at **Appendix 2** to this report

Consultation Responses and Notification Representations

Consultation took place by the school's governing body before the planning application was submitted. Parents, staff and local residents were sent a leaflet about the proposal and invited to a consultation event at the school. There were also dedicated web pages about the consultation which were viewed by 245 people. More than 20 people attended the consultation event and 49 sent in written responses. This resulted in a change to the proposed siting of the new building.

A publicity exercise in line with department procedures has been undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. (10/12/09). At the time of writing this report 17 representations had been received from surrounding residents.

Summary of Representations made

Concern expressed about the siting of the proposed MUGA and its hours of use. Planning permission has been refused in the past for a MUGA directly behind the houses in Queens Road and permission only subsequently granted for an all weather pitch with strictly controlled hours of use. The existing use is relatively unobjectionable but extending the hours for the new MUGA would result in noise and disturbance to neighbours.

Response

These concerns are accepted and similar comments have been made by the Council's Environmental Health officer. A balance needs to be struck between ensuring wider community use of improved school and sports facilities as encouraged by Core Strategy Policy CS11 and safeguarding residential amenity. Full details of the proposed dual use arrangements are not currently available and the details can be secured through a planning condition. Furthermore, as this is an outline planning application with only access for consideration at this stage, the siting of the proposed MUGA and other sports facilities is not yet known. The precise location of the MUGA and necessary noise mitigation measures will be addressed at the reserved matters stage. The applicant has confirmed that in the event of the existing all weather pitch remaining in its current location the existing planning restriction on the hours of use will be maintained.

The scale of the proposed buildings and the proximity to the houses in Pentire Avenue would result in overshadowing, loss of privacy, light and noise pollution and an overwhelming impact. The proposed new building should be set as far away from the houses in Pentire Avenue as possible. The distance is indicated to be 30 metres but a larger distance would be preferable. Side elevation drawings should be provided to assess the environmental impact of the new building.

Response

As this is an outline application, with the exception of the access details, the drawings are indicative and full details to assess the impact of the building, including side elevations and window positions are not available. This impact will be assessed at the reserved matters stage although a condition could be imposed to set the parameters of the new building which could include a limitation on the proximity to the site boundaries.

The proposed new access road will result in increased noise and pollution for those living in the vicinity due to the use by lorries, vans and coaches. There is no reason why the school cannot operate successfully using a single shared pedestrian and vehicular access point. No details of lighting to the access road have been provided. If the secondary access is to be approved it should be restricted to preclude parking on the driveway and the hours of use should be restricted to between 9.00 and 6.00 only.

Response

The area between 80 and 82 Bellemoor Road is currently grassed over and is used in connection with the sport/playing field use of the school. There is some evidence that this area was the site of a former vehicular access (as there is a lowered kerb in the street). However, this access has effectively been closed up and clearly has not been used as an access for many years. There is no question that the creation of a new vehicular access between two houses and running along the rear boundary of the houses in Pentire Avenue

would have some adverse impact on the amenities of these neighbours. However, the applicants consider there to be benefits in separating the delivery access from the main entrance for pupils. Other access arrangements may reduce the area of sports pitch provision and alter the future siting of the building. No details of external lighting have been provided. Conditions can be imposed to restrict the nature of the use of this access, the hours of use and the external lighting which would limit the adverse impact on the amenities of neighbours.

The proposed secondary access will cause safety concerns due to the number of school children who use this road for the different schools. If there is to be an additional vehicular access to the school site, particularly for construction traffic, it should come through the Wickes site on Winchester Road, which would prevent problems for neighbours

Response

The Council's highways officer is satisfied that the visibility for the proposed access is acceptable in safety terms. The alternative access through third party land to the north of the site is not practical.

No additional car parking is to be provided. Bellemoor Road already suffers from overspill parking used by staff and visitors. The formation of a new access will result in existing on-street car parking spaces being removed and make the use of adjoining driveways difficult and dangerous to use.

Response

It is not proposed to increase the current amount of on-site car parking. A Travel Plan has been submitted and will be updated which aims to reduce the level of single use car trips. The creation of the new vehicular access will lead to a minor reduction in on-street car parking but the application has been amended to remove a previously proposed raised vehicle table following objections from local residents. This will mean that manoeuvring into adjoining driveways would not be materially altered.

Improvements to boundary treatment and additional landscaping is welcomed providing this does not lead to loss of light to neighbours but there are insufficient details to comment at this stage.

Response

The details of landscaping and boundary treatment provided are indicative at this stage. Full details of hard and soft landscaping, including boundary treatment will be submitted at the reserved matters stage.

There is no information in the application detailing the use of the school facility outside school hours. This lack of information and inaccuracies in the documents mean there are insufficient details to determine the application.

Response

As originally submitted the application was not particularly clear with regard to the proposed hours of use and arrangements for dual use with community use of the new facilities. The applicant has now clarified the proposed dual use arrangements and neighbours have been notified accordingly.

Concern expressed about hours of construction given disturbance caused in the past. The previous use of the site may mean that asbestos will be on the site.

Response

These issues can be addressed through conditions regulating the construction hours and potential contamination as recommended by Environmental Health.

Following the receipt of additional information on the proposed hours of community use neighbours have been reconsulted. Any additional representations will be reported at the meeting.

Summary of Consultation comments

SCC Highways - No highway objections raised subject to planning conditions being imposed. The principle of the redevelopment is acceptable as is the use of the main and secondary access. The sight line arrangements for the secondary access are not acceptable as shown and should be modified. (Note: the visibility arrangements have subsequently been modified). Additional details will be required on cycle parking, control measures for the new access road and surveillance of the car parking area.

SCC Ecologist - No objection to the proposed development providing a biodiversity mitigation and enhancement plan is submitted at the reserved matters stage. The site consists of a number of buildings, plus extensive areas of amenity grassland and hard standing. There are also scattered trees, dense scrub, a species-poor hedgerow, an allotment, semi-improved grassland and Japanese knotweed.

An ecology report submitted with the planning application concluded that overall the site is of low overall ecological value. However, there is moderate potential for breeding birds and low potential for foraging/commuting bats. The buildings were considered to have low to negligible potential for bat roosts. These findings are accepted. The lack of detailed development proposals for the site means that the biodiversity mitigation and enhancement measures are currently just suggestions. A condition should be applied to any permission requiring the submission of a detailed biodiversity mitigation and enhancement plan. This plan should include the findings of any bat emergence surveys that have been recommended. This will ensure that potential impacts on bats have been fully considered and will enable the Local Planning Authority to discharge its duty in respect of the Habitats Regulations 1994.

SCC Sustainability – The application indicates that the scheme has been designed with the incorporation of sustainability measures. A feasibility study into sustainable energy producing technologies has not yet been undertaken although due to the scale of the site there is the potential to add such technologies. The Sustainability Checklist does commit to review the use of biomass, ground source heat pumps and solar panels. The intention to achieve BREEAM excellent standard is supported. The amount of hardstanding proposed would not be a significant increase over and above the existing. Therefore, there should not be the requirement for intensive SUDS provision.

SCC Environmental Health (Contaminated Land) - No objections raised subject to the attached planning conditions. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. To ensure compliance with PPS23 and Policies SDP1 and SDP22 of the City of Southampton Local Plan Review the site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

SCC Environmental Health (Pollution & Safety) – Concern expressed about the positioning of the proposed MUGA and the noise objections this could cause. The acoustic report submitted is contradictory and the predicted noise levels are at some receptors above the maximum levels adopted by the applicant, take no account of the existing background noise level and will be an issue during the day time, affecting the amenity of

the area and likely to cause nuisance. The proposed MUGA either needs a much better barrier which will result in an enclosure or a building around it or for it to be relocated where the hours of use can be more relaxed.

SCC Trees - The trees on this site are under Council ownership, they are therefore considered to have the same protection as a Tree Preservation Order. They do, therefore constitute a material consideration in the planning process. The proposals would indicate the removal of 9 individual trees and 4 Groups. These include B, C and R graded trees some of which are prominent trees and provide some a visual public amenity. Although the Tree Officer is unable to support the removal of these healthy trees, the indicative drawings suggest the site will benefit from an avenue of 24 new trees from the entrance and considerable tree planting as proposed woodland around the boundaries of the site. The avenue will provide an arboricultural feature of greater value than the existing and the amount of proposed woodland will have a major environmental improvement to the area.

Sport England – The application indicates that the amount of playing field land provided when the development is completed will increase by approximately 2,700 square metres. The new playing field area will also be wider than the existing school playing field which will allow for a larger range of pitch sizes to be laid out. Taking into account the specific nature of this application and based on the understanding that the additional good quality playing field will be secured (and made available to the community), Sport England is satisfied that the proposed development meets with the principle of Sport England’s Playing Fields Policy. It is noted that the replacement and additional playing field land will not be provided prior to the commencement of development. However, in this case as approximately 2,700 sq.m. of additional playing field land will be provided once the development is completed, allowing for a better arrangement of pitches (of improved quality), it is considered that the proposed benefits outweigh this concern. Sport England therefore have no objection to the application providing conditions are imposed relating to: community use of the playing field and new sports facilities; protection of the existing playing field land during the redevelopment of the school site; and appropriate works to the proposed playing field to ensure that the pitches can accommodate both educational and community use.

Environment Agency – No objections are raised following the submission of an acceptable Flood Risk Assessment. If planning permission is to be granted a condition should be imposed relating to surface water drainage arrangements.

Hampshire Constabulary – Within the Design and Access Statement, the applicant alludes to the community use of the new school facilities. Although this will provide a valuable resource to the community, at the appropriate stage a management plan must be drawn up to determine how the security risk to the property and the likelihood of anti social behaviour will be reduced. The car parking arrangement does not appear to have good surveillance from the main school building, CCTV and appropriate lighting should be provided. Schools generally experience a greater amount of crime reporting than buildings of other uses. As the Council has a duty to consider crime and disorder, the applicant should take reasonable steps to achieve Secured by Design accreditation.

Planning Consideration Key Issues

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

- i. Principle of development;
- ii. Sports pitch re-provision and phasing;
- iii. Design;
- iv. Residential amenity; and
- v. Highways and parking;

Principle of Development

The site is currently in educational use (Use Class D1) and the redevelopment proposals for a larger school are considered appropriate given the recent decision for the school to become co-educational. A maximum increase of approximately 2,900sqm. floorspace is proposed which will increase the capacity of the school from 750 to 912 pupils, although it should be noted that for the last four years the school roll has been less than 600 pupils. The new building will provide improved facilities meeting corporate as well as planning policy aims of the Development Plan for Southampton, principally Policy CS11 (An Educated City) from the adopted LDF Core Strategy (2010). The proposed redevelopment of the site is therefore acceptable in principle.

Sports Pitch Re-Provision & Phasing

As part of this outline application for the replacement school, and as well as demonstrating that the quantum of development can be accommodated, the applicant needs to satisfy the Local Planning Authority that the redevelopment can be undertaken without compromising the school's ability to provide continuous education provision, including access to external play space to serve the needs of the pupils. LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space) seeks to retain the quantity, and improve the quality, of existing open space provision. There is a presumption against developing existing school playing pitches unless alternative provision of equal (if not better) space is provided.

In this case the amount of open space for sports provision would be enlarged by approximately 2,700sqm. The current sports pitch provision is limited by the size and shape of the playing field. The proposed new facilities would allow better pitches to be provided allowing for a greater range of sports provision. The application is supported by Sport England subject to conditions being imposed.

Design

The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The application is in outline with Appearance, Siting, Scale and Landscaping reserved for later consideration. No further details are currently available as the proposed site plan is indicative at this stage. A condition can be imposed which define the parameters of the building for the future design phase. Additional buffer landscaping will be secured at the reserved matters stage.

Residential Amenity

The proposed development will result in a material change to the character, appearance and scale of the existing school. The potential capacity of the school once rebuilt would significantly exceed the current school roll. There would also be greater community use of the new facilities. These improvements offer considerable public benefits. However, near neighbours will be affected by these changes in terms of additional vehicle movements with a new vehicular access and increased use outside school hours. Whilst the proposed site plan is indicative at this stage the Council needs to be satisfied that a school of 8,350sqm with its requirements for external sports pitches can be accommodated on this site before issuing outline planning permission. The submission indicates that the building will not exceed 3-storeys in height and a minimum 30m distance has also been identified from the boundary with neighbouring properties. At the detailed design stage the Local Planning Authority will be able to give full consideration to the impact of the building on its neighbours and can encourage a design solution that removes development from the most sensitive boundaries of the site.

Previous planning applications for a MUGA on this site have been contentious and the current application includes a new MUGA in addition to the existing all weather pitch which is at the rear of the properties in Queens Road. The location of the proposed new MUGA is indicative at this stage and an appropriate suitably enclosed location will need to be pursued at the reserved matters stage. The applicants have confirmed that, in the event of the existing all weather pitch remaining in the current location, the same hours of use previously permitted will be maintained.

The main objection to the current proposals concern the proposed secondary access road from Bellemoor Road and its impact on highway safety and residential amenity. The introduction of the new access will clearly impact on the existing residential amenity of residents directly adjoining in Bellemoor Road and Pentire Avenue. It is proposed that this access will be used by service vehicles and coaches and will not be the principal access to the school. Conditions can be imposed to restrict the future use of this access and additional landscaping and new improved boundary treatment can be secured at the detailed design stage. No objections to the proposed access have been received from either the Council's Environmental Health or Highways Officers. Subject to the imposition of conditions to mitigate the impact of the use of this access it is considered that residential amenity would not be so adversely affected as to justify withholding permission in this case.

Highways, Access & Parking

A Transport Assessment (TA) and proposed travel plan have been submitted to support the application. From surveys undertaken in September 2007 it is estimated that 38% of students walk the entire journey to school with 56% of students walking at least part of the journey, approximately 20% travel by car, and approximately 12% cycle. Based on this modal split it is estimated that following redevelopment a maximum of 44 additional vehicles are forecast to use Bellemoor Road during the morning peak period with 30 additional vehicles arriving during the afternoon peak. This increase in traffic will not have an adverse impact on the transport network. Furthermore, the modal split may change favourably as part of the ongoing implementation of the school's Travel Plan.

It makes sense to intensify educational use on this large site that is at the heart of its local community, encouraging healthier lifestyles by walking and cycling to the site as well as cutting down cross-town traffic that might have otherwise occurred should students have to attend schools elsewhere. The ongoing implementation of the Travel Plan will discourage parents from entering the school site for collection and drop off and will encourage the use of non-car modes and car sharing.

In terms of car parking there is no increase in on-site provision proposed. Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The Council's adopted maximum standards for schools is 1.5 spaces per classroom. The number of classrooms will not be finalised until the detailed design stage however it is considered appropriate to discourage use of the private car by continued implementation of a travel plan, which could be regularly monitored.

Summary

At this "outline" stage there is sufficient information, as detailed by the indicative siting plan, to conclude that redevelopment with a replacement school (of up to 8,350sq.m of floorspace) and improved sports pitch provision can be accommodated without significant detriment to the character of the area, the amenities of neighbours or highway safety. The proposed phasing allows for continuous education to take place on site, with the retention

of direct access for pupils to a good quality sports provision throughout (and after) the construction phase. Detailed matters relating to design, landscape and means of enclosure with security measures can be secured at the reserved matters stage.

Conclusion

The application is recommended for outline approval subject to the attached planning conditions.

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 (a), 2 (c), 2 (d), 3(a), 4 (c), 4 (e), 4 (g), 5 (e), 6(a), 6(c), 6(e), 6(k), 7(a), 7(g), 7 (i), 7(k), 7 (n), 7 (o), 7(u), 7 (v),7 (w), 7 (x), 8(a), 9(a), 9(b), Draft South East Plan, City Plan Review (Adopted Version) as saved by the adopted Core Strategy (2010)
RP for 16.03.10 PROW Panel

POLICY CONTEXT**Adopted LDF Core Strategy for City of Southampton (2010)**

CS6	Economic growth
CS11	An educated city
CS13	Fundamentals of design
CS18	Transport: Reduce-manage-invest
CS19	Car and cycle parking
CS20	Tackling and adapting to climate change
CS22	Promoting biodiversity and protecting habitats
CS25	The delivery of infrastructure and developer contributions.

Saved City of Southampton Local Plan Review Policies (March 2006)

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation
SDP14	Renewable Energy
SDP15	Air quality
SDP16	Noise
SDP17	Lighting
SDP20	Flood Risk
SDP21	Water Quality and Drainage
SDP22	Contaminated land
NE4	Protected Species
L1	School development
IMP1	Infrastructure

South East Plan (Regional Spatial Strategy)

SP1	Growth and regeneration in sub-regions
SP2	Support for development which increases use of public transport
SP3	Urban focus and urban renaissance
SP4	Regeneration and social inclusion
CC1	Sustainable development
CC2	Climate change
CC3	Resource use
CC4	Sustainable design and construction
CC6	Sustainable communities and character of the environment
CC7	Infrastructure and implementation
RE1	Contributing to the UK's long term competitiveness
RE2	Supporting regionally important sectors and clusters
RE5	Smart growth

RE6	Competitiveness and addressing structural economic weakness
T1	Manage and invest
T2	Mobility management
T4	Parking
T5	Travel plans and advice
NRM1	Sustainable water resources and groundwater quality
NRM2	Water quality
NRM5	Conservation and improvement of biodiversity
NRM9	Air quality
NRM10	Noise
NRM11	Development design for energy efficient and renewable energy
BE1	Management for an urban renaissance
BE2	Sub-urban intensification
BE3	Sub-urban renewal
S3	Education and skills
S4	Higher and further education
S5	Cultural and sporting activity
S6	Community infrastructure
SH1	Core policy for regeneration of South Hampshire
SH7	Sub-regional transport strategy

Saved policies of the Hampshire County Structure Plan Review (27.9.2007)

T5	Transportation requirements in relation to development
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Other guidance

PPS1	Delivering sustainable development
PPS9	Biodiversity and geological conservation
PPG13	Transport

In particular paragraph 38 states:-

'Higher and further education establishments, schools and hospitals are major generators of travel and should be located so as to maximise their accessibility by public transport, walking and cycling. Similarly, proposals to develop, expand or redevelop existing sites should improve access by public transport, walking and cycling.'

Paragraph 49 states:-

'Reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. At the same time, the amount of good quality cycle parking in developments should be increased to promote more cycle use.'

And paragraph 51 states:-

'...in developing and implementing policies on parking, local authorities should ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable travel choices; and, not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.'

PPG17	Planning for Open Space, Sport and Recreation
PPS23	Planning and pollution control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

RELEVANT SITE HISTORY

1992 – P.P. granted for erection of a 2.4 m high metal palisade fence to north boundary (92/11183/R4CC)

1995 – P.P. granted for erection of double temporary classroom near main building (95/11001/R3CC)

1998 – P.P. granted for siting of two temporary classroom units (98/10967/R3CFL)

1998 – P.P. granted for construction of 3.6m high chain link perimeter fence to new play courts (condition imposed that no lighting to be installed without prior written approval – 98/10968/R3CFL)

2000 – P.P. granted for installation of a CCTV pole (00/00038/R3CFL)

2000 – P.P. granted for alterations to path lighting and new columns and street lighting (00/00916/R3CFL)

2001 – P.P. granted for single-storey extension to main hall (00/00755/R3CFL)

2002 – P.P. granted for provision of 7 additional car parking spaces (02/00066/R3CFL)

2003 – P.P. granted for construction of a sports hall and changing rooms (03/00703/R3OL)

2008 – P.P. granted for siting of three temporary classrooms (07/01809/R3CFL)

2008 – P.P. refused for installation of a Multi-Use Games Area (MUGA) to include synthetic turfed sports play area enclosed with 4m high perimeter fence (08/00203/FUL – reason for refusal relates to hours of use and impact on the amenities of neighbours)

2008 – P.P. granted for a new hardsurfaced playground area to the south west of the school (08/01096/R3CFL)

2009 – P.P. granted for erection of 4m high fencing to sports pitch (09/00104/R3CFL)

RECOMMENDATION: CAP

CONDITIONS for 09/01328/OUT

01. APPROVAL CONDITION - Commencement

The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matter to be approved, whichever is the later.

REASON:

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Submission of Reserved Matters

The details of the proposed ACCESS are hereby approved and shall be implemented in accordance with the approved plans. Further application(s) for the approval of the following reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission:

- a) LAYOUT, namely the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- b) SCALE, namely the height, width and length of each building proposed in relation to its surroundings;
- c) EXTERNAL APPEARANCE, namely the aspects of a building or place which determine the visual impression it makes;
- d) LANDSCAPING, namely the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

REASON:

To comply with S.92 of the Town and Country Planning Act 1990 (as amended), Circular 01/06 and in order to secure a high quality form of development having regard to the character of the area and the amenity of existing residents

03. APPROVAL CONDITION - Access and Parking

The application site shall at all times (both during and after the construction phase) provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 41 cars to serve the school (to include a minimum of 2 disabled spaces). The car parking shall thereafter be retained for use in association with the educational buildings and their "dual use" hereby approved.

REASON:

To prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

04. APPROVAL CONDITION - Bicycle parking

A minimum of 238 covered and secure cycle parking spaces, including the provision of secure lockers, changing rooms and showering facilities shall be provided as part of the replacement school prior to the first occupation of the new building(s), in accordance with elevational and layout details to be submitted to and approved by the local planning authority in writing at the Reserved Matters Stage. Once provided, those facilities shall be retained for that purpose at all times thereafter.

REASON:

To promote cycling as a sustainable form of travel in accordance with Local Plan Appendix 2 requirements and to meet the aims of the submitted Travel Plan.

05. APPROVAL CONDITION - Construction Access and Routeing (Pre-Commencement Condition)
No development shall commence until a scheme of details of the means of access for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. The details shall include a routeing agreement for vehicles. The access for demolition and construction works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of highway safety and to protect the residential amenities of those living close by.

06. APPROVAL CONDITION - Travel Plan

Notwithstanding the submitted Travel Plan a revised Travel plan shall be submitted and agreed in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. These details shall include scope for ongoing monitoring and shall be implemented in accordance with the agreed details.

REASON:

In the interests of promoting green travel and to reduce congestion around the school at peak times

07. APPROVAL CONDITION - Limitation of Development

The development shall be limited to a maximum floorspace of 8,350sq.m within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall only exhibit the following maximum dimensions as specified in the submitted parameters for development given below:-

College building maximum dimensions -

- (a) width - 60 metres;
- (b) length - 110 metres;
- (c) height - up to 10.2 metres and 3 storeys above ground level.

No buildings shall be sited closer than 30 metres to any boundary with a residential property surrounding the site.

REASON:

To define the permission having regard to the existing school provision and the capacity of the site and to allow the local planning authority to control the scale of development in terms of protecting the character and amenity of the surrounding area.

08. APPROVAL CONDITION - Use Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON:

To define the consent having regard to the level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

09. APPROVAL CONDITION - Operation restriction

The school premises hereby approved shall be operated on a "dual use" basis in accordance with further details that shall be agreed in writing with the Local Planning Authority at the Reserved Matters stage. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 (10pm) and 07:30 (7:30am) on a daily basis.

REASON:

To safeguard the amenities of occupiers of adjoining residential properties.

10. APPROVAL CONDITION - Ecological Mitigation Statement

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [the principles of which shall have been submitted and agreed in writing with the Local Planning Authority at the Reserved Matters stage] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme.

REASON:

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

11. APPROVAL CONDITION - No Amplified System

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast outside of the school building at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

REASON:

To protect the residential amenities of adjacent residents.

12. APPROVAL CONDITION - BREEAM Standards (commercial development)

In accordance with the submitted Design and Access Statement written documentary evidence demonstrating that the development will achieve at minimum a rating of "Excellent" against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority at the detailed Reserved Matters stage and verified in writing prior to the first occupation of the development hereby granted permission.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by adopted LDF Core Strategy Policy CS20.

13. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of at least 15%, shall be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development by at least 15% shall be submitted and approved in writing by the Local Planning Authority at the Reserved Matters stage. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy SDP13 (vi) of the City of Southampton Local Plan (2006) should be undertaken as supported by adopted LDF Core Strategy Policy CS20.

14. APPROVAL CONDITION - Noise - plant and machinery

Notwithstanding the submitted details the uses hereby approved shall not commence until an acoustic report and written scheme to minimise noise from external playspaces, plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

REASON:

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

15. APPROVAL CONDITION - Ventilation - control of noise, fumes and odour

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans, associated refuse and other equipment from commercial cooking processes on site 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.

