

Planning and Rights of Way Panel

Tuesday, 29th January,
2019
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor 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

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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 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 8 January 2019 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 18/01657/FUL - 59 OXFORD STREET (Pages 9 - 42)

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

6 PLANNING APPLICATION - 18/01858/FUL - NANITAL, HAWTHORN ROAD (Pages 43 - 68)

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.

7 PLANNING APPLICATION - 18/01987/FUL - 21 LOWER BANISTER STREET (Pages 69 - 86)

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

8 PLANNING APPLICATION - 18/01595/FUL - WOODLANDS WAY

(Pages 87 - 120)

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

9 PLANNING APPLICATION - 18/02007/FUL - UNITED REFORM CHURCH

(Pages 121 - 130)

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.

Monday, 21 January 2019

Director of Legal and Governance

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 8 JANUARY 2019

Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse (except Minute Number 49), L Harris, Mitchell (except Minute Number 49) and Murphy

Absent: Councillor Wilkinson

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

RESOLVED: that the minutes for the Panel meeting on 11 December 2018 be approved and signed as a correct record.

48. **PLANNING APPLICATION - 18/00898/FUL - RILEYS - CHURCH END**

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 building and redevelopment of the site to provide a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage and landscaping.

Chris Barber (Roman Catholic Diocese of Portsmouth, St Boniface Church) Cormac Murphy (local resident objecting) Simon Reynier (City of Southampton Society) Steven Galton (Millbrook Ward Councillor) , Martha Covell (agent) and Councillor Kaur (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the report's recommendation needed to be amended by adding a clause to the section 106 that would prevent future occupiers benefitting from parking permits in surrounding streets and to remove item (i) of the legal agreement by adding the requirement for details of refuse vehicle tracking to the delegation. The presenting officer outlined additional amendments required for conditions 2 and 7. It was noted that the report incorrectly referred to a link to Shirley Avenue.

During discussion the Panel expressed a number of concerns relating to the application including: the building's relationship with the locally listed church; the potential for overspill parking; the quality of the parking survey; and the residential mix of the proposed development.

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 lost unanimously.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Coombs for the reasons set out below was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) refused planning permission for the reasons set out below:

Reasons for Refusal

1 **Overdevelopment and poor design**

The proposal results in an overdevelopment of the site which is demonstrated by the failure to provide a suitable mix of residential accommodation, including no provision of any family housing (with 3 or more bedrooms and access to private gardens) and a significant reliance on single person accommodation in a location characterised by family housing. The resulting density of the scheme is a further example of a site overdevelopment. Furthermore, the building's chosen design has been assessed as incongruous due to its contemporary appearance that fails to respect the character and setting of the adjacent locally listed St Boniface Church, or the wider context, resulting in a design that fails to respond to the established character of the area. As such the proposal is contrary to Saved Policies SDP1, SDP7, SDP9, HE4, H7(iv) of the City of Southampton Local Plan Review (updated 2015) and Policies CS13, CS14 and CS16 of the Southampton Core Strategy LDF Development Plan Document (updated 2015) and supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006) and the design chapter of the NPPF (2018).

2. **Insufficient parking**

Based on the information submitted it has not been adequately demonstrated that the parking demand of a development without any associated on-site car parking would not harm the amenity of nearby neighbours through increased competition for on-street car parking. The Transport Statement (ref: 1843J v1.3 - dated 12 December 2018) is considered to be insufficient as the parking demand should be assessed by undertaking a parking survey using the preferred methodology as set out in the Council's up-to-date SPD. Whilst the relatively sustainable location of the site in relation to Shirley Road is noted it is likely that some occupiers will own a vehicle, and may have visitors arriving by car, and it is unclear how a completely parking free scheme can be accommodated without some overspill parking taking place. It is also unclear how, and where, any overspill might be caused by this development and, as such, a full assessment cannot be made and the LPA remains of the opinion that some harm to existing residential amenity is likely given the number of flats without parking proposed. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy LDF Development Plan Document (2015), the adopted Parking Standards Supplementary Planning Document (2011) and the Council's Residential Design Guide SPD (2006) (with particular reference to section 9).

3 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) The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - (Amended 2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) taking account of the viability position presented and assessed;
- (iii) 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;
- (iv) 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;
- (v) In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- (vi) 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; and
- (vii) a mechanism for securing restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;

49. **PLANNING APPLICATION - 18/01889/FUL - 14 THE BROADWAY**

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.

Application for variation of conditions 4 (Hours of operation) and 10 (Internal drinks consumption/use of tables and chairs) of planning permission 18/01085/FUL to extend opening hours from 11:00-23:00 (Mon-Sun) to 07:00 - 23:00 Monday to Wednesday, 07:00 - 24:00 Thursday to Saturday, 09:00 - 23:00 Sunday/Public holidays and to form outside seating area.

Jane Jameson (local resident objecting), Colin Okeef and Neil Davis (applicants), and Councillor Claisse (ward councillor /objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed the number of objections that had been received in regard to the application and explained Councillor Claisse had objected to the proposal but had not explicitly requested that the application be referred to Panel for determination. It was also noted that Councillor Claisse stated that he had been made aware of more objectors to the application than had been actually logged an objection with the Council.

