

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

<b>Recommendation Summary</b>	<b>Delegate to Development Control Manager to grant planning permission subject to criteria listed in report.</b>
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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 <b>INTIME</b>		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 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). 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 policies 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 (110m<sup>2</sup> – 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 a 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 exceedance 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 – ‘Portwood 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 chasis. 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 CO<sub>2</sub> 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 21<sup>st</sup> 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 6.2m<sup>2</sup> 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 6.7m<sup>2</sup>. 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 750m<sup>2</sup> 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 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.

#### 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](http://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](http://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](http://www.aoa.org.uk/publications/safeguarding.asp)).

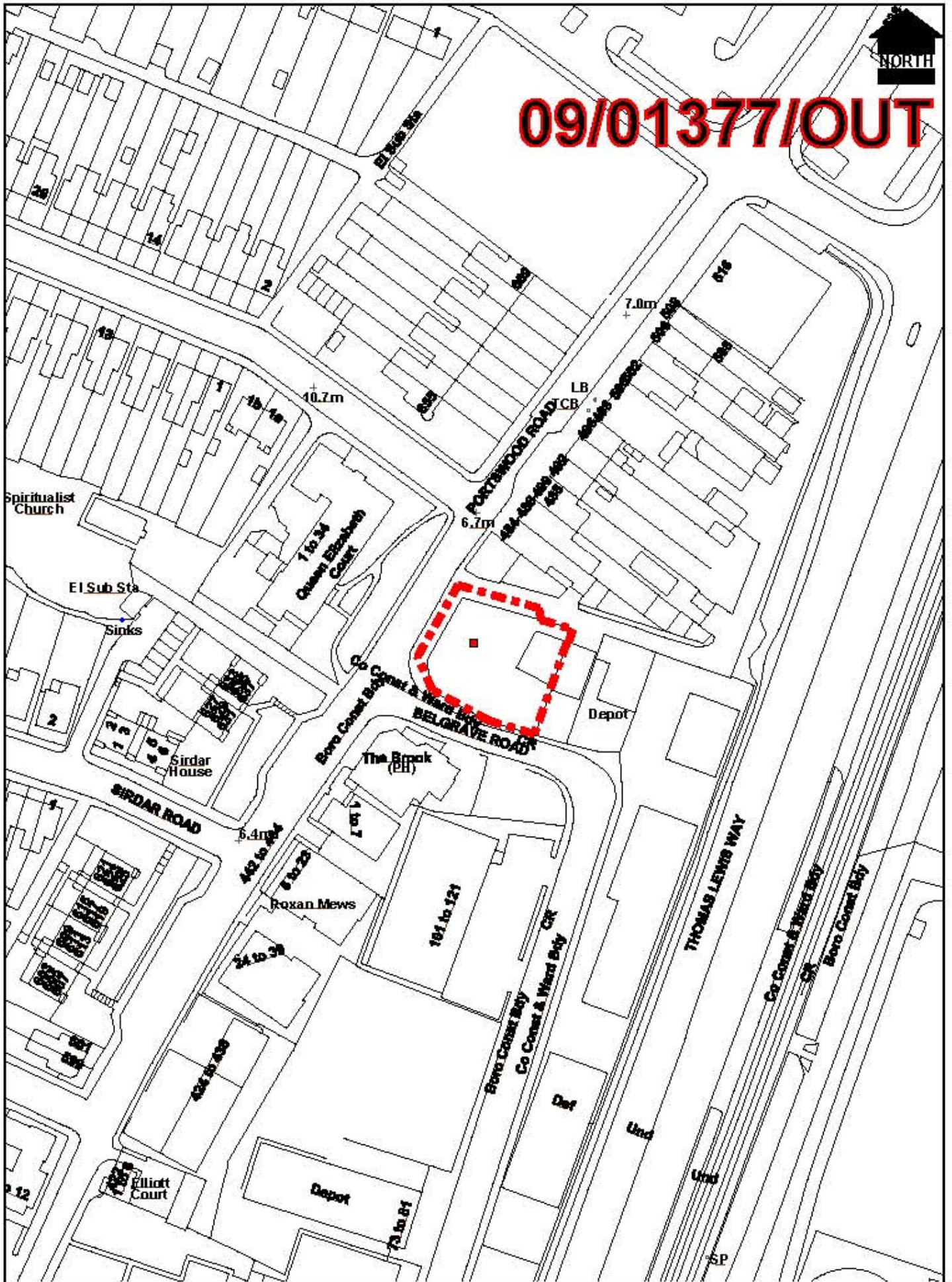
4. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester,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





09/01377/OUT



Scale : 1:1250

Date : 03 March 2010

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