REASON:

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

16. APPROVAL CONDITION - Landscaping detailed plan

A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority as part of the approval process for the LANDSCAPING reserved matter. These details shall relate to the external spaces and the green roof as hereby approved.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

17. APPROVAL CONDITION – Sustainable measures [Pre-Commencement Condition]

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Green Roofs

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

Reason

To ensure the development minimises overall demand for resources and is compliant with the adopted City of Southampton Local Plan Review (March 2006) policies SDP13 and SDP6; and CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

18. APPROVAL CONDITION – Boundary fence [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved, details of the design and specifications of the boundary treatment of the site and the MUGA - to include heights, design and means of fixing - shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the building(s) or the first use of the MUGA provided under this, permission and such boundary treatment shall thereafter be retained and maintained as agreed.

REASON:

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

19. APPROVAL CONDITION – Lighting [Pre-Commencement Condition]

A written lighting scheme – relating to the MUGA, car parking, access road and any other external areas - including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of any external lighting to support the development hereby approved. 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

20. APPROVAL CONDITION - Floodlighting System

No external floodlights shall be installed on the site (including the approved Multi Use Games Area, sports pitches and/or car parking) unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

REASON:

In the interest of protecting residential amenity and safeguarding highway safety.

21. APPROVAL CONDITION - Tree Retention and Safeguarding

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

REASON:

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

22. APPROVAL CONDITION - no storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

REASON:

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

23. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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.

24. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the

Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

25. APPROVAL CONDITION - Arboricultural Method Statement

Notwithstanding the information submitted to date 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.

26. APPROVAL CONDITION - Arboricultural Protection Measures

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

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

REASON:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

27. APPROVAL CONDITION- Land Contamination Investigation

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

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

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

Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

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

28. APPROVAL CONDITION - Use of uncontaminated soils and fill

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

REASON:

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

29. APPROVAL CONDITION- 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. 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.

30. APPROVAL CONDITION – Construction & Demolition Method Statement

Before development commences a statement setting out the management of demolition and construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying (i) the areas to be used for contractor's vehicle parking and plant; (ii) storage of building materials, and any excavated material, huts and all working areas (including cement mixing and washings) required for the construction of the development hereby permitted; (iii) areas for the parking of vehicles of site personnel, operatives and visitors; (iv) areas for the loading and unloading of plant and materials; (v) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (vi) a scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public

viewing; (vii) a scheme for recycling waste resulting from the construction programme (viii) measures to be used for the suppression of dust and dirt throughout the course of construction (including wheel cleaning); (ix) a "hotline" telephone number shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period. The demolition and development works shall be implemented in accordance with the agreed statement.

REASON:

To safeguard pupils of adjoining schools and to protect the amenities of neighbours and the wider environment.

31. APPROVAL CONDITION - Hours of Work for Demolition/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 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.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

Mondays to Fridays 08.30 to 09.15 hours and 14.30 to 15.30 hours

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 safeguard pupils of adjoining schools and to protect the amenities of neighbours and the wider environment.

32. APPROVAL CONDITION - Demolition and Phasing

The existing school buildings shall be demolished in accordance with a phasing programme to be agreed in writing with the local planning authority prior to the commencement of building works associated with the replacement school. This phasing strategy shall explain how continued education upon the site will be achieved during the construction phase and shall include access to external sports pitches that are convenient and fit for purpose.

All resultant materials from the demolition phase shall be removed from the site before the development hereby approved is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

33. APPROVAL CONDITION - Site clearance restriction

Any clearance of trees and scrub shall avoid the bird breeding season 1st March to 31st August inclusive, unless otherwise agreed in correspondence with the Local Planning Authority.

REASON:

In the interests of biodiversity and nature conservation.

34. APPROVAL CONDITION – Secured By Design

The applicant shall submit as part of any reserved matters application further details of how the proposed school and its site has been designed to achieve a "Secured By Design" accreditation. The development shall be carried out in accordance with the agreed details.

REASON:

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

35. APPROVAL CONDITION - CCTV system [pre-commencement condition]

Before the use is first commenced details of a scheme for a CCTV system to comprehensively cover the site including all public entry points, servicing spur, car parks, MUGA's and all-weather pitches, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use first commencing and shall be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

REASON:

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

36. APPROVAL CONDITION - MUGA security

The MUGA hereby approved shall be locked shut to prevent unauthorised vehicular/pedestrian access 30 minutes after the closure of the main college building as specified in the hours of use in this planning permission, and thereafter remain locked shut until 20 minutes before the opening times of the main building the next day.

REASON:

In the interests of crime prevention.

37. APPROVAL CONDITION – Community Use Agreement (Pre-Commencement Condition)

Prior to the commencement of the use/development a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the playing field, to ensure sufficient benefit to the development of sport and to accord with Core Strategy Policy CS11.

38. APPROVAL CONDITION – Playing Field Condition (Pre-Commencement Condition)

Prior to commencement of the development/use hereby permitted:

- i. A detailed **assessment of ground conditions** of the existing playing field land at Upper Shirley High School shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- ii. Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality to accommodate both school and community use shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full prior to commencement/use of the remainder of the permitted development.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Core Strategy Policy CS11.

39. APPROVAL CONDITION – Playing Field Improvements (Pre-Commencement Condition)

Prior to commencement of the development/use hereby permitted, a scheme for the improvement and maintenance of playing field drainage, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The information provided shall demonstrate that the design and quality of the playing field area, having regard to the nature and intensity of use envisaged, is fit for use and accords with the relevant British Standards for soils and sports turf and with the Sport England Design Guidance Note Natural Turf for Sport.

Reason: To ensure that the restored land will be of an appropriate quality and fit for purpose for use as playing fields.

Informative: It is recommended that the drainage assessment and improvement/management scheme is undertaken by a specialist turf grass consultant.

40. APPROVAL CONDITION – Fencing Details (Pre-Commencement Condition)

No development shall commence until details of protective fencing to be erected around the existing playing field, to include location, height, type and materials shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before the development is commenced and shall be maintained for the duration of the works hereby permitted.

Reason: To ensure the safe and efficient use of the existing playing fields.

41 APPROVAL CONDITION – Limitation on Use (Performance Condition)

The playing field shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches.

42 APPROVAL CONDITION – Access Road Limitation (Performance Condition)

The secondary access road (between 80 and 82 Bellemoor Road) hereby approved shall only be used by delivery and service vehicles to the school, including coaches, between 0730 and 1900 hours Mondays to Fridays. Details of the means of controlling access arrangements to accord with these hours of use shall be submitted to and approved in writing by the Local Planning Authority before the vehicular access is first used. The access shall operate in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbouring residential occupiers.

43. APPROVAL CONDITION – All weather pitch (Performance Condition)

In the event that the all weather pitch is located in the part of the site shown on Drawing Number 910-001, this pitch shall not be used other than in school term times between the hours of 0800 and 1700 hours Mondays to Fridays.

Reason: To protect the amenities of neighbouring residential occupiers.

00. Reason for Granting Outline Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and positive regenerative opportunities associated with the development are considered to outweigh the disadvantages. The proposed new vehicular access has been considered by highways officers as acceptable and any impact on local residents can be mitigated as explained in the report to the Planning and Rights of Way Panel on 16th March 2010. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

LDF Core Strategy – Adopted January 2010

CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25

Local Plan Review (2006) – Saved Policies

SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, HE6, L1 and RE17

Notes to Applicant

Public Sewer Informative

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

Southern Water Informative

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 Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

Pre-Commencement Conditions Informative

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

Performance Conditions Informative

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Agenda Item 9

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 March 2010
 Planning Application Report of the Head of Division

Application address Former Civil Service Sports Ground Malmesbury Road Southampton			
Proposed development: Change of use from private open space (class D2) to school playing fields (class D1)			
Application number	10/00105/R3CFL	Application type	Full
Case officer	Steve Lawrence	Application category	Q20 – Change of use

Recommendation Summary	Following referral to GoSE under ‘call-in’ procedure and written confirmation of no Secretary of State interest to delegate to Development Control Manager to grant planning permission subject to criteria listed in report (Regulation 3 application)
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Reason for Panel consideration	Application submitted on behalf of Southampton City Council which is a departure from the Development Plan
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Applicant: Southampton City Council	Agent: Capita Symonds
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Date of receipt	27/01/2010	City Ward	Freemantle
Date of registration	27/01/2010	Ward members	Cllr J R Moulton
Publicity expiry date	04/03/2010		Cllr M A Ball
Date to determine by	24/03/2010 IN TIME		Cllr B E Parnell

Site area	34,300sq.m (3.43 ha)	Usable amenity area	N/A		
Site coverage	N/A - Outline	Landscaped areas	N/A		
Density - whole site	N/A				
Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	N/A	N/A	Retail use	N/A	N/A
3-bedroom	N/A	N/A	Leisure use	N/A	N/A
other	N/A	N/A	other	D1	educational

accessibility zone	high	policy parking max	Not determined
parking permit zone	yes	existing site parking	Not determined
cyclist facilities	Not determined	car parking proposed	Not determined
motor & bicycles	Not determined	disabled parking	Not determined

Key submitted documents supporting application			
1	Design & Access Statement	2	Report to Cabinet 27 July 2009 recommending CPO action to acquire the application site
Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in full

1. Subject to written confirmation from Government Office of the South-East that the Secretary of State for Communities and Local Government does not wish to 'call-in' the application, having regard to the proposals being a technical departure from the Development Plan for Southampton, Delegate to the Development Control Manager to grant planning permission

Procedural Context

Councils Own Development

The proposed scheme is a Regulation 3 application for Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

Background

The Council has undertaken a review of Primary School places, in view of a change in the area's demographics. Several schools have a shortage of playing field space, but are within a 1 mile walking distance of the application site. The Council has tried to purchase the site through negotiation, but has so far not been successful. A report was taken to 27 July 2009 meeting of Cabinet, recommending that purchase of the application site be pursued and if necessary a Compulsory Purchase Order be made to acquire the site in the public interest, under Section 530 of the Education Act 1996, being deemed the most appropriate justification for making such an Order. These details are fully set out in Appendix 1 of the applicant's design and access statement.

Site and its context

The application site forms an open, undeveloped, former private sports-ground, purchased from the Civil Service in 2005 by Bovis Homes Ltd, which save for a small portion in the south-eastern part of the site, has remained unused since that time.

The site is wholly protected as an open space under Policy CS21 of the City of Southampton Core Strategy (January 2010) and saved Policy CT3 of the City of Southampton Local Plan Review (March 2006).

The site boundaries are partly marked by mature trees, some of which are protected by a Tree Preservation Order. A variety of boundary treatments exist, a narrow private road marks the south-western boundary (going between Stafford Road and Malmesbury Place), beyond which is St Mark's School. Whilst a vehicle can enter this from the Stafford Road end, pedestrian access is only possible from the Malmesbury Place end. Both ends are gated and in the control of St Marks School. Vehicular and pedestrian access to the site is currently taken from Malmesbury Place, a cul-de-sac off Malmesbury Road. The former main vehicular access between numbers 43 & 53 Malmesbury Road still exists but is currently unused and boarded up. The site is otherwise bounded by housing, back gardens and rear refuse alleys to such housing.

Proposed development

The applicant seeks a change of use of the land from private sports ground within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to school playing field land within Class D1.

Secure use for the educational sporting pursuits of school children is sought, with the City Council to maintain and manage the facility to potentially serve the recreational needs of several schools in the area, which are underprovided with such facilities. This would also meet Government aim of promoting healthier and more socially inclusive lifestyles in pupils, to combat obesity rates in school children.

It is intended that the facilities be made available to the general public outside of school hours in a manner yet to be determined by further consultation with those adjoining the site and beyond. An illustrative pitch layout has been shown to demonstrate that sports such as football, rugby, hockey, rounders, softball and a grass athletics track could all be provided on the site. No supporting structures, such as sports pavilions/halls or areas of car parking, are sought at this stage, nor is any floodlighting proposed.

At the current time St Marks School uses part of the site for its PE lessons, under a licence granted by Bovis Homes Ltd. This land has been the subject of a grass mowing regime and is acknowledged to have little to no ecological value. The remainder of the site has become overgrown and partly subjected to anti-social behaviour.

The ecological value of that wider part of the site is yet to be established, being that relevant survey work for amphibians/reptiles needs to take place from May onwards. It has not been possible for the applicant (not being the owner of the site) to properly survey the site for its ecological value. Should the Council acquire the site, it is proposed that further ecological work be undertaken and the margins of the site be managed to provide habitat to also assist in schools' other national curriculum studies.

Relevant planning policy

The planning policy to be considered relevant to these proposals is scheduled in **Appendix 1** to this report.

The application site is allocated on the Proposals Map of the City of Southampton Local Plan Review (March 2006) as Protected Open Space (notwithstanding its current private ownership). Policy CS21 from the Core Strategy echoes that approach. The South-East Plan recognises the need to improve green infrastructure, education and skills to strengthen the region's health and economy.

Playing pitches are nationally protected under PPG17 and improvements to open spaces, both qualitatively and quantitatively are encouraged.

The council's normal considerations apply in terms of access and use.

Relevant planning history

Details of relevant planning history for this site is included in **Appendix 2**. Structures formerly existed on the site, such as a sports pavilion, but have since been cleared. Some areas of hardstanding still exist and a vehicular access does exist to Malmesbury Road, but is currently unused. It is interesting to note that an application for housing development was refused in 1964.

Consultation responses & notification representations

A publicity exercise in line with department procedures was undertaken which included notifying 207 adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, 4 representations had been received (2 objections – including site owner Bovis Homes Ltd – one qualified letter of support and one query). The representations can be summarised as:-

2 written objections on the grounds that:-

- The site was purchased by Bovis Homes Ltd in order to pursue its development for residential and associated uses – a position they maintained during the run up to adopting the Core Strategy and associated Strategic Housing Land Availability Assessment. Development for alternative purposes is therefore opposed;
- Increased activity by school children will adversely affect the privacy/amenity of those living by the site by reason of noise and greater use throughout the day – including after school hours and school holiday use - compared to former use as a private sportsground, principally by adults;
- Exacerbation of parking difficulties for residents of Malmesbury Road, especially outside school hours when it is asserted that many children would be brought to the site by car;
- Increased traffic in Malmesbury Road leading for greater potential for highway hazards;
- A suggestion that many in the area would prefer to see the site developed for low rise housing with plenty of parking.

Response:- The site is allocated for Open Space purposes and adequate housing land supply exists elsewhere in the city, matters confirmed through the statutory planning process. No evidence is supplied to substantiate the issue of increased disturbance, compared to former sports use. No restrictions applied to use of the site. Positive biodiversity enhancements, health and sports development benefits would also accrue from wider community use. Disturbance would occur during the school week days, not at unsocial hours and weekend use could be controlled through a community use agreement, reserved by planning conditions, for which the applicant as undertaken to conduct further public consultation. The vehicular access exists to Malmesbury Road and would require no further planning permission for renewed use. The laying out of car parking areas within the site is a matter that can be conditioned.

1 qualified letter of support on the following grounds:-

- That fencing on the site boundary should be repaired or renewed where it does not exist to deter potential for adjoining housing to be burgled (burglaries have recently taken place in Stafford Road and Suffolk Avenue properties);
- That Stafford Road is not used as an access point, owing to congestion and inconsiderate driver behaviour currently experienced. Speed humps promised in Stafford Road have not materialised;
- That no restriction of a public right of way should be allowed to occur for the narrow accessway between Stafford Road and Malmesbury Place, by the erection of any gate.

Response:- These points are noted. Means of enclosure can be conditioned in the interests of child safety and crime prevention. Officers will be able to provide an update to issues of traffic claming and rights of way at the meeting.

1 e-mail posing the following queries:-

- Would the open space be open to the public at all times?
- If use is between 09.00-18.00 hours daily, does that mean the gates will open and lock every day at those times?

Response:- The applicant has provided the following written response – The site would only be available for school use 09.00-18.00 and would not become a publically accessible space like a park. It would be made secure in the interests of school children using the site.

Summary of Consultation comments

SCC Highways – No objections subject to agreeing parking/turning areas and their surface treatment. No vehicular access to be taken from Stafford Road.

SCC Ecologist – N objection provided no alterations are made to the pitch layout until after an appropriate ecological assessment of the greater majority of the site has been made.

SCC Pollution and Safety Team – No objection.

SCC Contaminated Land Team – No land contamination risks are recognised and no objections are raised to granting deemed permission.

SCC Trees Team – No objections subject to safeguarding conditions for trees on and overhanging the site.

SCC Children's Services and Learning – Support as will provide joint playing fields for St Mark's, Freemantle, Banister and St John's Schools, whilst maybe also facilitating a future Learning Campus by relocating Regents Park Community School, dependent on further BSF funding.

Sport England – As the land contains a former playing field, the consultation has been assessed as 'statutory'. However, as no loss of playing field land is intended, an exception to Sport England Policy on playing field protection is reasoned, whereby improvements to existing pitches and greater community access is proposed. Conditions are recommended to secure those matters and on that basis support is given to the proposed change of use.

Planning consideration key issues

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

- The principle of the change of use, given the site's allocation as protected open space

The site is not publically available as open space, other than it does provide welcome visual relief to surrounding built form. The proposals would retain the openness of the site, assist a shortfall in playing space for several schools in the area and provide for some community use.

- Promoting high quality educational facilities

The proposals would better provide for the recreational needs of school children and contribute towards healthier lifestyles and social inclusion.

- Impact of intensified educational use of the site on the amenities of neighbours

The former use of the site is difficult to quantify, but was largely unrestricted, bearing in mind it pre-dated planning controls first introduced in 1948. School children would be undergoing supervised games and physical education, so a degree of control over excessive exuberance would occur. Adequate separation between sports activities and habitable rooms/back gardens is thought to exist overall, where areas of play would in any case not be confined to one area of the pitch/track, or likely to be so concentrated to justify the refusal of planning permission.

- Highways and traffic impact

An existing vehicular access exists in Malmesbury Road and is capable of use. Pedestrian and bicycle access is also available via Malmesbury Pace and Stafford Road. The applicant states that 6 schools are within a 1 mile walking distance of the site, where walking would be preferred to accord with the Travel Plan for each school. Whilst it is relevant to provide for the travel demands of wider community use, vehicle/cycle parking formerly existed at the site and could be reintroduced to support the playing fields use, controlled by an appropriate planning condition. The access in Malmesbury Road occupies the equivalent of 4 property frontages in that street and notwithstanding on-street parking, adequate lines of sight can be achieved.

CONCLUSION

By securing the matters set out in the recommendations section of this report, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Development Control Manager, upon written receipt from the Government Office of the South East that the Secretary of State for Communities and Local Government does not wish to 'call-in' the application.

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 (a), 2 (c), 2 (d), 2 (e), 4 (c), 4 (e), 5 (e), 6(c), 6(l), 7(a), 7 (i), 7(m), 7 (q), 7 (x), 7(z), 9(a) and 9(b).

SL - 01.03.2010 for 16.03.2010 PRow Panel

Relevant Planning Policy

Core Strategy (2010)

- CS11 – An educated city
- CS13 – Fundamentals of design
- CS18 – Transport: Reduce-manage-invest
- CS19 – Car and cycle parking
- CS22 – Promoting biodiversity and protecting habitats
- CLT3 -

Saved City of Southampton Local Plan Review Policies (March 2006)

- SDP1 General Principles
- SDP2 Integrating transport and Development
- SDP3 Travel Demands
- SDP4 Development Access
- SDP5 Parking
- SDP7 Context
- SDP8 Urban form and public space
- SDP10 Safety and Security
- SDP11 Accessibility and Movement
- SDP12 Landscape and biodiversity
- SDP16 Noise
- SDP17 Lighting
- SDP22 Contaminated land
- NE4 Protected Species

Saved policies of the Hampshire County Structure Plan Review (27.9. 2007)

- T5 - Transportation requirements in relation to development

South East Plan (May 2009)

- SP2 – Support for development which increases use of public transport, walking and cycling in the regional hubs
- SP3 – Urban focus and urban renaissance
- SP4 – Regeneration and social inclusion
- CC1 – Sustainable development
- CC6 – Sustainable communities and character of the environment
- RE1 – Contributing to the UK's long term competitiveness
- RE4 – Human resource development
- T1 – Manage and invest
- T2 – Mobility management
- T4 - Parking
- NRM5 – Conservation and improvement of biodiversity
- NRM10 – Noise
- S3 – Education and skills
- S4 – Higher and further education
- S5 – Cultural and sporting activity
- S6 – Community infrastructure

Other guidance

PPS1	Delivering sustainable development
PPS9	Biodiversity and geological conservation
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

Life long learning plan

City of Southampton Local Transport Plan 2006 – 2016

City of Southampton Strategy, (formerly Community Strategy), Southampton City Council 2006.

Southampton Biodiversity Action Plan

RECOMMENDATION: DEL

CONDITIONS for 10/00105/R3CFL

01. Commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON:

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

02. PRE-COMMENCEMENT CONDITION - Means of enclosure

Prior to the first use of the land as school playing fields, the means of enclosure to be formed within the site and to site boundaries shall be submitted to and approved by the local planning authority in writing. In particular, the site shall be enclosed by a minimum 1.8m high fence/gate(s).

REASON:

In order to secure a high quality form of development having regard to the character of the area, to achieve a satisfactory outlook to occupiers of neighbouring residential properties and in the interests of the security of school children using the site and crime prevention for those whose properties abut the site.

03. PERFORMANCE CONDITION - Use restriction

Unless varied by the terms of any subsequent planning permission, the use of the site shall be restricted to school playing fields, supported by areas of ancillary managed/natural habitat to assist with other national curriculum studies, within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose within Class D1, save as might be agreed in writing through a community use agreement to allow the wider community to access and use the playing fields.

REASON:

To define the consent having regard to Policy CLT3 of the City of Southampton Local Plan Review (March 2006) as supported by Policy CS21 of the City of Southampton Coe Strategy (January 2010) and to allow the local planning authority to control the scale of development in terms of protecting the character and amenity of the surrounding area.

04. PRE-COMMENCEMENT CONDITION - Pitch layout and improvement

Prior to its first use as school playing fields, the developer shall submit details of how the playing surfaces are to be improved, in accordance with methodologies set out in the guidance note 'Natural turf for sport' (Sport England, 2000), for approval in writing by the local planning authority. Once approved, those measures to improve the playing surfaces shall be fully implemented before each respective part of the site is first brought into use as school playing fields.

REASON:

To define the consent having regard to Policy CLT3 of the City of Southampton Local Plan Review (March 2006) as supported by Policy CS21 of the City of Southampton Coe Strategy (January 2010), so as to promote the development of sport and to allow flexibility in bringing forward a phased improvement of the site.

05. PRE-COMMENCEMENT CONDITION - Community use agreement

Prior to the first commencement of the use hereby approved, a community use agreement shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the school laying field use hereby approved.

REASON:

To secure well managed safe community access to these school playing fields, to ensure sufficient benefit to the development of sport and to accord with Policy CLT3 of the City of Southampton Local Plan Review (March 2006) as supported by Policy CS21 of the City of Southampton Coe Strategy (January 2010).

06. PERFORMANCE CONDITION - No floodlighting of playing surfaces

No floodlights shall be installed on the site, without the further granting of planning permission.

REASON:

In the interest of protecting residential amenity and not causing undue distraction to aircraft approaching Southampton Airport.

07. PERFORMANCE CONDITION - No amplified system

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

REASON:

To protect the residential amenities of adjacent residents.

08. PERFORMANCE CONDITION - Multi-use games areas and temporary uses of the site

Notwithstanding Parts 3 and 12 of the Town and Country Planning (General permitted Development) Order 1995 (as amended) no multi-use games areas or artificial/all-weather pitch surfaces, nor temporary uses of the site up to 28 days of any calendar year shall be formed/permitted within the site without the further granting of planning permission.

REASON:

To protect the amenities of occupiers of nearby residential properties.

09. PRE-COMMENCEMENT CONDITION - Parking and access arrangements

Before the use first commences, the developer shall submit details including surface treatment of any car, coach, motor cycle and cycle parking areas to be created within the site and means of access thereto for approval in writing by the local planning authority. For the avoidance of doubt, no vehicular access into the site shall be taken from Stafford Road. Cycle parking facilities to be provided shall be in accordance with the city council's minimum standards for sports provision and shall be secure, covered and enclosed. Parking areas to be formed shall include areas for the turning of vehicles on site to enable them to leave the site in a forward gear.

REASON:

In the interests of residential amenity and highway safety, to ensure the site is adequately provided for in terms of vehicle/cycle parking and to ensure the free flow of traffic, particularly on Malmesbury

Road, which has a restricted carriageway width due to on-street parking on both sides of the street.

