

Planning and Rights of Way Panel

Tuesday, 11th December, 2018
at 6.00 pm

Conference Rooms 3 & 4 - Civic Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Coombs (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mitchell
Councillor Murphy
Councillor Wilkinson

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

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

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

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

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

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

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

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

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

Dates of Meetings: Municipal Year 2017/18

2018	
29 May	11 September
19 June	9 October
10 July	13 November
31 July	11 December
21 August	

2019	
8 January	12 March
29 January	2 April
26 February	23 April

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

OTHER INTERESTS

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 13 November 2018 and to deal with any matters arising.

5 OBJECTION TO THE MAKING OF THE SOUTHAMPTON (OCEAN VILLAGE - BARCLAYS HOUSE) TREE PRESERVATION ORDER 2018

(Pages 7 - 18)

Report of the Head of Service seeking approval to confirm The Southampton (Ocean Village - Barclays House) Tree Preservation Order 2018.

CONSIDERATION OF PLANNING APPLICATIONS

6 PLANNING APPLICATION - 18/00968/FUL (RETAIL) - FORMER EAST POINT CENTRE

(Pages 23 - 42)

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

7 PLANNING APPLICATION - 18/01373/FUL (RESIDENTIAL) - FORMER EAST POINT CENTRE

(Pages 43 - 60)

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

8 PLANNING APPLICATION - 18/01266/OUT - REAR OF 90 PORTSMOUTH ROAD
(Pages 61 - 86)

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

Monday, 3 December 2018

Director of Legal and Governance

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 13 NOVEMBER 2018

Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse (except minute number 40), L Harris, Mitchell, Murphy and Wilkinson

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

RESOLVED: that the minutes for the Panel meeting on 9 October 2018 be approved and signed as a correct record.

37. **PLANNING APPLICATION - 18/00823/FUL - THORNHILL YOUTH CENTRE**

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

Redevelopment of the site to provide a three storey building comprising of 12 x 2 bed flats and the erection of 5 x 3 bed houses with associated car parking, bin/refuse, cycle storage and landscaping.

Doug Chancellor, Rob Stummer and Barry Cooper (local residents objecting), Kieran Amery (agent), and Councillor Streets (Ward Councillor objecting) were present and with the consent of the Chair, addressed the meeting.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

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

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Coombs, Claisse and Mitchell

AGAINST: Councillors L Harris, Murphy and Wilkinson

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 2 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - c. Either a scheme of measures or a financial contribution towards Solent

Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

- d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - e. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and
 - f. Off-site affordable housing contribution based on the DVS Viability Assessment dated 21st September 2018 in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 - (iv) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

38. **PLANNING APPLICATION - 17/01683/FUL - 119-122 HIGH STREET**

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

Demolition of existing buildings and re-development of the site with a 5 - 6 storey building to accommodate 188 student bedrooms in the form of 18 cluster flats with associated communal facilities, management office and cycle store; 4 separate retail units; vehicular, pedestrian and cycle access; access for adjoining properties, and landscaping.

David Bayliss, Theresa Gover, Jeff Nibblett, John Wright, Jean Willis and Charlotte Gunn (local residents objecting), Peter Atfield (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer requested that an additional clause within the section 106 legal agreement relating to an accredited management scheme for the development. In response to questions from the Panel, officers agreed to add a further clause to the section 106 legal agreement seeking a financial contribution towards off-site tree replacement. The Panel also requested that an amendment to conditions for the provision of laundry facilities and that an additional condition be added for cycle storage facilities, details set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

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

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 3 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
 - c. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - e. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - f. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
 - g. The submission and implementation of a Construction Management Plan which includes the routing of construction traffic and timing of deliveries to avoid peak hours.
 - h. Submission and implementation of a Waste Management Plan.
 - i. Submission and implementation of a Travel Plan.
 - j. Submission and implementation of a Public Route Management Plan.
 - k. Submission, details and implementation of a turning area.
 - l. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
 - m. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;

- n. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners (if required); and
 - o. Submission, details and implementation of a scheme of public art.
- (iii) That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iv) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme’s viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.
- (v) that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (vi) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional clauses to the Section 106 legal agreement

- p. The student housing scheme to be bound by the terms of the Southampton Accreditation Scheme (or an alternative scheme as may be approved by the Council in writing).
- q. A financial contribution towards off-site tree replacement to secure 2 no. Lime Trees within the Bargate Ward.

Amended conditions

27 PROVISION AND RETENTION OF ANCILLARY FACILITIES (PERFORMANCE CONDITION)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the communal lounges, communal recreation area (basement), gym, student leisure/café, **laundry**, bin and cycle storage; and associated external amenity spaces, shall be provided in accordance with the approved plans before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation. Suitable lift access shall be provided to the basement during the lifetime of the development in accordance with the approved plans.

REASON: In the interests of the amenities of future occupiers of the building.

Additional Conditions

CYCLE STORAGE FACILITIES (PRE-COMMENCEMENT CONDITION)

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

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

LAUNDRY FACILITIES (PRE-COMMENCEMENT CONDITION)

Prior to the commencement of groundworks, details of laundry facilities for the student accommodation hereby approved shall be first submitted to and approved in writing by the Local Planning Authority. The laundry facilities shall be installed prior to first occupation and thereafter retained as approved.

REASON: To ensure adequate communal laundry facilities are provided on site to meet the day to day needs of the student accommodation hereby approved.

39. **PLANNING APPLICATION - 18/01442/FUL - 10 OAKMOUNT AVENUE**

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

Alterations to site frontage including partial demolition of existing wall and provision of extended hard standing area to facilitate on site car parking (Part retrospective)

Dr Rafia Deader (applicant) and Jerry Gillen (Highfield Residents Association - supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed the need for an amendment to the condition setting out a time frame for the completion of the work, as set out below. In addition the Panel requested an additional condition in regard to the drop kerb, as set out below.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended condition

APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, with the works completed within 3 months from the date of this decision unless otherwise agreed in writing with the Local Planning Authority.

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

Additional Condition

DROPPED KERB

A dropped kerb to highway standards shall be installed to serve the access prior to the first use of the parking space hereby approved for its intended purpose. The dropped kerb shall be retained thereafter.

REASON: In the interests of highway safety

NOTE: Councillor Claisse declared an interest and withdrew from the Panel for this item.

40. **PLANNING APPLICATION - 18/01483/ FUL - 100 SPRING ROAD**

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

Change of use of shop (Class A1) to hot food takeaway (Class A5) with the installation of an extractor flue to rear.

Mr H Rose (local resident objecting) and Councillor Houghton (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer confirmed that the Council's environmental health team had visited the premises and had raised no objection to the application. In response to concerns regarding the storage of waste within the area an additional condition was added, as set out below.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Additional condition

7. Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. The bins associated with this development shall only be moved to the site frontage on collection day, after which they shall be returned to the side access as shown on the approved drawings where they shall be kept for the remainder of the week.

Reason: In the interest of visual and residential amenity.

41. **QUARTERLY DEVELOPMENT MANAGEMENT FIGURES**

The Panel considered and noted the report of the Service Lead - Infrastructure, Planning and Development detailing the Planning Department's performance against key planning metrics.

Agenda Item 5

DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	OBJECTION TO THE MAKING OF THE SOUTHAMPTON (OCEAN VILLAGE – BARCLAYS HOUSE) TREE PRESERVATION ORDER 2018		
DATE OF DECISION:	11 DECEMBER 2018		
REPORT OF:	HEAD OF TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Gary Claydon-Bone	Tel: 023 8083 3005
	E-mail:	Gary.claydon-bone@southampton.gov.uk	
Director	Name:	Mitch Sanders	Tel: 023 8083 3005
	E-mail:	Mitch.sanders@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
28.06.18 - A tree preservation order was made to protect a number of trees that are situated within and around the boundary of a car park within Ocean Village (Appendix 1) The tree preservation order was hand served on all local parties that can have some impact to the trees or are an adjoining address. Site copies of the tree preservation order were also located within the car park.	
28.06.18 - A recorded delivery copy of the tree preservation order was sent, via Royal Mail, to the land owner.	
26.07.18 – A letter was received from the agent acting on behalf of the land owner lodging an objection to the tree preservation order. The main reason given for the objection is that the preservation order has a negative impact to the future potential for redevelopment of the area and the expediency of making the tree preservation order is also questioned.	
RECOMMENDATIONS:	
	(i) To confirm The Southampton (Ocean Village – Barclays House) Tree Preservation Order 2018, with modification. The modification will be to include in the descriptive text, the number of Italian Alders within the group category.
REASONS FOR REPORT RECOMMENDATIONS	
1.	The group of trees are a prominent feature within the local area and not only provide a visual amenity, they also are helping provide clean air within a central part of the city.
2.	The loss of these trees could not be mitigated against with nearby planting, therefore the removal of the trees would result in a net loss to the local amenity and environment.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	

3	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable management of the trees.
DETAIL (Including consultation carried out)	
4	. Officers have explained to the agent that should an application be submitted in which the design required tree removal, the application would be processed in the normal manner and a decision made. If the proposed scheme were approved by the planning department, then this decision would override the tree preservation order and the trees could lawfully be removed to implement the approved scheme. As such, officers are not in agreement that the tree preservation order prevents future potential redevelopment of the land, but does serve to protect the trees from felling through the planning process.
5	The agent's concern over the loss of future potential to redevelopment of the site, in officers' opinion, only goes to strengthen the need for the tree preservation order as it prevents the felling of the trees prior to an application being submitted to redevelop the site. This will ensure that trees are appropriately considered through the planning process and are a material consideration in any scheme presented to the Council Development Control service.
6	It was explained to the agent that as there is no current full planning application on the site, officers are not minded to consider how the tree preservation order may impact future potential, but will consider the expediency of making the order. Planning Practice Guidance advises that <i>"it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution."</i> As there has been some interest shown on the land, which led to a concern that there is a potential for significant tree loss, officers therefore considered it as being expedient, in the interest of public amenity, to make a tree preservation order to safeguard their future and to guide potential future plans for the site.
7	An industry accepted method of evaluation was used to assess the suitability of the trees for formal protection. This method is known as TEMPO, which stands for Tree Evaluation Method for Protection Orders. (Appendix 2) When completing a TEMPO, officers always like to be conservative on scoring, which would result in a lower score being attained but if the score at the end of this exercise still guides to the tree preservation order being defensible, officers can be confident that a non-conservative assessment value would be higher and would likely show that the trees actually score the highest, or above.
8	A conservative assessment of the trees suitability was undertaken and the expediency assessment was graded as precautionary only, which is the lowest score available for expediency. Even setting the expediency as

	precautionary, the value reached still placed the trees in the defensible range of scores on the TEMPO form. This then makes the trees definitely worthy of a protection order.
9	Officers therefore feel that by placing the expediency score as precautionary, and still attaining a score that makes the order defensible, having regard to the representation, the question over the City Council's expediency of making the tree preservation order has been demonstrated as not being excessive and is in line with the industry approved assessment system and that confirming the order is reasonable and proportionate in the circumstances.

RESOURCE IMPLICATIONS

Capital/Revenue

10	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
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Property/Other

11	If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

12	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.
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Other Legal Implications:

13	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law
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RISK MANAGEMENT IMPLICATIONS

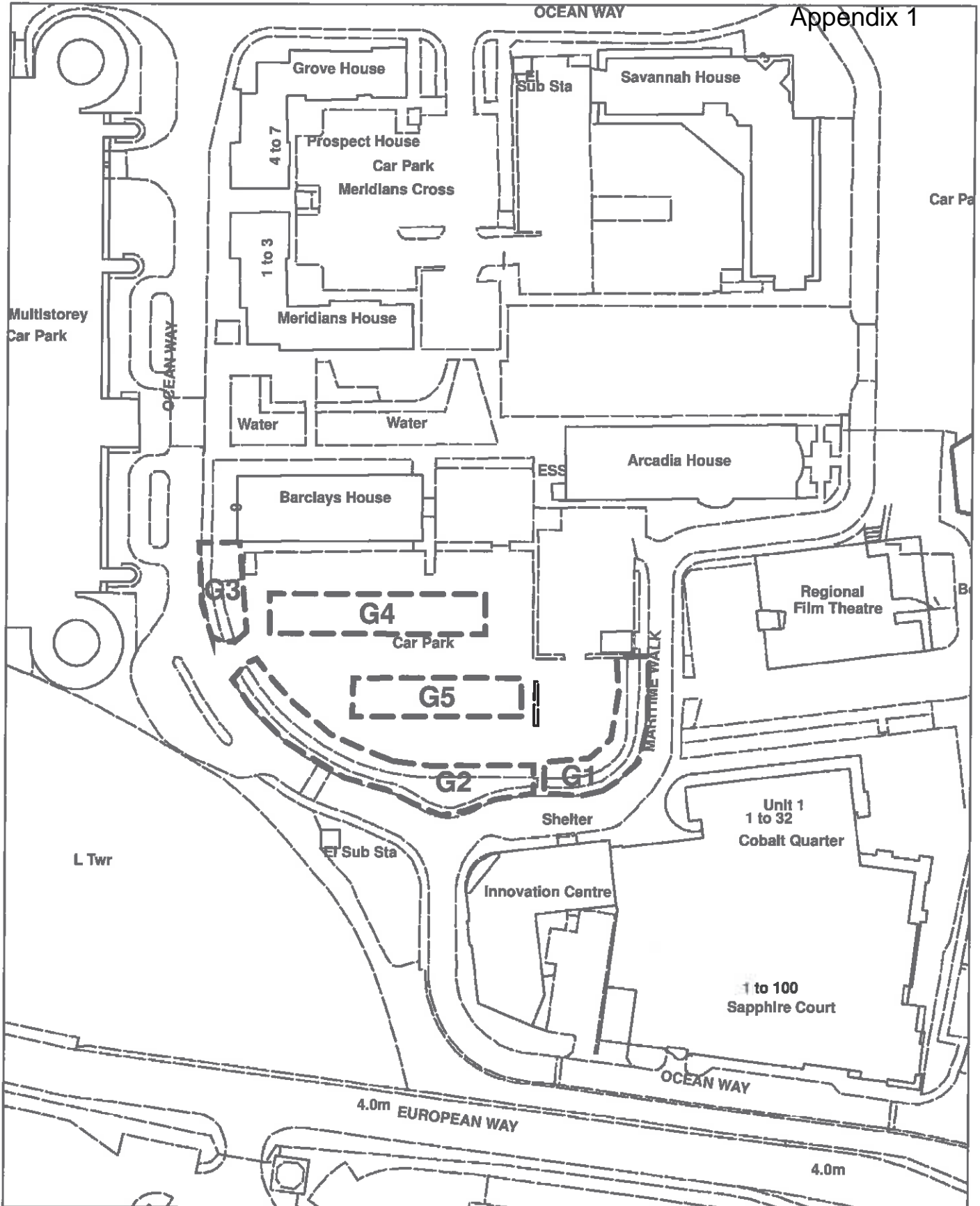
14	None
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POLICY FRAMEWORK IMPLICATIONS

15	None
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KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A
<u>SUPPORTING DOCUMENTATION</u>	

Appendices	
1.	Copy of the tree preservation order plan and 1 st schedule.
2.	Copy of the tree evaluation method for protection orders – TEMPO
3.	Images of the site provided by Google Street View
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None



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- Key**
- Individual Trees
 - Group
 - Woodland
 - Area
 - Not TPO'd

The Southampton (Ocean Village - Barclays House Car Park) Tree Preservation Order 2018	
TPO Ref: T2-696	Department: Trees team
Drawn: GCB	Scale: Not to Scale



Mitch Sanders
 Service Director
 Transactions and Universal Services
 Southampton City Council
 Southampton SO14 7LY

SCHEDULE 1

The Southampton (Ocean Village - Barclays House Car Park) Tree Preservation Order 2018

Individual Trees (Encircled black on the map)

No on Map	Description	Situation
	NONE	

Groups of trees (within a broken black line on the map)

No on Map	Description	Situation
G1	London Plane	Along the eastern boundary going around to the southern boundary.
G2	London Plane	Along the southern boundary going around to the south western boundary.
G3	London Plane	To south west of Barclay's House on western boundary.
G4	Alder	7 Italian Alder running east to west to south of Barclay's House.
G5	Alder	6 Italian Alder running east to west to the north of southern car park boundary.