The presenting officer explained that as the site's outline abutted the public highway then it was not within the gift of the Panel to impose conditions that restricted seating outside. It was noted however, that permission had been granted for this by the Council's Highway Team and that this licence was reviewed on an annual basis and that therefore the Council would still have control over the seating if there were problems reported.

In addition the Panel were made aware of the opening hours of all the late night establishments with the district centre.

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

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Coombs and Murphy

ABSTAINED: Councillor L Harris

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

NOTE: Councillors Claisse and Mitchell declared an interest and withdrew from the meeting.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 29th January 2019 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	MP	DEL	5	18/01657/FUL 59 Oxford Street
6	AL	DEL	5	18/01858/FUL Nanital, Hawthorn Road
7	JF/AA	REF	5	18/01987/FUL 21 Lower Banister Street
8	MT/AA	CAP	5	18/01595/FUL 5 Woodlands Way
9	MT/AA	REF	5	18/02007/FUL United Reform Church

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:

MP – Mat Pidgeon
AL – Anna Lee
JF – John Fanning
AA – Andy Amery
MT – Mark Taylor

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) 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 Alder Moor 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 Ethelbert 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 5

Planning and Rights of Way Panel 29th January 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 59 Oxford Street, Southampton.			
Proposed development: Erection of a two storey rear extension to facilitate change of use from restaurant (class A3) to residential (class C3) to provide 4 flats (3x 1-bed, 1x studio) with associated cycle/refuse storage (resubmission 18/01095/FUL).			
Application number:	18/01657/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	29.10.2018	Ward:	Bargate
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by: Cllr Bogle		Reason: 10 objections have been received and the points of concern should be considered by the Planning and Rights of Way Panel	
Applicant: Mr Andy Hewitt		Agent: Toldfield Architects 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 –CS

CS3, CS4, CS5, CS13, CS14, CS16, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP SDP1, SDP4, SDP5, SDP10, SDP11, SDP12, SDP13, SDP17, SDP22, HE1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015). Policies AP9 and AP16 of the City Centre Action Plan March 2015.

Appendix attached	
1	Habitats Regulation Assessment
2	Development Plan Policies
3	Previous refusal ref 18/01095/FUL – Decision notice and plans

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 and 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 and Development be given delegated powers to add, vary and/or delete conditions as necessary. In the event that the scheme of measures or financial contribution is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission.

1 The site and its context

- 1.1 The property is not listed, is located within the Oxford Street Conservation area and is positioned next to the Booth Centre which is a locally listed building. The building is positioned opposite a Grade two listed terrace.
- 1.2 The property is part of a small block of three storey mid-19th century terraced shop units, historically constructed with living accommodation above the shop. The property is the easternmost of two properties linked to form a cohesive block fronting on to Oxford Street formed of three distinctive bays. The shop windows on the ground floor are modern. Windows on first and second floors are also modern but occupy historically original openings. First floor windows have distinctive bracketed window hoods. The chimney between the 59 and 60 Oxford Street is clearly visible and the frontage contributes to the overall character of the street. The block was constructed on the northern edge of a shared garden, the remnants of which survive today, and trees are clearly visible through the gap between 60 Oxford Street and 61.
- 1.3 The site comprises a parcel of land which is 90 square metres (sq.m) in area and is adjacent to an evening zone. Oxford Street is located within the city centre, however the street is not heavily trafficked. There is a mix of commercial and residential properties close to the application site. City centre parks are also relevantly close by, in particular Queens Park to the south.
- 1.4 The site currently accommodates a three-storey structure with commercial unit on the ground floor (restaurant use) with seating areas and ancillary accommodation above.

2 Proposal

- 2.1 The application seeks to provide No.59 Oxford Street with a change of use for the existing ground, first and second floors from restaurant (A3 use) to residential (C3 use), by providing 3x 1 bed flats and 1x studio flat within the existing structure, and the proposed two storey rear extension.

- 2.2 The two storey rear extension would replace the existing kitchen and first floor toilets and provide a ground floor storage facility for refuse and cycles with residential accommodation at first floor level.

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.
- 3.3 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 Alterations to the shop front were approved in 1971 and in 1986 the pavement was allowed to be used as part of the café in connection with an existing coffee shop on the premises.
- 4.2 In 1989 permission was granted allowing continued use of ground floor as a restaurant and change of use of the first floor so that it could be used as a meeting room and dining/function room, in 1994 the first floor front room was also allowed to be used for these purposes.
- 4.3 In 2008 permission was granted for alterations to the existing shopfront including installation of bi-folding door (not currently on site) and the erection of a canopy.
- 4.4 The most relevant history relates to an application refused in 2018. Permission was refused for the erection of a three storey rear extension to facilitate a change of use of existing first and second floors from a restaurant (Class A3) to residential (Class C3) to provide 5 flats (3 x 1 bed, 2 x Studio) with associated bin and cycle storage.
- 4.5 The application was refused for four reasons:
1. Impact on Oxford Street Conservation Area
 2. Quality of Living Environment
 3. Neighbouring Amenity
 4. Mitigation - S.106 Legal Agreement

Refer to **Appendix 3** for the full reasons for refusal.