10. PERFORMANCE CONDITION - Operation restriction

The school playing fields hereby approved shall be closed and vacated of all persons between the hours of 19.00 and 08.00 the following day on a daily basis.

REASON:

To safeguard the amenities of occupiers of adjoining residential properties.

11. PERFORMANCE CONDITION - Gate security

Gates shall be fitted to the site. Any gate fitted, shall be to a minimum height of 1.8m and shall be locked shut to prevent unauthorised vehicular/pedestrian access to the site in accordance with the hours stated in condition 11 above.

REASON:

In the interests of protecting residential amenity and crime prevention.

12. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

REASON:

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

13. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

REASON:

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

14. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

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

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

REASON:

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

16. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

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

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

REASON:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

17. Biodiversity improvements/maintenance

Before the school playing field use commences on that part of the site hatched red in Appendix 2 to the agent's design and access statement, the developer shall commission competent professionals to carry out an ecological evaluation of that part of the site and provide details of how certain areas of the site are to be managed as natural areas. Once so surveyed, the developer shall follow the recommendations of the competent professionals who have prepared the report and then maintain those areas in accordance with a maintenance plan to be submitted to and approved by the local planning authority in writing.

REASON:

To safeguard species protected under the Wildlife and Countryside Act 1981 (as amended) - particularly slow worms. 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. Also to ensure that new planting enhances the biodiversity of the site to comply with policy SDP12 of the City of Southampton Local Plan Review (March 2006) and city council's biodiversity action plan.

00. Reason for granting Deemed Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance listed below. The technical departure from the Development Plan allocation of the site as protected open space has been overcome/safeguarded by imposing conditions requiring the land to only be used as school playing fields, retaining their openness and by removing temporary use of land and Local Authority permitted development rights. Other material considerations 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, Deemed Planning Permission should therefore be granted.

Development Plan Policies:-

South East Plan (May 2009)

SP2, SP3, SP4, CC1, CC6, RE1, RE4, T1, T2, T4, NRM5, NRM10, S3, S4, S5, and S6

Saved policies of the Hampshire County Structure Plan Review (27.9. 2007)

T5

Saved City of Southampton Local Plan Review Policies (March 2006)

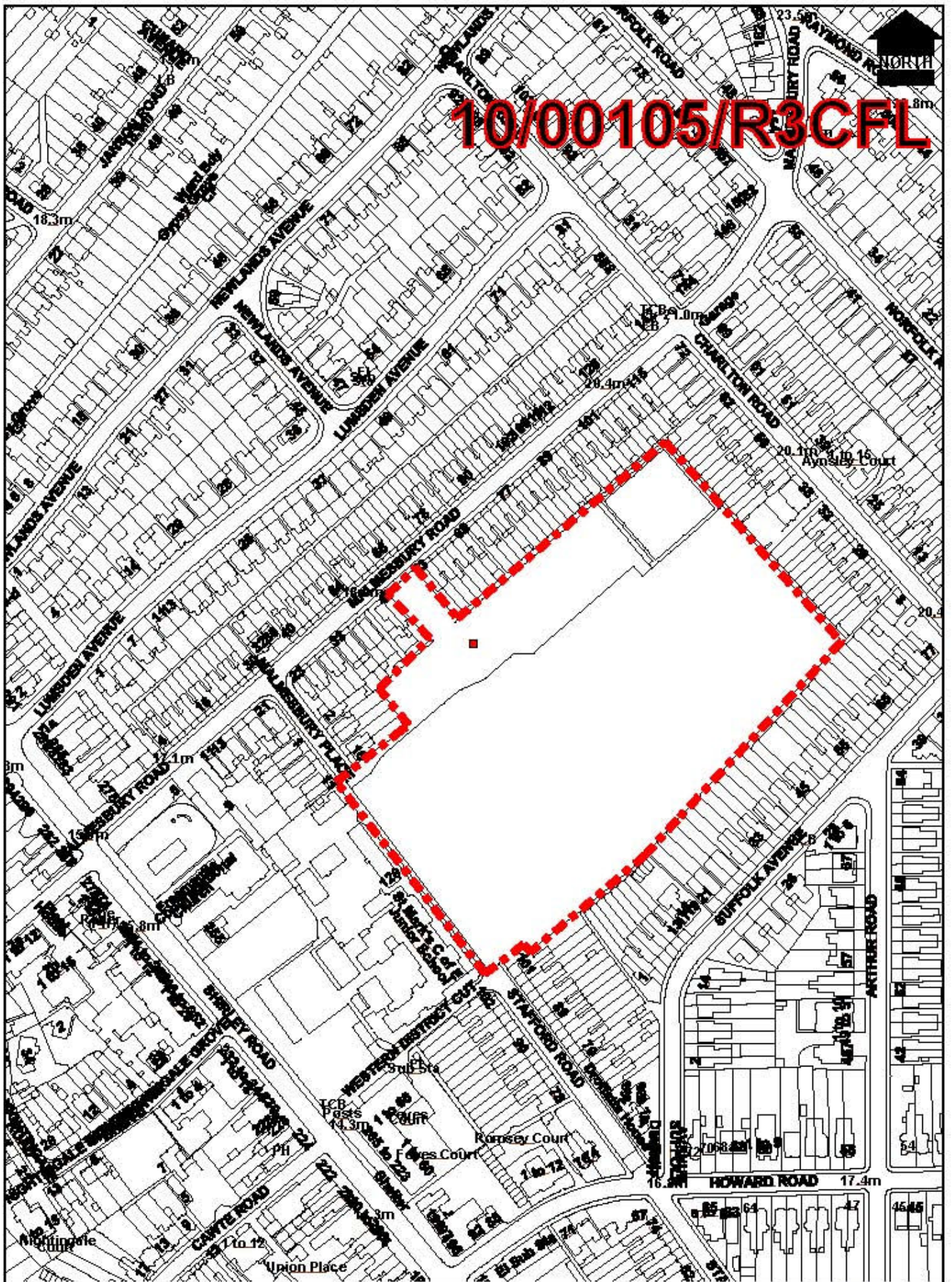
SDP1, SDP2, SDP3, SDP4, SDP5, SDP7, SDP8, SDP10, SDP11, SDP12, SDP16, SDP17, SDP22, CLT3 and NE4

City of Southampton Core Strategy (January 2010)

CS11, CS13, CS18, CS19, CS21 and SC22

Reference	Status	Address	Proposal	Decision Issued
58/01284/FUL	PER		CIVIL SERVICE ASSOCIATION	14.01.1958
58/01285/FUL	PER		CIVIL SERVICE ASSOCIATION	01.12.1958
61/00770/TR	CON		CIVIL SERVICE ASSOCIATION	01.05.1961
61/00771/FUL	CAP		CIVIL SERVICE ASSOCIATION	12.12.1961
63/00950/TR	CON		CIVIL SERVICE ASSOCIATION	12.03.1963
63/00951/FUL	CAP		CIVIL SERVICE ASSOCIATION	08.10.1963
64/01143/FUL	REF		CIVIL SERVICE ASSOCIATION	10.11.1964
66/01251/TR	CON		CIVIL SERVICE ASSOCIATION	24.05.1966
69/00764/FUL	CAP		CIVIL SERVICE ASSOCIATION	24.10.1969
71/03030/FUL	CAP		CIVIL SERVICE ASSOCIATION	14.09.1971
75/00488/FUL	CAP		CIVIL SERVICE ASSOCIATION	02.06.1976
77/00708/TR	CON		CIVIL SERVICE ASSOCIATION	28.06.1977
80/00886/FUL	CAP		CIVIL SERVICE ASSOCIATION	22.04.1980
80/00887/FUL	CAP		CIVIL SERVICE ASSOCIATION	09.09.1980
84/00841/FUL	CAP		CIVIL SERVICE ASSOCIATION	31.01.1984
87/00965/FUL	CAP		CIVIL SERVICE ASSOCIATION	21.10.1987

10/00105/R3CFL



Scale : 1:2500

Date : 03 March 2010

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Agenda Item 10

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 March 2009
 Planning Application Report of the Head of Division

Application address : Belgravia Car Sales 468 - 480 Portswood Road Southampton			
Proposed development: Redevelopment of the site. Erection of a new building (part two-storey, part three-storey, part four-storey plus lower ground floor) to provide 50 student housing units and a retail unit - Class A1 with associated parking (outline application seeking approval for layout, access, appearance and scale)			
Application number	09/01377/OUT	Application type	Full Detailed
Case officer	Steve Lawrence	Application category	Q01 - Major dwellings

Recommendation Summary	Delegate to Development Control Manager to grant planning permission subject to criteria listed in report.
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Reason for Panel consideration	Ratification of planning agreement to major scheme
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Applicant : Design ACB Ltd	Agent : Quayside Architects (Neil Holmes)
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Date of receipt	05/01/2010	City Ward	Swaythling
Date of registration	05/01/2010	Ward members	Cllr D Beckett
Publicity expiry date	01/02/2010		Cllr J Odgers
Date to determine	06/04/2010 INTIME		Cllr E J Osmond

Site area	0.0928 hectares	Usable amenity area	200sqm - courtyard 110sqm - common room 6.2sq.m/ studio flat
Density - whole site	538dph	Landscaped areas	N/A
Site coverage (developed area)	0.055 hectares (59%)		

Residential mix	number	size sq.m	Other land uses	class
Studio / 1-bedroom	50	16.32sqm to 33.92sqm	Retail use - A1	140sqm (excluding related basement store)
2-bedroom	N/A	N/A	Commercial use	N/A
3-bedroom	N/A	N/A	Leisure use	N/A

accessibility zone	medium	policy parking max	
parking permit zone	no	existing site parking	N/A - car sales lot
cyclist facilities	yes	parking proposed	3 spaces - including
motor & bicycles	0 / 60 cycles	disabled parking	2 spaces

Key submitted documents supporting application:			
1	Design and Access Statement	2	Sustainability Checklist
3	Acoustic survey reports	4	Transport Assessment
5	Energy Assessment/Statement	6	

Appendix attached			
1	Refusal reason wordings for 09/00409/OUT and 08/01123/OUT	2	Relevant Policies and published guidance

3	Relevant planning histories	4	agent Letter to local businesses 19.1.2010.
5	E-mail from applicant 17.2.2010, setting out examples of 'vehicle calling systems'.	6	Details of a road traffic accident 26.6.2008.

10 spaces for shop

25 spaces for studio flats giving a total of 35 spaces. (However see determination section of this report)

Recommendation in full

Delegate to Development Control Manager to grant planning permission subject to:-

1. the applicant entering into a Section 106 Legal Agreement to secure:-
 - (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended). In particular this should include to making of a Traffic Regulation Order after public consultation with regard to the introduction of parking restrictions in Belgrave Road and dedication of land to create a 2m footway;
 - (ii) A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - (iii) Financial contributions towards the relevant elements of public open space required by the development in accordance with polices CS21 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to:-
 - Amenity Open Space ("open space")
 - Play Space
 - Playing field
 - (iv) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and,
 - (v) An undertaking by the developer that:-
 - Only students in full time education be permitted to occupy any of the studio flats;
 - (b) A list of students who have signed tenancy contracts will be provided to the local planning authority at the start of each contract. Any student signing any tenancy agreement shall undertake not to bring any private car to the site save for the following exceptions:-
 - That the student is disabled and has been permitted by the developer/owner of the site to use one of the two spaces on site allocated for disabled drivers; or,
 - That the student is moving their personal possessions into or out of the studio flat they have rented; or,
 - That a student has hired the use of a car from a car club procured by the developer/owner of the site;

- (c) Details of how the pool car sharing club would be operated at the site shall be submitted to and approved by the local planning authority in writing. Once agreed, the scheme shall be operated in accordance with the approved scheme, unless any further variation is agreed in writing with the local planning authority; and,
- (d) Before the development commences, the developer shall submit details of a scheme for approval by the local planning authority of how the site owner will manage and stagger the arrival/departure of students, when moving into or out of studio flats at the beginning/end of their tenancies. In particular, and notwithstanding the applicant's e-mail dated 17 February 2010 with respect to similar modus operandi at Southampton and Exeter Universities, mention of the "vehicle calling system" set out in the Transport Works Transport Assessment December 2009 Rev (A) at paragraph 3.4 shall be clarified. The best use shall be made of available on-site parking and the central courtyard, so as not to cause undue congestion on the adjoining public highway. Once approved the site owner shall implement this management strategy at all times thereafter.

And that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed by 6th April 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Background

The history section in **Appendix 3** outlines the history of this site and histories of those around it, indicating that on four previous occasions the principle of residential use of this site has been rejected and a further application for residential development was withdrawn.

Reasons for those refusals have included adverse noise impact to intended residents/poor living environment or lack of information to demonstrate that this would not be likely and also concerns as to whether trip generation would be likely to cause highway problems in the vicinity.

As with any refusal, if the reason for refusal can be overcome with careful design and safeguarding planning conditions/planning obligations which are above all enforceable, then it may be possible to grant planning permission.

Since the last refusal the local planning authority has expanded in writing on its reasoning for refusing the application and a meeting also took place between Officers, the developer and their agent on 22 September 2009 and more recently on 25 February 2010, in an attempt to understand what work would need to be undertaken to seek to address the stated reasons for refusal.

The developer has sought to attract comment from neighbouring site owners/occupiers on their revised proposals by posting a site notice of their intention to re-submit two weeks before doing so and offering an internet website where they might view the proposals/leave comments. If comments have been received, the Design and Access Statement at Section 4.9 is silent on what they have been or how they may have influenced the design solution.

A consultation of adjoining commercial premises occupiers fronting Beelgrave Road has also been undertaken by the agent as to what parking restrictions might be appropriate in the area, should the scheme receive consent and a Traffic Regulation Order be made. That is reproduced as **Appendix 4** to this report.

The determination section of this report therefore focuses on the reasons for refusal to planning applications 09/00409/OUT and 08/01123/OUT in terms of how the proposals have been adjusted and/or additional information supplied since those applications.

In particular, it should be noted that Planning Policy Guidance (PPG) Note No. 4 has now been superseded by Planning Policy Statement (PPS) No.4 – Planning for sustainable economic growth. The previous document's paragraph 18, which was relied upon in the first reason for refusal to 09/00409/OUT does not feature as advice in PPS 4, albeit advice on the appropriateness of siting new housing next to commercial and industrial uses is still relevant from PPG 24 (Planning and Noise).

Site and its context

The Proposals Map of the City of Southampton Local Plan Review shows the site to be unallocated as 'white land'. On the previous 1996 Local Plan Proposals Map, the site had been allocated for industrial purposes, but is no longer so allocated. A small parade of shops to the north is a designated local shopping centre. The site also lies in an area where archaeological remains are likely.

This 0.0928ha site is located on the northern corner of Portswood Road and Belgrave Road. It contains some single storey buildings, but is mostly hard surfacing, used to display motor vehicles for sale. Some 11 vehicles were displayed for sale at the last officer visit. The buildings on site support that use and the repair of motor vehicles also takes place. Site levels drop some 2.1m across the site, from the north-west corner to the eastern end.

There is a limited amount of ornamental planting in a raised set within the site and by part of the northern boundary. Site boundaries are marked by a chain link fence, some of which is topped by barbed wire on the northern boundary. Metal double gates set within this fencing provide vehicular access to Belgrave Road.

The site sits within a medium accessibility zone and within Flood Zone 1, so therefore at low risk from a fluvial or tidal flood event.

The roughly rectangular-shaped application site lies alongside a classified highway (C502) – Portswood Road – leading from/to the M27 junction 5 some 2.08km away, into/out of Southampton, whose city centre is some 3.2km south of the site and 1.6km away from both Southampton University main campus and the defined Portswood District Shopping Centre. The tree-lined Thomas Lewis Way trunk road (A335) runs broadly parallel to Portswood Road some 47m east of the site.

A music entertainment venue – 'The Brook' – is located on the southern corner of Portswood Road and Belgrave Road and is two storeys high. Part three and part four storey flats – Roxan Mews – exist beyond 'The Brook'. Customer access to 'The Brook' is in the north elevation, facing the application site. Some fire escape doors front Portswood Road. At the rear of 'The Brook', those appearing at the venue park their vehicles and unload musical equipment into the premises via a rear stage entrance. A small terrace also exists at first floor level for use by visiting artists. Immediately beyond that area is a further piece of rough, mainly open ground used for car parking.

Sheltered, 3 storey flats – Queen Elizabeth Court – exist on the west side of Portswood Road opposite the site, set some 26.5m from the site's western boundary and raised up from carriageway level.

To the north of the site is a private alleyway servicing 482-516 Portswood Road. Those properties comprise a parade of shops and other retail/commercial businesses, often with residential accommodation above them in buildings of single to three (484-486) storey scale. A previous business recovering parts from motorcycles now appears to have been replaced by a firm offering sound stage equipment, trading as 'Squeeze 18'. West and in front that are single storey premises used by a firm fitting replacement car parts.

Immediately east of the site in Belgrave Road are single storey car repairs premises with an external vehicle inspection ramp on the forecourt known as 'Phil White Carwork'. This use is in turn adjoined by 'L & S Commercials' two storey workshop premises. That firm specialises in repairing lorries. Detached, two storey scale business premises lie between L & S Commercials and Thomas Lewis Way. Those premises are used by two firms which manufacture packaging and undertake printing.

The remainder of Belgrave Road is made up of industrial and warehousing premises, allocated for that purpose on the Proposals Map of the Local Plan Review (March 2006). The application site, 'Phil White Car Works', 'L & S Commercials' and the detached two storey scale business premises immediately east of that are not so allocated.

There are very limited views of the site from the private road to the rear of 482-516 Portswood Road and from Thomas Lewis Way.

Proposed development

The applicant seeks to address the reasons for refusal to 09/00409/OUT and establish the principle of a new mixed-use building, through an outline application, where Access, Appearance, Layout and Scale are listed for consideration by the local planning authority, with only Landscaping to be a Reserved Matter.

The new building would be accessible by all, meeting Part M of the Building Regulations.

It is proposed to demolish and remove the existing buildings on site and replace them with a single building, with an internal courtyard accessed from Belgrave Road. A mixed use of the new building is proposed comprising a single shop unit (140sqm, with further 41sqm basement store beneath it) that would front Portswood Road, serviced via the internal courtyard from a new lay-by in Belgrave Road and specialist residential accommodation.

The mixed use could create 8 jobs within the commercial space and a further 2 full-time employees required to manage/provide security for the studio flats. The former may possibly provide employment for some living at the site. Existing uses on site are said to employ 1 full-time employee (but the officer site visit seemed to reveal more working there).

The remainder of the building would provide 50 studio flats with associated common room (110m² – also incorporating the main entrance to all the studio flats) 4 ancillary, uniformly sized laundry rooms (collectively 63.24sqm), two store rooms and a small office (27sqm) to manage the accommodation (located in the south-west corner of the building by the site undercroft entrance (fitted with recessed gates) leading to the internal, terraced courtyard. This residential accommodation would be wholly occupied by students and the intention is to let these studio flats, each enjoying galley kitchen and sanitary facilities, on yearly contracts.

There is nothing in the submission to suggest a warden would be resident in one of these flats, merely a short statement that the management office would remain staffed 24 hours a day.

The architect says the intention is to create quality student accommodation, defined by the outlook from the rooms and adequate sunlight/sky views.

The living accommodation would be served by two 'protected' stairwells serving corridors that would lead to the studio flats and a lift serving all floors would be located in the north-east corner of the building footprint. Each flat would have one sole window serving it in terms of natural light and ventilation.

The single person flats would range in size from 16.32sqm to 33.92sqm,. All the studio flats are shown drawn with a double bed in them.

Using the slope of the site, the flat roofed building would be arranged over 5 levels, with a basement created beneath the shop at street level in Portswood Road and semi-basement level partly created in the return frontage to Belgrave Road, providing 3 car parking spaces (2 for disabled drivers and the third reserved for use by a car club vehicle). Some shop deliveries could be made via the common courtyard. A lay-by has been incorporated into the Belgrave Road frontage to allow the shop to be serviced off Portswood Road and for a refuse cart to pull into to collect the bins from the common bin store, via the undercroft, 7.5m away.

Previous canted windows to the southern wing facing Belgrave Road have been deleted and replaced by flush windows serving corridors leading to 10 flats. This is the main design change from the last refusal, where floor layouts have been handed such that these 10 flats now look into the internal courtyard and the corridor will therefore provide additional acoustic attenuation, as was recommended by the acoustic consultant retained by the city council to advise on the last application. In addition, fenestration to 3 flats on the corner of Portswood Road and Belgrave Road has been altered, effectively moved around the corner into Portswood Road, so that they do not look towards 'The Brook' live venue.

A bespoke design solution has been created for the site, being mindful of needing to create a satisfactory living environment for its intended inhabitants, given the noisy land uses and general highway noise that surround the site. As such a 'doughnut' solution has been designed to form a protected courtyard, which 32 studio flats would directly overlook on the northern, eastern and southern edges of the courtyard. The applicant's architect has carried out a thorough site analysis and has carefully reasoned the design solution that has been chosen.

Including the basement, the western wing to the building would be arranged over 5 floors, 4 of which would be above street level, having an aspect to Portswood Road, save for 3 flats on the north-west corner which would benefit from some glazing returning onto the north elevation. The basement would be utilised as cycle parking, plant room and ancillary shop storage area. A (140sqm) shop, within Class A1, would be on the next level fronting Portswood Road with return shop windows wrapping around into the adjoining northern alley and Belgrave Road, set back some 2.4m from the western boundary. The remaining 3 floors above would oversail the shopfront by some 0.6m and comprise 6 studio flats per floor. The corridors serving those 18 flats in this wing would enjoy an aspect into the internal courtyard through high-level horizontal window openings.

Including the semi-basement area for the first part of the Belgrave Road frontage, the southern wing would be arranged over three levels, the western most part appearing some 2 and a half storeys high to the street at that point. Common stairwell, car/cycle parking, entrance undercroft and management office would form the lower level. The remaining 2 floors above would comprise 5 studio flats and one store room per floor (10 flats in total for this wing). Projecting, canted window boxes would push those flats' aspect north-west,

away from flush windows in the southern courtyard elevation. The corridors – acting as a noise barrier - serving those 10 flats would enjoy an aspect into Belgrave Road, via flush windows onto ‘The Brook’.

The eastern wing would be arranged over four levels. The lowest level (being contiguous with the basement in the west wing), would comprise a common bin storage area for 12 ‘Eurobins’ and lobby entrance to a common stairwell/lift shaft. 3 floors above that would each comprise the common stairwell/lift lobby and two studio flats (6 in total for this wing). The corridor serving those flats would provide a buffer between the external building envelope and the internal wall of each flat.

Finally, the northern wing would be arranged over 5 levels, with the bottom level comprising the (110sqm) common-room for use by all students, opening out into the 200sqm courtyard. Floors above would comprise 4 studio flats and a laundry room at all remaining levels (16 in total for this wing). The laundry rooms would be located next to the lift shaft, which would emerge through the flat roof in a small over-run structure.

Building heights fronting Belgrave Road would range from 8.9m, through 7.9m to 13m high to that corner part returning into Portswood Road, with that height continuing along that street and wrapping around the northern boundary, stepping down to 10.2m where this reaches the eastern boundary with ‘Phil White Carworks’ premises, which are drawn as being 3.8m high at that point.

It has been asserted by some objectors that proposed building heights have changed between this application and the last, compromising the acoustic attenuation for some upper flats. No change in proposed building heights has occurred. Indeed, it is argued that the new building will form a sound barrier against industrial noise to those occupying flats at Queen Elizabeth Court.

The highest part of the building would be 0.9m lower than the drawn 3 storey ridge height of 484 Portswood Road and 2.0m lower than the drawn and elevated 3 storey ridge height of Queen Elizabeth Court sheltered flats on the western side of Portswood Road.

The previous scheme was similar architecturally and received the support of an unquorate Architects Panel. The applicant has responded positively to one of the Architects Panel’s suggestions, namely the substitution of concrete for the plinth by charcoal grey engineering bricks to deter graffiti. The previous scheme also drew praise from the City Design Team. Any further views from that Team will be reported at the meeting.

This flat-roofed building would have a modern, contemporary appearance. A mixture of red facing bricks, charcoal grey engineering brick plinth, glazed shopfront, curtain wall glazing to stairwell lobbies, timber cladding and profiled metal cladding panels are proposed. Wall elevations facing the courtyard would be clad with timber panels.