Woodlands (within a continuous black line on the map)

No on Map	Description	Situation
	NONE	

Trees Specified by Reference to an Area (within a dotted black line on the map)

No on Map	Description	Situation
	NONE	

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

Date: June 2018	Surveyor: Gary Claydon-Bone
Tree details TPO Ref: ***** Tree/Group No: ***** Species: Alder & Plane Location: Barclays House Car Park – Ocean Village	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes <h2 style="margin: 0;">3 – Conservative score</h2>
--

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes <h2 style="margin: 0;">4 – Conservative score</h2>
--

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes <h2 style="margin: 0;">4</h2>

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | |
|--|
| 5) Principal components of arboricultural features, or veteran trees |
| 4) Tree groups, or members of groups important for their cohesion |
| 3) Trees with identifiable historic, commemorative or habit importance |
| 2) Trees of particularly good form, especially if rare or unusual |
| 1) Trees with none of the above additional redeeming features |

Score & Notes <h2 style="margin: 0;">1</h2>

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | |
|-------------------------------|
| 5) Immediate threat to tree |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only. |

Score & Notes <h2 style="margin: 0;">1</h2>

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total: <h2 style="margin: 0;">13</h2>
--

Decision:

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View looking West from Maritime Walk with Italian Alder groups in centre of image.



View looking East from Ocean Way with Italian Alders internal to the site and the London Planes along the boundary.



3d Image of site showing the two groups of Italian Alders internal to the site with the boundary feature of London Planes



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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 11th December 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	AG	REF	15	18/00968/FUL (Retail) Former East Point Centre
7	AG	REF	15	18/01373/FUL (Residential) Former East Point Centre
8	MP	DEL	5	18/01266/OUT r/o 90 Portsmouth Rd

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

Case Officers:

AG – Andy Gregory

MP – Mat Pidgeon

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 3 2011-2031
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

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

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

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (July 2018)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

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

Agenda Item 6

Planning and Rights of Way Panel 11th December 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

Application address: Former East Point Centre, Bursledon Road (south-west land parcel)			
Proposed development: The erection of a food store (Class A1) and a coffee drive thru (Class A1/A3) with associated access, car parking and landscaping.			
Application number	18/00968/FUL	Application type	Major Retail
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	12.12.18 (ETA)	Ward	Bitterne
Reason for Panel Referral:	Six letters of support have been received contrary to the officer recommendation	Ward Councillors	Cllr John Jordan Cllr Frances Murphy Cllr Terry Streets

Applicant: ALDI Stores Limited	Agent: Planning Potential
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Recommendation Summary	Refusal
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Refuse for the following reasons:

01. REFUSAL REASON - Site Access

The proposal has failed to demonstrate adequate capacity for safe right turn movements out of the site without leading to severe obstruction to traffic flow on Bursledon Road, a main arterial route which has been identified by Highways England as requiring major improvements to improve traffic flow. Therefore the proposal would have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe. Furthermore the proposed layout fails to provide direct pedestrian access from the north, because the site is being developed in isolation, with access for cars given priority over pedestrians. The development proposal is thereby contrary to policies SDP1(i), SDP3, SDP4 and TI2 of the City of Southampton Local Plan Review (2015) and CS18 of the Local Development Framework Core Strategy (2015) and paragraph 109 of the National Planning Policy Framework (2018).

02. REFUSAL REASON - Poor Layout

This application and the adjoining residential proposal (Ref 18/01373/FUL) have not been developed comprehensively or master planned and as a consequence, the failure to provide access from the southern land parcel onto Burgoyne Road without agreement from third party land would prejudice the future development of this site in the event the northern parcel is developed. Furthermore, the proposed layout provides a poor relationship between commercial and residential uses, with the servicing area for the Aldi food store located on the boundary with a potential housing site thereby prejudicing its full delivery. The development proposal is thereby contrary to policies SDP1, SDP7, SDP9 of the City of Southampton Local Plan (2015) and CS4, CS6 and CS13 of the Local Development Framework Core Strategy (2015)

03. REFUSAL REASON – Loss of safeguarded open space

This application results in the net loss of safeguarded open space and fails to mitigate against this loss because replacement open space has not been secured on this site or elsewhere, and S106 contributions have not been secured towards off-site open space improvements to meet the needs of the community and to prevent habitat disturbance. The development is thereby contrary to policies SDP1(i) (ii), CLT3 of the Local Plan Review (2015) and CS21 of the Local Development Framework Core Strategy (2015) which seeks to ensure no net loss of public open space.

04. REFUSAL REASON – Insufficient Landscaping

Insufficient tree replacements and landscaping is provided to mitigate against the loss of existing landscaping, trees and biodiversity habitat and to improve the pedestrian environment. Additional landscaping and trees could be provided had the parking layout not exceeded the Council's maximum car parking standards. The proposed site coverage with buildings and hard surfacing and lack of soft landscaping is symptomatic of a site overdevelopment and out of keeping with the character and appearance of the area. Furthermore the development fails to provide net biodiversity gains. Amended landscaping plan 1294-01 Rev C is not considered to adequately address these issues. The development proposal is thereby contrary to saved policies SDP1 (i) (ii), SDP7(i), SDP12 of the City of Southampton Local Plan Review (2015) and policies CS13 and CS22 of the Local Development Framework Core Strategy (2015)

05. REFUSAL REASON - Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

(i) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);

- (ii) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (iii) In the absence of a mechanism to secure off-site open space improvements the proposal fails to mitigate against the net loss of open space contrary to CLT3 of the Local Plan Review (2015) and CS21 of the Local Development Framework Core Strategy (2015)
- (iv) Submission of a tree replacement plan to secure 2:1 tree replacement and to secure a tree Replacement Off Site Contribution should any off-site replacements be required.
- (v) Servicing Management Plan;
- (vi) Submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and
- (vii) Employment and Skills Plan.

Background

There are two applications for the former Eastpoint Centre on this Panel agenda – both are recommended for refusal in the knowledge that a single comprehensive scheme, submitted as a single planning application, could address officer concerns. Outline planning permission was granted in 2017 for residential redevelopment on the Former Eastpoint Centre site comprising 114 flats and 36 family housing. The outline scheme was accessed from Burgoyne Road and the approved layout included a net increase in public open space across the site, including existing tree retention to the northern boundary. Two separate planning applications are now proposed with residential redevelopment comprising 128 dwellings in the northern part of the site and an Aldi food store and Coffee drive-thru within the southern part of the site.

These separate planning applications represent a significant uplift in development across the site which has consequences for highway safety and traffic flow on Bursledon Road and a reduction in the amount of open space, soft landscaping and tree provision across the site. The applicants were advised at pre-app stage to submit a single application for this development. The Local Planning Authority has also encouraged the applicants to withdraw the current schemes, and has offered to work with them to achieve a comprehensive solution for the whole site which provides a suitable balance of housing and employment delivery, open space provision and tree and soft landscaping retention/mitigation. The land (ie. both sites) is in single ownership and a comprehensive scheme could deliver a similar quantum of development without the problems raised in this report. However the applicants have chosen not to withdraw the current schemes and seek a formal determination by the Planning and Rights of Way Panel.

1 The site and its context

- 1.1 The Former Eastpoint Centre site is located between Burgoyne Road and Bursledon Road and comprises the, now vacant, two-storey offices/training facility and grassed open space area to the south (former school playing fields). The site was historically occupied by Hightown Secondary School which closed in the 1980's. The vehicle access to the site is from Burgoyne Road, to the north, with the access-way within the site itself not being adopted public highway. Immediately to the south of the site is Highpoint Centre, a community and conference centre with first floor offices. Beyond the north-east boundary of the site are two-storey residential properties and south of this, an area of woodland.
- 1.2 The existing buildings on site are two and three storeys in scale, flat-roof and institutional in design appearance. There is a slight change in levels across the site, with the land generally sloping downwards towards Bursledon Road. There is an attractive hedgerow to the southern boundary of the site with Bursledon Road and also along the northern boundary with Burgoyne Road. The surrounding area is mixed in character containing short terraces or semi-detached pairs of dwellings with a suburban character, interspersed by residential tower blocks.
- 1.3 The site has been split into two land parcels and this application relates to the south-western parcel which fronts Bursledon Road. The site has an area of 0.8 hectares and comprises access into the Highpoint Centre and grassed open space and landscaping which is safeguarded as open space. The north-eastern parcel has an area of 1.39 hectares and is subject to a separate planning application for residential redevelopment (Ref 18/01373/FUL).

2. Proposal

- 2.1 The proposal seeks permission for redevelopment of the site with an Aldi foodstore and Starbucks drive-thru coffee shop with associated access, car parking and landscaping.
- 2.2 The site would be accessed via the existing access into Highpoint Centre which is currently one way. The proposal seeks to widen the access to provide access and egress onto Bursledon Road. The existing one way system for the Highpoint Centre exits onto Burgoyne Road and traffic re-joins Bursledon Road at the signal controlled junction with Warburton Road.
- 2.3 The site frontage would be occupied by car parking with a total of 133 car parking spaces (including 6 disabled bays) provided across the site. The proposed food store (1724sqm gross floor area) has a mono-pitch roof design with the main access north-east facing. The servicing area / delivery dock for the food store is located adjacent to the boundary with the residential proposal to the north and a 3m height acoustic barrier is proposed in this area. The proposed Starbucks drive thru coffee outlet is single storey with contemporary mono-pitch roof design (167sqm gross floor area).
- 2.4 The scheme seek to remove 76 existing trees with 23 replacement trees incorporated within the landscaping proposals across the site.

3 Relevant Planning Policy

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

3.2 The updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

Open Space

3.3 The proposal relates to the grassed southern part of the site Former East Point Centre, which is safeguarded as open space. Policy CS21 of the Core Strategy requires the retention of the quantity and the improvement of the quality and accessibility of open space within the city. This Policy was strengthened by the examining Core Strategy Inspector and established an approach of 'no net loss' of open space within the city. The evidence base to the Core Strategy demonstrated a shortfall in provision of open space across the city. The Green Spaces Strategy has recently been reviewed and this situation has not improved. Furthermore, the nature of Southampton as a solely urban authority means there is little opportunity to create new open spaces to meet this need.

3.4 Paragraph 97 of the National Planning Policy Framework indicates that existing open space, sports and recreational land should not be built on unless the space is demonstrably surplus to requirements; or the lost open space would be replaced elsewhere; or the development is for alternative sports and recreational provision. Open space is defined as all open space of public value.

Retail Impact

3.5 The locally set threshold for retail impact assessment is a retail floor area greater than 750sqm gross as set out within policy CS3 of the Core Strategy (amended 2015). The proposal seeks retail use which is greater than 750sqm on this 'out of centre site and therefore this planning application is supported by a Retail Impact Assessment and Sequential Test in accordance with the requirements of Section 07 of the National Planning Policy Framework (2018).

Vehicular Access

3.6 The A3024 Bursledon Road is a classified road and connects Southampton City Centre and Port with the M27 Junction 8 (in Hampshire). It is a key cross boundary multi-modal corridor that serves the wider Southampton Travel to Work area covering the residential areas of Southampton of Bitterne, Sholing and Thornhill and the housing and economic activities in Hedge End, Botley and Hamble.

3.7 Highways England are proposing a package of highway junction improvements aimed at boosting productivity and supporting delivery of housing and jobs by easing congestion and improving journey time for all modes along the A3024 Bursledon Road in Southampton.

3.8 Saved Policy TI2 of the Local Plan Review indicates that vehicular access to new development or redevelopment sites from classified roads will not be permitted unless the city council is satisfied that road safety would not be adversely affected. Paragraph 10.11 of the supporting text to policy TI2 indicates:

“To aid safety and avoid congestion by preventing the interruption of free flow of traffic through the proliferation of accesses on to the principal routes within the city, the Council will not usually allow access onto classified roads from new development or redevelopment proposals.....”

3.9

Policy CS6 promotes economic growth and the retail sector supports job growth as set out within the south Hampshire Strategy by PUSH.

4. Relevant Planning History

4.1

Outline planning permission was granted in 2017 across both land parcels for residential redevelopment comprising up to 114 flats and 36 family houses, public open space, associated parking and vehicle access from Burgoyne Road (Outline application seeking approval for access at this stage) (our reference 16/01888/OUT). This proposal achieved a net gain of open space across the site with an increase from circa 5,500 sq.m to circa to 6269 sq.m. The proposed site access was from Burgoyne Road with emergency vehicle access only from Bursledon Road. Affordable housing was secured as part of the S106 Agreement in accordance with the requirements of policy CS15 (35% of the final units adjusted to reflect any vacant building credit).

4.2

The site has now been split into two with two applications lodged by two different applicants. A separate planning application is currently pending on the adjoining north-eastern land parcel for 128 residential dwellings comprising a mixture of 21 houses (20 x 3 and 1 x 4 bed) and 107 flats (29 x 1 and 78 x 2 bed) (our reference 18/01373/FUL). This scheme proposes access from Bursledon Road and incorporates circa 2100sqm of functional/recreational open space with represents 60% of the existing safeguarded open space.

4.3

The Highpoint Centre was originally approved in 2010 (our reference 09/00318/FUL). Further detailed aspects of this scheme were approved in 2011 (reference 10/01636/FUL). Whilst this application resulted in a loss of designated open space, the area lost was re-provided off-site and the re-provision secure by a section 106 legal agreement. This scheme was approved with a one way access from Bursledon Road with traffic exiting the site via Burgoyne Road. Planning permission was subsequently granted to use the first floor as offices (our reference 15/00219/FUL).

4.4

In 2009 it was proposed for the existing Eastpoint Centre and its curtilage to be developed to provide a new campus for Itchen College. A resolution to grant planning permission was secured from the Planning and Rights of Way Panel, although the application was withdrawn before the section 106 was finalised. The layout for this scheme incorporated a one way access from Bursledon Road with traffic exiting the site via Burgoyne Road.

5 Consultation Responses and Notification Representations

5.1

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (06.07.2018) and erecting site notices (06.07.2018 and 20.07.2018). At the time of writing the report **11 representations** have been received (6 in support and 5 against). The following is a summary of the points raised:

5.2 **In Favour**

The proposed retail offer and job creation is welcomed. Additional retail has been needed within Thornhill Estate for some time and the elderly and young families at this end of the estate will be able to walk there; Redevelopment of this derelict site is welcomed; and In favour of this application as it will bring more food shopping choice to the area.

- 5.2.1 **Officer Response**– *The Local Planning Authority is satisfied with the submitted sequential test and retail impact assessment. However the merits of increased retail offer and job creation whilst welcomed, do not outweigh the concerns regarding Impact on traffic flow and highway safety from vehicles existing right onto Bursledon Road, failure to secure replacement open space and off-site open space enhancement to mitigate against the net loss of open space and insufficient replacement landscaping. The Local Planning Authority have asked the applicants to withdraw this application and have offered to work with them to achieve a revised scheme which achieves a better balance in terms of jobs/retail offer, open space provision, replacement landscaping and achieves an access design that addresses concerns regarding the proposed right turn exit onto Bursledon Road.*
It is considered that a comprehensive solution to both sites is possible and will result in a better development.