- 4.6 This scheme seeks to respond to these reasons for refusal by removing both the previously proposed roof extension to the main building and the second floor of the proposed rear extension.

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 21.09.2018 and erecting a site notice 12.09.2018. At the time of writing the report **10** representations have been received from surrounding residents. One originates from within the ward (60

Oxford Street [office accommodation], four are from residents within Southampton (but not within the Bargate Ward) and four originate from residents living outside of Southampton. The following is a summary of the points raised:

5.2 Poor privacy experienced by occupants of flat 1 (rear facing at ground floor level).

RESPONSE: The layout provides defensible space in front of this window. The bedroom by its very nature is unlikely to be occupied for long periods of the day, and occupants are likely to have the curtains drawn at night. The rear yard space is also unlikely to be used for long periods given its limited size and quality. However the amount and quality of the amenity space is, on balance, considered acceptable having regard to the character and density of the neighbourhood and proximity to Queens Park and city centre amenities.

5.3 Impact on neighbour at 60 Oxford Street (overbearing/privacy/sense of enclosure/reduced light (shadowing)).

RESPONSE: The neighbouring property is currently occupied as office accommodation which does not enjoy the same level of policy protection as residential accommodation in relation to these impacts. On balance, the merits of the scheme in relation to housing delivery are considered to outweigh any impacts on the adjacent office accommodation. Occupation of the office is less likely to coincide with that of the flats. Furthermore neighbouring privacy will be protected owing to amended plans which prevent harm by incorporating obscure glazing.

5.4 Rear first floor flat – no fire escape.

RESPONSE: This is a Building Regulation matter and is not a material planning consideration; all flats have access to ground floor by a conventional staircase.

5.5 Objectors question how and where extractor will vent from the kitchen and bathrooms.

RESPONSE: This is not a material planning consideration rather this is a matter assessed at building regulations stage.

5.6 Overlooking and noise disturbance from the roof terrace.

RESPONSE: The flat roof is proposed to be sedum planted (green roof) and is not shown to be accessible. A planning condition is recommended to prevent this area being used as a roof terrace/amenity area.

5.7 How is access to the communal area provided for the roof?

RESPONSE: The roof will not be available for residents to access as an amenity area.

5.8 Noise and disturbance.

RESPONSE: The scale and nature of the development is unlikely to lead to unreasonable noise impact and any statutory noise nuisance is controlled by Environmental Health legislation.

5.9 Windows overlook 60 Oxford Street jeopardise future development potential.

RESPONSE: Windows are obscurely glazed within the extension (and serve secondary windows and a shower room) which face the neighbouring property. Each application must be judged on its own merits.

5.10 Impact of construction on neighbours

RESPONSE: Restricted construction hours will be added to prevent unreasonable harm to nearby residents. The scale of the proposal is such that significant harm is not anticipated to neighbouring residents and occupants of the adjacent office at 60 Oxford Street.

5.11 **Damage to neighbouring building including the locally listed Booth Centre.**
RESPONSE: This is a civil matter and is not a material planning consideration.

5.12 **Harm to listed buildings – vibration.**

RESPONSE: It is not anticipated that significant harm would be caused to listed buildings from the construction process which in any event would be controlled by building regulations. 61 Oxford Street is the nearest Listed Building.

5.13 **Harm to conservation area and character of the area/design not in keeping.**

RESPONSE: The plans are no longer considered harmful to the character of the conservation area or nearby listed buildings. The Council's Heritage Consultant has not objected to the application. Potential damage as a result of construction is not a material planning consideration.

5.14 **Overdevelopment of the site.**

RESPONSE: The site is located within the city centre where high density housing is supported. The site can accommodate the residential units providing a satisfactory living environment and includes sufficient space to store refuse and cycles. Accordingly the site is not judged to be overdeveloped as a consequence of the proposal.

5.15 **Bedroom at ground floor level is not suitable on the street frontage especially given the nature of the late night/commercial area.**

RESPONSE: The site is located adjacent to, rather than within, an evening zone which is different to a late night hub as defined by the City Centre Action Plan. Within evening zones new premises are allowed to open until midnight rather than 3am which is permitted within late night hubs. There are also other ground floor residential units within this street. The proposal also returns the original residential use back into the building.

5.16 **Habitable rooms should not be served by obscure glazing as proposed within the rear extension.**

RESPONSE: The flat within the rear extension proposed would not only be served by obscurely glazed windows. Obscure glazing is proposed for secondary windows and a shower room.

5.17 **Anticipate bin store not being used given the location within the building.**

RESPONSE: A condition can be added prevent refuse storage on the public highway other than on collection days.

5.18 **Safety during construction.**

RESPONSE: This is not a material planning consideration rather this is a matter controlled by building regulations and health and safety.

5.19 **Mains drainage.**

RESPONSE: Southern water have not objected.

5.20 **Safeguarding trees.**

RESPONSE: Officers share the concerns raised, adjacent trees are however protected as they are within the Oxford Street Conservation Area thus they cannot be thinned or felled without permission. Residents would be aware of the trees nearby when deciding whether or not to occupy proposed flats. Whilst residential properties facing the rear would be shadowed by the adjacent trees the impact is

on balance not considered sufficient to form a reason for refusal based on quality of the residential environment in isolation.