It should be noted that the submitted design and access statement still contains three errors of note since the last refusal. Firstly, the artist’s impression on the cover still shows return fenestration for the corner flats at the junction of Portswood Road and Belgrave Road and canted window design to the southern wing, whilst the submitted application drawings make it clear that has been swapped by a solid alternative material, with fenestration moved to the west elevation and flush windows are to be fitted to the southern wing’s south elevation. Secondly, the site analysis still refers to the whole of the Belgrave Industrial Estate uses and those immediately east of the site as **light** industrial, when many of the existing users are in fact general industrial in character. The third suggests that the commercial unit might be occupied by a restaurant (Use Class A3), when other parts of the same statement and the

application form only refer to a shop use (Use Class A1) being sought.

All these matters have been drawn to the attention of the applicant and their agent. The agent has since confirmed in writing that only a shop (Use Class A1) is proposed for the commercial element of the building.

The application has only been described, advertised and considered on the basis of an retail use (Use Class A1).

Other supporting information

Acoustic survey reports: - Prepared by a consultant, these outline the equipment used, how it was calibrated, where it was positioned and the times and dates of survey work. A second survey (HM:1979/R2, dated 17 April 2009) was conducted over an additional two week period to that report which accompanied 08/01123/OUT (HM: 1979/R1, dated 1 July 2008). An update letter referring to the preferred acoustic solution by another acoustic consultant retained by the City Council, also justifies the decision to 'hand' the layout of upper two floors of the southern wing, to position the corridor against the outer wall.

The meter was programmed to measure a number of statistical noise indices, including the L_{Aeq} (the energy average noise level) and the LA_{90} (the noise level exceeded for 90% of the time - normally taken as an indicator of the 'background' noise level), together with the maximum and minimum levels, for consecutive hourly intervals. Values of L_{Aeq} and LA_{max} were also recorded every 5 minutes. Results were automatically stored at the end of each interval.

Decibel figures above the background noise level are reported, where the source of the atypically high noise events cannot be determined with any precision, albeit it was noted when an event was being staged at 'The Brook' and that they are caused by a local noise source rather than normal traffic on Portswood or Belgrave Road.

This informed the decision not to place any window openings in the eastern elevation facing 'Phil White Carwork' and 'L & S Commercials', which it is claimed will result in a 15dB attenuation, comparable to general background noise levels. By positioning the corridor, rather than one of the studio flats behind this wall will create an overall attenuation of between 20 to 30dB depending on the detailed construction materials chosen.

The adjusted eastern elevation has also cancelled any 'line of sight' to those premises, including the external car ramp to 'Phil White Carwork', which it is argued will create a noise attenuation of 20dB in terms of the third closest window to the car ramp, below background noise levels.

Separate further testing has also been carried out relating to certain pieces of equipment used at 'Phil White Carwork', including an 'air chisel'. In the 09/00409/OUT scheme layout, where flats in the southern wing had directly abutted the outside wall of the building, two pieces of equipment were recorded to cause a 10dB and 6db exceedence in the nearest studio flat overlooking Belgrave Road.

For corridor windows in the courtyard elevation facing 'Phil White Carwork' and within the courtyard itself, it is asserted that noise levels will be below typical background noise levels, whatever equipment is being used.

BS4142 states that a difference of +10dB indicates that complaints are likely and a 5dB level of marginal significance. The report admits that the correction to be made for tonal noise,

impulse noise or noise irregular enough to attract attention, has not been undertaken, which could boost figures by a further 5 dB, but then suggests that night time noise is 'highly unlikely'.

Speculation is made as to the cause of noise between 01.00-02.00 hours, measured at 75dB L_{Aeq} , whether from students traversing Portswood Road or by artists appearing at 'The Brook' packing away their equipment and leaving the site. This is reported to have caused a 5dB exceedence for a half hour period, above background noise levels.

The earlier acoustic report recommended windows with an R_w value of 38dB, where windows are kept shut. Depending on precise construction materials and furnishings, it is estimated that even exceeding room noise levels by 2dB all night, would still be described as reasonable night time noise level in a typical bedroom. The average figure recorded for the whole night was 58.5dB L_{Aeq} , giving a room level of 27dB L_{Aeq} , significantly quieter than the 'good' standard in BS8233. The report later asserts that such 'packing way' at 'The Brook' after an event "which may occur on Friday and Saturday nights", still further weakens objection to the scheme.

The July 2008 report, places the site within Noise Exposure Category 'C' of Planning Policy Guidance Note 24, where it is advised that permission should not normally be granted, but that where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

No detailed design specifications are given for the walls and fenestration, albeit it is acknowledged they would need to be acoustically treated for the development. The applicant aspires to achieve better internal noise levels than prescribed by Part E of the Building Regulations.

Transport Assessment

The qualifications of the report author have been confirmed by the applicant. He is a Member of the Chartered Institute of Logistics and Transport. The same consultant has worked on projects at Barton Peverill College, the University of Southampton, Southampton Football Club and Southampton & Fareham Chamber of Commerce.

An estimate is given of trip generation (18 cars and 2 vans/day) for the existing use for comparison and it is suggested that 6 of such car trips would cease to be made from across the city, with the number of van trips remaining at 2 to account for servicing of the new shop. It is asserted that people visiting the shop will be passing trade in vehicles already on the highway network.

Some additional audit work of the availability of on-street car parking at 3 different times of the day on two occasions has been submitted by the agent. This concludes that there are no kerbside pressures for parking in Belgrave Road.

Two bus companies operate services along Portswood Road (Unilink bus services operated by Southampton University also traverse that highway but are not mentioned in the assessment). These services connect the city centre with Portswood, Swaythling and Eastleigh. Services are frequent during the day and additional services laid on at peak hours. Night buses operate on Fridays and Saturdays and National Express operates an hourly Poole to London service between 4am-7pm. There are bus stops within 2 minutes walk of the site access.

Swaythling and St.Deny's station are relatively close to the site. These give frequent connectivity to the national network and ferry services too.

Shopping and other amenities can be accessed in the nearby local and district shopping centres as well as the city centre further afield. Existing footways serve the site and cycle provision exists in the form of the city cycle network and Sustrans' National Cycle Network Regional Route 23 provides links to the above rail stations, the airport, Eastleigh and Southampton City Centre.

The majority of travel to and from the site will be by foot, bicycle and public transport, given that students occupying the studio flats will undertake not to bring a car to the site by signing their tenancy contract. The only exceptions to this are when use is required of a car club pool car, by disabled tenants using the two allocated disabled car parking spaces and when students are moving their possessions in and out of the accommodation at the beginning and end of their tenancy period.

The latter occasions are to be 'managed' by a 'vehicle calling system. Although no precise details are supplied, the application via e-mail dated 17 February 2010 (**Appendix 5**) has supplied an outline of similar arrangements used by Southampton and Exeter Universities.

Site investigation for prescribed contaminants

A desktop study of historic maps and intrusive investigations have been carried out. These conclude that none of the existing buildings contain asbestos and that some results from 6 boreholes sunk - (no locations on site provided) - indicate that elevated readings of lead and arsenic were at shallow depths in two locations. Owing to the proximity of historic gravel pits close by, it is suggested that under Building Regulations it would be prudent to install a suitable impervious membrane if constructing such a building.

Energy Assessment/Statement (supported by Design and Access Statement/Sustainability checklist)

Prepared by NHER accredited assessors, this report sets out the scope to incorporate sustainable measures within the building to help conserve energy to meet Level 3 of the Code for Sustainable Homes. The report was based on a representative sample of 7 of the 50 proposed flats. In one instance, Level 2 was demonstrated, with the rest achieving level 3. A Gas powered combined heat and power unit is recommended for the studio flats, with individual thermostats and energy efficient lighting to be fitted. Design will ensure exceedence of Part L of the Building Regulations.

Passive solar gain has been designed into fenestration in the northern wing, with the southern wing deliberately kept lower to allow sunlight penetration to the courtyard and recessed full-length glazing proposed. Dedicated roofspace has been reserved for solar panels, whose feasibility is to be investigated later (i.e. no firm commitment given to installing such technology). Green roofs have been ruled out owing to proximity to Southampton airport's flightpath. The viability of 'brown roofs' will be investigated though.

The report does not mention how water conservation might be achieved, but the design and access statement sets out that rainwater from roofs will be harvested for use in the courtyard, aerated taps will be provided and dual flush cisterns are to be provided.

The agent has queried the local planning authority's approach to condition wordings on sustainability issues and may seek to test these at Appeal.

S.106 matters

The developer has submitted a Unilateral Undertaking under Section 106. This is currently being considered. The applicant is challenging the strategic highways contribution and saying a net reduction in trips means he should not have to pay as much for site specific works close to the site. A similar reduction is sought in respect of providing for the recreational needs of new residents, given that they would have use of University sports facilities. Negotiations continue.

Relevant planning policy

The planning policy and published guidance considered relevant to these proposals is scheduled in **Appendix 2** to this report. The only site-specific policy which relates to the application site is HE6 – archaeological remains likely.

The main consideration is whether the applicant has submitted a revised application which overcomes the previous reasons for refusal, set out in **Appendix 1**.

The key policy considerations for consideration are whether in principle this is the correct location for further residential development, given neighbouring uses, whether a satisfactory living environment could be created for intended occupants, impact to the vitality and viability of the nearby defined local shopping centre, impact on the continued future viability of local businesses and highways safety impact likely from the development.

Relevant planning history

Details of relevant planning history for this site and those around it is included in **Appendix 3**, with the site's last delegated/Panel refusals in terms of application 08/001123/OUT and 09/00409/OUT set out in full in **Appendix 1**.

It should be noted that use of 'Phil White Carwork' has been authorised by virtue of the granting of a Lawful Development Certificate, where no planning conditions exist to control the scope of that use in terms of noise from operations or what time of day those operations may be carried out. L & S Commercials again have a relatively unfettered planning permission (M1/1673/20264x [granted 18.3.86] refers) and it is not uncommon for them to receive requests for emergency repairs to lorries at all times of the day and night.

It should, however, be noted that a lack of such planning controls does not mean such operators have dispensation to act unreasonably or inconsiderately towards their neighbours and separate Environmental Health legislation could still be enforced if a statutory nuisance from noise or other forms of pollution could be substantiated.

If proven, this could impose financial burdens on such business operations, by improvement of their property to ensure such nuisance was not repeated. Such financial burdens could seriously effect the viability of such businesses and perhaps even cause the business to fail, resulting in lost employment.

Roxan Mews, at 442-464 Portswood Road, were developed from a previous housing allocation of the Local Plan Review Proposals Map. At the time those flats were built, 'The Brook' music entertainment venue underwent a major refurbishment, which included upgrading acoustic attenuation of the building, particularly to the common boundary with the Roxan Mews flats, with musical equipment being loaded/unloaded from the rear (eastern) elevation, rather than the corner with Portswood Road and Belgrave Road, which had occurred before that time. 'The Brook' has twice since had the terms of that permission varied. Details are set out in **Appendix 3**.

Consultation responses & notification representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, 33 representations had been received.

Summary of Consultation comments

SCC Highways DC – Reassurance about the lay-by design has been accepted and subject to securing a TRO through a S.106 to reserve the lay-by for loading only, achieving a 2m footway between it and the building and consulting neighbours to ascertain what parking restrictions would best assist safe access to industrial premises in Belgrave Road, no highway objections are raised. If members are minded to grant outline planning permission, a number of conditions are recommended relating to parking and refuse provision.

SCC Archaeology – Suggest the imposition of conditions requiring programme of archaeological work and written scheme of investigation and recording/depositing of any finds made as an archive.

SCC Sustainability – A conditions to secure either Code for Sustainable Homes Level 3 or BREEAM (Multihomes) ‘very good’ are requested.

SCC Ecologist - Unlikely to have an adverse impact on local biodiversity therefore no objection. It is disappointing to see that green roof has not been included in the scheme on grounds that BAA would object. In this location, a flat roof of any design will require active management under a bird management plan. A green roof would therefore pose no more risk than a grey roof.

SCC Pollution and Safety Team – This is a complex site that cannot simply be assessed with standard tools, such as PPG24 and BS4142, as housing is being introduced to a noisy area, with the potential for day and night time industrial noise, and noise from entertainment at the Brook at night time up until 01:00. Music can be heard emanating from the Brook, and there is industrial noise, from open areas from LS Autos and Car Works. There are no time restrictions on these sites. Any nuisance assessment of noise from the Brook is likely to be subjective, the opinion of the officer on duty at that time on the Out of Hours noise service.

The changes that have been made to the layout of the upper two floors of the southern wing are noted and also that corner studio flats facing Portswood Road, no longer have return fenestration to Belgrave Road. As such and subject to confirmation on details of the building envelope to achieve the necessary noise attenuation, consider that a satisfactory noise environment could be created in each studio flat. Officers will be present at the Panel to answer Members’ detailed questions on this very technical area. Conditions are requested as to hours of construction and that no bonfires occur on site during the build.

SCC Contaminated Land Team – Notwithstanding the submitted information on prescribed contaminants found on the site, three stand planning conditions are suggested to more fully investigate that matter and ensure imported fill material is ‘clean’.

Southern Water – Connection to the public foul sewer would be possible. The use of soakaways needs commentary by the Council’s Building Control Service, but surface water disposal could be offered to the developer, subject to an application for formal connection to the sewer. Two informatives are requested about arranging those connections, should Members be minded to grant outline planning permission.

BAA – No objection subject to the imposition of conditions requiring the submission of a Bird Hazard Management Plan and control of lighting on the development. Informatives on the decision notice are suggested to make the developer aware of the guidance regarding the use of cranes during construction and the need to be selective when choosing a palette of soft planting materials.

Hampshire Constabulary – General support for the crime prevention measures designed into the proposals

Representations

Summary of 26 written objections (13 with identical wording from different occupiers of Queen Elizabeth Court, 643 Portswood Road) received:-

- An outline application is an inappropriate method of considering this matter where full details are needed for this sensitive site;
- Residential use is incompatible with surrounding existing general industrial uses (Use Class B2), some of which are not restricted in any way by planning controls, especially 'Phil White Carwork' which abuts to the east. Traffic noise also exists from Portswood Road and Thomas Lewis Way. Criticism is levelled at the council's Pollution and Safety Officer, where it is suggested that the Officer has been far too liberal in his advice to the applicant. Such conflict would adversely impinge on adjoining zoned employment land, especially when the council is trying to promote economic activity. Residents of the development would be troubled by noise, disturbance, smell and dust emissions from the adjoining commercial premises;
- The area is already provided for in retail terms by the defined local shopping centre just to the north and servicing the shop via the residential courtyard is inappropriate;
- 3/4 storey scale and massing is excessive and out of character with surrounding buildings and overbearing to neighbouring property occupants, adversely impacting their natural light: the design stands out like a sore thumb;
- Occupiers of existing flats would lose their view and end up looking into habitable room windows affecting the privacy of new residents;
- Building design is unimaginative, comprising an irregularly shaped building with a flat roof, in direct contrast to surrounding built form, which has a mixture of scales ranging from single to three storeys, different architectural stylings and different degrees of set-back from the street;
- The adjusted layout to the southern wing will mean those 10 flats will look into the deep courtyard, which will remain in shadow for most of the day;
- Unacceptably affect surrounding commercial uses, who sought to locate and grow their businesses in this area because of its industrial character;
- Complaints would be likely about the operation of the existing businesses related to noise generally and from passing HGV's, disturbance, smell and dust, which could lead to costly improvements having to be made if a statutory noise nuisance was established: such costs could threaten the existence of such businesses and an example is given of a popular music venue in Cardiff Bay that went into liquidation owing to being unable to sustain improvement costs to their premises. The Council is therefore put on Notice that if this consent is granted and complaints do occur, resulting in Environmental Health Officer action, such action would be rigorously contested in court. In particular, the 'The Brook' live music/entertainment venue, went to great lengths to improve its acoustic attenuation in 2004 – with the exception of its roof, where 'leakage' could impact a taller building positioned close to it - and re-positioned its servicing to the rear, away from housing, but what would be opposite housing if this application is approved. 'The Brook's' careful planning has - it is

claimed – only resulted in one complaint in the last 14 years, which was ameliorated by the 2004 refurbishment. It is claimed that the height of the southern and eastern wings has changed compared to the 09/00409/OUT refusal and that this will cause more noise penetration into the development, particularly upper floors, when bands are packing away and leaving ‘The Brook’ at 3-4 a.m.;

- The applicant’s noise consultant is criticised for not being adjusted to reflect the design/layout changes now submitted, that the survey was not made over an extended period, nor assessed noise at appropriate times during the night and day from adjoining commercial premises and particularly that the external car ramp outside ‘Phil White Carwork’ was out of commission when the survey work was undertaken. The objector concludes that the assessment is confusing and contradictory, with an objector’s retained noise consultant also commenting that two new businesses – ‘Portswood tyre trim and exhaust’ and ‘Squeeze 18’ (a performance stage service) are now operating close to the north of the site and may cause additional noise impacts which have not been assessed by the applicant’s noise consultant;
- ‘The Brook’ is a well respected dedicated music venue serving Southampton and offering the potential for wider community use: this could be jeopardized if the Venue had to close because of future complaints from new residents;
- The submitted transport Assessment is criticised. ‘The Brook’ employs 15 students, 12 of which have cars. Notwithstanding limited on-site parking, it is still considered that vehicles will be attracted to the site and congest surrounding streets creating a significantly higher traffic impact than is the case now and no confidence is expressed in the enforceability of the proposed S.106 clause that those signing a tenancy contract would agree not to bring a car to the site. A full consultation on the introduction of parking restrictions is called for should consent be granted;
- Because a higher calibre of artist can now be attracted to ‘The Brook’, such artists often arrive in sleeper style coaches, which have generators running through the night to provide power amenities to the performers and their crew. This is accepted in an industrial area, but unlikely to be appreciated by new residents;
- Inadequate noise survey for the additional period surveyed, when attendance at ‘The Brook’ was fairly quiet, attendances ranging from 29 people to 359 people (well below the 600 capacity);
- The objector has commissioned their own noise consultant - (University of Southampton ISVR Consulting, which also draws on an earlier report they prepared to resist 08/01123/OUT) - to accurately set out what disturbance could be likely. In particular ISVR point out that Noise Exposure Categories (NEC’s) from Planning Policy Guidance Note 24, generally relate to assessment of traffic noise or mixed noise and that the applicant has underestimated the impact of sporadic and intermittent industrial noise, which needs special consideration. Reference is also made to paragraph 12 of PPG24 which urges caution before approving noise sensitive uses next to existing noise sources. Where industrial noise is dominant the use of BS 4142 for assessment of likely nuisance should be used;
- Businesses do operate into the night and could be a source of nuisance to new residents. It is stated that Mr White of ‘Phil White Carwork’ carries out extra work at busier times between 19.00-22.00 and occasionally works until midnight. It is estimated that this occurs twice a month, with increased frequency in the summer. Noise from the raised external car ramp is a particular concern and it is alleged that the ramp was ‘out of action’ when the applicant’s consultant was measuring noise levels (the applicant disputes this). A maximum noise measurement of 115.6 dB (A) was recorded at 1m away from the ‘air chisel’ when in use. This only reduced to 103.6, dB (A) when 4m away. Applying a ‘rating noise level under BS 4142, revealed at worst a 49.6dB difference above night time background noise levels when the ‘air chisel’ was being used on a car chassis. This is significantly higher than the +10 dB

figure where nuisance is likely to result in complaints under BS4142 and it is concluded that World Health Organisation recommendation to achieve 35 dB(A) within each flat would not be achieved to “*preserve the restorative process of sleep*”. ‘L & S Commercials’ work between 04.00-05.00 about twice a month, driven by the needs of the road haulage industry, where a HGV off the road is lost revenue. Use of an ‘air wrench’ to change lorry tyres is identified as significant cause of noise. It is stated that touring bands sometimes do not leave ‘The Brook’ until 02.00 and possibly as late as 04.00.

- Some students in the area already behave in an anti-social/inconsiderate manner. To introduce up to 50 further students would not be desirable opposite a sheltered housing block, especially where the local planning authority would be unable to control the activities of students within or coming to or from the development. The noise of 50 students will add to that of ‘The Brook’, causing loss of amenity;
- On-street parking problems in the area (which contains resident permit zones making it difficult for workers to park) and adjoining industrial estate would be exacerbated and no parking has been provided for those visiting the shop. These problems could harm local businesses, especially if parking restrictions are introduced, where many businesses are struggling in the current economic climate. There are concerns that illegal and inconsiderate parking in the private road behind 482-516 Portswood Road would inconvenience property owners there. Visitors to the development would add to this problem. The contract students sign agreeing not to bring a car to the site would be difficult/impossible to enforce;
- Criticism is levelled at the applicant’s agent for consulting properties in Belgrave Road as to their preference for parking restrictions, should the development proceed (this is reproduced as **Appendix 4**. It is asserted that such restrictions would not be properly enforced, parking should be allowed for in front of the shop (as has been provided for in the parade of shops to the north), causing highways congestion and danger to other highway users;
- Access into the development by pedestrians, particularly the disabled, will be hazardous;
- HGV’s already have problems negotiating the bend in Belgrave Road owing to inconsiderate parking. This (highway safety) problem would be likely to worsen.
- Overintensive, overdevelopment of land (where only 46 studio flats had previously been refused under 08/01123//OUT), which should instead be developed for industrial/commercial purposes;
- Design is not in keeping with adjoining buildings;
- Concerns over extra traffic in Portswood Road and manoeuvres out of Belgrave Road into Portswood Road would become more hazardous;
- One e-mail of objection does not specify the reasoning to their objection; and,
- Unfortunate precedent if granted consent.

Summary of 6 letters of support received:-

- The area needs this level of investment to survive and residents likely to support local shops and businesses;
- Would reduce pressure on family housing currently occupied by students in the area;
- Compliant with Core Strategy Policies;
- Will make good use of the site; and,
- One writer rebuts concerns in the circular letter of objection from Queen Elizabeth Court, asserting loss of (unattractive) view is not a material consideration, noise from ‘The Brook’ is overstated and refuting the development will exacerbate traffic conditions in Portswood Road.

Planning consideration key issues

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

- Whether those matters cited under the 09/00409/OUT refusal have been addressed by this revised application
- Principle of development and economic/social regeneration of the area;
- Noise disturbance
- Living conditions
- Traffic generation
- Sustainability considerations
- Treatment of north elevation
- Failure to secure planning obligations
- Increased density to that refused under 08/01123/OUT

Addressing the 09/00409/OUT reasons for refusal

Environmental Health Officers are now satisfied that the handed floor layout to the southern wing flats would enable occupiers of those 10 flats to have openable windows looking out onto an acceptable acoustic environment created in the building's courtyard. Openable windows are seen as key to overcoming the 'claustrophobic' assertion of the first reason for refusal.

The Transport Assessment has been submitted in a complete form, such that sections 3 and 4 set out an analysis of the vehicular trip generation of the existing car sales use, based upon observation and the likely vehicular trip generation from the development. No significant impact on vehicular traffic levels is foreseen, indeed a reduction is predicted.

The agent has carried out an analysis of the current demand for kerbside parking in Belgrave Road and has concluded that there is no problem, with parking freely available. Separate confirmation of this at different times of the day is confirmed by this report writer.

The availability of parking in side streets – notwithstanding resident permit zonings and 2 hour waiting restrictions - is also not seen as a justification for refusing planning permission, given the low car parking provision proposed and accessibility of the site to local facilities and places of further education, where some on-street parking would be available to those visitors to the development arriving in a motor vehicle.

Criticism is made of the submitted Transport Assessment in that it has only focused on vehicular trip generation by private motor vehicles, has made no analysis of traffic flows/modal split in the area, nor sought to investigate traffic accidents statistics for the Belgrave Road/Portswood Road junction, to investigate whether the likely significant increase in pedestrian trips to the site may warrant mitigation. In the event, the Highways Development Control Officer may wish to comment further on this item at the Panel meeting.

Ultimately, research has only revealed one accident of recent time at this junction, details of which are reproduced as **Appendix 6**. This slight driver injury was caused by driver error and not related to visibility at the junction nor involving a pedestrian.

Planning Agreement reasoning has been addressed by the applicant and is commented upon below.

Principle of development and economic/social regeneration of the area

There is no denying that the current street frontages created by a car sales lot with unattractive utilitarian single storey buildings does nothing for the visual amenities of the area. Adding a distinctive contemporary building back to the Portswood Road frontage at this point would strengthen the area's character and put back a sense of enclosure to and natural surveillance of the public realm that used to exist when Brook Terrace originally used to occupy the site.

However, overall acceptability of the impact of an attractive contemporary building did not form part of the reason for refusing 09/00409/OUT nor 08/01123/OUT. The praise given by the City Design Team and Architects Panel is noteworthy and Members should now give weight to this positive benefit, given the revised design and transportation information to overcome previous concerns.