Against

- 5.3 The existing traffic lights will have to be revised because of the volume of traffic. Increased traffic will have an adverse impact on traffic flow and will lead to congestion both within the estate roads and Bursledon Road;

Officer Response – *The Council's highway engineers have confirmed that changes to the phasing of the Bursledon Road/Coats Road traffic lights will not achieve an acceptable right turn exit solution and would impact on traffic flow and highway safety.*

- 5.3.1 Existing access into the Highpoint Centre will become two-way and the intensification of vehicular traffic may prejudice pedestrian safety.

Officer Response – *The Council's Highways Engineer has raised no objection in relation to pedestrian safety. Footway is to be provided and traffic calming measures can be installed to provide safe crossing points within the site. The schemes pedestrian linkages are, however, poor from a design perspective*

- 5.3.2 The proposed Starbucks drive thru coffee shop will have an adverse impact on the viability of the existing community coffee shop (registered charity) within the Highpoint Centre. There are also 5 coffee retailers at Antelope Park, Gala Bingo, Costa, Greggs, The Range and KFC all of which sell coffee to local residents, so within half a mile of the proposed drive thru coffee shop there are 7 outlets for purchasing coffee, I would ask the planning committee to consider just how many coffee outlets one area of a housing estate needs to meet demand? It is my opinion that there is an over saturation of coffee shops in the local community.

Officer Response – *The coffee drive-thru has a gross internal area of 167sqm (less than 750sqm) and therefore is not subject to retail impact policy within the Core Strategy and NPPF. The planning system cannot intervene to stop market competition and therefore increased competition is not a material consideration.*

The applicants have indicated that Starbucks will provide a slightly different offer and may appeal to a different customer base.

- 5.3.3 If there is not enough car parking spaces any overspill would have an adverse impact on the Highpoint Car park and nearby streets

Officer Response – The proposal provides in excess of the Council’s maximum parking standards (16 additional).

- 5.3.4 The traffic survey submitted states traffic was monitored from 10am and through until 4pm Mon-Fri, the planned opening time of the supermarket is 8am -10pm Mon-Sat and 10am -5pm on Sunday. There is no traffic impact assessment submitted during the rush hour/s times for Bursledon Road travelling both ways, if the store is open at 8am are the owners suggesting no one including staff will travel to the store before until 10m or leave after 4pm? six days a week. How will staff get to work.

Officer Response – It is agreed that the survey does not cover the morning peak (before 10am). A staff travel plan has been provided to encourage employees to access the site by sustainable modes of travel.

- 5.3.5 The traffic survey submitted makes no mention of the traffic flow to and from the Starbucks drive thru coffee? The term Drive Thru means customers will drive thru, so one would imagine there would be an impact on traffic, which of course there will be but this seems to have been ignored altogether.

Officer Response – The Council’s Highway Engineer has indicated that the impact of trips arising from the proposed drive-thru coffee shop is not properly understood due to the lack of comparable trip data.

- 5.3.6 Concerns regarding delivery lorries attending the Aldi site in relation to the building and the community and how close the traffic will be to the Highpoint Venue and the increased traffic noise and disruption across the board.

Officer Response – The submitted Transport Assessment indicates that the site will be served by up to 2 HGV deliveries per day and 1 milk delivery per day by a sized goods vehicle. The impact of servicing and all vehicle movements will not lead to harmful noise disturbance on existing residents having regard to existing background noise levels from road traffic.

The Council’s Environmental Health Team have raised no objection. However it is accepted that the proposed access arrangements will lead to disruption as set out within the proposed reason for refusal.

- 5.3.7 How will Aldi guarantee that their shoppers will NOT use the Highpoint Venue car park and ensuring our clients who support the community will have free flow access to our site? Would Aldi consider discussions and the implementation of a controlled barrier system to safeguard our clients/workers ensuring their right to park?

Officer Response – The scheme exceeds the Council’s maximum car parking standards however a barrier could be installed to prevent unauthorised overspill parking.

- 5.3.8 With the overall development of the site for Aldi and then the expected building development of 128 homes behind the store is considered to be a site overdevelopment.

Officer Response – The proposed insufficient landscaping mitigation is considered symptomatic of a site overdevelopment and a comprehensive developments would address the LPA’s concerns.

- 5.3.9 The sequential test is flawed because the designation of the site as allocated open space has been ignored as a constraint against development
The retail assessment provided by the applicants would appear to show that retail centres within reasonable journey distance of the application site (some 12 in total), to be generally viable and not lacking in food or other convenience facilities.

Officer Response – See Planning Considerations Section below.

- 5.3.10 The family housing on the adjacent side of Bursledon Road would be subject to unreasonable noise nuisance and vehicle pollution as well as light pollution from vehicle headlights.

Officer Response – No objection has been raised by the Council’s Environmental Health Team. The proposal is not considered to lead to a harmful increase in disturbance and pollution having regard to existing road traffic and street lighting impacts, although it is recognised that vehicles will shine headlights across the street whilst waiting to leave the site onto Bursledon Road.

Consultation Responses

5.4 SCC Highways – Objection

- 5.4.1 Insufficient evidence has been provided to provided enough comfort that the proposed all movement junction will function well and to not have a harmful impact on the public highway, especially one of such importance

5.4.2 Trip Assessment

There is still question marks on the actual impact from the coffee shop due to a lack of directly comparable Trip data which has been confirmed by the TN3 that no data is available at this time. The 70% linked trip figure is based on end-user’s experience with other sites but no formal evidence have been provided. The 70% figure is still considered to be high especially during peak hours (as commuter trips would unlikely visit ALDI on the way to work and would unlikely visit the coffee shop on the way home before/after a shop).

- 5.4.3 The Transport Submission acknowledges the fact that the proposed junction capacity assessment (Picady) does not allow for the signal junction on Coates Road and that it would be difficult to model this due to driver behaviour having an influence on capacity results. This is the same reason that the Highways team is concerned as the signal has a direct impact to how this proposed new ‘all movement’ junction will function. Again, the Picady assumes traffic is free flowing which does not reflect accurately of how the junction will function. Due to the constant flow of traffic during the peak hours, it could be difficult for vehicles to turn in or out of this site with the odd gaps here and there. There is a clear gap in the flow when the signals turn red at Coates Road, however the time between traffic stopping and vehicles from Coates Road turning right onto Bursledon Road is not going to be for very long.

5.4.4 Furthermore, when the signals turn red, it would be likely that there will be a couple of cars stopped at the stop line leaving no room for any vehicles to turn right out of the site access. This could lead to unfavourable driver behaviours like edging out and blocking the East-bound lane or accelerating hard into or out of the site access during gaps in traffic flow.

5.4.5 Keep clear signs can only help when traffic is near a standstill on both lanes and does not really address the concerns previously raised (trying to time the left turn out's with the traffic signal). If the junction does not perform well, it is difficult to predict the exact impact on the highway.

5.4.6 Parking

The submission proposes 16 spaces over the Council's maximum parking standards (133 spaces proposed) presumably as a flexible margin. Having said that, not all customers will be there for a whole hour and therefore the projected figures could be lower also. Overall, the Council's policy was written for a reason and allows for additional parking to areas which are not within a high accessible area. However, it is acknowledged that a quick study has been done to project demand and if there could be potential overspill issues. Should there be any potential overspill, it would unlikely be on Bursledon Road and therefore would mainly be an amenity issue for local residents or High Point Centre. For these reasons, the recommendation from highways will be for the quantum to comply with the policy as it is not far off the projected demand (around 10 spaces) but would be understandable should a planning judgement be made on the balance of the study that was done.

5.4.7 HE/SCC A032 Scheme

Land to the front of the site will need to be dedicated to accommodate road improvements on Bursledon Road, including footway widening to provide a shared cycleway/footway (approximately 1.4m width). The future plan is to add in a new bus priority lane which will likely require an additional 3.75m on top of the 1.4m.

Urban Design Manager – Objection

5.5 The proposal does not create a positive link to the adjacent site, particularly with the drive through coffee pavilion. We said at the preap meeting with them and to the applicants of the other half of the site that we expect a strong and obvious pedestrian/cycle link between Bursledon and Burgoyne Roads and this does not demonstrate that with pedestrians having to cross three separate access points and also cross back over the road to access the connection through to the northern site. This is unacceptable, as is the lack of any tree planting along this route. I would also expect to see an ultimately much larger native tree species used for the planting along Bursledon Road rather than Acer campstre 'Streetwise'. This boundary frontage is important as it is the lead in to the substantial block of native woodland adjacent to the site and the landscape proposal should recognise this transition from the natural to a more formalised landscaped frontage

5.5.1 With regard to the design of the foodstore, the asymmetrical roof pitch is at odds with the design of the Highpoint centre and I would suggest that a parapet is needed to the Bursledon Road frontage to disguise the asymmetrical roof pitch. It would also be beneficial if white cladding panels were used for the

store to have a sympathetic relationship to the adjacent Highpoint centre. The same is applicable for the coffee shop, should it remain. Currently without the benefit of an agreed layout to the other half of the site it is impossible to determine whether the orientation of the store is acceptable.

- 5.5.2 Overall I think the drive through coffee shop needs to be deleted so that there is only one access point into the store thereby allowing a safer and more direct tree-lined pedestrian/cycle path connecting through and agreed with the site to the north.
- 5.5.3 Based on the current orientation of the store a strong boundary landscape strip will be needed along the northern boundary to screen the store and its car park, as we don't know what is likely to be proposed on the other site and the prospect of just a boundary wall is unacceptable

Tree Officer – Objection

- 5.6 The density of planting falls far short as the development proposes a total of 76 trees to be removed, with only 23 being replaced. There needs to be a significant increase in planting numbers with other large canopy trees forming the frontage with Bursledon Road. In its current form, I am not in support of the proposal due to the location of the store, the number of trees to be removed and the lack of replacement trees.
- 5.6.1 *Officer Response – It is accepted that some tree loss can be supported to allow the site to be redeveloped providing appropriate open space re-provision and landscape mitigation can be achieved. However inadequate replacement landscaping is proposed with only 23 trees to be re-provided. The development is providing 16 spaces above the Council's maximum car parking spaces and therefore a greater amount of landscaping and tree planting could be provided in the interests of the character and appearance of the area*

Ecology Officer – Objection

- 5.7 The application is supported by an ecological appraisal undertaken in May 2018 however, it relies upon a survey of bat foraging activity undertaken in 2016 (Phlorum Ltd, November 2016). This is acceptable as this survey was carried out in August 2016, and is less than two years old. Unfortunately, the level of bat activity reported in the new ecological appraisal does not appear to tally with that recorded in the 2016 survey. The 2016 report states that there is a moderate level of bat foraging activity on the site however, the new appraisal only reports it as low. No new data is provided to justify this change in assessment. I am therefore of the view that the original assessment of moderate levels of foraging should be maintained
- 5.7.1 The 2016 survey confirmed that bats were observed foraging over the grassland and woodland edge. The proposed development will result in the loss of all of the habitat on the site which is likely to have adverse impacts on bat foraging area. The proposed replacement habitat is minimal in extent.
- 5.7.2 The earlier ecology report also noted that lighting can adversely affect bats and that external illumination should be kept to a minimum. Whilst the building will shield some of the light emitted by the floodlights in the proposed car park, the

presence of pedestrian access points immediately adjacent to the woodland means that lights will be required in very close proximity to the trees canopies. This has the potential to further reduce the extent of bat foraging habitat

- 5.7.3 The vehicle access to the site will also result in the loss of landscape planting installed as part of the Highpoint development which formed part of the biodiversity mitigation scheme. There does not appear to be any replacement planting to offset this loss.

5.8 **Public open space**

The application site is allocated as public open space and there is currently a deficit of public open space within the city. The proposal makes no provision for replacement of any of the open space. Such re-provision was a key part of the approved residential scheme.

Officer Response – The lighting design can be addressed by condition. However a greater amount of landscaping is required to provide improved foraging habitat and to replace the existing biodiversity mitigation scheme. See above officer response to the SCAPPS objection in relation to loss of open space

- 5.9 **Sport England** – No objection as the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement. Having assessed the application for the redevelopment of the site to create 128 residential dwellings, Sport England is satisfied that the proposed development has negligible impact on the playing field and affects only land incapable of forming a playing pitch or part of a playing pitch, and therefore meets exception 3 of our playing fields policy.
- 5.10 **Environmental Health** – No objection subject to conditions to secure construction management, servicing and trading hours, lighting design and plant noise levels (as detailed in 9.3 of the Sharps Redmore Noise Report dated 24th May 2018).
- 5.11 **Archaeology** – No objection subject to conditions to secure an archaeological watching brief
- 5.12 **SCC Land Contamination** - No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures
- 5.13 **SCC Flood – No objection** subject to a condition to secure sustainable drainage
- 5.14 **SCC Sustainability Team** – No objection subject to conditions to secure at minimum Excellent against the BREEAM Standard
- 5.15 **Southern Water:** No objection subject to a conditions to secure details of the measures which will be undertaken to protect the public sewers and water mains and details of the proposed means of foul and surface water sewerage disposal

Southampton Commons & Parks Protection Society (SCAPPS) - Objection

5.16 There is a long, complex planning history on the site of the former school/Eastpoint Centre. This application is for development of only part of that site. In the absence of a comprehensive scheme, relating the development proposed in this application to what is to happen on the remainder of the site, permission should be refused.

1. Because the application fails to make provision for public open space on-site or to provide replacement public open space elsewhere. This is part of the site of a former school & its playing fields, & so subject to Core Strategy policy CS21 intended to maintain the quantity of green space in the City. There is an extant outline planning permission for housing & public open space. At pre-app consultation the applicant was advised that permission would not be granted without binding commitment to provision of public open space on part of the overall site. The applicant has failed to provide that undertaking & permission must be refused. The LPA should reject the preposterous claim (Planning Statement 7.12-7.16) that there is no obligation for the applicant to identify & provide public open space because a permission would be CIL liable & the LPA is able to spend CIL receipts on provision of & improvements to public open space. To accept that proposition would make CS21 otiose. SCAPPS requests that reasons for refusal explicitly reject the applicant's false claim & affirm the principle set out in policy CS21 that applications taking land from designated public open space must identify replacement public open space.
2. Because the application proposes over-development of the site resulting in damage to an important landscape feature. This is a sensitive site on a principle main road into & out of the City. To the east of the site, the substantial tree belt is a major visual feature marking the edge of the built area. Development of the application site should protect that through view to the trees. Instead, the application takes development & hard surfacing almost to the Bursledon Road frontage & interposes parked cars & a large shed-like building in views through to the tree belt. The application fails to provide what the Design & Access Statement (para 3.5) recognises is important --- 'to maintain the character of the existing site boundaries & to keep the green aspect along Bursledon Road'. Instead of substantial planting on the Bursledon Road frontage, the application proposes a grass verge & small trees. It proposes to take built development hard up against the east boundary with a close-boarded fence on the boundary itself.
3. Although not a matter on which SCAPPS would expect to comment, the proposed arrangements for vehicle access & egress are likely to result in congestion & traffic chaos. The Transport Impact Assessment makes no reference to the recent Highways England consultation on improvements to the M27 junction/A3024. It fails to acknowledge current problems of congestion & queuing on the A3024. SCAPPS finds inconceivable the conclusion that an unsignalled junction with right-turn in & right-turn out moves will not result in traffic chaos & be dangerous.