Consultation Responses

5.21 SCC Sustainability –

No objection subject to green roof condition.

5.22 SCC Environmental Health (Pollution & Safety) –

No objection subject to relevant conditions.

5.23 SCC Trees –

No objection subject to relevant condition requiring an arboricultural method statement to detail the protection plan for this tree during the demolition and construction of the development.

5.24 SCC Ecology –

No objection subject to relevant condition securing relevant ecological mitigation measures.

5.25 SCC Urban Design –

No objection given that the building fronting Oxford Street is not being externally changed. The rear extension should also be constructed from bricks.

5.26 SCC Archaeology –

Development here threatens to damage archaeological deposits, and an archaeological investigation will be needed to mitigate this. This will take the form of an archaeological watching brief on the groundworks, and will include provision for excavation if archaeological remains, particularly human burials, are uncovered. Add relevant conditions.

5.27 SCC Heritage –

No objection.

5.28 Southern Water –

No objection subject to relevant conditions and informatives.

5.29 SCC CIL –

The development is CIL liable.

5.30 City of Southampton Society –

No objection in basic planning principle. Provided that safeguards are applied.

1. No overlooking. RESPONSE: Add obscure glazing condition.
2. Rubbish regime to be imposed upon the applicant. RESPONSE: Add relevant condition.
3. Adjoining landowners to be assisted to protect their land from trespassers. RESPONSE: This matter is not relevant to the decision.
4. No cars to be allowed, and applicant to be required to enforce the rule. RESPONSE: It is not enforceable to prevent occupants from owning cars.
5. Parking arrangements to be discussed by applicant and the City Council to protect the local residents. RESPONSE: Can be achieved for construction vehicles however given the scale of the development conditions are not deemed necessary – highway use for construction purposes is controlled through the Highways Act.

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 the character of the Conservation Area.
 - Residential amenity;
 - Parking highways and transport; and
 - Likely effect on designated habitats.

Principle of Development

- 6.2 The proposal would bring the building back into residential use and is in keeping with the character of the property. Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. Policy AP9 of the City Centre Action Plan supports residential development in the city centre through the conversion or redevelopment of other sites as appropriate. Similarly CS1 of the Core Strategy supports significant residential growth in the city centre to assist in addressing the city's housing need.
- 6.3 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. As the proposal is for less than 10 units family accommodation is not required.
- 6.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in high accessibility locations such as this, density levels should generally be greater than 100 dwellings per hectare (d.p.h), although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 444 d.p.h which, whilst accords with the standards set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.

Design and effect on the character of the Conservation Area.

- 6.5 The property is within the Oxford Street Conservation Area which comprises two separate character areas divided roughly into the northern area (known as the Oxford Street and Environs character area) and the Queen's Park character area to the south. The Oxford Street area is characterised by its mixed use with more generally low level residential to the north of Oxford Street, but Oxford Street itself is mixed with residential, office, commercial and restaurants. The east end of Oxford Street has been part pedestrianised beyond Latimer Street. To the west of Latimer Street, Oxford Street curves gently to the north-west creating a gentle crescent starting just where the application site is located. The location of the Booth Centre directly adjoining the site on the east side on the curve of the street, and the fact that the proposal site is currently three storey, gives the Booth Centre considerable prominence within the street. Although there is clearly some new development on the south side of Oxford Street to the west of the application site, this blends well into what is actually quite a cohesive character of similarly sized and designed terraced buildings.
- 6.6 This is an amended proposal for the conversion of the building into flats. The previous scheme involved the incorporation of an additional flat in the roof which required a major roof extension and was unacceptable from the heritage perspective as it became prominent in the street scene. This revised scheme omits the top floor flat altogether which is a major step forward and removes the

main concerns previously raised with regard to design and impact on the local heritage assets.

- 6.7 To the rear, the removal of the top floor is also beneficial. The size of the newly proposed rear extension is bigger than the existing but within a comfortable range for this site.
- 6.8 The statutory tests for the proposal, as set out in sections 16 (**Listed Buildings**), 66 (**Listed Buildings**) and 72 (**Conservation Areas**) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest (**Listed Buildings**) and; whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.9 In accordance with para 189 of the NPPF, an assessment of the significance of the building within the Conservation Area is set out in the submitted Heritage Statement and the Council's Conservation Area Appraisal.
- 6.10 On this basis, in accordance with sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would preserve the character of the building and the appearance of the Conservation Area.
- 6.11 In conclusion no objections to this amended scheme are raised subject to agreement by condition on materials and colour of render. Conditions can be added to ensure that any changes to the front elevation (windows and doors) required to facilitate the development will be controlled in the interest of visual amenity.