Noise disturbance

PPG24 offers the caveat that Noise Exposure Category C sites should not normally be developed if alternative quieter sites are available. The number of sites conveniently located to serve the nearby University campus are limited and the developer has made a plausible case in land use terms as to why, in principle, this site should be considered. The developer has an option on the application site and the local planning authority is duty bound to consider the merits of this application.

Studio flats in the southern wing would now receive the same acoustic protection as those in the eastern wing, with the corridor serving them on the outside wall of the building. This would give these studio flats an acceptable outlook and natural light levels into the inner courtyard, without looking straight at their neighbours and having fenestration that was openable, rather than the scheme of mechanical ventilation and choice of whether or not to leave windows open or as would have been conditioned on advice of Environmental Health Officers - fixed glazing. The latter was not considered to be high quality design and likely to lead to undesirable claustrophobic living conditions. The agent disagrees with that assertion and has lodged an Appeal against decision 09/00409/OUT.

Environmental Health Officers are content that a satisfactory noise environment could be created in all the studio flats.

I am now of the opinion that the tests of Policies SDP1 (i) and H7 (i)/(ii)/(iii), which seek to create the highest quality of living environment in new residential developments, would be met in these revised proposals.

Industrial and commercial uses adjoining the site are well established and thriving. Later complaints about noise at unsocial hours could result in Environmental Health Officer having to investigate and potentially take action against those causing noise under appropriate legislation. The remedy to any substantiated 'statutory nuisance' could impose a severe financial burden upon the affected businesses and PPG24 warns local planning authorities to guard against that eventuality if they are not completely satisfied that the likelihood of future complaints would not exist.

I now consider that that level of certainty has reasonably been provided, particularly in respect of the 10 flats in the southern wing of the proposed building.

Living conditions

The applicant has previously provided convincing (BRE sunlight and daylight) evidence (for application 09/00409/OUT) and has adjusted the layout of the building (laundry positions) to address this issue. Whereas timber cladding to the inner courtyard elevations may not offer the best opportunity to reflect light within the courtyard that a light render might achieve, a 'warm and natural' material that would contribute to the overall quality of the finished courtyard. That with full length glazing to the common room and studio flats above satisfactory living conditions would now be achieved overall.

Traffic Generation/Parking issues

The Transport Assessment offers commentary on the accessibility of the site by various modes of travel to various destinations including the frequency of public transport. A car club vehicle would be available for travel demands that could not be met by public transport, walking or cycling.

Existing and proposed predicted site trip generation has now been given/been calculated. An average of 18 daily car movements in addition to small vans has been observed Mondays to Saturdays.

Taking the servicing of the new shop also on average being 2 vans daily, a reduction in daily car movements by 6 is predicted. The transport consultant claims that the shop is likely to attract passing trade from those already using the highway network in any case.

The applicant's transport consultant says that no car club operator will enter a contract until planning permission is granted, so precise details of where such a vehicle would be 'stationed' and the likely frequency of use are indeterminate at this time.

Highways DC accepted the proposals in terms of the adequacy of the lay-by to allow servicing of the site by commercial vehicles, subject to a Traffic Regulation Order/S.278 agreement to construct to the highways Authority's standards with a 2m wide footway and commissioning a consultation exercise with residential and commercial neighbours to understand where traffic restrictions and prohibition of vehicle parking might be most desirable.

It is interesting to note from **Appendix 3** that Belgrave Road needed to have its bend widened in 1979 and reliable access for the businesses in the adjoining industrial estate is an important matter to encourage the development of the economy.

The applicant offers that in signing a contract to reside at the site, tenants will commit not to bring a car to the site. The ultimate sanction may be to evict the tenant from the premises if they transgress that agreement. However, that power or sanction is not within the absolute remit of the Local Planning Authority so the enforceability of such a S.106 clause could legitimately be called into question. The applicant's consultant says the same provisions work perfectly well in Oxford and could do so here.

A 'vehicle calling system' is put forward to manage exceptional events such as the beginning and ends of each academic term, when students would wish to move in or remove their belongings, and will undoubtedly do so by vehicle. No specific details are given of what such a system entails, rather that this be reserved through the S.106 planning agreement to ensure severe congestion does not hinder the operations of nearby businesses. Examples of similar systems have been submitted by the applicant (**Appendix 5**).

In conclusion, servicing of the shop and allowing a refuse cart to pull in and collect bins have been provided for with the lay-by, with parking restrictions to be enforced by traffic wardens.

Other matters would need to be carefully controlled through the planning agreement to ensure this reason for refusal is properly addressed.

Sustainability considerations

Passive solar gain has been achieved through a careful design solution. Timber building materials would be sustainably sourced. Waste recycling has been planned for. The applicant has made a sample assessment of 7 studio flats and has sought to demonstrate that Level 3 of the 'Code for sustainable homes' would be achieved, achieving on average a 26% reduction in predicted CO₂ emissions. The feasibility of brown roof technology, solar panels and surface water recycling will all be investigated. Biodiversity improvements can be secured through the Reserved Matters application when landscaping is considered, or further full application if that alternative submission option is chosen.

Treatment of north elevation/impact to visual amenities

The architect has made good progress to resolve this issue, by cleverly introducing a variation in height through the elevation and the perception of the same by stepping down materials within the elevation and introducing recesses and setbacks.

The applicant has taken the advice of the case officer in terms of introducing further fenestration to the north (external) elevation facing 482 Portswood Road. This is heartening, and was a matter the Architects Panel also saw as a means to improve the scheme and break up the massiveness of that elevation. That previous reason for refusal to 08/01123/OUT is therefore now fully addressed, especially considering the relatively limited views down the alley serving 482-516 Portswood Road.

Clearly the east elevation has been heightened from 2 storeys (08/01123/OUT) to four, in order to improve the acoustic attenuation for the residential element of these proposals. This would have an additional impact on 'Phil White Carwork'. It is not considered that that impact is so harmful to warrant the refusal of planning permission and Members did not use that as a reason to refuse application 09/00409/OUT. Longer views from Thomas Lewis Way would not be affected and owing to the topography of the site, the western wing would appear above that in any case, making the eastern wing sub-ordinate.

The scale and massing of development are not considered incongruous and building separations ensure adequate assimilation into the street scene. Indeed, the development would positively improve the street scene and meets the test of paragraph 3.10.2 of the Residential Design Guide (September 2010) which states - "New development should respond to the character and context of its site and establish a new high quality 21st century contemporary architecture for the city".

Failure to secure planning obligations

The applicant has agreed by way of a DRAFT (i.e. currently unsigned/unsealed) Unilateral Undertaking to:

i) make a financial contribution to measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site; The applicant does not accept a strategic highways contribution is justified as a net decrease in vehicle trips would result from the development (a further view on this matter will be made at the meeting by the Highways Development Control Officer);

ii) make a financial contribution to the provision of public space to serve the needs of the

development as required by Policies CLT5 of the City of Southampton Local Plan Review (March 2006);

iii) an undertaking by the developer that:-

(a) Only students in full time education be permitted to occupy any of the studio flats;

(b) a list of students who have signed tenancy contracts will be provided to the local planning authority at the start of each contract. Any student signing any tenancy agreement shall undertake not to bring any private car to the site save for the following exceptions:-

(I) That the student is disabled and has been permitted by the developer/owner of the site to use one of the two spaces on site allocated for disabled drivers; or,

(II) That the student is moving their personal possessions into or out of the studio flat they have rented; or,

(III) That a student has hired the use of a car from a car club procured by the developer/owner of the site;

(c) Details of how the pool car sharing club would be operated at the site shall be submitted to and approved by the local planning authority in writing. Once agreed, the scheme shall be operated in accordance with the approved scheme, unless any further variation is agreed in writing with the local planning authority; and,

(d) Before the development commences, the developer shall submit details of a scheme for approval by the local planning authority of how the site owner will manage and stagger the arrival/departure of students, when moving into or out of studio flats at the beginning/end of their tenancies. In particular, and notwithstanding the applicant's e-mail dated 17 February 2010 with respect to similar modus operandi at Southampton and Exeter Universities, mention of the "vehicle calling system" set out in the Transport Works Transport Assessment December 2009 Rev (A) at paragraph 3.4 shall be clarified. The best use shall be made of available on-site parking and the central courtyard, so as not to cause undue congestion on the adjoining public highway. Once approved the site owner shall implement this management strategy at all times thereafter;

iv) a commitment to repairing any damage to the public highway attributable to the build process.

v) arrange/pay for a Traffic Regulation Order for the Belgrave Industrial Estate and dedicate land to create a 2m footway.

As such, it is considered that subject to the caveat at the end of i) above, this reason for refusal could be fully addressed if the unilateral undertaking is signed by close of business 6 April 2010, if Members are minded to support the scheme.

Other matters

- Overdevelopment – this was not previously a reason for refusal, but the applicant has decided to increase the density from 46 under 08/01123/OUT to 50 studio flats, so it is legitimate to re-assess the matter. The amount of amenity space (courtyard and common-room) would only provide 6.2m² for each studio flat and living conditions were indirectly criticised under the last refusal. However, a reduction to 46 flats would only improve that figure to 6.7m². There is no guideline figure for student accommodation in the Residential Design Guide. The courtyard to be provided, given the right treatment and landscaping would be a pleasant, private space, with the building providing an acoustic barrier against its noisy neighbours. Students would

also have access to private sports playing facilities provided by the University or place of further education. Whereas 59% site coverage is slightly in excess of the Residential Design Guidance of 50%, this is a heavily constrained site and a high quality landscaped courtyard is proposed. On balance therefore, overdevelopment is still not considered to be sound as an additional reason for refusal and was not cited in the 09/00409/OUT refusal.

- It is legitimate for the applicant to submit an application in outline and the local planning authority have sufficient information to reach a decision.
- The additional retail space, although out of centre, is within the 750m² threshold of Local Plan Review Policy REI 1 and is therefore acceptable. Being close to the defined local centre, it should strengthen the viability of that centre and the choice available to shoppers.
- The popularity of 'The Brook' as a music entertainment venue within Southampton is recognised and it makes a positive contribution to the city economy and cultural/arts sector. The developer has previously cited other Appeal decisions under 09/00409/OUT where Inspectors have considered that with proper acoustic attenuation, residential land use can coexist next to potentially noisier land uses.
- Fear of crime and anti-social behaviour. Local Planning Authorities need to make decisions on the basis that people act in a law abiding manner. The exuberance and lack of consideration shown by some students could equally be applied to most sectors of the community. 24hr management presence at the site would control disruptive behaviour. Sheltered housing at Queen Elizabeth Court is distant enough from the site and Environmental Health Officers have not raised concerns about that aspect of the scheme.
- Loss of view is not a material planning consideration.
- Employment. The development would create employment both during construction and on completion, but it could also jeopardise employment if adjoining firms needed to close down because they could not afford to acoustically attenuate their properties, if residents made later complaints upheld by Environmental Health legislation. Officers have concluded that the likelihood of such complaints is now minimal to unlikely.

CONCLUSION

This site is sustainably located to contribute towards dedicated student housing and thus possibly offer some relief to nearby family housing currently being occupied for that purpose. The developer maintains that the proposals are compliant with Local Plan Review Policy H13 (iv) concerning the need for this accommodation/relative to the growth of University's in Southampton.

The logic of the design concept and solution is fully understood from the architect's design and access statement, and I now finally consider that these proposal are of sufficiently overall high quality design sought under Policies SDP1 and H7 of the Local Plan Review. All living within the proposed studio flats would now have the confidence to freely open their windows, without any fear of being disturbed by existing external noise sources. Students would have quiet space to study.

Officers have made a visit to both 'Phil White Carwork' and lorry repairers 'L & S Commercials'. These are general industrial uses that have chosen to locate where they have because they are in an environment where they are not disturbing dwellings. Both firms are thriving. Mr White is a sole trader and his business is his livelihood, supporting his wife and small child. He has operated on this site for 29 years.

L & S Commercials offer a specialised service which is well used. The nearest equivalent businesses are either in Eastleigh or on the Nursling Trading Estates.

Officers have listened carefully to these businesses operating. The noise generated by use of an 'air chisel' (commonly used by Mr White), measured at ground level on the boundary between 'Phil White Carwork' produced a reading of 106 dB and was very intrusive. There are no operating restrictions in planning terms on Mr White's use. L & S Commercials are often called upon to make emergency repairs in the early hours of the morning.

Officers have been mindful of the advice of PPG24 and consider that sufficient certainty has now finally been provided by the applicant that complaints would not be likely occur once residents had moved in.

Members should also have regard to the transient nature of occupiers and the yearly contracts to be offered. Whilst not an ideal site for housing the applicant has satisfactorily designed a scheme to mitigate the potential for disturbance and the positive regenerative merits of the scheme now lead Officer to conclude that outline permission should be granted subject to the unilateral undertaking and suggested planning conditions.

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 (a), 2 (c), 2 (d), 2 (e), 4 (c), 4 (g), 5 (e), 6(a), 6(c), 7(a), 7(c), 7 (d), 7 (i), 7(m), 7 (p), 7(q), 7 (w), 7 (x), 7 (z), 8 (a), 9 (a) and 9 (b).

SL - 03.03.2010 for 16.03.2010 PRoW Panel

CONDITIONS for 09/01377/OUT

01. Commencement

The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matter to be approved, whichever is the later.

Reason

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

02. Submission of Reserved Matters

Application for the approval of reserved matters specified in Condition 03 below shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

03. Reserved Matters

(A) Details of hard and soft LANDSCAPING (RESERVED MATTER) shall be submitted to the local planning authority for its approval in writing. Such scheme shall not only include the internal courtyard, but also for the curtilage margins of the site particularly the forecourt to the proposed shopfront, to include details of surface water drainage and including a feasibility study for a green/ brown roof. If the study demonstrates the site has the capacity for the green/ brown roof, a specification shall be agreed in writing with the Local Planning Authority. The green/ brown roof to any approved specification shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter. The scheme shall include all hard surface treatments and the plant/tree species and their density at planting to be used, along with a schedule of how the scheme is to be maintained. A minimum of two trees shall each be planted in the shop forecourt and central courtyard as part of the submitted details. All hard surfacing works, including new footways shall be completed before any part of the building is first brought into use. Once approved by the local planning authority, the submitted planting and drainage scheme shall be fully implemented before any part of the development is first occupied, unless any alternative timescale for implementation is first agreed in correspondence with the local planning authority, and thereafter maintained in accordance with the approved maintenance schedule. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, shall be replaced by the developer in the next planting season with others of a similar size and species.

(B) precise details of the shopfront to be fitted, whose customer entrance shall have a flush threshold.

Reason

In order to secure a high quality form of development having regard to the scheme's high density and relative paucity of private amenity space, to achieve a satisfactory outlook to occupiers of the development and neighbouring residential properties and to prevent flooding off-site, in the interests of public health and safety. To achieve habitat enhancement, contributing to the objectives of the

Local Biodiversity Action Plan in compliance with SDP12 (i) and (ii) of the City of Southampton Local Plan Review (March 2006). To conserve water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local Plan Review (March 2006). To protect water quality, improve habitat and amenity and ensure future maintenance. Finally to ensure access for the disabled to the shop unit.

04. PRE-COMMENCEMENT/ PERFORMANCE CONDITON - Highway construction

No part of the development hereby permitted shall first be occupied until the Local Planning Authority has approved in writing:-

- (i) A specification for the type of construction proposed for the lay-by in Belgrave Road (where vehicle parking shall be restricted by means of a Traffic Regulation Order) and 2m wide footway behind it, including all relevant horizontal cross-sections and longitudinal sections, showing existing and proposed levels together with details of street lighting and the method of disposing of surface water.
- (ii) A programme for the making up of the lay-by and footway.

Once approved, the works to the highway shown on the approved drawings shall be fully implemented before any part of the building hereby approved is first occupied.

REASON:

To ensure the Lay-by and footway are constructed to an adoptable highway standard, to provide safe servicing to the development, to maintain safety and prevent congestion on Portswood Road and Belgrave Road.

05. Refuse and recycling facilities

The refuse and waste recycling facilities detailed on the approved plans shall be fully provided before any part of the building hereby approved is first occupied. Once provided, those facilities shall be maintained at all times thereafter.

REASON:

In the interests of amenity.

06. Bicycle parking facilities

Bicycle parking facilities for a minimum of 60 allocated bicycles detailed on the approved plans and at least two Sheffield stands set into the forecourt of the shop shall be fully provided before any part of the building hereby approved is first occupied. Once provided, those facilities shall be maintained at all times thereafter.

REASON:

To promote the use of a sustainable form of travel given the limited on-site car parking proposed.

07. Motor-cycle parking facilities

Covered parking facilities for a minimum of 5 motor-cycles shall be fully provided before any part of the building hereby approved is first occupied, in accordance with details to be submitted to and approved in writing by the local planning authority. Once provided, those facilities shall be maintained at all times thereafter.

REASON:

To promote the use of a form of travel deemed more sustainable than the private car, given the limited on-site car parking proposed.

08. Car parking facilities

No more than 3 car parking spaces shall be provided on site to the local planning authority's recognised minimum standard dimensions, two of which shall afford use by disabled persons and the third space only to be available for a pool car club vehicle in accordance with the approved plans, unless alternative use is otherwise first agreed in correspondence with the local planning authority. The accepted exception to this requirement shall be an allowance to use the three spaces and central courtyard of the development for additional off-street parking, when tenants are either moving into, or moving out of the accommodation. Once provided, those three parking spaces shall be retained on site at all times thereafter.

REASON:

To minimise travel by the private car whilst providing for pool car travel and the needs of disabled drivers resident at the development, in order to promote more sustainable forms of travel, whilst having regard to the practicalities to moving up to 50 tenants in/out of the building to minimise the potential for congestion and inconvenience to users of Belgrave Road, particularly industrial/commercial and warehousing uses in that road, in the interests of highway safety.

09. Gates fitted in the undercroft

Any gates to be fitted to the undercroft entrance shall be submitted for written approval by the local planning authority in writing before they are installed and shall be recessed into the undercroft, so that when open they do not project over the adjoining public highway and allow a car to fully pull off the Belgrave Road carriageway.

REASON:

In the interests of securing the satisfactory appearance of the development and intervisibility between the development and the street in the interests of crime prevention and also in the interests of highway safety

10. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

11. Construction method statement

Before development commences a statement setting out the management of construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying the areas to be used for contractor's vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted. In particular, the developer shall detail how the building is to be constructed without interfering with the continued operation of the 'Phil White Carwork' premises immediately adjoining the site to the east. The statement shall set out the means by which the construction operations shall be managed to conform to these requirements and the arrangements for complaints about the construction operation to be received, recorded and resolved.

The development shall be implemented in accordance with the agreed statement.

REASON

To protect the amenities of neighbours and the wider environment, to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing business premises in Portswood Road and Belgrave Road in the immediate vicinity of the site and ensure that no undue associated congestion occurs on the surrounding highway network, given its function in terms of maintaining the viability of local businesses within the hierarchy of the strategic and local road network.

12. Demolition

The existing buildings on site shall be demolished with all resultant materials removed from the site before works on the development hereby approved is first commenced.

REASON:

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

13. APPROVAL CONDITION - Sustainability Standards (mixed use development) [Performance Condition]

Written documentary evidence demonstrating that the development has achieved either:-

(i) at minimum a rating of Very Good against the BREEAM Multi-residential standard for the development;

or

(ii) at minimum Level 3 of the Code for Sustainable Homes for the residential units and at minimum a rating of Very Good against the BREEAM Multi-residential standard for the non-residential elements of the development,

- shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

14. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 15%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 15%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

15. Wheel cleaning during construction

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

REASON

In the interests of highway safety.

16. PERFORMANCE CONDITION - Crime prevention measures [pre-occupation condition]

The crime prevention measures referred to in section 5.2 of the submitted design and access statement shall be fully implemented prior to the first occupation of any part of the building and thereafter retained.

REASON

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

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

Notwithstanding the submitted 'Envirochem' Asbestos fibre report dated 2 July 2008 and 'CSC Engineers' report dated 15 July 2008 – where no map of test borehole locations has been supplied - 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;

results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the submitted historical and current sources of land contamination
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 particularly from elevated levels of arsenic and lead found in 'WS3' & 'WS4'.

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the

Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

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

18. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

19. APPROVAL CONDITION- 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.

20. PERFORMANCE CONDITION - Noise attenuation

The development shall be carried out in strict accordance with the submitted floor layout plans and in particular the corridor to the southern wing upper floor units shall be positioned on the street side of that wing. The external fabric of the building shall be constructed to achieve a minimum Rw 38 dB to all habitable rooms, which shall be verified by the developer post construction and before the first occupation of any of the 50 studio flats hereby approved.

REASON

In the interests of creating a satisfactory acoustic and living environment within all flats, having regard to the unique noise environment adjoining the site.

21. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed studio flats in the western wing of the building from traffic noise from Portswood Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm
or, with secondary glazing with a -
Outer pane of glass - 6mm
Air gap between panes - 100mm
Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON:

In order to protect occupiers of the flats from traffic noise.

22. PRE-COMMENCEMENT CONDITION - Bird hazards

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

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

23. PERFORMANCE CONDITION - External lighting

Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut-off design, mounted horizontally, to ensure there is no light spill above the horizontal.

REASON:

To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

24. APPROVAL CONDITION - No bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

25. APPROVAL CONDITION - Details of External Materials [pre-commencement condition]

Notwithstanding the submitted information, no development shall take place until details (and samples) of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. These details shall include bricks, mortar, roof tiles, cladding and fenestration, which shall include the new shopfront and any associated stallriser/fascia. In particular, the staining to be used for the inner courtyard timber cladding shall be of a light finished colour. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and to secure a harmonious form of development, whilst maximising the potential for reflected light within the courtyard space.

26. PERFORMANCE CONDITION - Common amenities

Before any of the studio flats are first occupied, the central courtyard space, communal lounge and laundry rooms shall be fully provided for use by all occupants of the flats. Once provided, those common amenities shall be maintained at all times thereafter.

REASON:

To provide satisfactory living conditions for the occupants of the flats.

27. PERFORMANCE CONDITION - Limitation on development

No more than 50 studio flats shall be created within the building.

REASON:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and having regard to the limited on-site parking.

28. PERFORMANCE CONDITION - Shop: hours of operation

The shop unit hereby approved shall only operate between 07.00 and 23.00 hours on a daily basis.

REASON:

In the interests of protecting the amenities of residential properties close to the site.

29. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

REASON:

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

30. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

REASON:

To ensure that the archaeological investigation is completed.

00. Reason for granting Outline Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Sufficient adjustments to the design and reassurance has

been offered through the amended Transport Assessment to have overcome the local planning authority's reasoning for refusing application 09/00409/OUT. Careful regard has been given to third party objections against the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate conditions have been imposed and planning legal agreements used to mitigate any harm identified. Overall, the positive regenerative opportunities and potential to alleviate neighbour problems caused by some student households within established family housing areas associated with the development are considered to outweigh the dis-benefits of the potential to interfere with the continued operation and viability of nearby businesses, through the measures and acoustic attenuation that have been designed into the scheme. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted.

South East Plan (Regional Spatial Strategy (May 2009)

SP1, SP2, SP3, CC1, CC2, CC3, CC4, CC6, CC7, H1, H4, H5, T1, T2, T4, NRM1, NRM2, NRM4, NRM5, NRM10, NRM11, NRM12, W1, W8, M1, BE1, BE2, BE6, SH1, SH5 and SH8.

Saved policies of the Hampshire County Structure Plan Review (27.9. 2007)

T5

Saved City of Southampton Local Plan Review Policies (March 2006)

SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP21, SDP22, HE6, CLT5, H1, H2, H3, H7, H8, H9, H12, H13, REI 1 and REI 8.

Core Strategy for City of Southampton Local Development Framework (January 2010)

CS3, CS4, CS5, CS13, CS14, CS16, CS18, CS19, CS20, CS22 and CS25.

Other guidance

PPS1 Delivering sustainable development
PPS3 Housing
PPS4 Planning for sustainable economic growth
PPG13Transport
PPG17Planning for Open Space, Sport and Recreation
PPS23 Planning and pollution control
PPG24Planning and Noise:-

DCLG Circular 5/2005 - Planning Obligations

SPG on Planning Obligations (as adjusted November 2006 and currently undergoing review, to be adopted after public consultation as a Supplementary Planning Document)

Economic Development Strategy

City of Southampton Local Transport Plan 2006 - 2016

Residential Design Guide

Note to Applicant

1. Given the nature of the proposed development, it is possible that a crane may be required during construction. The developer must contact Southampton Airport before a crane is erected on this site. Attention is drawn to the requirement within the British Standard Code of practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in advice note 4, 'Cranes and other construction issues' (available at: www.aoa.org.uk/publications/safeguarding.asp).