5.16.1 *Officer Response - The principle of some net loss of some open space could be supported in the interests of housing and employment delivery having regard to the period of time the open space has not been used formally by the public since Hightown Secondary School was closed in the 1980's and given that Sport England have raised no objection. The residential proposal on the adjacent site would provide replacement of circa 60% of recreational open*

space and additional financial contributions towards off-site open space enhancements could be secured thorough the legal agreement. However replacement open space and off-site enhancements cannot be secured because both planning applications are recommended for refusal and therefore the Aldi scheme is contrary to policy CS21 of the Core Strategy and paragraph 97 of the NPPF. The concerns regarding right turn vehicular movements onto Bursdeon Road are shared and a reason for refusal is recommend on this basis

City of Southampton Society: Objection

- 5.17 Site too small for the purpose.
Direct access/egress turning right on to main road A3024 unacceptable. Major work projected on this road, busy main road to and from the east.
Heavy vehicles would have difficulty on the site.
Vehicle movements generally would conflict, especially with pedestrians.
The coffee shop would kill off the coffee shop in the community centre.
There is a lot of greenery on site, which would be lost.
The site would be satisfactory for housing, with amenity space, and a link to Burgoyne road for safe access.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration during the determination of this planning application are:
- the principle of the development (open space and retail impacts);
 - highways impact; and
 - Landscaping design.
 - Relationship between proposed retail use and adjacent residential redevelopment proposal.

Principle of Development

- 6.2 Open space
The proposal relates to the grassed southern part of the site Former East Point Centre, which is safeguarded as open space. Policy CS21 of the Core Strategy requires the retention of the quantity and the improvement of the quality and accessibility of open space within the city. Furthermore paragraph 97 of the National Planning Policy Framework ‘the Framework’ indicates that existing open space, sports and recreational land should not be built on unless the space is demonstrably surplus to requirements; or the lost open space would be replaced elsewhere; or the development is for alternative sports and recreational provision. Open space is defined as all open space of public value.
- 6.2.1 The Council’s Ecologist and Open Spaces Manager have expressed concern over the shortage of recreational open space across the city with 2.54 hectares per 1000 of the population available in 2016, which is short of the national standard of 3.45 hectares and down from the 2006 provision of 2.98 hectares. However the Council’s Open Spaces Manager has not formally commented on this planning application. A net loss of open space is, however, proposed and significant weight has been afforded to policy CS21.
- 6.2.2 This area of safeguarded public open space has not been formally accessible for public use for over 5 years and therefore Sport England have raised no objection to loss of this former school playing field (Hightown Secondary

School was closed in the 1980's). The 2016 outline planning permission for residential redevelopment (our reference 16/01888/OUT) achieved a net gain of open space across the site with an increase from circa 5,500 sqm to circa 6269 sqm. The proposed residential redevelopment on the adjacent land parcel (18/01373/FUL) offers 2100sqm of functional/recreational open space which would represent circa 60% of the existing open space provision and offers circa 80% re-provision if the proposed areas of landscaping across both site are considered.

- 6.2.3 In light of the above circumstances it is considered that some net loss of open space could be supported when weighed in the balance with the housing and employment benefits of both schemes. However replacement open space and contributions towards open space improvements off-site cannot be secured because both planning applications are recommended for refusal and neither party have provided a phasing plan showing how the delivery of replacement open space could be linked to the delivery of the food store. Therefore this proposal represent a net loss of open space and would be contrary to policy CS21 of the Core Strategy and paragraph 97 of the NPPF.
- 6.2.4 Retail Impact
All new retail development of a particular size, located out of a defined centre requires a retail impact assessment and sequential test before the principle can be supported (policy CS3 refers).
- 6.2.5 The approach taken by the applicant in identifying district and local centres in the eastern part of the city along with edge and out-of-centre foodstores is considered to be both reasonable and proportionate. It's noted that Hedge End District Centre has also been looked at in terms of the sequential approach taken for site selection and retail impact.
- 6.2.6 The key headlines in terms of retail impact are included in pages 41-42 and Tables 6-8 of the Planning and Retail Statement. It's observed that the main impact of the proposal would be upon Woolston District Centre. The applicant has provided three scenarios to demonstrate the retail impact of the proposal. These show varying degrees of impact upon turnover depending on how the vacant foodstore at Centenary Quay is factored into this assessment.
- 6.2.7 The worst case scenario in terms of retail impact from approving the proposal, whereby a functioning foodstore at Centenary Quay considered separately from Woolston District Centre, would result in a 21.0% impact upon overall turnover in this District Centre. Discounting this vacant foodstore altogether at Centenary Quay would result in an 8.2% impact upon overall turnover in Woolston District Centre if the application is approved. The best case scenario in terms of retail impact, whereby a functioning foodstore at Centenary Quay is incorporated within the turnover calculations for Woolston District Centre, would result in a 5.3% impact upon overall turnover in this District Centre if the application is approved – therefore the lowest retail impact out of the 3 tested scenarios (see Table 8). Centenary Quay food store is not going to come forward and the space has recently secured planning permission for a leisure use.
- 6.2.8 Taking into account the three scenarios, it's reasonable to conclude from the information provided by the applicant that the overall impact upon turnover in Woolston District Centre, would equate to the calculated 8.2%. This is because the site has not come forward for retail development to date with no evidence of this likely to come forward for its intended use. In addition, it's noted in the Planning and Retail Statement that the reasons for the foodstore remaining

vacant are due its lack of commercial prominence and commercial constraints (as an aside, it's noted that the applicant states an impact of 21.0% wouldn't be significantly adverse although this is questionable).

- 6.2.9 Whilst 8.2% is not considered to be materially significant in terms of impact, it's not considered to be a low impact. However, this is partly offset by the comprehensive approach taken by the applicant to the sequential test which is considered both reasonable and proportionate. Taking these factors into consideration, it's recommended that any approval is conditioned so that the overall floorspace is no more than that proposed, with the convenience floorspace in the foodstore limited to no more than 80% of the proposed overall total. Consideration should also be given to whether developer contributions should be collected for improvements to the district and local centres in the eastern part of the city. Officers conclude that the principle of a foodstore in terms of retail impact and sequential approach is acceptable but this in itself is not enough to secure a favourable recommendation

6.3 Highways Impact

- 6.3.1 The proposal seeks to establish two-way access on Bursledon Road by altering the existing one way access serving the Highpoint Centre to form a T-junction with ghost island right turn lane. The applicants were advised at pre-application stage that such arrangement would unlikely be supported due to existing traffic volume on Bursledon Road and conflict with the adjacent traffic lights at the junction of Bursledon Road/Coates Road. The planning history for this site indicates that previously consented schemes for the relocation of Itchen College, Highpoint site and the 2016 residential redevelopment did not propose two-way access and all exiting traffic had to use Burgoyne Road and the signal controlled junction at Warburton Road/Bursledon Road.
- 6.3.2 Due to the constant flow of traffic during the peak hours, it could be difficult for vehicles to turn out of this site. There is a clear gap in the flow when the signals turn red at Coates Road, however the time between traffic stopping and vehicles from Coates Road turning right onto Bursledon Road is not very long. Furthermore, when the signals turn red, there would only be room for a maximum of 1-2 vehicles to exit right if the existing stop line was moved back. This would cause excessive delay and tailbacks within the site and such delays could lead to unpredictable driver behaviour with additional cars pulling out and blocking the eastbound lane.
- 6.3.3 The introduction of design measures to force all traffic westbound, without allowing traffic to exit via Burgoyne Road, would result in unacceptable turning manoeuvres in nearby streets because there is no roundabout to serve exiting traffic seeking to turn to travel eastbound.
- 6.3.4 The A3024 Bursledon Road is a classified road and connects Southampton City Centre and Port with the M27 Junction 8 (in Hampshire). It is a key cross boundary multi-modal corridor that serves the wider Southampton Travel to Work area covering the residential areas of Southampton of Bitterne, Sholing and Thornhill and the housing and economic activities in Hedge End, Botley and Hamble. Highways England are proposing a package of highway junction improvements aimed at boosting productivity and supporting delivery of housing and jobs by easing congestion and improving journey time for all modes along the A3024 Bursledon Road in Southampton.
- 6.3.5 It has not been demonstrated that the proposed T-Junction can work safely and effectively and would not delay flow on Bursledon Road. As such the proposal could have an unacceptable impact on highway safety and the residual

cumulative impacts on the road network could be severe, contrary to saved Local Plan policy TI2 and paragraph 109 of the NPPF.

6.4 Landscape Impact

The character of the existing site comprises grassed open space and 76 trees. The proposal seeks substantial site coverage with buildings and hard surfacing with limited replacement landscaping and tree planting to mitigate against the loss of existing landscaping. The proposal also seeks to remove new biodiversity habitat on the southern side of the site access, introduced when the Hightown Centre was constructed

- 6.4.1 The landscaping scheme has been improved by providing an improved planting mix of native tree species along the site frontage and the number of replacement trees has been increased from 9 to 21 plants. However further soft landscaping could be achieved given the scheme seeks 16 car parking spaces over the Council's maximum car parking standards. In light of the Urban Design Manager's concerns regarding the pedestrian environment, and ecology officers concerns regarding the loss of bat foraging habitat, it is considered that the planting bed to the southern side of the site access could be widened to provide improved landscaping and further tree planting

6.5 Relationship between proposed retail use and adjacent residential redevelopment proposal

Failure to provide a comprehensive mixed use development across both land parcels or lack of a masterplan to inform separate applications has led to a poor relationship between the proposed retail use and residential redevelopment. The proposed HGV loading dock would be located only 13m from proposed residential accommodation. The provision of landscaping and a 3m height acoustic fence is considered insufficient to mitigate against the disturbance and poor outlook to these neighbouring flats. Whilst the residential scheme is also recommended for refusal it is considered that the current approach (2 applications), with a service yard located adjacent to the boundary, prejudices the delivery of housing on the neighbouring site.

7 Summary

- 7.1 The Local Planning Authority is satisfied with the submitted sequential test and retail impact assessment. However the merits of the scheme in terms of retail impact/need and employment creation do not outweigh the concerns regarding impact on traffic flow and highway safety from vehicles existing right onto Bursledon Road, failure to secure replacement open space and off-site open space enhancement and insufficient replacement landscaping. The Local Planning Authority have asked the applicants to withdraw this application and have offered to work with them to achieve a revised scheme which achieves a better balance in terms of jobs/retail offer, open space provision, replacement landscaping and achieves an access design that addresses concerns regarding the proposed right turn exit onto Bursledon Road. The applicants have requested a determination of their scheme.

8 Conclusion

- 8.1 The positive aspects of the scheme are not considered to outweigh the negative highways, open space and landscape impacts and as such the scheme is recommended for refusal.

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

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

AG for 11/12/2018 PROW Panel

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3 – Town, District and Local Centres
CS6 – Economic Growth
CS13 – Fundamentals of Design
CS14 – Historic Environment
CS15 – Affordable Housing
CS16 – Housing Mix and Type
CS18 – Transport
CS19 – Car and Cycle Parking
CS20 – Tackling and adapting to Climate Change
CS21 – Protecting and Enhancing Open Space
CS22 – Biodiversity and Protected Species
CS25 – Delivery of Infrastructure and Developer Contributions

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

SDP1 – Quality of Development
SDP4 – Development Access
SDP5 – Parking
SDP6 – Urban Design Principles
SDP8 – Urban Form and Public Space
SDP9 – Scale, Massing and Appearance
SDP10 – Safety and Security
SDP11 – Accessibility and Movement
SDP12 – Landscape and Biodiversity
SDP13 – Resource Conservation
SDP14 – Renewable Energy
CLT3 – Protection of Open Space
TI2 – Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

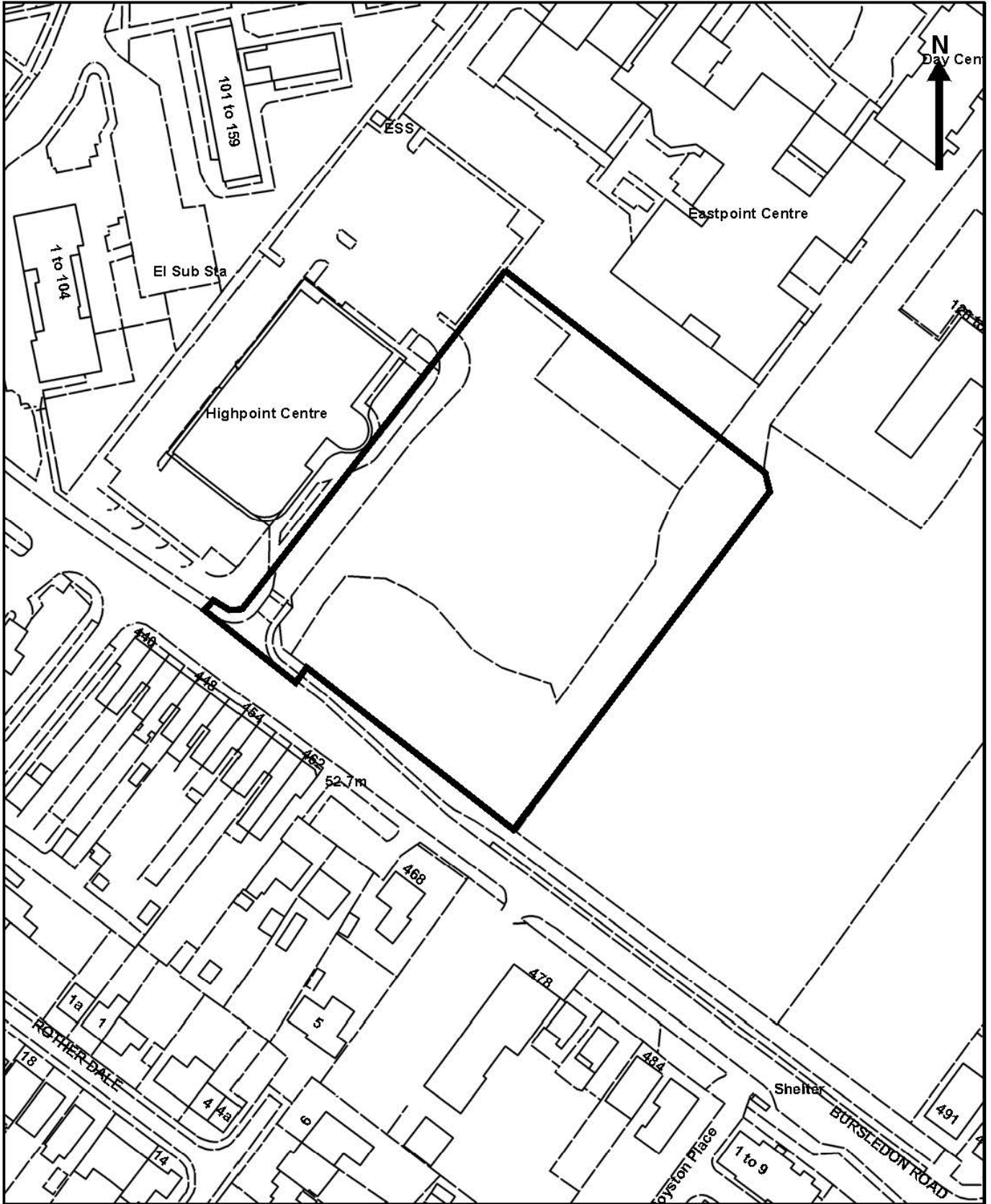
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2018)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

18/00968/FUL



Scale: 1:1,250

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**Planning and Rights of Way Panel 11th December 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.**

Application address: Former East Point Centre, Bursledon Road (north-east land parcel)			
Proposed development: Redevelopment of the site to create 128 residential dwellings comprising a mixture of 21 houses (20 x 3 and 1 x 4 bed) and 107 flats (29 x 1 and 78 x 2 bed) with associated car parking, bin, cycle storage and landscaping.			
Application number	18/01373/FUL	Application type	Major Dwellings
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	12.12.18	Ward	Bitterne
Reason for Panel Referral:	For determination alongside the adjacent retail proposal 18/00968/FUL	Ward Councillors	Cllr John Jordan Cllr Frances Murphy Cllr Terry Streets

Applicant: JT Consultancy Limited	Agent: RDT Architects
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Recommendation Summary	Refusal
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Refuse for the following reasons:

01. REFUSAL REASON - Layout and access arrangement would prejudice the future development of adjoining land

The proposed layout and access arrangement would prejudice the development of adjoining land to the south. The planning application by ALDI Stores Ltd (Ref 18/00968/FUL) failed to demonstrate adequate capacity for safe right turn movements out of the site without leading to severe obstruction to traffic flow on Bursledon Road, a main arterial route which has been identified by Highways England as requiring major improvements to improve traffic flow. As a consequence, the land to the south requires access onto Burgoyne Road. Therefore, unless access can be secured over third party land (Highpoint Centre), the proposed residential layout would prejudice the remainder of the wider site from being developed because there is no opportunity for vehicular access connection onto Burgoyne Road.