Residential amenity

- 6.12 A minimum of 20 sq.m of amenity space is required for new flats. With flatted development the amenity space can be provided in the form of a communal garden. Any amenity space should also be usable and fit for purpose. In the case of the proposed scheme, all flats would have access to a small south facing yard measuring 12.5 sq.m there is however public open space needs which mitigates the absolute need for private amenity space within city centre development. The scheme would also result in residential accommodation being placed within close proximity to a tree on an adjacent site and frosted glass is required for one of the windows serving the flat located within the rear extension. The proposal would also result in ground floor residential accommodation adjacent to the street frontage, however within this location the relationship is not uncommon and as such it would be unreasonable to oppose the scheme on this basis.
- 6.13 These negative aspects of the proposal must be balanced against the positive aspects of the scheme. In particular the position with excellent access to shops, facilities, central parks and educational institutions is regarded as providing a good living environment. As such, taking all aspects of the proposal into account and having weighed the positive aspects against the negative it is considered that a decent residential environment would be achieved.
- 6.14 Adverse harm will not be caused to neighbouring residents living within the Booth Centre owing to the rear projection of the proposed extension and the rear projection of the Booth Centre. There is also an existing party wall separating the

two sites which measures 5.2m in height (the proposed rear extension would measure 6.5m in height).

- 6.15 The neighbouring property at number 60 Oxford Street is currently occupied as an office as opposed to the most sensitive land use which is residential. Where appropriate obscure glazing would however still be used to prevent the proposed rear flat within the extension from overlooking the rear yard space serving number 60. This would also mitigate the impact on future development potential. Also whilst the scheme included a rear extension which could be viewed as overbearing and dominant consideration is given to the city centre location where relationships of this nature are not uncommon. On balance the impact is now judged to be acceptable.

Parking highways and transport

- 6.16 No parking is currently available to this site. Officers have taken into account the location of the development which is within the city centre and, thus, is within walking distance of many public facilities as well as public transport nodes. Parking restrictions also exist locally and as such there is little scope for overspill parking to occur. It is therefore anticipated that car ownership within a development of this nature will not be proportionally high. Nil parking is deemed acceptable in this city centre location.
- 6.17 In addition it is important to take into account saved policy SDP5 of the Local Plan which confirms that the provision of car parking is a key determinant in the mode of travel and the adopted Development Plan seeks to reduce the reliance on the private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling.
- 6.18 Cycle storage is proposed within the ground floor of the building and spaces would be provided at a ratio of 1:1. The storage area will also be accessed internally. Whilst it is unusual for bins to be located within a building it is reasonable in this situation given that the building does not benefit from a front garden or external access to the rear yard space. Sufficient bin storage can also be provided with the only step being between the threshold of the building and the pavement. A waste management plan condition can be added.

Likely effect on designated habitats

- 6.19 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 Overall the scheme is acceptable and the level of development proposed will not result in significant material impact on the amenities enjoyed by surrounding occupiers or the character and appearance of the area. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

7.2 A suitable balance has been achieved between securing residential accommodation in a sustainable location and increasing the efficiency of this brownfield site whilst not detrimentally harming local amenity or highway safety.

8 Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

MP for 29/01/2018 PROW Panel.

PLANNING CONDITIONS

1.Full Permission Timing Condition (Performance)

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

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

2.Approved Plans (Performance)

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

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

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

Note: Should there be the need to replace windows within the front elevation in the interests of the character of the conservation area timber windows akin to the originals will be required. Furthermore the Council's Design Team have requested that the rear extension be constructed of brick.

4.No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

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

5.Obscure Glazing (Performance Condition)

The windows in the side elevation, facing east, of the rear extension at first floor level serving the lounge/kitchen area and the shower room shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

6. 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.

7. Restricted use of flat roof area (Performance Condition)

The roof area of the extension hereby approved, which incorporates a flat roof surface, shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining occupiers.

8. Ecological Mitigation Statement (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.

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

9. Arboricultural Method Statement (Pre-Commencement Condition)

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

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

10.Green roof specification (Pre-Commencement [not including site preparation])

With the exception of site clearance, demolition and preparation works, no development works shall be carried out a specification for the green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

11.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.
- Unless otherwise agreed by the Local Planning Authority, accept for collection days only, no refuse shall be stored on the public highway.

Reason: In the interest of visual and residential amenity.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

12.Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

13.Archaeological structure-recording [Pre-Commencement Condition]

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

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

14.Archaeological structure-recording work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

15.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.

16. 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.

17. Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason: In order to safeguard the public sewer.

Informative:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

18. Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

19. Construction Management Plan (Pre-Commencement)

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

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	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

should have provided details)?	
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>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>

Stage 2 - HRA screening assessment

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.

Solent SPAs

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.

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.

The New Forest

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.

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

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.

Application 18/01657/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP17	Lighting
SDP22	Contaminated Land
HE1	New Development in Conservation Areas
H2	Previously Developed Land
H7	The Residential Environment

City Centre Action Plan (2015)

AP9 Housing Supply
AP16 Design

Supplementary Planning Guidance

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

Other Relevant Guidance

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

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Toldfield Architects Ltd
5 Freemantle Business Centre
152 Millbrook Road East
Southampton
SO15 1JR

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: **Erection of a three storey rear extension to facilitate a change of use of existing first and second floors from a restaurant (Class A3) to residential (Class C3) to provide 5 flats (3 x 1 bed, 2 x Studio) with associated bin and cycle storage.**

Site Address: **59 Oxford Street, Southampton, SO14 3DL**

Application No: **18/01095/FUL**

For the following reason(s):