2. This application has been inspected by the British Aviation Authority from an airport safeguarding perspective. With regard to the planning condition above relating to external lighting, the developer's attention is drawn to advice note 2, 'Lighting near aerodromes' (available at: www.aoa.org.uk/publications/safeguarding.asp).

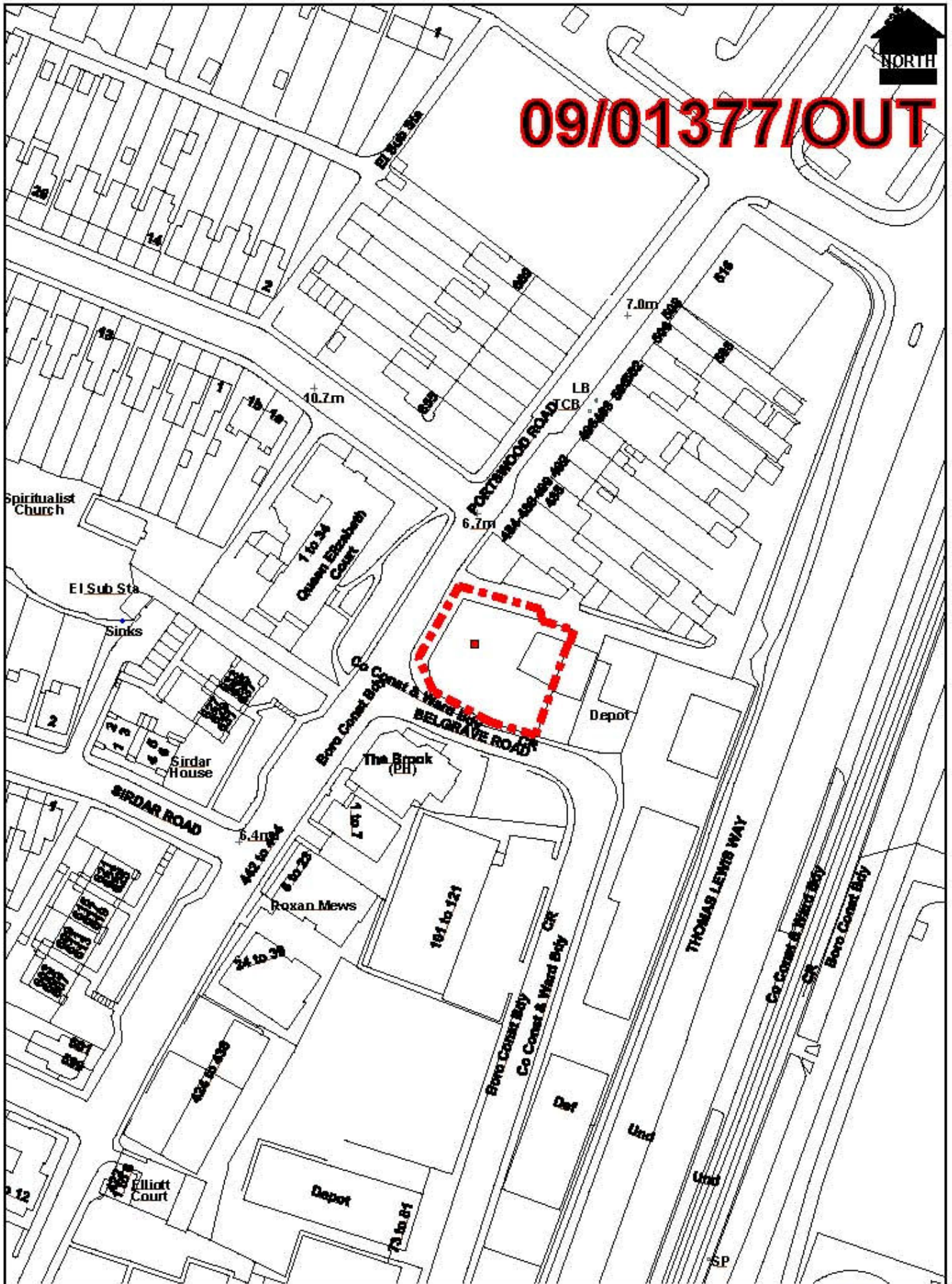
3. This application has been inspected by the British Aviation Authority from an airport safeguarding perspective. With regard to the planning condition above relating to landscaping, the developer's attention is drawn to advice note 3, 'Potential bird hazards: amenity landscaping and building design' (available at: www.aoa.org.uk/publications/safeguarding.asp).

4. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

5. 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 Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.



09/01377/OUT



Scale : 1:1250

Date : 03 March 2010

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Appendix 1

Application 09/01377/OUT **468-480 Portswood Road**

Reasons for refusal (dated 21.7.2009) to 09/00409/OUT, which had proposed:-

Redevelopment of the site. Erection of a new building (part two-storey, part three-storey, part four-storey plus lower ground floor) to provide 50 student housing units and a retail unit - Class A1 with associated parking (Outline application seeking approval for layout, access, appearance and scale).

01. Unsatisfactory living conditions in 10 flats

The Local Planning Authority is not satisfied that satisfactory living conditions would be created in the 10 flats in the southern wing face Belgrave Road. This would be by reason of the size of these flats, enjoying only one non-openable window with an angled outlook, where unacceptable, claustrophobic living conditions would result. As such the development would be contrary to policies SDP1 (i) and H7 (ii) of the City of Southampton Local Plan Review (March 2006). The proposals would also be likely to prove contrary to LPR Policies SDP16 (ii) and H2 (iii), if ultimately no sealed glazing came to be fitted in the 10 flats of the southern wing facing Belgrave Road, as supported by PPG4 (Industrial, Commercial Development and Small Firms -paragraph 18) and PPG24 (Planning and Noise -paragraph 12 and paragraphs 3 and 4 of Annex 1).

02. Traffic Impact

An incomplete Transport Assessment has been submitted in support of the planning application, which does not set out the details of the proposed pool car club facility. It is not considered that the traffic likely to be generated by the residential element of the development, could be accommodated without resulting in additional kerbside parking pressures which would be prejudicial to highway conditions and highway/pedestrian safety in Belgrave Road. This would be especially likely at the end of student let contract periods, when up to 50 students could be likely to be bringing/taking their personal belongings to/away from the site by a vehicle. As such, the proposed development is considered to be contrary to Policies SDP3 and H13 (iv) of the City of Southampton Local Plan Review (March 2006), supported by the advice of paragraph 51 of PPG 13 (Transport)(2001), where evidence exists of congestion occurring from indiscriminate parking, especially by the bend in Belgrave Road.

03. Failure to secure planning obligations

The proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on planning obligations by not securing the following:

- a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site;
- b) measures to support strategic transport initiatives;
- c) a Traffic Regulation Order for the Belgrave Industrial Estate;
- d) the provision of public space to serve the needs of the development as required by Policies CLT5 of the City of Southampton Local Plan Review (March 2006);
- e) an undertaking that only students would occupy the studio flats, a list of such students who have signed contracts to be provided to the local planning authority at the start of each contract and each student signing an agreement not to bring their own car to the site, together with the local planning authority agreeing details of how the pool car sharing club would be operated at the site;
- f) a commitment to repairing any damage to the public highway attributable to the build process.

An Appeal was lodged against this decision on 20 January 2010 and will be heard at an Informal Hearing on 27 April 2010. The local planning authority's statement of case was dispatched on 3 March 2010.

Reasons for refusal (dated 11/11/2008) to 08/01123/OUT, which had proposed:-

Redevelopment of the site, Erection of a new building (part 2- storey, part 3 - storey, part 4 - storey plus lower ground floor) to provide 46 student housing units and a retail unit (Class A1) with associated parking. (Outline application seeking approval for layout, access, appearance and scale).

01. Noise disturbance

Notwithstanding the Acoustic Report and Planning Statement submitted in support of the planning application the proposal fails to adequately address the impact of noise disturbance on occupiers of the proposed flats arising from their proximity to neighbouring noise sources, particularly the adjoining car repair workshop and The Brook Public House. The Local Planning Authority is subsequently not satisfied that the residential use of the site would result in an acceptable living environment but, instead could result in noise complaints from residents of the proposed flats which would prejudice the continued operation of neighbouring commercial premises. As such the development would be contrary to policies SDP1 (i),SDP16 (ii),H2 (iii)and H7 (ii) of the City of Southampton Local Plan Review (March 2006)as supported by PPG24 (Planning and Noise)(1994).

02. Traffic Generation

Notwithstanding the Transport Assessment submitted in support of the planning application and pool car club facility it is not considered that the traffic likely to be generated by the development, which has no off street servicing area for the retail unit, could be accommodated without resulting in additional kerbside parking pressures which would be prejudicial to highway conditions in neighbouring streets and highway/pedestrian safety. As such, the proposed development is considered to be contrary to Policies SDP3, H13 (iv) of the City of Southampton Local Plan Review (March 2006) and paragraph 51 of PPG 13 (Transport)(2001).

03. Living conditions

The ground floor layout of the proposed building would render poor quality living accommodation for future occupiers residing on the northern side of the courtyard as a result of restricted outlook, excessive enclosure and inadequate light contrary to Policies SDP1 (i -particularly the design principles set out in paragraphs 2.2.1,2.2.2, 2.2.7,2.2.11,2.2.12 and 3.2.2 of the Residential Design Guide [2006])and H7 (ii)/(iii) of the City of Southampton Local Plan Review (March 2006).

04. North elevation harmful to visual amenities

Notwithstanding the varied character of the area, the north elevation of the proposed building, by reason of its scale, massing and largely unrelieved brickwork, having regard to the site's topography, would constitute an overdominant and unattractive aspect of a building on a prominent site, which would be harmful to the character and appearance of the area. As such this aspect of the proposals is considered to be contrary to Policies SDP1 (i - particularly the guidance of paragraphs 3.9.5 and 3.10.11-3.10.14 of the Residential Design Guide [September 2006]), SDP7 (iv)/(v), SDP9 (i)/(iv)/(v) and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006).

05. Failure to secure planning obligations

The proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006)and the Council 's Supplementary Planning Guidance on planning obligations by not securing the following:

- a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site;
- b) measures to support strategic transport initiatives;
- c) a Traffic Regulation Order for the Belgrave Industrial Estate;

d) the provision of public space to serve the needs of the development as required by Policies CLT5 of the City of Southampton Local Plan Review (March 2006);

e) a contribution towards the provision of affordable housing as required by Policy H9 of the City of Southampton Local Plan Review and, in particular, paragraph 2.11 of the Supplementary planning guidance on planning obligations (November 2006); and,

f) a commitment to repairing any damage to the public highway attributable to the build process.

Appendix 2**Application 09/01377/OUT**
468-480 Portswood Road
Planning Policy**Relevant****Core Strategy for City of Southampton Local Development Framework**
(January 2010)

CS3	Local centres
CS4	Housing delivery
CS5	Housing density
CS13	Fundamentals of design
CS14	Historic Environment
CS16	Housing type and mix (and related paragraphs 4.7.10 and 5.2.14)
CS18	Transport: reduce – manage – invest
CS19	Car and cycle parking
CS20	Tackling and adapting to climate change
CS25	Delivery of infrastructure and developer contributions

Saved City of Southampton Local Plan Review Policies (March 2006)

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation
SDP14	Renewable Energy
SDP15	Air quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome safeguarding
SDP20	Flood Risk
SDP21	Water Quality and Drainage
SDP22	Contaminated land
HE6	Archaeological remains
CLT5	Open space in new residential developments
H1	Housing supply
H2	Previously developed land
H3	Special housing need
H7	The residential environment
H8	Housing density
H9	Affordable housing
H12	Housing type and design

H13 New student accommodation
REI 1 Out of centre retail development
REI 8 Shopfronts

Saved policies of the Hampshire County Structure Plan Review (27.9. 2007)

T5 - Transportation requirements in relation to development

South East Plan (Regional Spatial Strategy)(2009)

SP1 – Growth and regeneration in sub-regions
SP2 – Support for development which increases use of public transport, walking and cycling in the regional hubs
SP3 – Urban focus and urban renaissance
CC1 – Sustainable development
CC2- Climate change
CC3 – Resource use
CC4 – Sustainable design and construction
CC6 – Sustainable communities and character of the environment
CC7 – Infrastructure and implementation
H1 – Housing provision
H4 – Type and size of new housing
H5 – Housing design and density
T1 – Manage and invest
T2 – Mobility management
T4 -Parking
NRM1 – Sustainable water resources and groundwater quality
NRM2 – Water quality
NRM4 – Sustainable flood risk management
NRM5 – Conservation and improvement of biodiversity
NRM10 – Noise
NRM11 – Development design for energy efficient and renewable energy
NRM12 – Combined heat and power
W1 – Waste reduction
W8 – Waste separation
M1 – Sustainable construction
BE1 – Management for an urban renaissance
BE2 – Suburban intensification
BE6 – Management of the historic environment
SH1 – Core policy for regeneration of South Hampshire
SH5 – Scale and location of new housing development
SH8 – Environmental sustainability

Other guidance

PPS1 Delivering sustainable development
PPS3 Housing
PPS4 Planning for sustainable economic growth
PPG13 Transport
PPG17 Planning for Open Space, Sport and Recreation
PPS23 Planning and pollution control

PPG24 Planning and Noise:-

Paragraph 12

Noise-sensitive development

12. Local planning authorities should consider carefully in each case whether proposals for

new noise-sensitive development would be incompatible with existing activities. Such

development should not normally be permitted in areas which are - or are expected to become -subject to unacceptably high levels of noise.

When determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future, for example at an airport. Annex 3 gives guidance on the assessment of noise from different sources. Authorities will also wish to bear in mind that, while there will be sites where noise is significantly lower at night than during the day, other sites may be subjected to night-time noise, for example from traffic, at a level which is little below the daytime level. These sites warrant particular protection: noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

Annex 1

3. The NEC noise levels should not be used for assessing the impact of industrial noise on proposed residential development because the nature of this type of noise, and local circumstances, may necessitate individual assessment and because there is insufficient information on people's response to industrial noise to allow detailed guidance to be given. However, at a mixed noise site where industrial noise is present but not dominant, its contribution should be included in the noise level used to establish the appropriate NEC.

4. The NEC procedure is only applicable where consideration is being given to introducing residential development into an area with an existing noise source, rather than the reverse situation where new noise sources are to be introduced into an existing residential area. This is because the planning system can be used to impose conditions to protect incoming residential development from an existing noise source but, in general, developers are under no statutory obligation to offer noise protection measures to existing dwellings which will be affected by a proposed new noise source. Moreover, there would be no obligation on individuals with an interest in each dwelling affected to take up such an offer, and therefore no guarantee that all necessary noise protection measures would be put in place.

DCLG Circular 5/2005 – Planning Obligations

SPG on Planning Obligations (as adjusted November 2006 and currently undergoing review, to be adopted after public consultation as a Supplementary Planning Document)

Economic Development Strategy
City of Southampton Local Transport Plan 2006 – 2016
Residential Design Guide

Appendix 3

Application 09/01377/OUT
468-480 Portswood Road

In 1933, terraced properties used to occupy the site. Known as Brook Terrace, the design and access statement shows a picture of these properties still in place in 1950. They have since been demolished and the site is currently used as a car sales lot with ancillary vehicle repair work undertaken.

Relevant Planning History of the application site Belgravia Car Sales
468-480 Portswood Road (Terrier number 11316)

04/01719/FUL
24.01.2005

Refused

Redevelopment of the site by the erection of a three storey block to comprise 12 x 2 bedroom flats with associated car-parking involving demolition of existing buildings.

Reasons:-

01. The proposal constitutes an over development of the site with inadequate amenity space which would result in sub-standard living conditions for future occupiers of the development contrary to Policy GP1(viii) of the City of Southampton Local Plan 1995 and Policy H5(iv) of the City of Southampton Local Plan Review (February 2003)

02. The proposal fails to address the impact of noise disturbance on occupiers of the proposed flats arising from traffic noise in Portswood Road and proximity to the nearby industrial units and The Brook Public House. The Local Planning Authority are not satisfied that the residential use of the site would not result in an unacceptable living environment or noise complaints from residents of the proposed flats which would prejudice the continued operation of neighbouring commercial premises. As such the development would be contrary to Policies GP1(v), ENV17(ii) of the City of Southampton Local Plan 1995 and Policies SDP16(ii), H3(iv), H8(iii) of the City of Southampton Local Plan Review Revised Deposit Version (Feb. 2003).

03. The proposal makes inadequate provision to accommodate the traffic generated by the development at this sensitive location close to the Portswood Road junction and would result in additional kerbside parking pressures and congestion in surrounding roads prejudicial to highway safety. As such the development would be contrary to Policies GP1(x), (xiv), H10(i), T2(ii), (iii) of the City of Southampton Local Plan 1995 and Policies SDP1(i), SDP3 of the City of Southampton Local Plan Review Revised Deposit Version (Feb 2003).

04. The proposal fails to make contributions towards off-site highway works to encourage the use of sustainable modes of transport contrary to Policy GP1(xvi) of the City of Southampton Local Plan 1995 and Policy SDP2 of the City of Southampton Local Plan Review Revised Deposit Version (Feb. 2003)

05. *The proposal fails to secure the provision of housing that would be available to people who are unable to resolve their housing needs in the private sector market because of the relationship between housing costs and income contrary to Policy H2 of the City of Southampton Local Plan 1995 and Policy H13, H14 of the City of Southampton Local Plan Revised Deposit Version (Feb.2003).*

06. *The proposal fails to secure the provision of open space and play space or play facilities contrary to Policy L4, L5, L6 of the City of Southampton Local Plan 1995 and Policy CLT5, CLT 6 of the City of Southampton Local Plan Review Revised Deposit Version (Feb.2003) .*

07. *The proposal fails to address the potential effects of land contamination on future occupiers of the flats contrary to Policy GP1(vi) of the City of Southampton Local Plan 1995 and Policies SDP1(i), SDP22 of the City of Southampton Local Plan Review Revised Deposit Version (Feb.2003).*

08. *The proposal fails to provide details of the method of investigation and recording of archaeological resources contrary to Policy EV4 of the City of Southampton Local Plan 1995 and Policy HE6 of the City of Southampton Local Plan Review Revised Deposit Version (Feb. 2003).*

05/01384/FUL
15.11.2005

Refused

Redevelopment of the site by the erection of a three-storey building to provide 12 x 2 bedroom flats with associated car parking involving demolition of existing buildings.

Reasons:-

01. *Notwithstanding the Acoustic Report submitted in support of the application the proposal fails to adequately address the impact of noise disturbance on occupiers of the proposed flats arising from traffic noise in Portswood Road and proximity to the nearby industrial estate, car repair workshop and The Brook Public House. The Local Planning Authority are not satisfied that the residential use of the site would not result in an unacceptable living environment or noise complaints from residents of the proposed flats which would prejudice the continued operation of neighbouring commercial premises. As such the development would be contrary to Policies GP1(v), ENV17(ii) of the City of Southampton Local Plan 1995 and Policies SDP16(ii), H3(iv), H8(iii) of the City of Southampton Local Plan Review Revised Deposit Version (Feb. 2003).*

02. *The proposal fails to secure adequate priority access to the development site and bin/cycle store for pedestrians, future occupiers and cyclists detrimental to highway and pedestrian safety. As such the proposal is contrary to Policies GP1(ix), (xi), (xii), (xiii), (xiv); T2 (i),(iv) of the City of Southampton Local Plan 1995 and Policies SDP1(i), SDP2, SDP4(i), SDP11 of the City of Southampton Local Plan Review Revised Deposit Version (Feb.2003).*

03. *The proposal fails to make contributions towards off-site highway works to encourage the use of sustainable modes of transport contrary to Policy GP1(xvi), T2(ii) of the City of Southampton Local Plan 1995 and Policy SDP2 of the City of Southampton Local Plan Review Revised Deposit Version (Feb. 2003)*

04. *The proposal fails to address the potential effects of land contamination on future occupiers of the flats contrary to Policy GP1(vi) of the City of Southampton Local Plan 1995 and Policies SDP1(i), SDP22 of the City of Southampton Local Plan Review Revised Deposit Version (Feb.2003).*

05. *The proposal fails to secure the provision of open space and play space or play facilities contrary to Policy L4, L5, L6 of the City of Southampton Local Plan 1995 and Policy CLT5, CLT 6 of the City of Southampton Local Plan Review Revised Deposit Version (Feb.2003) .*

06. *The proposal fails to provide details of the method of investigation and recording of archaeological resources contrary to Policy EV4 of the City of Southampton Local Plan 1995 and Policy HE6 of the City of Southampton Local Plan Review Revised Deposit Version (Feb. 2003).*

07. *The proposal fails to make contributions towards the Strategic Transport Network in accordance with the Supplementary Planning Guidance on planning obligations adopted in August 2005.*

07/01092/FUL

Withdrawn 5.09.2007

Redevelopment of the site by the erection of a three-storey building to provide 12 x 2 bedroom flats with associated car parking involving demolition of existing buildings.

07/01901/FUL

Refused

22.02.2008

Redevelopment of the site. Erection of a three storey building to provide 12 x two bedroom flats with associated parking and vehicular access from Belgrave Road.

Reasons:-

01. *Noise disturbance*

In the absence of an Acoustic Report to accompany the application the proposal fails to address the impact of noise disturbance on occupiers of the proposed flats arising from traffic noise in Portswood Road and their proximity to the nearby industrial estate, adjoining car repair workshop and The Brook Public House. The Local Planning Authority are subsequently not satisfied that the residential use of the site would result in an acceptable living environment and, instead, will result in noise complaints from residents of the proposed flats which could prejudice the continued operation of neighbouring commercial premises. As such the development would be contrary to policies SDP1, SDP16 (ii) and H5(iii) of the adopted City of Southampton Local Plan

Review (March 2006) as supported by PPG24 (Planning and Noise) (1994).

02. Over intensive development

The proposal represents an over intensive form of development in terms of the amount of the site given over to buildings and hard surfacing dedicated to parking facilities in relation to the amount of soft landscaping and amenity space. As such, the development is considered to be contrary to Policies SDP1 (ii - particularly paragraphs 3.2.2, 3.9.2 of the Residential Design Guide [Sept. 2006]) and H7 (i)/(ii) of the adopted City of Southampton Local Plan Review (March 2006).

03. Sub-standard access and parking arrangements

The proposal provides sub-standard pedestrian access and parking facilities and would be prejudicial to pedestrian/highway safety, living conditions and amenities and convenience of future residential occupiers for the following reasons:

(i) the sub-standard aisle width serving the ground floor car parking spaces would not allow sufficient space for cars to manoeuvre in an effective and efficient manner within the site.

(ii) sub-standard sized parking spaces.

(iii) inadequate pedestrian footway width along Belgrave Road adjacent to the vehicular access into the site for residents of the development which does not provide sufficient pedestrian dominance or refuge.

(iv) inadequate information regarding access and collection arrangements for the bin store taking into account that the refuse store and its collection point are at different levels.

(v) the doors of the bin store open out onto the vehicular accessway.

(vi) convenient pedestrian access within the site from the entrance to the building to the areas of communal amenity space is not provided.

As such the development would be contrary to Policies SDP1 (i - particularly paragraphs 4.3.4, 4.4.4, 5.1.13, 5.1.14, 5.1.15, 5.2.3, 9.2.4, 9.3, 9.3.1, 9.3.2, 9.4 of the Residential Design Guide [September 2006]), SDP4, SDP11 (ii) and H7 (i) / (ii) of the City of Southampton Local Plan Review (March 2006).

04. Resource Conservation

In the absence of a detailed sustainability statement/checklist the application fails to properly address the Council's sustainable development principles. As such, the proposed development is considered to be contrary to Policies SDP 1 (i - particularly the guidance contained in paragraphs 7.3, 7.3.1 - 7.7.6 and 7.9.1-7.9.4 of the Residential Design Guide [September 2006]) and SDP13 of the City of Southampton Local Plan Review (March 2006).

05. Land Contamination

In the absence of any supporting information the proposal fails to address the potential effects of land contamination on future occupiers of the flats contrary to Policies SDP1(i) and SDP22 of the adopted City of Southampton Local Plan Review (March 2006).

06. Archaeological Remains

In the absence of any supporting information the proposal fails to provide details of the method of investigation and recording of archaeological resources contrary to Policy HE6 of the adopted City of Southampton Local Plan Review (March 2006).

07. S106 Contributions

In the absence of a completed S.106 legal agreement to mitigate against the scheme's direct impacts the proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 - as amended) in the following areas:

a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site.

b) measures to support strategic transport initiatives.

c) the provision of public open space and children's play space to serve the needs of the development as required by Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006) and

d) a highways condition survey to make good any possible damage to the public highway in the course of construction.