Furthermore, because the site as approved under planning permission ref 16/01888/OUT has been split into two land parcels and not master planned or considered comprehensively, the proximity of Block B containing noise sensitive residential accommodation with habitable room windows and balconies with a south facing aspect would also prejudice the development of adjoining land to the south.

The development is thereby contrary to policies SDP1 (i) (iii), SDP16 of the City of Southampton Local Plan Review (2015), CS4, CS6 and CS13 of the Local Development Framework Core Strategy (2015) and Section 11 of the National Planning Policy Framework (2018).

02. REFUSAL REASON - Loss of trees

The proposed removal of existing healthy trees along the northern boundary and position of a prominent close boarded fence would be harmful to the character and appearance of the area and the Burgoyne Road street scene. The proposed replacement planting would not sufficiently mitigate against the loss of these existing trees. The development proposal is thereby contrary to policies SDP1 (i), SDP7 (i) (ii) and SDP12 of the City of Southampton Local Plan Review (2015) and CS13 of the Local Development Framework Core Strategy (2015) and Section 4.7 of the Residential Design Guide SPD (2006).

03. REFUSAL REASON - Affordable Housing

The proposed 'rent to buy' affordable housing offer fails to meet identified affordable housing need in Southampton.

Furthermore the application has not been supported by an approved viability model to indicate that units for social rent would make the scheme unviable. The proposal is thereby contrary to policy CS15 of the City of Southampton Local Plan Review (2015) and Section 5 of the National Planning Policy Framework (2018).

04. REFUSAL REASON - Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

(i) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);

(ii) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;

(iii) In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

(iv) Submission of a tree replacement plan to secure 2:1 tree replacement and to secure a tree Replacement Off Site Contribution should any off-site replacements be required.

(v) The provision of affordable housing in accordance with Policy CS15 of the Core Strategy;

(vi) Submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and

(vii) Employment and Skills Plan

Background

There are two applications for the former Eastpoint Centre on this Panel agenda – both are recommended for refusal in the knowledge that a single comprehensive scheme, submitted as a single planning application, could address officer concerns. Outline planning permission was granted in 2017 for residential redevelopment on the Former Eastpoint Centre site comprising 114 flats and 36 family housing. The outline scheme was accessed from Burgoyne Road and the approved layout included a net increase in public open space across the site, including existing tree retention to the northern boundary. Two separate planning applications are now proposed with residential redevelopment comprising 128 dwellings in the northern part of the site and an Aldi food store and Coffee drive-thru within the southern part of the site.

These separate planning applications represent a significant uplift in development across the site which has consequences for highway safety and traffic flow on Bursledon Road and a reduction in the amount of open space, soft landscaping and tree provision across the site. The applicants were advised at pre-app stage to submit a single application for this development. The Local Planning Authority has also encouraged the applicants to withdraw the current schemes, and has offered to work with them to achieve a comprehensive solution for the whole site which provides a suitable balance of housing and employment delivery, open space provision and tree and soft landscaping retention/mitigation. The land (ie. both sites) is in single ownership and a comprehensive scheme could deliver a similar quantum of development without the problems raised in this report. However the applicants have chosen not to withdraw the current schemes and seek a formal determination by the Planning and Rights of Way Panel.

1 The site and its context

1.1 The Former Eastpoint Centre site is located between Burgoyne Road and Bursledon Road and comprises the now vacant two-storey offices/training facility and grassed open space area to the south (former school playing fields). The site was historically occupied by Hightown Secondary School which closed in the 1980's. The vehicle access to the site is from Burgoyne Road, to the north, with the access-way within the site itself not being adopted public highway. Immediately to the south of the site is Highpoint Centre, a community and conference centre with first floor offices. Beyond the north-east boundary of the site are two-storey residential properties and south of this, an area of woodland.

- 1.2 The existing buildings on site are two and three storeys in scale, flat-roof and institutional in design appearance. There is a slight change in levels across the site, with the land generally sloping downwards towards Bursledon Road. There is an attractive hedgerow to the southern boundary of the site with Bursledon Road and also along the northern boundary with Burgoyne Road. The surrounding area is mixed in character containing short terraces or semi-detached pairs of dwellings with a suburban character, interspersed by residential tower blocks.
- 1.3 The site has been split into two land parcels and this application relates to the north-eastern parcel containing the existing vacant buildings. The site has an area of 1.3 hectares with access taken from Burgoyne Road (shared access with the Highpoint Centre). An existing mature tree belt encloses the site to Burgoyne Road. The adjoining south-eastern land parcel has an area of 0.8 hectares and is subject to a separate application for a retail food store and coffee drive-thru (Ref 18/00968/FUL).

2 Proposal

- 2.1 The proposal seeks permission for residential redevelopment to create 128 residential dwellings comprising a mixture of 21 houses (20 x 3 and 1 x 4 bed) and 107 flats (29 x 1 and 78 x 2 bed) within two flatted blocks. The scheme has a residential density of 92 dwellings per hectare with a total of 149 car parking spaces provided.
- 2.2 The proposed layout contains a central area of public open space framed by flatted blocks to the south and west and semi-detached housing to the north and east. The proposed central open space has an area of circa 2100sqm of functional/recreational which represents 60% replacement of the existing safeguarded open space to the south-west. Private rear gardens would abut the northern and eastern boundaries. The existing tree belt to Burgoyne Road is proposed to be removed and close boarded fencing and replacement landscaping and trees would enclose the site to the street.
- 2.3 Access would be taken from Burgoyne Road and the proposed layout retains the existing access arrangement for the Highpoint Centre. The proposed layout provides for pedestrian cross connection with the adjoining land parcel but the proposed layout does not allow for direct vehicular connection.
- 2.4 The proposed semi-detached housing are three-storey with pitched roof form. The housing is served by 2 parking spaces comprising integral garages and one driveway space. Flatted Block 01, located on the western side of the site, has a scale of 5-storey with parking on the western side and 4 no. under-croft spaces. Each of the flats are provided with private balconies. Flatted Block 02, located on the southern side, has a scale of 6-storey and incorporates under-croft parking at ground floor level and additional parking to the north. Flatted Block 02 is orientated north-south, the flats with a south-facing aspect face towards the vacant open space (retail proposal on the adjacent site). The southern boundary is enclosed with the proposed landscaping and tree planting and 1.8m height low brick wall and close boarded fencing.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 Outline planning permission was granted in 2017 across both land parcels for residential redevelopment comprising up to 114 flats and 36 family houses, public open space, associated parking and vehicle access from Burgoyne Road (Outline application seeking approval for access at this stage) (our reference 16/01888/OUT). This proposal achieved a net gain of open space across the site with an increase from circa 5,500 sq.m to circa to 6269 sq.m. The approved layout retained the existing tree belt along the northern boundary. The proposed site access was from Burgoyne Road with emergency vehicle access only from Bursledon Road. Affordable housing was secured as part of the S106 Agreement in accordance with the requirements of policy CS15 (35% of the final units adjusted to reflect any vacant building credit).
- 4.2 The site has now been split into two with two different applications (lodged by 2 different applicants). A separate planning application is currently pending on the adjoining south-western land parcel for an Aldi food store and Starbucks coffee drive-thru (our reference 18/00968/FUL). This proposal seeks direct two-way access onto Bursledon Road.
- 4.3 The Highpoint Centre was originally approved in 2010 (our reference 09/00318/FUL). Further detailed aspects of this scheme were approved in 2011 (reference 10/01636/FUL). Whilst this application resulted in a loss of designated open space, the area lost was re-provided off-site and the re-provision secure by a section 106 legal agreement. This scheme was approved with a one way access from Bursledon Road with traffic exiting the site via Burgoyne Road. Planning permission was subsequently granted to use the first floor as offices (our reference 15/00219/FUL).
- 4.4 In 2009 it was proposed for the existing Eastpoint Centre and its curtilage to be developed to provide a new campus for Itchen College. A resolution to grant planning permission was secured from the Planning and Rights of Way Panel, although the application was withdrawn before the section 106 was finalised. The layout for this scheme incorporated a one way access from Bursledon Road with traffic exiting the site via Burgoyne Road. The layout for this scheme also retained the existing tree belt to the north boundary.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (31.08.2018) and erecting site notices (31.08.2018). At the time of writing the report no representations have been received.

Consultation Responses

- 5.4 **SCC Highways** – No objection

Location and Access

- 5.5 In principle, a residential development is considered acceptable in this location. However similar to the proposed development just south of this site, it is recommended that the two sites should be considered together in order to provide a more comprehensive development so that the designs can complement each other.
- 5.6 The site is accessed off Burgoyne Road via an existing access. 'Manual for Streets' sightlines have been provided for this and a condition will be required in order for it to be secured for the duration of the development. The access had previously served a number of community based services such as nurseries, day centres and social club etc., as well as providing the egress for High Point Centre. - which is to be retained.

Parking

- 5.7 The proposed development proposes an under provision of car parking when compared to the maximum standards. Each 1 and 2 bed apartments will get one spaces each whilst every 3 and 4 bed houses will get two spaces each. The Transport Assessment (TA) has provided justification for this by conducting a parking survey and also referring to car ownership data.
- 5.8 The On-street parking survey conducted shows capacity in the local streets to accommodate any potential overspill. Generally, the demand is around 21%-60% in the immediate area (Burgoyne and Tunstall Road. These two roads do get a little more occupied during school peak hours but these are not considered to be school related vehicles and would not be relevant to residential parking. Car ownership data has been obtained which shows that not all residents own a vehicle in this area and also in the wider Southampton, South East region. Overall, the level of parking is considered to be acceptable.

Internal Road Layout

- 5.9 There is a physical barrier proposed to prevent the residents of the development and also the wider community in using the Bursledon Road access to 'rat-run' especially to avoid the signalised junction on at Warburton Road/Bursledon Road.

- 5.10 There is also a pedestrian and cycle link road proposed which runs roughly in the middle of the site to provide a north/south link between Burgoyne Road and the adjacent development land to the South. However, for it to be pedestrian/cycle shared road, the width needs to be a minimum of 3m. Although this is a serviceable route (subject to the widening), when compared to the previous scheme (where a segregated wide shared use footway was provided along the Eastern Boundary with more soft-landscaping), this proposed link road has been reduced in attractiveness and quality in design. Furthermore, it is not clear nor are there guarantees to the design and quality of the rest of this link road formed as part of a separate development to the south. However, initial plans suggests the link road will require crossing vehicular accesses which again is not the best design when compared to the previous scheme.
- 5.11 Tracking diagram has been provided for a refuse vehicle but some areas seem a little tight and would recommend that the roads to be slightly widened in certain areas - only a little will be required to provide for some leeway as one vehicle parked slightly out of the marked bay could result in the refuse vehicle having to bump onto the footway etc. There is no mention to whether the road is proposed to be adopted but if so, this can be addressed during the Section 38/278 stage. Due to the tight tracking diagrams, there are also concerns of kerbside parking in and around any corners, as such, with no knowledge if these roads are being offered for adoption. As part of a waste management plan, a clause should be provided to secure parking restrictions or similar management arrangements to prevent cars block the route for refuse vehicles.

Urban Design Manager – Objection

- 5.12 The main issue within the site as previously stated is that the development turns its back on Burgoyne Road and a key principle of good urban design is that streets should in the main be fronted by development. This scheme is creating a very internalised form of development which is trying to ignore its surrounding context. I remain concerned that if Burgoyne Road is to be treated as a back how and who will be responsible for its maintenance to ensure a landscaped screen is maintained to a high standard
- 5.13 Although pleasing to see the introduction of a connection to the school/Burgoyne road it is important that the two houses either side act a corner houses providing surveillance of this route from a habitable room. Likewise the short edge facing the access through to the proposed Aldi site needs to appear like a front, not a side or back. I still feel there should be a footpath/set of steps connecting the east side estate road to Burgoyne Street
- 5.14 The uncertainty over the southern boundary in terms of landscape and hard works remains on both sides of the boundary. If the Aldi doesn't for whatever reason go ahead what type of residential scheme would work on that site if this scheme is in place?
- 5.15 Generally I find the architectural precedents acceptable. With regard to the townhouses, as the ground floor is effectively dead as it is made up of garages rather than a habitable room, a proper cantilevered balcony would be better than

a Juliet to encourage natural surveillance of the street/pocket park and amenity use by residents as these balconies would face south and west, rather than their gardens which face north and east.

- 5.16 The north stair core of block 1 should be moved to allow for a flat to wrap around the corner making a better entrance marker. The 4 under-croft parking spaces should be dropped as it seems unfortunate to have the ground floor facade affected for just 4 spaces. It would appear that the balconies are filling deep recesses in the façade and I think it would look better if these stopped flush with the façade rather than projecting to give a 'cleaner' architectural aesthetic fronting the park
- 5.17 I would prefer to see flats wrapping the corner of block 2 facing the link to Aldi, but realise with the under-croft this is not possible. However I think the block could be flipped as the north east elevation is cleaner and neater in aesthetic and would be better in this location, especially if a glazed stair core was introduced. This block has a large number of single aspect north facing flats which is not good from an energy or personal welfare point of view, but I do appreciate that the outlook is largely over the pocket park which is better than just across a street. Likewise the outlook to the south is poor looking over the food store, service yard and large surface car park, although the flats do have the benefit of good solar gain. However I don't feel that the boundary landscape is of sufficient depth to act as an adequate screen without compromising light levels into the individual flats when the trees are fully grown. The same comment applies re the balconies on block 1. The under-croft car park will need to be screened by metal louvres and secured by sliding gates (this also applies to Block 1 if the under-croft is retained)
- 5.18 I don't see the rationale/reason for Block 2 being a floor higher than Block 1? The blocks should both be the same height. Although I don't object to a mix of red and buff bricks for the housing and flats, generally I feel it is better if there is one colour per run, rather than mixing colours in the run. If variety is desired then this could be achieved by mixing different shades of red and buff within the run. Critical to the delivery of buildings to the standard of the precedents is very high quality finishes to the facing bricks and window, door and canopy specifications. In particular 150-200mm reveal depths will be required to give some relief to the elevations of both houses and flats
- 5.19 Notwithstanding the comments regarding the Burgoyne Road and Aldi boundaries the western boundary also looks tight in terms of landscaping provision to the existing flats, particularly with regard to the ability to plant trees. Greater detail is required for the approach to the pocket park, which would be too small for SCC to adopt and therefore it will be necessary to have a detailed management plan for all communal green spaces, boundaries, and also greater design emphasis on encouraging the space to be used with public art, seating and planting to encourage use and biodiversity. It may be worth considering a set of railings around the park space to control access and concealed drainage to the door canopies
- 5.20 Personally I think that block 1 should've been arranged to the north allowing it to double-front Burgoyne Road and the pocket park, although I appreciate that it

may have needed to be lower in height to relate to Burgoyne Road, but I suspect 5 storey was probably do-able as the existing adjacent blocks to the west are 5 storey. Also the levels difference would have helped partially disguise the under-croft. If town houses had abutted the Aldi site, then adequately screening the southern boundary would've been considerably easier to achieve as well.

Officer Response – It is agreed that back gardens facing Burgoyne Road is contrary to Urban Design Principles within the Residential Design Guide SPG which promotes perimeter block forms which help deliver a legible cityscape with natural surveillance of the street. The proposed layout with housing fronting the public open space could work if a greater amount of tree retention/mitigation is provided to the northern boundary to screen the proposed 1.8m height close boarded fencing. Other flatted blocks within the city centre have been delivered with a window reveal depth of greater than 50mm which has design merit by providing improved relief within the elevations.

Tree Officer – Objection due to significant tree loss

- 5.21 In the south eastern corner of the proposed site sits an area of woodland that is protected by The Southampton (Hightown) TPO 1986, and as such, these are a material consideration within this application.
- 5.22 From the plan for the site it is clear that the development wishes to remove a vast majority of the trees on the site to enable the development of the proposed design. This would be a significant loss to the area and this thought has been mirrored by the appointed arboriculturalist, as can be seen in section 10.9 & 10.10.
- 5.23 It is apparent that the site layout design was completed prior to the tree survey being undertaken, which is not following the planning and design flow chart in BS5837 2012. It would appear that this has led to the requirement for clearing the site to allow for the design, rather than the trees being a constraint to the site to which the design should develop around.
- 5.24 I am not in agreement with some of the tree categorisation on the site and feel that some of the trees have been downgraded inappropriately. I further feel that the individual grading of the trees on the northern boundary has not taken into account the group amenity value and has focused on each individual tree within. The loss of the trees along the public frontage will have a detrimental impact to the local area, therefore these are to be retained and the design altered accordingly.
- 5.25 I do not object to the removal of the trees that are in close proximity to the existing building, or the trees that are to the rear of the building and offer little to no amenity to the local street scene.
- 5.26 However, I do object to the loss of a majority of the trees to the North of the existing building and these should be retained as part of the design. This area can be used as an open space area and will soften the design from Burgoyne Road. I see little point in felling large quantities of trees to then replant in the same

location. Therefore these are to be retained and provide an amenity to the development. This area can have the existing road surface lifted and then the area can be made up to provide a grassed area, rather than total felling and replanting.

- 5.27 The number of trees lost on the site will require a 2 for 1 replacement and the proposed planting scheme is over planted and will result in a very poor landscape scheme with no space for the trees to develop. It would appear that by removing a majority of the trees, this will result in an overcrowded landscape in an attempt to meet the requirement for tree planting. Even with the current landscape plan, there is still a shortfall in the number required to cover the loss.
- 5.28 Several areas on the proposed site will suffer from shade due to the existing neighbouring trees, or from the planting that is proposed for the site. Careful consideration should be given to the design for future residents and there should be some shade calculations undertaken to demonstrate that the rear gardens of the properties receive sufficient sunlight.
- 5.29 I have concerns over the proximity of the development at the south eastern section of the site and this is getting close to the root protection area and canopy extent of the protected trees. There is to be no work undertaken within the RPA of the trees and there is to be a clear separation between the current canopy extent of the trees and the proposed dwelling. I would suggest a minim of 6m to allow for any future growth and to keep the management of the trees to a minimal. Allowing the construction to be in close proximity to the dwellings will result in pressure to the City Council to prune the trees to provide adequate clearance.
- 5.30 There is a desire to increase the hard surfacing over the RPA of the Silver Birch, marked as T21. Any increase into the RPA of this tree will be detrimental to its health. No additional loss of the RPA is to occur and this tree should be fully protected throughout the development of the site with no further incursion past the extent of the existing hard surface.
- 5.31 Overall, I do not support this proposal due to the loss of the majority of the trees on site. This will have a highly detrimental impact to the local amenity and the local environment. In a city with air quality issues, keeping as much of the existing greenery is vital in helping with the air quality issues. The design of the site should be working around the established existing green infrastructure, rather than removing all to accommodate a design.
- 5.32 A new design will need to be looked at with the most prominent and important trees along the northern aspect being retained. Careful landscaping should be incorporated to cover the loss of the trees that will be required to be removed. This is to be on a 2 for 1 basis and consist of a mix of 20% family, 30% genus and 40% species. The proximity of replacement trees to the proposed building needs consideration and there is to be no incursion into the RPA of the retained trees on site.

5.33 **Ecology Officer – Objection**

The site is located close to an area of woodland which is protected by a Tree Preservation Order (TPO). To the north, 132m, lies the Netley Common Local Nature Reserve (LNR) and Site of Importance for Nature Conservation (SINC) whilst approximately 2.5km to the east is a section of the Solent Maritime Special Area of Conservation (SAC) and the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site. These sites are under-pinned by the Upper Hamble Estuary and Woods Site of Special Scientific Interest (SSSI). The New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site lie 8.5km to the south.

5.34 As the scheme is for residential development there is the potential, in-combination with other residential developments in south Hampshire, for recreational disturbance of over-wintering birds on the coast and ground nesting birds in the New Forest (features of interest of the New Forest Special Area of Conservation (SAC), SPA and Ramsar site). Payment of the Solent Recreation Mitigation Project contribution will be required.

5.35 The proposed development will result in the loss of the majority of the habitat on the site which will have adverse impacts on local biodiversity. An updated ecological appraisal has been provided and, whilst this document largely addresses the likely on site ecological impacts, it fails to consider the impact of an increase in recreational pressure, particularly dog walking, on the Netley Common LNR and SINC which is located just to the north of the site. In addition, a bat emergence survey has been recommended but no details have been provided.

5.36 **Archaeology** – No objection subject to conditions to secure an archaeological watching brief

5.37 **Environmental Health** – No objection subject to conditions to secure noise mitigation and to control the construction environment and hours of work.

5.38 **SCC Land Contamination** - No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

5.39 **SCC Flood** – No objection subject to a condition to secure sustainable drainage.

5.40 **SCC Housing – Objection**

SCC planning policy (Core Strategy CS 15 and the Developer Contributions SPD) seeks:

- 35% affordable housing (with a split of approximately two thirds for rent and one third for shared ownership). The applicant's proposal would provide no units for rent or shared ownership. There are currently over 8,000 applicants on the housing register waiting for rented accommodation.

- Affordable housing in perpetuity (allowing for the statutory rights of shared owners to staircase out and the Right to Acquire). The applicant's proposal would leave nothing as affordable housing for future generations. They are proposing their rent to buy model exclusively.
- The transfer of affordable units to an RP at nil land value and reasonable build cost. There is no developer contribution / free land in the applicant's model. Any benefit is reliant upon inflation and on house prices increasing over time (which may not happen).
- Affordable housing. This proposal would not help those on lower incomes / in greatest need. As above there are no units for rent. Buyers will need to be able to finance 75-85% of the sale price. Shared ownership units are often offered from a min. 40% equity stake, with purchasers able to increase their share as they choose and their income allows. Currently the Government's Help to Buy equity loan exists to help those on higher incomes.
- A mix of units to meet housing need. The developer is putting forward all flats and no houses.

The revised NPPF issued August 2018 includes an amended definition of AH, allowing a wider range of AH to be included in council / developer negotiations, but, as above, this model does not meet the council's aims. The revised NPPF states that at least 10% of units on major sites should be available for affordable home ownership (which can be achieved through recognised models).

- 5.41 **SCC Sustainability Team** – No objection subject to conditions to secure 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use
- 5.42 **Natural England** – No objection subject to securing contributions towards the Solent Recreation Mitigation. Advise that the proposal can be screened out from further assessment under the Habitats Regulations.
- 5.43 **Southampton Airport** – No objection subject to a condition to secure a Bird Hazard Management Plan and Crane Informative.
- 5.44 **Southern Water:** No objection subject to a conditions to secure details of the measures which will be undertaken to protect the public sewers and water mains and details of the proposed means of foul and surface water sewerage disposal.
- 5.45 **City of Southampton Society:**
 - Redevelopment of housing is welcomed in principle, the density though is high;
 - Will the affordable and social and rented housing be viable;
 - The townhouses will be no good for the disabled;
 - The height of the proposed buildings is acceptable for the area, with reservations;
 - The amenity space for the houses is acceptable but the public open space for the flats is poor. It would be surrounded on three sides by traffic, not

very safe, noisy and polluted. It would lack privacy and quiet. It would often be in shadow;

- The design of the buildings is uninspired and monotonous;
- Housing is considered more appropriate across both sites;
- All traffic from the application site should be compelled to use Burgoyne Road;
- How safe is the proposed pedestrian route to the south; and
- Trees along the boundary seems a nice idea. Who will plant, maintain and pay for these trees?

6. Planning Consideration Key Issues

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

- the principle of the development
- layout and access design; and
- affordable housing;
- relationship between the proposed uses;
- loss of trees; and
- Habitats Regulations and SPA Mitigation

Principle of Development

6.2 The site is not allocated for housing and the scheme would represent windfall housing delivery on previously developed land, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. Outline planning permission was granted in 2017 for 128 dwellings across both sites. Therefore residential redevelopment of this brownfield site is supported in principle.

6.3 The proposal incorporates 21 family homes (16% of total dwellings) and thus will help to increase the number of family houses within the local community. This level of provision is short of the target of 30% of total dwellings provided as family homes as set out within policy CS16. However a market report by Savills (2018) has been submitted which recommends the following mix to meet housing need in this location: 30% 1-bed flats; 40% 2-bed flats; 15% 2-bed houses; and 15% 3-bed houses. Therefore the proposed provision of 3-bed family units accords with the housing needs evidence submitted.

6.4 The site lies within a location indicated as being appropriate for a residential density of between 35 and 50 dwellings per hectare. The resultant density on the previous outline scheme was 66 dwellings per hectare. This proposal has a significantly greater density of 98 dwellings per hectares which is unsurprising given that an Aldi food store, coffee-drive-thru and associated car parking is now proposed on the southern part of the site. Policy CS5 indicates that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, development will only be permitted which is of an appropriate density for its context. Whilst higher density can be supported on this site because the site can support 5-6 storey flatted blocks having regard to the height of nearby flatted blocks within Thornhill Estate. Unfortunately the proposed residential density has consequences for the existing tree belt along the northern boundary

with these trees shown to be removed. The previous outline consent had a layout which retained this tree belt.

Open space

- 6.5 The proposed residential redevelopment offers 2100sqm of functional/recreational open space which would represent circa 60% of the existing safeguarded open space within the adjoining site. It is considered that some net loss of open space could be supported when weighed in the balance with the housing and employment benefits of both schemes. However replacement open space and contributions towards open space improvements off-site cannot be secured because both planning applications are recommended for refusal. This scheme meets its open space requirements.

Layout and access design

- 6.6 The proposed layout and access arrangement whilst acceptable to serve this development would prejudice the development of adjoining land to the south because the proposed layout does not provide the southern parcel with access onto Burgoyne Road without crossing third party land (Highpoint Centre). The planning application by ALDI Stores Ltd (Ref 18/00968/FUL) failed to demonstrate right turn exit onto Bursledon Road without leading to severe obstruction to traffic flow on Bursledon Road, a main arterial route which has been identified by Highways England as requiring major improvements to improve traffic flow. As a consequence, the land to the south requires access onto Burgoyne Road.

Affordable Housing

- 6.7 Paragraph 60 of the National Planning Policy Framework (2018) indicates:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”

- 6.8 Policy CS 15 of the adopted Core Strategy indicates that the proportion of affordable should take into account the sub-regional target of 65% social rented and 35% intermediate affordable housing. The most up to date local housing need evidence, as set out within South Hampshire Strategic Housing Market Assessment by GL Hearn (January 2014) indicates that the current affordable housing need in Southampton (2014-2018) comprises 29.4% intermediate, 19.9% affordable rent and 50.7% social rent.
- 6.9 The applicants propose to offer 43% of the total units (55 units) of their own rent to buy model which allows occupiers to purchase after a 3 year rental period with the purchase price fixed at the start of the rental period. Rent to buy affordable housing represents intermediate affordable housing and the governments rent to buy scheme offers a 5 year rental period with the purchase price at the end of the rental period reflecting the market value at that time.

- 6.10 Whilst there is some merit in the applicants rent to buy model, unfortunately this scheme would not help those on the lower incomes / in greatest need and does not reflect identified affordable housing need in Southampton ie. the 8,000+ applicants on our housing register seeking rented accommodation. Therefore the proposed affordable housing offer is, in the opinion of officers, contrary to paragraph 60 of the NPPF and policy CS16 of the Core Strategy and no viability case has been put forward to support an alternative affordable housing offer.

Relationship between proposed retail use and adjacent residential redevelopment proposal

- 6.11 Failure to provide a comprehensive mixed use development across both land parcels or lack of a masterplan to inform separate applications has led to a poor relationship between the proposed retail use and residential redevelopment. The proposed HGV loading dock would be located only 13m from proposed residential accommodation. The provision of landscaping and a 3m height acoustic fence is considered insufficient to mitigate against the disturbance and poor outlook to these flats. Whilst the food retail scheme is also recommended for refusal it is considered that the current approach (2 applications), with a service yard located adjacent to the boundary, prejudices the delivery of a retail food store on the neighbouring site.

6.12 Loss of existing trees to the northern boundary

The loss of the existing tree belt to the northern boundary would be harmful to the character and appearance of the area and the Burgoyne Road street scene. The Council's Tree Officer has raised objection to the tree removal because collectively these trees have significant amenity value. The proposed replacement 2.5m width planting bed is considered insufficient to mitigate against this loss and would expose the proposed garden fences to the street.

6.13 Habitats Regulations

The proposed development, as a residential scheme, is likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) would need to be undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. It is likely the HRA would conclude that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS) is secured, the development will not adversely affect the integrity of the European designated sites. However CIL and SRMP have not been secured because this application is recommended for approval.

7 Summary

- 7.1 The principle of residential redevelopment is supported and the site can accommodate the proposed 5-6 storey flatted blocks to achieve a higher residential density without harming the character and appearance of the area. However the merits of the scheme do not outweigh the concerns regarding access design to third party land, provision of affordable housing to meet identified need and loss of the existing trees to the northern boundary.