Informative:

The applicant is advised that this final reason for refusal could be resolved following the submission of an acceptable scheme and the completion of a S.106 Legal Agreement to address the above requirements.

08/01123/OUT

Refused 11.11.2008

Redevelopment of the site, Erection of a new building (part 2- storey, part 3 - storey, part 4 - storey plus lower ground floor) to provide 46 student housing units and a retail unit (Class A1) with associated parking. (Outline application seeking approval for layout, access, appearance and scale).

See **Appendix 1** to this report

09/00409/OUT

Refused 21.07.2009

Redevelopment of the site, Erection of a new building (part 2- storey, part 3 - storey, part 4 - storey plus lower ground floor) to provide 46 student

housing units and a retail unit (Class A1) with associated parking. (Outline application seeking approval for layout, access, appearance and scale).

See **Appendix 1** to this report

Relevant Planning History of nearby sites (bold numbers are the terrier number – refer to map)

Phil White Carworks, Belgrave Road, SO17 3AN

05/01787/LDCE (Lawful Development Certificate)
Grant 06.02.2006
Retention and use of building and land for vehicle repair
(NB - no planning restrictions on use)

L & S Commercials Belgrave Road SO17 3AN

20264/M11/1673(X) (aka 85/01390/FUL) Conditionally
Approved 10.12.99
Permanent retention of garage/workshop and office for maintenance of motor vehicles
(N.B. first temporary consent granted 1.4.80 under **20264/1568/M5**)

Conditions of interest stating:-

(2) All loading and unloading taking place within the site
REASON
To prevent obstruction in neighbouring roads

(3) All maintenance works to coaches/vehicles shall be carried out within the site and not on the adjoining highway.
REASON
To prevent obstruction to traffic in Belgrave Road.

940036/**20264**/W (aka 94/10800/FUL) Conditionally
Approved 24.02.94
Erection of a first floor extension (No limiting conditions as to use)

07/01052/FUL/**20264** Conditionally
Approved 13.09.2007
Erection of two storey side extension with recladding to form additional office space.
Conditions of interest stating:-

03. Specified Use

*The **extension** hereby permitted shall only be used for the ancillary workshop uses specified in the Description of Development above and shown on the approved plans and for no other purpose whatsoever, including any other purpose within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005, (or in any equivalent provision in any statutory instrument revoking or re-enacting that Order).*

REASON

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

05. Loading and unloading

All loading and unloading operations associated with planning permission M11/1673/20264x shall take place within the site.

REASON

To prevent obstruction to traffic in neighbouring roads.

06. Maintenance works

All maintenance works to coaches/vehicles associated with planning permission M11/1673/2026x shall be carried out within the site and not on the adjoining highway.

REASON

To prevent obstruction to traffic in Belgrave Road.

Allied National Pallet Site (immediately east and south of 'L & S Commercials), Belgrave Road

00/01439/FUL/6138

Conditionally Approved

29.04.2002

Construction of 5 industrial units

No restrictions on what use class, nor hours of operation.

Conditions of interest stating:-

02. Parking/Loading/Unloading

The development hereby permitted shall not be brought into use until the area shown on the approved plan for parking, loading and unloading of vehicles has been made available and surfaced. Such areas shall be subsequently retained and reserved for those purposes at all times.

REASON

In the interest of highway safety and to achieve a satisfactory form of development.

09. Full details of the repair and reinstatement of the footway to Belgrave Road adjacent to the application site shall be submitted to and approved by the Local Planning Authority before development commences. The approved scheme shall thereafter be implemented and wholly completed before any building is first occupied.

REASON

To secure properly planned development and in the interests of the safety and convenience of highway users.

Brook Inn, 466 Portswood Road

03/00795/FUL/2706

Conditionally

Approved 07.11.2003

Continued use of the premises as a live music and entertainment venue (Use Class D2) and expansion by erecting a two storey side extension, formation of

new entrance canopy and alterations to existing doors and windows.
Conditions of interest stating:-

05. Prior to the commencement of any development the applicant shall submit a scheme detailing the specifications of the wall structure and associated insulation materials to the southern facing external wall of the extension hereby approved and all walls which enclose a room where amplified music is to be played. The details shall include sectional drawings illustrating the proposed construction. The scheme shall also include measures to attenuate any extract ventilation equipment that may be included within the fabric of the building. No development shall commence until such details have been submitted to and approved in writing by the Local Planning Authority and the approved sound insulation system shall be fully installed in accordance with the approved scheme.

REASON

In order to ensure that the use does not cause harm to the surrounding environment in terms of noise emissions.

07. The whole of the accommodation hereby approved shall be used as a live music venue Class D2 and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the grant of a fresh planning consent.

REASON

In order to control the intensity of activities on the site in the interest of protecting amenity values.

08. This permission is personal to Mr B Lewis of Soundbase Entertainment during their occupation of the premises. On their vacating the premises the use shall revert to the authorised use of A3.

REASON

In granting this permission the Council has regard to special circumstances of the case and wishes to have the opportunity of exercising control over the subsequent use of the premises in the event of the authorised user vacating the premises.

09. The use hereby permitted shall not operate outside the following hours:-

Monday to Wednesday 7.00pm to 11.00pm

Thursday to Saturday 7.00pm to 01.00am

Sundays 7.00pm to 10.30pm

Unless agreed otherwise in writing by the Local Planning Authority

REASON

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

03/01718/VC/2706

Conditionally

Approved 09.01.2004

Variation of condition 8 of planning permission 03/00795/FUL to amend the wording; variation of condition 09 to allow opening until 1am on Wednesdays and amendment to the extension as approved under the same planning

permission on the 6th November 2003 to include an additional two storey rear element and the erection of an external partially enclosed fire escape.
Conditions/points of interest stating:-

02. This permission is for the sole use of Soundbase Entertainment during their occupation of the premises on their vacating the premises the use shall revert to the authorised use of A3.

REASON

In granting this permission the Council has regard to special circumstances of the case and wishes to have the opportunity of exercising control over the subsequent use of the premises in the event of the authorised user vacating the premises.

03. The use hereby permitted shall not operate outside the following hours:-

Monday to Tuesday 7.00pm to 11.00pm

Wednesday to Saturday 7.00pm to 01.00am

Sundays 7.00pm to 10.30pm

Unless agreed otherwise in writing by the Local Planning Authority

REASON

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

NOTE TO THE APPLICANT

Please be advised that this consent approves the variation of the wording of condition 8 of planning permission SCC reference 03/00795/FUL as detailed in condition 02 above and amends the hours of opening for Wednesdays, as detailed in condition 03 above and also gives approval for the additional elements set out in the description of development. The planning conditions hereby varied and the planning conditions attached to that previous planning permission are still applicable once that planning permission is implemented.

05/01220/VC/2706

Conditionally Temporarily

Approved 04.11.2005

Variation of Condition 2 of previous planning permission ref: 03/00795/FUL dated 6/11/03 (as amended by condition 02 of planning permission

03/01718/VC dated 9/01/04) to allow operating hours of 11.00 to 01.30

Monday to Thursday, 11.00 to 02.30 Friday and Saturday and 12.00 to 00.30 on Sundays.

Conditions/points of interest stating:-

01. The hours of use hereby permitted shall be discontinued either on or before the period ending on Sunday 5th November 2006, a period of one year.

REASON

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for the hours of use provided in order to monitor the use in relation to the amenities of residential property in the area.

02. The whole of the accommodation shall be used as a live music venue Class D2 and for no other purpose (including any other purpose in Class D2

of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the grant of a fresh planning consent.

REASON

In order to control the intensity of activities on the site in the interest of protecting amenity values.

03. This permission is for the sole use of Mr Bryn Lewis who trades as Soundbase Entertainment during their occupation of the premises. On their vacating the premises the use shall revert to the authorised use of A3.

REASON

In granting this permission the Council has regard to special circumstances of the case and wishes to have the opportunity of exercising control over the subsequent use of the premises in the event of the authorised user vacating the premises.

04. The use hereby permitted shall not operate outside the following hours as a live music and entertainment venue (Use Class D2)

Monday to Thursday 19.00 hours to 01.30 hours

Friday and Saturday 19.00 hours to 02.30 hours

Sunday 19.00 hours to 00.30 hours

unless agreed otherwise in writing by the Local Planning Authority

REASON

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

482 Portswood Road

1517/1631/M52

Conditionally

Approved 28.06.83

Single storey building for use as a car showroom.

R/o 486 Portswood Road

99/01146/FUL/25501

Conditionally

Approved 10.12.99

Use for dismantling of motorcycles, storage and retailing of parts

Conditions of interest stating:-

02. Unless the Local Planning Authority agree otherwise in writing this consent shall operate for the benefit of the person or organisation specified below, only whilst they are in occupation of the premises and shall not operate for any organisation or person other than the specified beneficiary. Mr James Fordham.

REASON

The permission has been granted solely because of the applicant's personal circumstances without which permission would not normally have been granted.

03. Opening Hours

Unless the Local Planning Authority agree in writing, the premises to which this permission relates shall not be open for business outside the hours specified below

8.00 am to 6.30 pm Monday to Saturday.

REASON

To protect the amenities of the occupiers of adjoining residential properties.

05. No motorcycles or other articles shall be stored, displayed or dismantled on the site outside the areas stipulated on the approved plans.

REASON

To ensure a satisfactory form of development.

06. Collections and deliveries to and from the site shall not take place outside the normal working hours.

REASON

To protect the amenities of nearby residents.

07. No machinery or power tools shall be used for any process of dismantling or assembly associated with the use of the site.

REASON

To protect the amenities of nearby residents.

08. Car Parking

The car parking area shown on the approved drawing shall be laid out and surfaced before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose.

REASON

To prevent obstruction to traffic in neighbouring roads.

09. The access track adjacent to the site shall not at any time be obstructed by vehicles or other goods or materials associated with the use of this site.

REASON

To ensure access to other sites is maintained at all times.

10. The use of the premises shall be for the dismantling of motorcycles, storage and retailing of parts only.

REASON

For the avoidance of doubt.

Bend in Belgrave Road

1556/12938/C1

Approved 12.6.79

Widening of bend in road

Portswood/Swaythling By-pass Road Southampton

21410/H01/1647
SCC - 5.7.1984

No objections by

Modifications to by-pass proposals by Hampshire County Council (Thomas Lewis Way)

442 / 464 Portswood Road (Roxan Mews)

04/00429/FUL/**27022**
Approved 14.10.2005

Conditionally

Redevelopment of the site by the erection of 3 no. 4-storey residential blocks to provide 39 flats with undercroft car parking.

R/o 484-496 Portswood Road

07/01141/FUL/**10114**
Withdrawn 25.10.2007

Redevelopment of the rear of the site. Demolition of the existing buildings and erection of a part two-storey, part three-storey and part four-storey block of 12 flats (11 x two-bedroom, 1 x one-bedroom) with associated parking.

09/00964/FUL/**10114**
Withdrawn 11.12.2009

Erection of a part two-storey, part three-storey and part four-storey building to provide 12 flats (11 x two-bedroom and 1 x one-bedroom) with associated access, parking and storage facilities and additional parking for the existing Portswood Road properties.

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Date: 19 January 2010

To the Occupier

**PROPOSED STUDENT ACCOMMODATION AND RETAIL UNIT
468-480 PORTSWOOD ROAD, SOUTHAMPTON SO17 3SP
APPLICATION REF. 09/01377/OUT**

As part of the Application process for the above, the LPA have:

- (i) Expressed a preference for restricting parking on Belgrave Road, adjacent to the junction with Portswood Road.
- (ii) Questioned the need for restricting the duration of parking on Belgrave Road.
- (iii) Have asked that the Applicant consult users of Belgrave Road.

Please find enclosed a marked drawing showing the extent of the restrictions to be considered.

The options include single yellow lines:

1. Single yellow lines on Portswood Road and at junction with Belgrave Road.
2. Extend single yellow lines into Belgrave Road and around second bend.
3. Time limited parking on Belgrave Road.

If you would like to express a view on these proposals please reply to:

Mr N. Holmes,
Quayside Architects Ltd.,
141 Burgess Road,
Southampton
SO15 7AA
Telephone: 0845 0551135

Alternatively you can contact Southampton City Council to express your views.

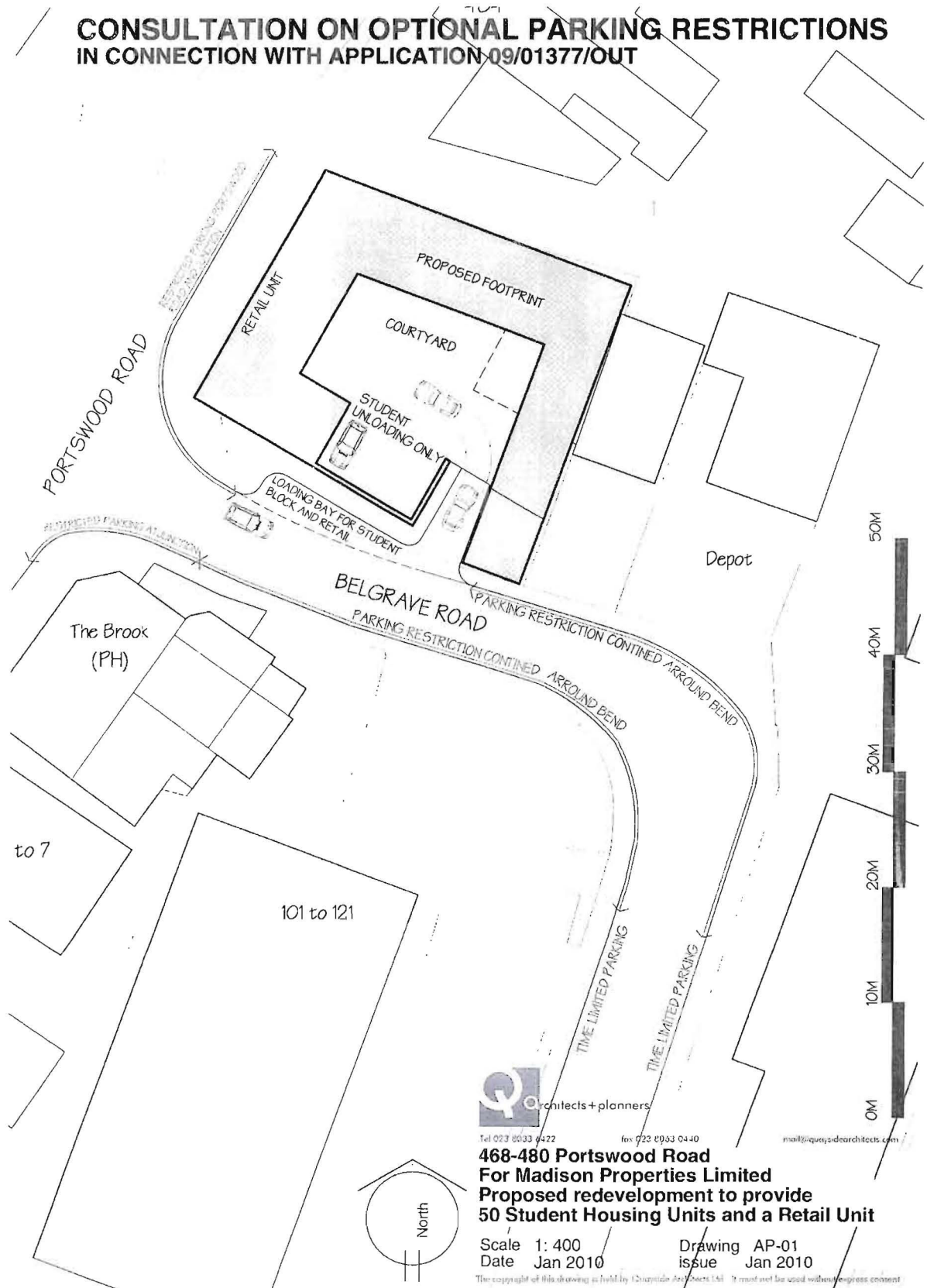
Please do not hesitate to contact me if you require further information on the proposal.

Yours faithfully

Neil Holmes
Quayside Architects

Encl.

CONSULTATION ON OPTIONAL PARKING RESTRICTIONS IN CONNECTION WITH APPLICATION 09/01377/OUT



Tel 023 8033 4422 fax 023 8933 0440
 mail@quaysidearchitects.com

468-480 Portswood Road
For Madison Properties Limited
Proposed redevelopment to provide
50 Student Housing Units and a Retail Unit

Scale 1: 400 Drawing AP-01
 Date Jan 2010 issue Jan 2010

The copyright of this drawing is held by Quayside Architects Ltd. It must not be used without express consent.

APPENDIX 5

From: Max holmes [mailto:max@madisonproperty.co.uk]
Sent: 17 February 2010 10:57
To: Lawrence, Steve
Cc: White, Vanessa; Mackie, Simon; David Ayre; Rothery, David; Turner, Jenna; Neil Holmes
Subject: Re: Meeting on Portswood Road - 09/01377/OUT - Belgravia Car Sales 468 - 480
Portswood Road Southampton SO17 3SP

Mr Lawrence

We will contact Jenna Turner to arrange a meeting.
In the run up to the meeting we will liaise with Vanessa White and provide evidence on how other halls use a vehicle calling system.
I enclose the information below for now to open discussions up with VW, they are extracts for clarification from Southampton University and Exeter.

We had thought we provided updated application forms and will send a copy noting Quayside as the agent. This reads as Quayside on City web at present.
Please copy Quayside in on future emails.

We had thought we addressed all points raised at our recorded pre-application meeting but have time to now work with VW .

Regards

Max

Typical information from halls in England on vehicle calling.

EXETER

" Due to limited car parking at the residence , if travelling by car, you will be asked to arrive within a specific time slot which we will notify you of approximately two weeks before your arrival date.

We are restricted with reference to drop-off space around the residences, so please allow plenty of time on your day of arrival and .

On arrival, if you have a car, you will be allocated a 30 minute time slot to park close to your residence to unload your belongings."

SOUTHAMPTON

Due to the large number of students arriving over the course of the two days, the moving in is staggered to reduce the number of people arriving at the same time. Below are the recommended times for arrival.

We understand that it may not be possible to move in at the recommended time, but please do try to keep to these times as much as possible to reduce congestion on the day.

If you intend to arrive outside of these days, please contact arrivals@soton.ac.uk detailing when you intend to arrive. Failure to do so may result in termination of your contract.

Arrival Times

- **En-suite** accommodation all arrive on Saturday 26th September 2009

As Erasmus Park consists of En-suite accommodation, we ask that you try to arrive on the Saturday.

Additionally, arrivals are staggered throughout the day:

- **Female** students should arrive between 08:30am and 12:00pm.
- **Male** students should arrive between 02:00pm and 05:30pm.

If you are still unsure of when to arrive, please contact the Accommodation Hotline on +44 (0)23 8059 5959.

On 16 Feb 2010, at 19:22, Lawrence, Steve wrote:

Mr Holmes,

I am on leave as of today until next Monday. First clear day for me to meet is Thurs 25th, albeit might be able to fit something in a.m. of Tues 23rd. Please contact Jenna Turner to slot something in my diary whilst I am on leave.

Item No. 1 at meeting should be what you are doing to address the highways reason for refusal, as I do see a lot of progress in that area reading your design and access statement and TA. You have failed to indicate the TA's author's qualifications despite a number of requests. He has made no analysis of local conditions, how traffic in the area functions – particularly how Belgrave Road serves the industrial estate, nor what overnight parking conditions are on-street, close to the site. The flimsy reference to a 'vehicle calling system' WRT the beginning and end of contracts when people are moving belongings in/out, without clarifying that term does not assist me to report to Members that you have overcome this reasoning for refusal to 09/00409/OUT.

There are a number of errors in the Design and Access statement which I have drawn to the attention of Neil and would still appreciate clarification in writing. Neil is not currently listed as agent on the application form, hence my copying this to David of Design ACB.

In the interim you may wish to speak with Vanessa White, in order to prepare for our meeting.

Mr Mackie has prepared a response To Neil Holmes S.106 letter and subject to some adjustment by Vanessa, is ready to send. I would have forwarded it myself, but with a heavy Panel for 16.2.2010, simply ran out of time given my current workload.

Yours faithfully

S Lawrence, Planning Officer Team Leader, SCC.

From: Max holmes [<mailto:max@madisonproperty.co.uk>]

Sent: 16 February 2010 09:40

To: Lawrence, Steve

Cc: Neil Holmes

Subject: Meeting on Portswood Road - 09/01377/OUT - Belgravia Car Sales 468 - 480
Portswood Road Southampton SO17 3SP

Mr Lawrence

09/01377/OUT - Belgravia Car Sales 468 - 480 Portswood Road Southampton SO17 3SP

Following the end of the consultation period and in line with our agents past requests could we arrange a meeting on the above project at your earliest convenience

Regards

Max

www.madisonproperty.co.uk

t 02380 768 079

f 0845 055 1135

www.madisonproperty.co.uk

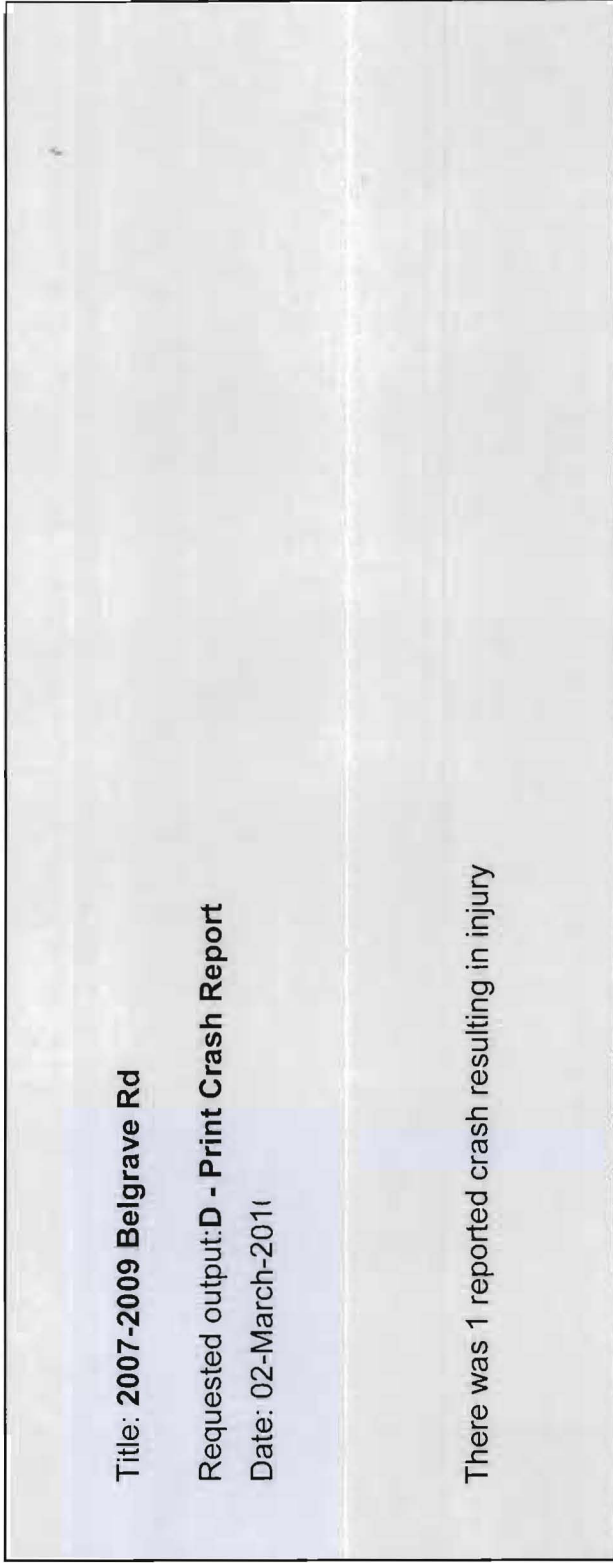
t 02380 768 079

f 0845 055 1135

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Date: 02-March-2010

Time: 08:14:17



Title: 2007-2009 Belgrave Rd

Requested output: D - Print Crash Report

Date: 02-March-2010

There was 1 reported crash resulting in injury

D-PRINT CRASH REPORT

2-Mar-2010
08:14:23

2007-2009 Belgrave Rd

No	Location	Reference/ Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
1	Road No U Section Grid 443418E Ref 115025N PORTSWOOD ROAD / BELGRAVE ROAD	080280757 SLIGHT	26/06/2008	Thu	10:50	L STL	Dry	Fine		R.TURN	
	VEHICLE 1 (CAR) TRAVELLING EAST ON PORSTWOOD ROAD BEHIND VEH 2(CAR) WHICH STOPS IN CARRIAGEWAY. VEH 1 OVERTAKES VEH 2 THEN WAITS AT JUNCTION WITH BELGRAVE RD TO TURN RIGHT. WHILST WAITING TO TURN RIGHT, VEH 2 FAILS TO SEE VEH 1 STATIONARY AND COLLIDES WITH REAR.										
	Veh1, Car, SW -> SE Veh2, Car, SW -> NE Southampton Casualties 2 Vehicles 2										

Key Involved

PED Pedestrian
 HGV Heavy Goods Vehicle
 GV Goods Vehicle
 M/C Motor Cycle
 P/C Pedal Cycle
 PSV Bus/Coach

Street Lighting

L Daylight
 DRK Dark
 NSL No Street Lights
 STL Street Lights
 USL Street Lights Unlit
 STU Street Lights Unknown

FACTORS

+VE R.TURN
 O/TAKE S VEH
 Positive Breath Test
 Right Turn Manoeuvre
 Overtaking Manoeuvre
 Single Vehicle

Special Conditions

ATS OUT Traffic Lights Not Working
 ATS DEF Traffic Lights Defective
 SIGNS Road Signs Defective or Obscured
 RD WRKS Road Works
 Surface Road Surface Defective

Agenda Item 11

ITEM NO: 11

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	PRE-APPLICATION CHARGING		
DATE OF DECISION:	16 MARCH 2010		
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY		
AUTHOR:	Name:	STEPHEN HARRISON	Tel: 023 8083 4330
	E-mail:	stephen.harrison@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

Following the Local Government Act 2003 and Circular Guidance many local authorities have introduced fee charges for pre-application planning advice. This is usually coupled with the introduction of a more formalised service and protocols, backed by written reports of any meeting(s) and advice provided.