8 Conclusion

- 8.1 The positive aspects of the scheme are not considered to outweigh the negative highways, open space and landscape impacts and as such the scheme is recommended for refusal.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 11/12/2018 PROW Panel

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4 – Housing Delivery
CS5 - Housing Density
CS13 – Fundamentals of Design
CS14 – Historic Environment
CS15 – Affordable Housing
CS16 – Housing Mix and Type
CS18 – Transport
CS19 – Car and Cycle Parking
CS20 – Tackling and adapting to Climate Change
CS21 – Protecting and Enhancing Open Space
CS22 – Biodiversity and Protected Species
CS25 – Delivery of Infrastructure and Developer Contributions

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

SDP1 – Quality of Development
SDP4 – Development Access
SDP5 – Parking
SDP6 – Urban Design Principles
SDP8 – Urban Form and Public Space
SDP9 – Scale, Massing and Appearance
SDP10 – Safety and Security
SDP11 – Accessibility and Movement
SDP12 – Landscape and Biodiversity
SDP13 – Resource Conservation
SDP14 – Renewable Energy
CLT3 – Protection of Open Space
TI2 – Vehicular Access

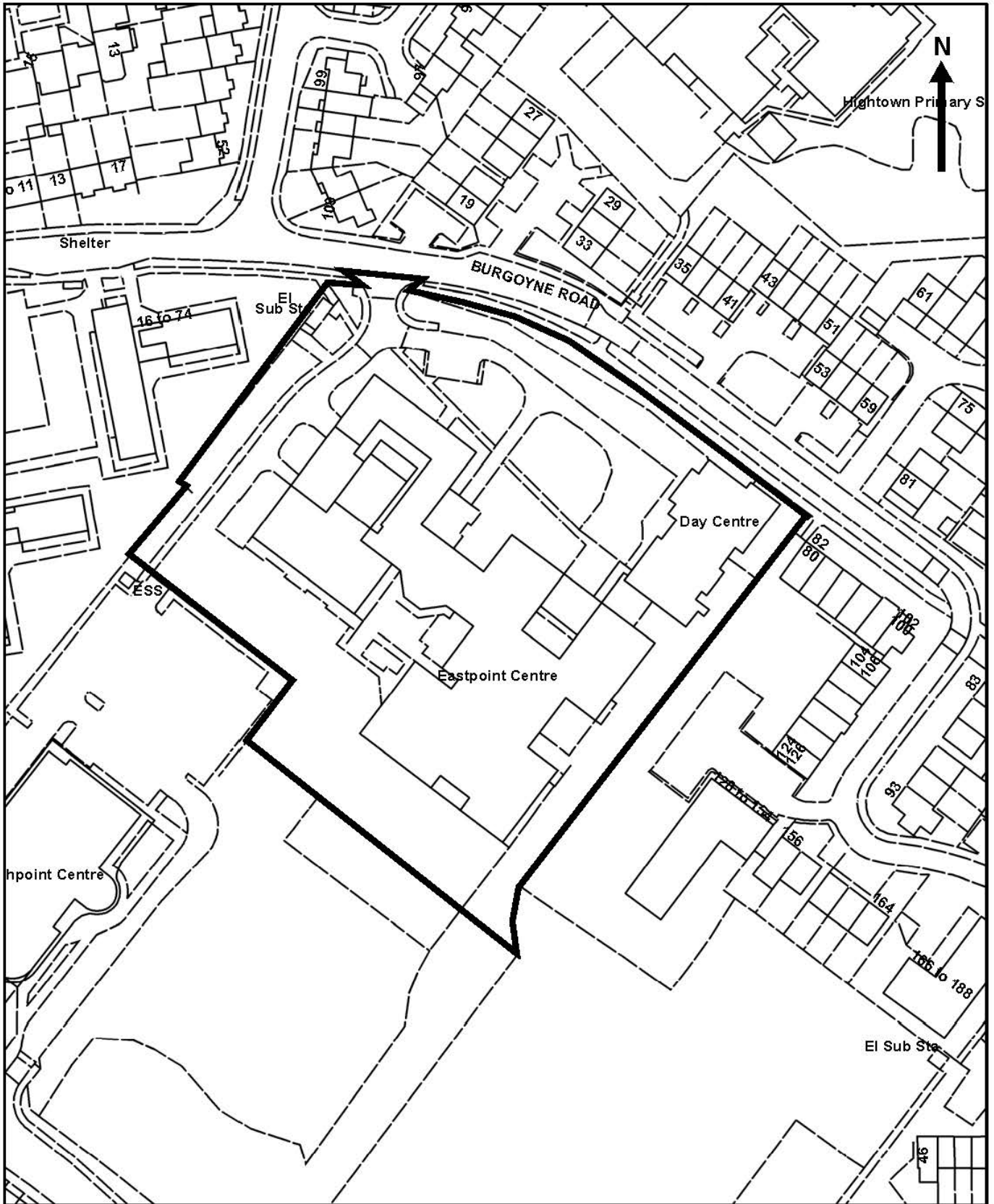
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2018)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

18/01373/FUL



Scale: 1:1,250

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Agenda Item 8

Planning and Rights of Way Panel 11th December 2018 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Rear of 90 Portsmouth Road, Southampton			
Proposed development: Erection of 2x 3-bed detached houses, with associated parking and cycle/refuse storage (Outline application seeking approval for Access and Layout) (Amended description following amended plans)			
Application number:	18/01266/OUT	Application type:	Minor Dwellings
Case officer:	Mat Pidgeon	Public speaking time:	5 minutes
Last date for determination:	30/11/2018	Ward:	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Blatchford Cllr Hammond Cllr Warwick
Applicant: Mr David Mant		Agent: Luken Beck MDP Ltd	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2018). Policies - CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP14, NE4, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Planning History		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary conditions as necessary.
4. In the event that the contribution/agreement in regard to point 2. above is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to comply with the provisions of policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

1. The site and its context

- 1.1 The application site lies on the southern side of Portsmouth Road, Woolston, about 100 metres west of the junction with Station Road. It comprises part of the rear garden of a substantial two storey family dwelling. The property has a large rear garden, some 36 metres in length, which includes a substantial widened section at the southern end that extends westwards across the rear of several neighbouring properties. It is this section of garden that provides the location for the proposed dwellings, with their associated gardens, parking and manoeuvring areas.
- 1.2 The garden area is mainly laid to lawn but includes a large garage and associated hardstanding together with a small swimming pool. There are several trees within and around the edges of the garden, several of which are covered by Tree Preservation Orders.
- 1.3 An access track passes along the eastern side of 90 Portsmouth Road, running between Portsmouth Road and St Anne's Gardens to the south. The track connects to Portsmouth Road at the northern end but is closed to vehicles (by bollards) at its southern end close to St Anne's Gardens. Pedestrians and cyclists can access the track at its southern end.
- 1.4 The locality is predominantly residential. Properties in the locality comprise mainly substantial two storey family dwellings of traditional design. Along Portsmouth Road the properties are detached to the west of no. 90, semi-detached to the east, all set well back from the Portsmouth Road frontage behind front gardens and/or landscaped areas and parking areas or access roads. The frontage from 82a heading west is within a designated conservation area and this site forms part of its setting.
- 1.5 The Portsmouth Road dwellings generally have render and/or brick-faced elevations under pitched tiled or slated roofs, with prominent front facing gables. To the south of the application site dwellings on Saint Anne's Gardens comprise detached houses of a more standardised design. The buildings have render and brick-faced elevations with tiled, fully hipped roofs. There are also two dwellings served directly off the access track that runs along the eastern side of 90

Portsmouth Road; a bungalow and a two storey house, both with access and parking towards the track and garden areas to the east.

2. Proposal

- 2.1 Outline planning permission is sought for the principle of development, its access and the proposed layout. Amended plans have been received to alter the indicative design/scale of the two dwellings proposed so that the impact on neighbouring residential amenity is reduced. This change replaces full 2 storey residential development with chalet bungalows.
- 2.2 The proposal, however, remains for the erection of two 2 storey dwelling-houses – although they are now 3 rather than 4 bedroom houses. The location remains within the widened southern end of the existing garden to no. 90. The retained garden for no. 90 will be about 21.5 metres long by 12 metres wide (some 250sq.m). The proposed dwellings have an internal floorspace of 127sq.m and gardens in excess of 230sq.m; albeit not all of this is useable given the existing tree cover. The appearance/design of the dwellings has been altered so that the first floor accommodation would now be within the roof space which reduces the mass and bulk of the development. Windows to the bedrooms on the upper floors also would now only face west overlooking the proposed rear gardens of the dwellings. Although only indicative this demonstrates that a scheme is possible subject to further consideration of reserved matters (Scale, External Appearance and Landscaping).
- 2.3 Access will be via the existing gravel drive from Portsmouth Road running along the eastern side of the existing house towards St. Annes Gardens. The site access will lead directly to a parking area providing 5 parking spaces, 4 spaces in car ports, sited on the base of the existing garage. The layout includes adequate manoeuvring space to allow vehicles to turn on site and enter/exit in forward gear. The existing access and parking arrangements to the front of no. 90 will be retained.
- 2.5 Provision will be made for bin and cycle storage allocated to each house. Each house will have its garden area to the rear (west), adjoining the gardens of neighbouring properties.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report. Please however note that there is no specific planning history directly relating to the site.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and erecting a site notice 14/08/2018. A re-consultation gave 14 days to comment on the amendments with a second site notice erected on 06/11/18. At the time of writing the report **6 representations** have been received from surrounding residents with one being a letter of support and the remaining five being objections. The following is a summary of the points raised in objection to the proposal with the points raised in support being covered in the planning considerations section below (section 6):

5.2 Overlooking neighbouring properties.

RESPONSE: The appearance and scale are reserved matters however the indicative plans have been amended to illustrate that a development can be achieved that would not lead to overlooking by removing upper floor windows directly facing towards neighbouring residential gardens and properties.

5.3 Impact of construction and proposed residential use on highway safety and congestion.

RESPONSE: The access is currently used by the occupiers of two dwellings. The increased use by the occupiers of an additional two dwellings is not however anticipated to cause significant harm to highway safety. Two additional dwellings are also not anticipated to generate a significant impact to local congestion. An objection has not been received from the Highways Development Management Team on this basis. The widening of the access will improve access/egress arrangements.

5.4 Insufficient parking on site.

RESPONSE: The proposal accords with the Council's adopted Parking Standards Supplementary Planning Document (SPD) with regard to the number of parking spaces proposed (2 spaces per dwelling with 1 visitor space).

5.5 Inadequate access for emergency services.

RESPONSE: No objection has been raised in this regard from the Highways Development Management Team; furthermore there is no change in this regard as compared to the existing situation on the site as this access is already in use.

5.6 Inadequate access for refuse collection.

RESPONSE: A refuse management plan, as suggested by the Highways Development Management Team, along with surfacing of the access can be incorporated to improve the development. It is however also noted that there are two other properties within the locality where refuse collection involves the use of the existing gravel track.

5.7 Inadequate lighting of the access.

RESPONSE: Improvements to the access, including lighting, will be required by planning condition.

5.8 **Concerns raised regarding the intensification of the access increasing the frequency of potential conflict of passing traffic.**

RESPONSE: The scheme can facilitate a passing point for vehicles as will be required by planning condition recommended by the Highways Development Management Team.

5.9 **Overdevelopment of the site.**

RESPONSE: The site is considered to be sufficient in size to accommodate the two dwellings proposed and associated amenity space, refuse and cycle storage; and car parking spaces without being significantly harmful to neighbouring amenity. There is also sufficient remaining space to ensure that the occupants of the existing dwelling enjoy a suitable living environment.

5.10 **Impact on protected trees.**

RESPONSE: The proposal would result in one Maple and one Apple tree being removed along with 4 groups of smaller trees including Elm, Maple, Fig, and Apple, Bay, Camellia, Cherry, Magnolia, Lime, Lawson Cypress, Balsam poplar and a Beech hedge. The tree team have reviewed the information provided and do not object on the basis of the impact on protected trees.

5.11 **The development may set a precedent for additional potential development if the application is supported.**

RESPONSE: Each application must be judged on its own merits.

5.12 **Impact on wildlife.**

RESPONSE: No objection has been raised by the Council's Planning Ecologist. Planning conditions are recommended to mitigate impact.

5.13 **Impact on neighbouring outlook, loss of light and loss of privacy.**

RESPONSE: Whilst appearance and scale are reserved matters, owing to initial concerns, the indicative plans showing the proposed layout/appearance and scale of the proposed buildings have been amended. The reduced bulk and mass proposed is now judged to be acceptable in terms of impact on neighbouring outlook. Habitable room windows will face down the rear garden only and there will no longer be side facing windows serving habitable rooms. Light to neighbouring habitable rooms and rear gardens is also not anticipated to be significantly harmed as a consequence of the development given separation distances and the position of large trees in-between neighbouring houses.

5.14 **Location of garages and refuse collection will cause odour nuisance/harm to neighbouring residential amenity.**

RESPONSE: The proposed relationship/juxtaposition of refuse stores and garages in relation to neighbouring properties is not uncommon in an urban location. Significant odour nuisance is not anticipated as a consequence of the proposal. It would be unreasonable to oppose the development on this basis.

Consultation Responses

SCC Highways:

- 5.15 The proposed development will generate 4 additional parking spaces and one visitor space. As such the frequency that the shared drive way will be used will increase. The application proposes improvements to the access by widening it by 4.8m for an initial stretch of a minimum of 6m which will allow vehicles to pass one another close to Portsmouth Road. Sightlines will also be improved by reducing the height of boundary treatment adjacent to Portsmouth Road all of

which will allow safer access to the new and existing units which utilize this access.

5.15.1 Policy SPD4 of the Local Plan, requires new development to prioritise access for pedestrians/cyclists/wheelchair users. As the unadpoted access has a gravel surface it is arguably not suitable for wheelchair and pushchair users. Some resurfacing should be provided to comply with that policy.

5.15.2 The gravel surface will also make refuse collection difficult when compared to a level/non migratory surface. A waste management plan and surfacing improvements to the shared driveway will be required to manage and assist with refuse collection.

5.15.3 The application can be supported subject to relevant conditions.

5.16 **SCC Archaeology:**

5.16.1 No objection subject to planning conditions securing archaeological watching brief investigation & watching brief work programme.

5.17 **SCC Sustainability Team:**

5.17.1 No objection subject to the imposition of relevant conditions.

5.18 **SCC Environmental Health (Pollution & Safety):**

5.18.1 No objection subject to the imposition of a planning condition to secure a Construction Environment Management Plan.

5.19 **SCC Tree Team:**

5.19.1 The application site contains a number of trees, many of which are covered by Tree Preservation Orders. A tree survey has been carried out; this supports the submitted Tree Constraints Plan, Tree Protection Plan and Arboricultural Impact Assessment/Method Statement. The proposed dwellings lie entirely outside the Root Protection Areas of the TPO'd trees.

5.19.2 The proposed carports lie within the Root Protection Areas of two trees but will be constructed on the concrete base of the existing garage within the garden. Their construction will therefore avoid harm to the trees. No objection subject to the imposition of relevant conditions.

5.20 **SCC Ecology**

5.20.1 No objection subject to the imposition of relevant conditions:

- Ecological mitigation and enhancement plan to include bat boxes on the proposed dwellings.
- Light scatter diagram – to prevent light spill from harming bats.
- Protection of nesting birds condition.

5.21.1 **Southern Water:**

No objection subject to relevant conditions and informatives.

6 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Ecology and trees; and

- Likely effect on designated habitats.

Principle of Development

- 6.2 The proposal is for two detached dwellings within the extended rear garden to no. 90 Portsmouth Road. The application site is an area of land additional to the original garden to the property; according to the applicant it was originally used as a builder's yard in association with the development of properties in the locality. It forms an area running to the rear of neighbouring gardens off Portsmouth Road, St. Anne's Gardens and Canada Road.
- 6.2.1 The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Whilst the site is not identified for development purposes on the adopted proposals map, the Council's policies also promote the efficient use of previously developed land to provide housing. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy sets a density range of between 50 and 100 dwellings per hectare for new residential development in medium accessibility areas however it also states that density should be assessed with regard to a set number of criteria that include the need to protect and enhance the character of existing neighbourhoods. Whilst the proposed density is 18 dwellings per hectare the scheme is judged to be compliant with policy CS5 given the spatial character of the local area; any more development proposed on the site is likely to fail to reflect the spatial characteristics of nearby development.
- 6.2.2 It is also noted that the City has a housing need; as detailed in Policy CS4, whereby an additional 16,300 homes need to be provided within the City between 2006 and 2026 and the proposal will help to achieve this target.
- 6.2.3 In principle the scheme is therefore considered to be acceptable in this location as it would result in making efficient and effective use of land in a sustainable location as required by the NPPF and local planning policies.

Design and effect on character

- 6.3 As can be seen from the site location plan, there are other existing dwellings located in similar positions accessed off the Portsmouth Road to St. Anne's Gardens access track and lying between properties on Portsmouth Road and St. Anne's Gardens. No. 92 Portsmouth Road is a large bungalow with a wide frontage towards the track and garden to the rear. No. 27a St. Anne's Gardens is a two storey house with a narrow frontage to the track and garden to the rear.
- 6.3.1 The proposed dwellings would have a similar relationship to the existing properties 92 Portsmouth Road and 27A St. Anne's Gardens to the pattern of development in the locality; whilst not fronting onto an adopted highway, all are reached along the access track from Portsmouth Road and front onto the track. The amount of garden proposed and setting to each dwelling is also similar to nearby dwellings. The proposed layout also takes careful account of trees on and around the site and the dwellings avoid the Root Protection Areas of the TPO'd trees and thus the general character of the area, as contributed by large mature trees, will be retained.
- 6.3.2 Whilst appearance is a reserved matter the indicative plans were amended to address concerns raised by neighbours and officers. The revised indicative plans demonstrate that the proposed appearance of the dwellings could reflect local design characteristics in terms of footprint, building to plot ratio and pitched roof

design (and the Council will have the opportunity to comment further at the reserved matters stage).

- 6.3.3 The proposed dwellings are therefore judged to not appear out of character within the plot or look out of place nor squeezed into an inadequate or inappropriate location.

Residential amenity

- 6.4 Both dwellings will have substantial garden areas that lie outside the canopies of the trees on and around the site; there will be areas of each garden that will be usable and it is considered that the degree of shadowing by surrounding trees will be acceptable. The proposed gardens will also achieve the minimum recommended garden sizes set out in the Residential Design Guide (10m depth with 90sq.m).
- 6.4.1 The development will leave an appropriately sized garden for the existing dwelling which is at least equivalent to the gardens of the immediate neighbours. The garden size remaining will also comply with the recommended garden sizes set out in the Residential Design Guide. The garden areas proposed for both the proposed dwellings and the existing dwelling, 90 Portsmouth Road, are judged to be fit for their intended purpose.
- 6.4.2 The privacy experienced by residents will be acceptable and habitable rooms within the proposed buildings will all have access to outlook, daylight and will achieve appropriate ventilation.
- 6.4.3 In summary the occupants of the proposed dwellings and the existing dwelling will all experience a high quality living environment typical of family dwellings in suburban settings.
- 6.4.4 Access to the dwellings will need to be improved as part of the development, it is reasonable to apply conditions to improve the surface of the track for wheelchair and pushchair users and also to improve lighting for security purposes.
- 6.4.5 The proposed development will also not adversely affect neighbouring properties, being set sufficiently away from the site boundaries. Separation distances to neighbouring dwellings also exceed those required by the City Council's Residential Design Guide (min 12.5m window to gable and 21m back to back) and habitable room windows at first floor level will not face the closest neighbours to the north and south. Whilst only indicative plans have been provided the two storey form of development, whereby there would be rooms in the roof space within a chalet bungalow, means that visual impact experienced from neighbouring gardens and habitable rooms would be acceptable given the suburban location. It is also not anticipated that the neighbours would be harmed as a result of shadowing caused by the proposed dwellings given that there are large mature trees on the boundaries of the site already and owing to the height of the proposed dwellings.
- 6.4.6 Therefore all respects the proposed development is anticipated as having an acceptable relationship with neighbouring properties/owners. Harm has been avoided by designing the scheme to reflect the dominant pattern of development in the local area. In addition the quality of the proposed residential environment is considered to be acceptable and the scheme has, therefore, been assessed as compliant with LPR Policy SDP1(i).

Parking highways and transport

- 6.5 90 Portsmouth Road is within a medium accessibility area with residents' day-to-day needs capable of being reached by foot and cycle. Access to Woolston District Centre and Southampton City Centre is also available by public transport.
- 6.5.1 Access to the proposed development for pedestrians and vehicles is to be via the existing access drive along the eastern side of no. 90 Portsmouth Road. The access track is currently used by the two dwellings fronting onto it - 92 Portsmouth Road and 27a St. Anne's Gardens – plus vehicles using the rear triple garage and hardstanding to the rear of 90 Portsmouth Road, but is closed to through traffic by bollards at the St. Anne's Gardens end.
- 6.5.2 The access track is in the ownership of the applicant. Lowering of the wall and pillar adjoining the front of number 90 will improve visibility to the west for vehicles exiting the shared driveway and widening the northern end will enable vehicles and pedestrians to pass each other safely. Improvements, as noted above, will be required to improve pedestrian access and to ensure that bin movement is easily achieved on collection day.
- 6.5.3 Parking will be provided for 4 cars to the front of the proposed houses with one additional visitor space. The main car parking spaces will be within two separate car ports. Secure cycle parking will also be provided. This provision meets the requirements of the Southampton Parking Standards SPD.
- 6.5.4 No objection has been raised to the proposal from the highways development management team. Refuse and cycle storage, as well as parking on site, can be achieved.

Ecology and trees

- 6.6 The Councils Tree Team have reviewed the submitted information and have visited the site with the case officer. They support the proposal on the basis of the submitted information relating to trees and have recommended conditions accordingly.
- 6.6.1 The Councils Ecologist does not oppose the development. An ecological mitigation and enhancement plan, to include bat boxes on the proposed dwellings and a light scatter diagram to prevent light spill from harming bats will be needed. A condition to protect nesting birds is also required.

Likely effect on designated habitats

- 6.5 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

- 7.1 The Council is committed to providing high quality residential environments for the citizens of the city and aim to work with developers to make efficient use of available land. The scheme manages to achieve this and the loss of part of the

rear garden serving 90 Portsmouth Road is not opposed in principle. The provision of two genuine family homes is supported.

8. Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for approval. It is recommended that planning permission be granted subject to conditions as set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

MP3 for 11/12/2018 PROW Panel

PLANNING CONDITIONS to include:

1. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas and the means of access (vehicular and pedestrian) into the site and the buildings of the site is approved subject to the following:

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

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

2.Approved Plans

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

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

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

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

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

4.Archaeological watching brief 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.

5.Archaeological watching brief 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.

6.Foul and surface water sewerage disposal [Pre-Commencement Condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water. Once approved the development shall take place in accordance with the agreed details.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

7.Energy & Water [Pre Above Ground Work Condition]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

8.Energy & Water [Performance Condition]

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

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

9.Sustainable Drainage [Pre-Commencement Condition].

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

is to be provided, the submitted details shall:

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

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

10. Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

11. No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted in the side elevations at first floor level/within the roof slope of the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

12. Glazing panel specification [Pre-Occupation Condition]

All first floor windows positioned in the side elevations (north and south facing) of the buildings hereby approved, shall be glazed in obscure glass and shall be non-opening/shall only have a top light opening at least 1.7m above the floor level of the room to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason: To protect the privacy enjoyed by the occupiers of the adjoining properties.

13. Refuse & Recycling [Pre-Occupation Condition]

The hereby approved refuse storage area shall be laid out in accordance with the approved plans prior to the occupation of the hereby approved scheme. Thereafter refuse bins shall be stored within the refuse storage area and shall not be stored on the public highway other than on collection day. Such facilities as approved shall be permanently retained for that purpose.

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

14. Waste Management Plan [Pre-Occupation Condition]

A waste management plan containing full details and measures to ensure that bins are moved to and from the kerbside collection point from the dwellings hereby approved site shall be submitted to and agreed in writing with the Local Planning Authority prior to the first occupation of the development hereby granted consent. The plan will contain measures to promote the reuse, segregation and recycling of wastes produced on site.

Reason: In the interests of neighbour amenity and waste collection/recycling.

15. Car Parking and Cycle Storage Facilities [Pre-Occupation Condition]

The houses hereby approved shall not be occupied until the car parking spaces and cycle storage facilities have been provided as shown on the approved drawings. These facilities shall be permanently retained thereafter.

Reason: To ensure provisions are made for car parking, to avoid congestion of the adjoining highway; and to encourage cycling as an alternative form of transport.

16. Access route improvements [Pre-Occupation]

Before the development is occupied, details of proposed improvements to the access route into the site, to include the following listed details shall be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed details shall be implemented prior to first occupation and retained thereafter in perpetuity.

- Access: The main vehicular access of the unadopted road with Portsmouth Road shall be widened to 4.8m for a minimum of 6m (measuring from the adopted highway to the south) in order to provide a passing point for vehicles.
- Sightlines: Notwithstanding the submitted plan DMMason Engineering Consultants drawing M.097/2 revB works to secure sightlines including demolition of existing garden walls and erection of new garden walls and piers to be provided in order to secure sightlines of 2.4m x 90m.
- Resurfacing: A plan to show a resurfaced path along the unadopted road to be submitted and agreed upon. This path should be practical and usable for wheelchair and pushchair users; and for refuse collection purposes.
- Lighting: The safety and security of the users of the access path shall be improved by addition lighting, details of which shall need to be submitted and approved.

Reason: To ensure the development improves the access route to the site in the interests of safety, security and convenience of access.

Note the landscaping plans should include the following:

- Driveways shall be constructed of non-migratory materials,
- Identify that no surface water from the site shall run onto the public highway.
- A paved route of adequate width shall be provided to the bin and cycle stores from the front of the houses to the stores in the back gardens.

17. Details & samples of building materials to be used [Pre-Above Ground Work Condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and render) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

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

18.Hours of work for Demolition / Clearance / Construction (Performance)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

19.Wheel Cleaning Facilities (Performance Condition)

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

Reason: In the interests of highway safety.

20.Ecological Mitigation Plan [Pre-Commencement]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

The plan shall include details of lighting and a light scatter diagram to prevent light spill into the canopy of nearby trees to prevent harm to foraging bats; and shall also include bat boxes within the roofs of the approved buildings.

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

21.Protection of nesting birds (Performance)

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

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

22.Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted and approved Arboricultural Method Statement (listed below) including the tree protection measures throughout the duration of the demolition and development works on site.

- Arboricultural Impact Assessment & Arboricultural method statement at 90 Portsmouth Road, Woolston, Southampton, SO19 9AN for Mr D Mant, Ref : GH1835.1 04/07/2018. Gwydion's Tree Consultancy.

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

23.Retention of trees (Performance Condition)

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

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

24.No storage under tree canopy (Performance)

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

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

25. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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

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

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

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

26.Use of uncontaminated soils and fill (Performance)

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

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

27.Unsuspected Contamination (Performance)

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

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

Habitat Regulation Assessment (HRA)
 Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report

Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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<p>Stage 2 - HRA screening assessment</p>	
<p>Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.</p>	
<p>Solent SPAs</p> <p>The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.</p> <p>Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.</p>	
<p>The New Forest</p> <p>The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.</p>	

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£337.00
2 Bedroom	£487.00
3 Bedroom	£637.00
4 Bedroom	£749.00
5 Bedroom	£880.00

endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

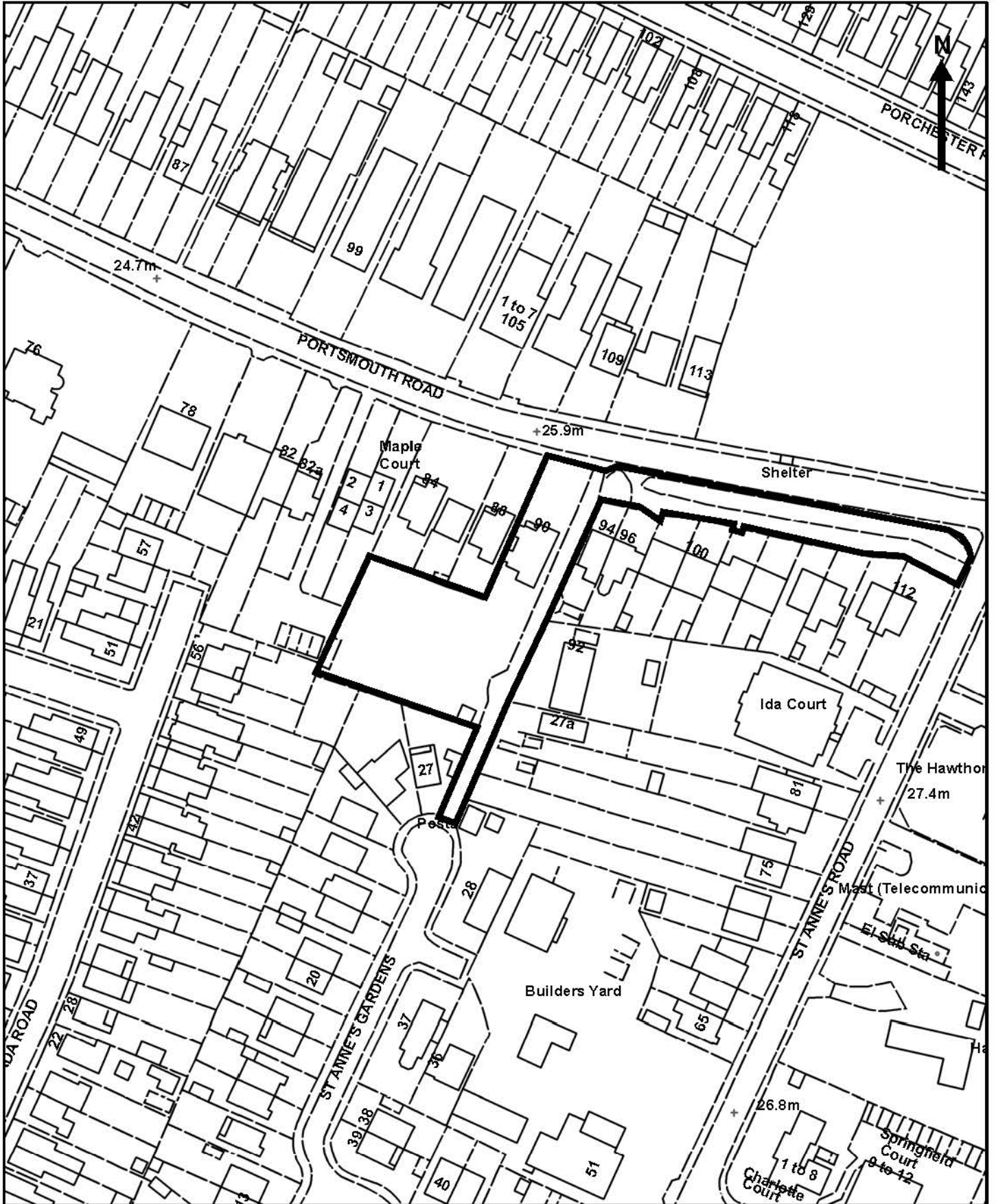
The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

84 Portsmouth Road (to west of application site)

Erection of two storey detached 3 bedroom dwelling (located between nos. 84 and 88 Portsmouth Road). Approved November 2006 (now built)

26 St. Anne's Road (immediately south of application site)
Replacement rear conservatory , Approved June 2006



Scale: 1:1,250

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