At Full Council in July 2009, the concept of introducing charges to recover costs for planning pre-application advice from the City Council was agreed. In November 2009, Cabinet agreed to the introduction of an improved, chargeable pre-application advice scheme for the Southampton City Council Planning Authority.

The report outlines the scheme and explains that its implementation will commence on 6th April 2010. Further training will be given to the Panel in the Summer following the scheme's implementation.

RECOMMENDATIONS:

- (i) The Panel note the content of the report.

REASONS FOR REPORT RECOMMENDATIONS

- 1 To provide information to the Planning and Rights of Way Panel of the changes to how the City Council will provide pre-application planning advice.

CONSULTATION

- 2 Individual meetings have been held with internal consultees, including the Development Control Team and Economy and Regeneration Team.
- 3 Individual meetings have been held with two major Planning Consultancy companies who confirmed that a fixed rate chargeable pre-application scheme would be preferable to a percentage fee scheme.
- 4 The Overview and Scrutiny Management Committee considered the Cabinet report proposals at its meeting in November 2009.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5 **Not to implement a chargeable pre-application advice scheme**

The option to continue with the current pre-application advice service, free of charge, was considered and rejected. National guidance advocates that an improved and more consistent, formal approach to the early stages of

engagement and negotiation should be implemented. This would involve additional resources and a more formal pre-application advice service, requiring additional staff time, which can be recovered through the introduction of fees.

6 To apply a percentage charge based on the planning application fee

Alternative options to a fixed charge, including a percentage fee, were considered and rejected, in favour of a more clearly understood and easily applied system.

7 To agree wider exemptions from pre-application charging

8 The option to exempt a wider range of categories of applications, including householder extensions, was rejected in favour of a small charge to cover costs.

9 The option to provide a wider range of exemptions for various types of organisations/categories, such as Registered charities, Registered Social Landlords, community organisations and developments put forward that relate to Council-owned land was also rejected. This would be complex to administer and could, in the longer term, make it difficult to resource an appropriate advice service to these organisations.

DETAIL

10 It is proposed that the Council introduce charges for pre-application planning advice in conjunction with the introduction of a more formalised service and protocols, backed by written reports of the meeting and advice provided. Charges will need to be easy to understand and administer, as well as being proportional. Payment would normally be made at the time of supply of the completed pre-application advice request form and supporting documentation.

11 The proposed fee rates are presented in Appendix 1. Proposed exemptions are for:

- Advice in relation to Listed Building Consent;
- Advice in relation to consents within Conservation Areas;
- Proposals relating to domestic improvements to address access requirements of a disabled person; and
- Proposals relating to non-profit making community facilities.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

12 None

Revenue

13 The current level of resource for the provision of free pre-application advice is £40,000 per annum. The total resource cost of providing the pre-application advice, under the enhanced scheme, will depend on the level of demand for the service. However, based on the assumed demand in the total cost is estimated at £74,000.

- 14 As far as possible, the additional resources for an enhanced service would be redirected from work on planning applications, allowing costs to be met from existing budgets. However, there may be a need to increase overall Development Control resources to deal with the additional service requests.
- 15 The estimates are subject to the uncertainties of current market conditions. Cabinet have given delegated authority to allow adjustments to fees annually, for any deficit or surplus, within a period of up to 3 years.

Other

- 16 None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 17 Best Value authorities have the power to charge for discretionary services. Under section 111 (1) of the Local Government Act 1972, the Council has the power to do anything reasonably incidental to its express powers. Thus the provision of pre application advice will be incidental to the statutory duty to provide planning services.
- 18 Section 93 of the Local Government Act 2003 allows an authority, relying on subsidiary powers, to charge but the recipient of the discretionary service must have agreed to its provision and to pay for it.
- 19 Circular guidance entitled 'General power for best value authorities to charge for discretionary services – guidance on the power in the Local Government Act 2003' makes it clear that Authorities when exercising this power are under a duty to secure that, taking one year with another, the income from charges do not exceed the costs of provision of the service. The circular advises that charges may be set differentially, so that different people are charged different amounts. Further Authorities are not required to charge for discretionary service and may provide them for free if they so decide.

Other Legal Implications:

- 20 None

POLICY FRAMEWORK IMPLICATIONS

- 21 The proposal to charge for pre-application advice, whilst improving the level of service provided, is set out within the broad business plan objective to 'Improve Development Control Performance' as set out in the Corporate Improvement Plan 2009/10.

SUPPORTING DOCUMENTATION

Appendices

1.	Proposed Fee Schedule
2.	Pre-Application Advice on Planning Proposals

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
----	------	--

Background documents available for inspection at: N/A

FORWARD PLAN No: N/A **KEY DECISION?** N/A

WARDS/COMMUNITIES AFFECTED:	All
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**Item No: 11 - APPENDIX 1:
Proposed Fee Schedule**

Cat	Fixed Charge (excl. VAT)	Includes	Take-up (est)	Income SCC Estimate
1 Large Scale Major Applications	Strategic Majors: 10% of Planning Application fee	Comprehensive support service with multiple meetings, to defined standards, with a phased payment schedule built into the Planning Performance Agreement	1 per year	£1,200
	£800 (other large scale majors)	Written advice, administration, professional input from planner and specialists, site visit(s), attendance at a meeting of up to 2 hours by planner and specialists as necessary*.	9 per year	£7,200
2 Other Major Applications	£700	Written advice, administration, professional input from planner and specialists, site visit(s), attendance at a meeting of up to 1.5 hours by planner and specialists as necessary*.	35 per year	£24,500
3 Minor applications	£300 (5 to 9 units)	Written advice, administration, professional input from planner and specialists, site visit(s).	40 per year	£12,000
	£150 (1 to 4 units)		50 per year	£7,500
4 Other and householder applications	£35	Surgery fee based on up to one hour of advice. This could include informal advice on permitted development.	300 per year	£10,500
Lawful Development Certificate	£75		100 per year	£7,500
				£70,400

* Additional advice and meetings would be charged at 50% of the initial fee.

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Pre-Application
Advice on
Planning
Proposals

Guidance Information for the Web
Service Request Form
Fee Schedule

Planning Application Support Team
Planning and Sustainability Division
Environment Directorate
Southampton City Council
Civic Centre
Southampton SO14 7LY
Tel: 02380 917548
Email: planning@southampton.gov.uk
February 2010

Introduction

Pre-application discussions are considered vital and are encouraged whenever possible

Pre-application advice is an important aspect of the planning process which can be of benefit to all parties involved. This should improve the quality of applications being submitted. It should also allow the Council to deal with applications promptly and provide customers with a greater degree of certainty about the chance of a positive recommendation.

The objectives of the Pre-Application Advice Service are:

- to try to overcome any potential reasons for refusing permission;
- to improve the quality of applications submitted;
- to improve customer care and satisfaction with the service; and
- to recover the costs of advice that would otherwise be borne by the general ratepayer.

Pre-application advice for minor domestic proposals

For residents wishing to alter or extend their homes (Householder Applications), there are two ways to request pre-application advice:

- Complete an online request, using the Service Request Form, to request detailed advice in writing (Fee £35).
- Complete an online request, using the Service Request Form and book an appointment with the Duty Planning Officer. A meeting with the Duty Officer will normally be limited to a maximum of 30 minutes (Fee £35, including a brief note of the meeting).

The Council will contact you regarding the pre-application advice within 5 working days of receipt of the on-line request and aims to provide a written response within 10 working days following confirmation of fee or the meeting. For further details of the response times, please see the flow chart of the process **here**. Note that responses may take longer if consultations are required, but we will inform the customer that additional time is needed. The Council also provides applicants with Certificates of Lawfulness (Fee £75).

Pre-application advice for Developers and Agents

We can offer pre-application advice in response to a written enquiry and, if requested, following a meeting with officers. For further details of the response times, please see the flow chart of the process **here**.

Our scale of charges is as follows:

Minor Applications (1 to 4 new dwellings)	£150
Minor Applications (Other)	£300
Major Applications (except large scale)	£700

A 50% discount would be given where advice is sought at a very early stage and it is only possible to offer broad advice on the principle of the

proposal. This would be appropriate where it is not possible to provide scaled plans and elevations as described in (iv) below.

What we need from you

- i) A plan showing the extent of the site, together with details of ownership, and identifying any other land within the ownership or control of the applicant;
- ii) information on the site, including any relevant planning history, the existing use, a schedule of any existing floor space, and any known planning restrictions (having considered the planning information available either on the Council's website or in the Council offices, or elsewhere), for example whether the site lies within a Conservation Area or is a Listed Building;
- iii) a description of the proposal, including a calculation of any additional floor space if appropriate; and
- iv) any necessary scaled plans, elevations and photographs (the latter of which are often useful as an aid to understanding a proposal).

We may need to request further information as required.

Remember the more information you are able to provide us with at the pre-application stage, the greater the assistance we can give you.

Should a meeting with Officers be requested the meeting will normally be limited to a maximum of one and a half hour's duration. Any additional meetings would need to be paid for separately.

What we may need to consider

The following matters may need to be considered (although this is not an exhaustive list):

- i) whether the proposed development is likely to be acceptable in policy terms;
- ii) whether there would be an impact on the amenity of adjoining occupiers;
- iii) the impact on any Listed Building and Conservation Area;
- iv) the design of the proposal and any sustainability issues arising;
- v) the servicing, access and parking arrangements; and
- vi) the necessity or otherwise for a Planning Agreement (such as a S106 Agreement) to accompany the application.

What we will provide

A letter or full report from the planning officer will be sent giving:

- a) a detailed but “without prejudice” informal opinion on the proposal together with the responses from any internal consultations carried out and suggestions on how the application could be improved; and
- b) the necessity or otherwise for a Planning Agreement to accompany an application, the Heads of Terms, and where possible guidance on the likely amount of any financial contributions required and the relevant projects they would fund.

Following any meeting with officers, a letter/report will be sent, of the meeting within the timescales set out in the flow chart (**here**), unless additional time is required in which case the applicant will be advised.

You are advised to refer to any pre-application discussions (giving the name of Officer(s) involved) in a covering letter accompanying your application, preferably enclosing a copy of any relevant pre-application correspondence.

Negotiations following the submission of an application for all Customers

A primary objective of providing pre-application advice is to try to overcome any potential reasons for refusing permission.

If an application is submitted without any pre-application discussions, and there are difficulties that are unlikely to be capable of resolution within the statutory time period, then **negotiations will not normally be entered into**. The decision is likely to be an early refusal.

Our aim is to ensure that you are in a strong position to address all the apparent planning considerations, including the need for any financial contributions or community benefits, prior to the submission of an application.

Pre-application advice on Large Scale Projects

For very large scale projects, (100 or more houses or 10,000 sq metres commercial) we can offer pre and post-application advice linked to a Planning Performance Agreement. We would offer comprehensive support to the applicant throughout the process, to agreed standards, with a phased payment schedule built into the Planning Performance Agreement. The total fee for this service would be in the region of 10% of the anticipated Planning Application fee for the full planning application. Please contact the Planning Applications Support Team.

"Without Prejudice" Advice

Whilst the Council's officers will endeavour to ensure that any pre-application advice is robust, please note that any advice given is on a "without prejudice" basis and cannot pre-empt consideration of a formal application.

Also, the Council may change its views on the merits of a proposal if there is a change in circumstances after pre-application advice has been given, such as a change in government policy or case law.

Pre application advice on Building Regulations Issues

No charge is currently levied for pre application advice on building regulations issues.

In order to give effective co-ordinated advice on projects it is recommended that you also seek input from our building control team. You can request that they attend pre application meetings or you can seek their advice at a later stage. Please indicate your preference on your application. . For further information visit www.southampton.gov.uk.

Pre Application Form

Please complete the form below and email to planning@southampton.gov.uk.

1. Address of site (including postcode):

2. Description of proposed development [include floor space, land use and residential units – if known]

3. Name and address, telephone and email address of agent/person dealing with his enquiry

4. Type of formal application proposed e.g. Full, Outline, Listed Building, approval of reserved matters, details required by a planning condition etc.

5. Details and dates of any previous applications or pre-application discussions.

6. **List of documents and plans submitted with this request.** You should, if possible include a statement justifying your proposals with reference to national and local planning policies and guidance. Please include:
 - *Location/Site Plan (minimum)*
 - *Elevations*
 - *Block Plan*
 - *Floor Plan*
 - *Other*

7. Details of any consultation you have carried out or propose to carry out with statutory and non-statutory consultees at pre-application stage.

8. Details of any neighbour and/or community consultation you propose to undertake at pre-application stage (please see the Council's Statement of Community Involvement).

9. **Please state any reasons and the period of time you request that the pre-application advice remain confidential** (*note that any requests for confidentiality will be considered in accordance with the terms of the Freedom of Information Act and need to be justified in writing*).

10. Is a meeting with a planning officer sought to discuss the proposals?

11. Do you require a Building Control officer to be included in your pre-application meeting?

Yes/No

12. Date of request

13. Payment of Fees

Fee Amount :

Payment Method:

Credit Card

Debit Card

Cheque (made payable to Southampton City Council)

Your telephone contact details:

Please indicate your preferred payment method. The Council has a policy of pre-payment for pre-application advice and it is preferred that this is by credit or debit card. Once this form has been received, the Planning Applications Support Team will phone regarding electronic payment within approximately 5 working days.

Please email this form and accompanying plans to:
planning@southampton.gov.uk

Planning Application Support Team
Planning and Sustainability Division
Environment Directorate
Southampton City Council
Civic Centre
Southampton SO14 7LY
Tel: 02380 917548

Office Use Only	
Date Received	
Fee Submission Correct	

Fee Schedule for Pre-Application Services

Cat	Includes	Fee** (excl. VAT)
1 Large Scale Major Applications	Comprehensive support service with multiple meetings, to defined standards, with a phased payment schedule built into the Planning Performance Agreement	Strategic Majors: 10% of Planning Application fee (100 or more house units or 10,000 + sq m commercial or 2+ ha)
2 Other Major Applications*	Written advice, administration, professional input from planner and specialists, site visit(s), attendance at a meeting of up to 2 hours by planner and specialists as necessary**.	£700 (10 to 99 house units, 1,000 to 9,999sq m commercial or 0.5 to 2 ha)
3 a and b Minor applications*	Written advice, administration, professional input from planner and specialists, site visit(s), attendance at a meeting of up to 1.5 hours by planner and specialists as necessary**.	a. £300 (5 to 9 house units, 500 to 999 sq m commercial or 0.5 to 0.9 ha)
		b. £150 (1 to 4 house units, up to 499 sq m commercial or up to 0.49 ha)
4 Other and householder applications {incl. adverts}	Fee based on half an hour of advice or written information. This includes informal advice on permitted development.	£35
Lawful Development Certificate	Provision of a certificate of lawfulness of development £75	£75

* For Major and Minor Applications, a 50% discount is given where advice is sought at a very early stage and it is only possible to offer broad advice on the principle of the proposal

** Additional advice and meetings would be charged at 50% of the initial fee.

Exemptions:

- Advice in relation to Listed Building Consent, as these do not attract a planning application fee

- Proposals relating to domestic improvements to address access requirements of a disabled person

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Agenda Item 12

ITEM NO: 12

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	REMOVAL OF A TREE ON THE WOODMILL OUTDOOR ACTIVITIES CENTRE SITE.		
DATE OF DECISION:	16 MARCH 2010		
REPORT OF:	EXECUTIVE DIRECTOR OF NEIGHBOURHOODS		
AUTHOR:	Name:	Mike Harris, Senior Tree Officer	Tel: 023 8083 3422
	E-mail:	Mike.p.harris@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None.

SUMMARY

The removal of one Oriental plane tree on the edge of the lake to make way for a disabled access fishing/kayaking pontoon.

RECOMMENDATIONS:

- (i) Removal of one Oriental plane tree by Woodmill fishing lake and replacement with two trees of a species and size agreed with the Senior Tree Officer.

REASONS FOR REPORT RECOMMENDATIONS

1. This report is submitted for consideration as a matter of urgency in order to secure externally sourced funding for the wider works that are dependant on the tree works taking place before the end of the financial year. The report has been subject to internal consultation which has delayed its final submission and further delay would put in question the tree works commencing and allocation of external funding sought.
2. To allow access for disabled fishing and kayaking by allowing a jetty to be built.
3. To increase participation in outdoor education for minority groups.
4. The removal of the Oriental plane, on the edge of a woodland area, would have no significant affect on the visual amenity of the area.

CONSULTATION

5. David Drew, the Operations Manager of the Woodmill Outdoor Centre, consulted with the City Tree Officer who indicated that in principal there are no objections to the removal of the tree subject to the normal requirement for replanting of agreed species on a two-for-one basis.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. To build the pontoon in an alternative location is not possible due to size of the structure and the presence of other trees.

DETAIL

7. Woodmill Outdoor Centre have recently received funding from the Aiming High scheme, a Government initiative to broaden access to short break activity provision for young disabled people in the community. The funding would enhance the existing facilities to create improvements that would help the site to comply with the Disability and Discrimination Act. In turn this will allow people with disabilities to access and participate in activities on site.
8. Works have been designed with the existing site in mind and impact on the existing landscape has been kept to a minimum. However, the multi-stem Oriental plane on the northern bank of the fishing lake cannot be safely retained should the pontoon be built.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

9. Under the Aiming High scheme the Centre has been awarded £130,000 and Recreation Services have added a further £30,000 towards the projects. This funding is required to be enacted this financial year to be secured.

Revenue

10. The proposed projects are expected to generate up to £30,000 in additional revenue a year

Property

11. The enhancement made under this scheme will benefit existing centre users.

Other

12. There are no negative implications for the removal of the tree on any third parties. The tree is not visible to the general public and does not border any public property.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

13. In accordance with the Constitution, any decision relating to Council trees, unless delegated, will be determined by the Planning Panel.

Other Legal Implications:

14. Creation of this new provision will provide new opportunities for young disabled people, adults and families to engage in positive outdoor activities in accordance with the Council's duties under equalities legislation.
15. This provision is not expected to negatively contribute to Crime and Disorder within the City. However, it is noted that a number of agencies use Woodmill grounds to undertake work early intervention and rehabilitation work with young people. This new provision would positively contribute towards that work and is therefore consistent with the Council's duties under S.17 Crime and Disorder Act 1998.

POLICY FRAMEWORK IMPLICATIONS

16. Completing these works will allow Woodmill to actively contribute to the Government's N18 target (Adult Participation) by creating new opportunities for adults to participate in sporting activities.
17. Completing these works would also contribute towards the Council meeting the statutory requirements of The Disabled Children's Standard, which is part of the National Service Framework for Children.

SUPPORTING DOCUMENTATION

Appendices

1.	Location map
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Documents In Members' Rooms

1.	None.
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Background Documents

1.	None.	Not applicable
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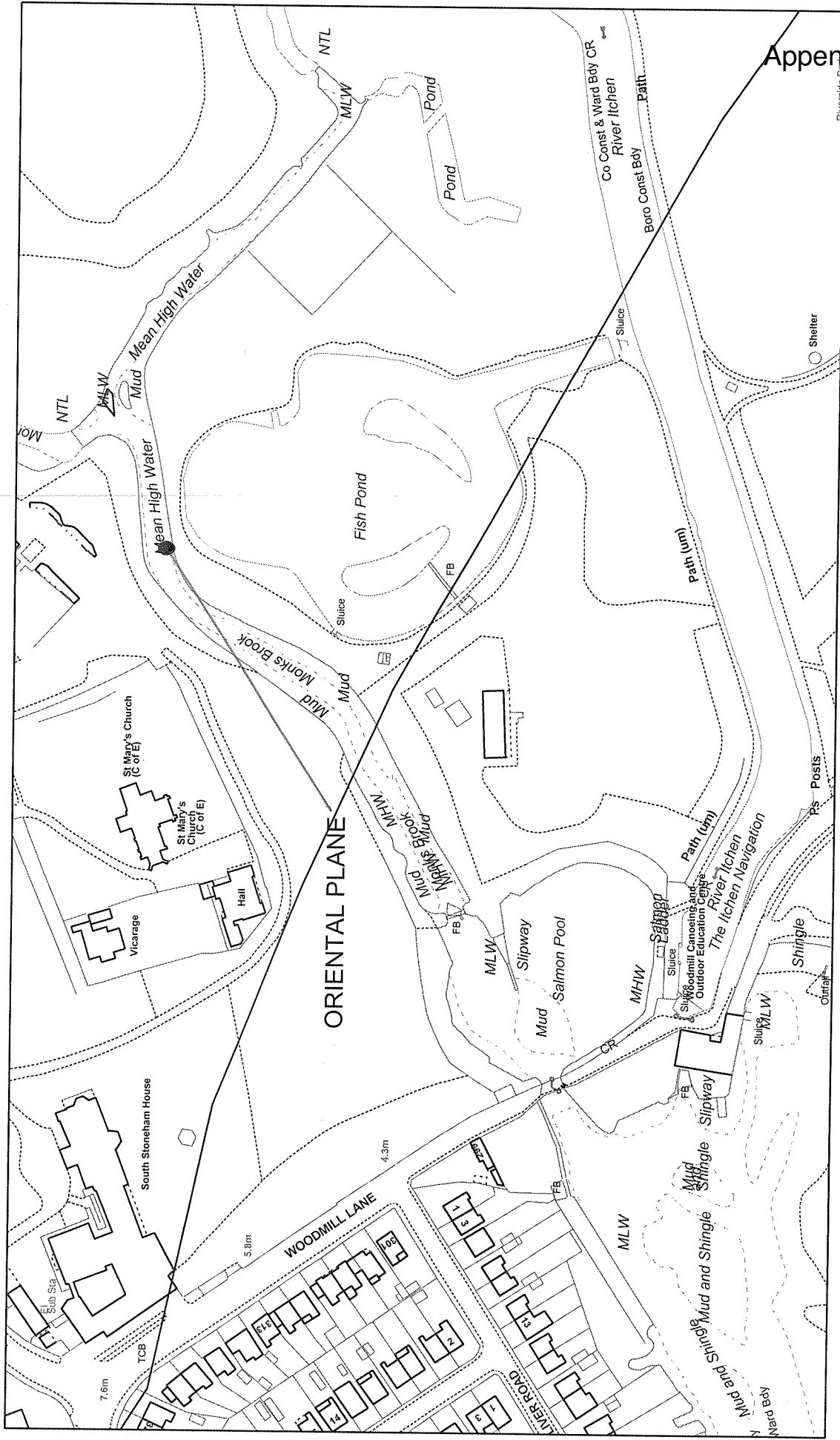
Background documents available for inspection at: None.

FORWARD PLAN No: None **KEY DECISION?** No

WARDS/COMMUNITIES AFFECTED:	Swaythling and Bitterne Park
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Location of Oriental plane at Woodmill Outdoor & Activities Centre APPENDIX A



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