01.REFUSAL REASON - Impact on the Oxford Street Conservation Area

The proposed development would be visible from within the Oxford Street Conservation Area (CA) on both Oxford Street and from land to the rear of properties adjacent to the application site and fails, in the opinion of the Local Planning Authority, to present an external design aesthetic that is good enough for its established context. In particular, the profile of the roof required to form the fifth flat is incongruous with the character of the street and disrupts the profile of the block. The incorporation of a rooftop terrace and the contrived design form of the rear extension (including the extensive use of timber cladding, which is not a prominent feature of the existing CA) also represents an intrusive built element to the rear of the properties and would cause additional harm to the character of the area. Potential tree loss caused as a result of pressure to prune or fell trees within the conservation area owing to their proximity to proposed habitable room windows would also cause harm to the character of the conservation area. The position of the refuse store, with stepped access, coupled with the number of bins required to service the development, is also likely to lead to bins being permanently stored on the public highway to the detriment of the visual amenity of the conservation area. The defining characteristics of the conservation area would also be eroded by the addition of a new front entrance, particularly in the manner in which it has been designed, which is considered to be out of sympathy with local character. As such the proposal is contrary to paragraphs 127, 130, 192, 193, 194, 195 and 196 of the NPPF (2018), policies SDP1 (i) of the Amended Local Plan Review (2015), (as supported by paragraphs 3.5.1, 3.9.5, 3.10.2, 3.10.4 and 3.10.6 of the Residential Design Guide Supplementary Planning Document 2006), Policy CS13 and CS14 of the amended Local Development Framework Core Strategy Development Plan Document (2015) and AP16 of the City Centre Action Plan (Adopted 2015) as supported by the Oxford Street Conservation Area Appraisal (2010) all of which to ensure that new development preserves or enhances the special qualities of the CA.

02.REFUSAL REASON - Neighbouring Amenity

The proposal, by means of its rearward projection, height and juxtaposition with neighbouring property, and proximity to the common boundary, with the Booth Centre (57 Oxford Street) to the east relates poorly to the neighbouring residential units and garden space. In particular the residential amenity enjoyed by the occupants of the Booth Centre, in terms of privacy/sense of privacy as caused by the roof terrace (and notwithstanding the addition of the planters), sense of enclosure and outlook from the rear garden and habitable rooms would be harmed as a consequence of the development. Therefore the proposal introduces an un-neighbourly form of development. Accordingly the scheme is considered contrary to Policies SDP1 (i) (as supported by paragraph 2.2.18 of the approved Residential Design Guide Supplementary Planning Document (2006)) of the amended City of Southampton Local Plan Review (2015).

03.REFUSAL REASON - Quality of Living Environment

In the absence of a section clearing showing the useable floorspace of the top floor flat, and the nature in which residents outlook is provided wholly from rooflights, the Local Planning Authority has not been provided with sufficient information to confirm that the quality of the living environment for residents of this flat will be acceptable; when assessed against saved Policy SDP1(i) of the Council's adopted City of Southampton Local Plan (2015) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

04.REFUSAL REASON - Mitigation - S.106 Legal Agreement

In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas:

- i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (Amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (Amended 2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. The 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.
- iii. In the absence of an alternative arrangement or the lack of a financial contribution towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.
- iv. Obligations to explain to residents that they will not be entitled to obtain parking permits for the Council's Controlled Parking Zones.

Note to Applicant:

This final reason for refusal could be addressed following the submission of an acceptable scheme and the completion of a S.106 legal agreement.

Note to Applicant - Community Infrastructure Liability (Refusal)

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



Samuel Fox
Planning & Development Manager

10 August 2018

For any further enquiries please contact:

Mathew Pidgeon

IMPORTANT NOTE TO APPLICANT

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

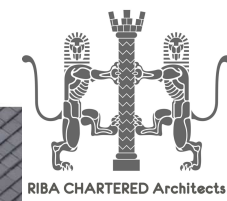
Drawing No:	Version:	Description:	Date Received:	Status:
P11 - Amended	rev A	Site Plan	08.08.2018	Refused
P12 - Amended	rev A	Floor Plan	08.08.2018	Refused
P13 - Amended	rev A	Floor Plan	08.08.2018	Refused
P14		Elevational Plan	15.06.2018	Refused
P15 - Amended	rev A	Elevational Plan	08.08.2018	Refused
P16		Elevational Plan	15.06.2018	Refused
P17		Elevational Plan	15.06.2018	Refused
P18		Other Plans	15.06.2018	Refused
P19		Other Plans	15.06.2018	Refused
P20		Other Plans	15.06.2018	Refused
P21		Other Plans	15.06.2018	Refused
P22		Other Plans	15.06.2018	Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

1. Appeals **must be registered within six months of the date of this notice** and be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
2. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
4. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
7. The applicant is recommended to retain this form with the title deeds of the property.
8. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

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



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Page 35

REAR ISOMETRIC VIEW OF NEW EXTENSION TO REAR OF No.59 OXFORD STREET



Project Name and Address:

59 Oxford Street, Southampton.
 SO14 3DL

Client:

Mr Andy Hewitt

Drawing Title:

Proposed Rear Isometric View

Project Ref: Origin: Zone: Level: Type: Role: Number: Rev:

180301 TA - - -V - A - P21 -

Status:

Planning Application

TA Code: Project Stage: Sheet @ A1: Date:

180301 Planning 17/05/2018
 15:45:18

Rev:	Comments:	Dr:	Ch:
		AP	

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 Webwww.toldfieldarchitects.co.uk

EXISTING & PROPOSED MATERIALS:

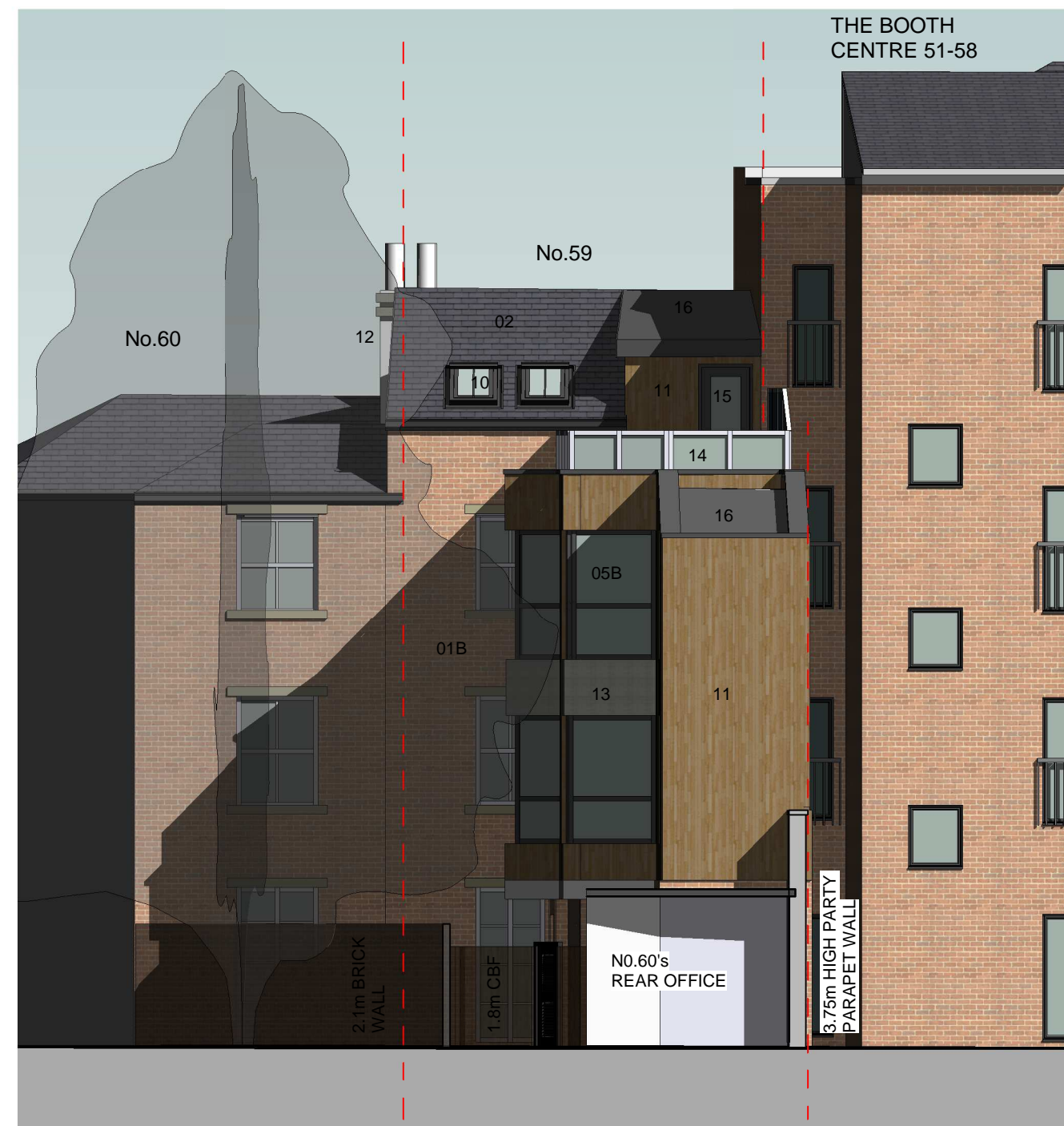
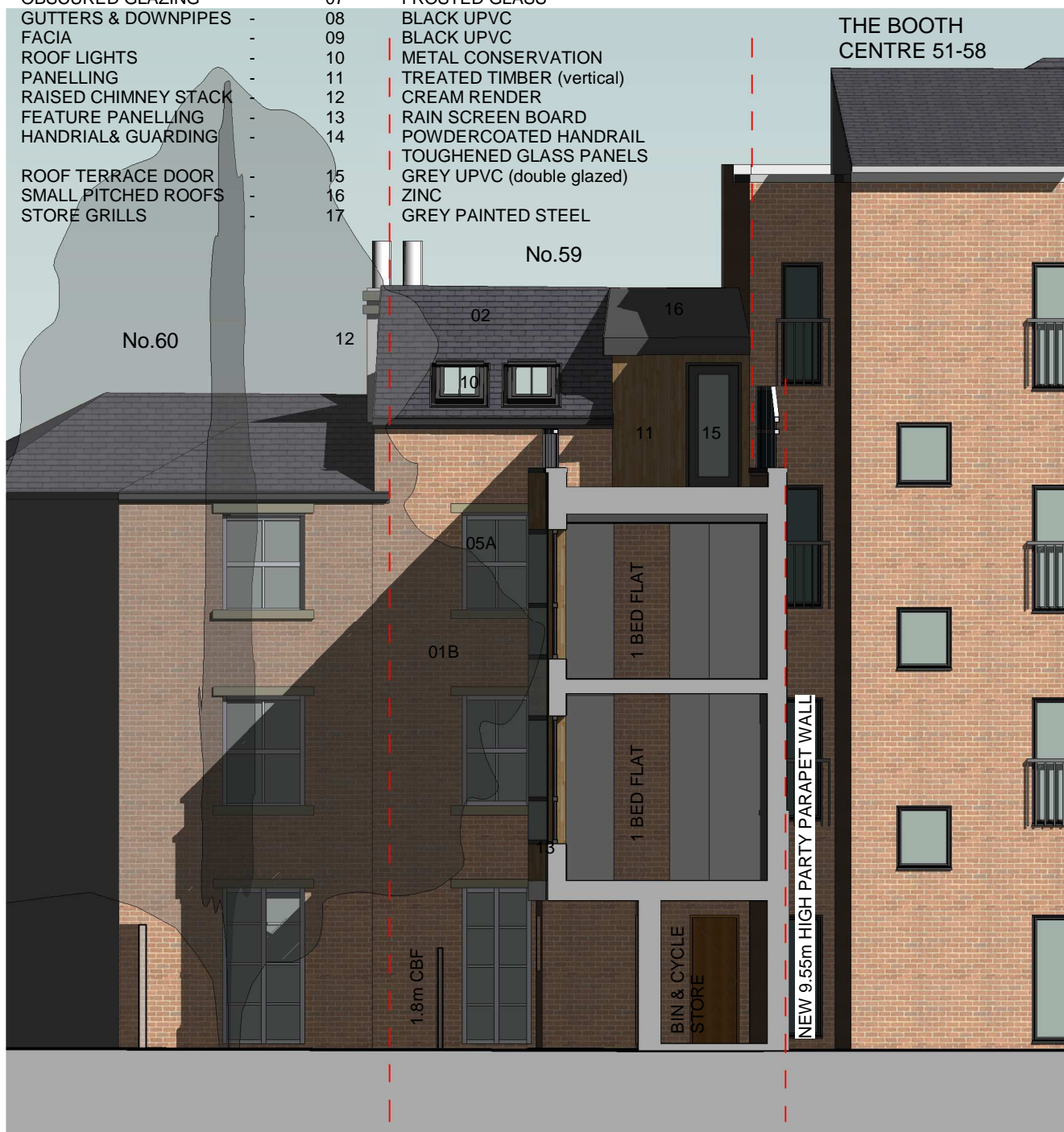
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		01B	RED BRICK MULTI
ROOF	-	02	SLATE TILES
EXISTING FRONT DOOR	-	03A	PAINTED TIMBER / BROWN
NEW RESI FRONT	-	03B	TIMBER PAINTED WHITE
REAR ACCESS DOOR	-	04	PAINTED TIMBER
WINDOWS EXISTING	-	05A	WHITE UPVC (double glazed)
WINDOWS NEW	-	05B	GREY UPVC (double glazed)
FEATURE CILLS & HEADS	-	06	STONE & CONCRET PAINTED CREAM
OBSCURED GLAZING	-	07	FROSTED GLASS
GUTTERS & DOWNPIPES	-	08	BLACK UPVC
FACIA	-	09	BLACK UPVC
ROOF LIGHTS	-	10	METAL CONSERVATION
PANELLING	-	11	TREATED TIMBER (vertical)
RAISED CHIMNEY STACK	-	12	CREAM RENDER
FEATURE PANELLING	-	13	RAIN SCREEN BOARD
HANDRIAL& GUARDING	-	14	POWDERCOATED HANDRAIL
			TOUGHENED GLASS PANELS
ROOF TERRACE DOOR	-	15	GREY UPVC (double glazed)
SMALL PITCHED ROOFS	-	16	ZINC
STORE GRILLS	-	17	GREY PAINTED STEEL



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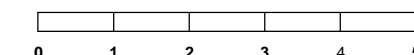
Page 36



PROPOSED SOUTH SECTIONAL ELEVATION

PROPOSED SOUTH ELEVATION

SCALE 1:100



Project Name and Address:
59 Oxford Street, Southampton.
SO14 3DL

Client:
Mr Andy Hewitt

Drawing Title:
Proposed South and South Sectional Elevations

Project Ref:	Origin:	Zone:	Level:	Type:	Role:	Number:	Rev:
180301	TA	-	-	-E	-A	-P15	-

Status:
Planning Application

TA Code:	Project Stage:	Sheet @ A1:	Date:
180301	Planning	1 : 100	22/05/2018 14:44:09

Rev:	Comments:	Dr:	Ch:
		AP	

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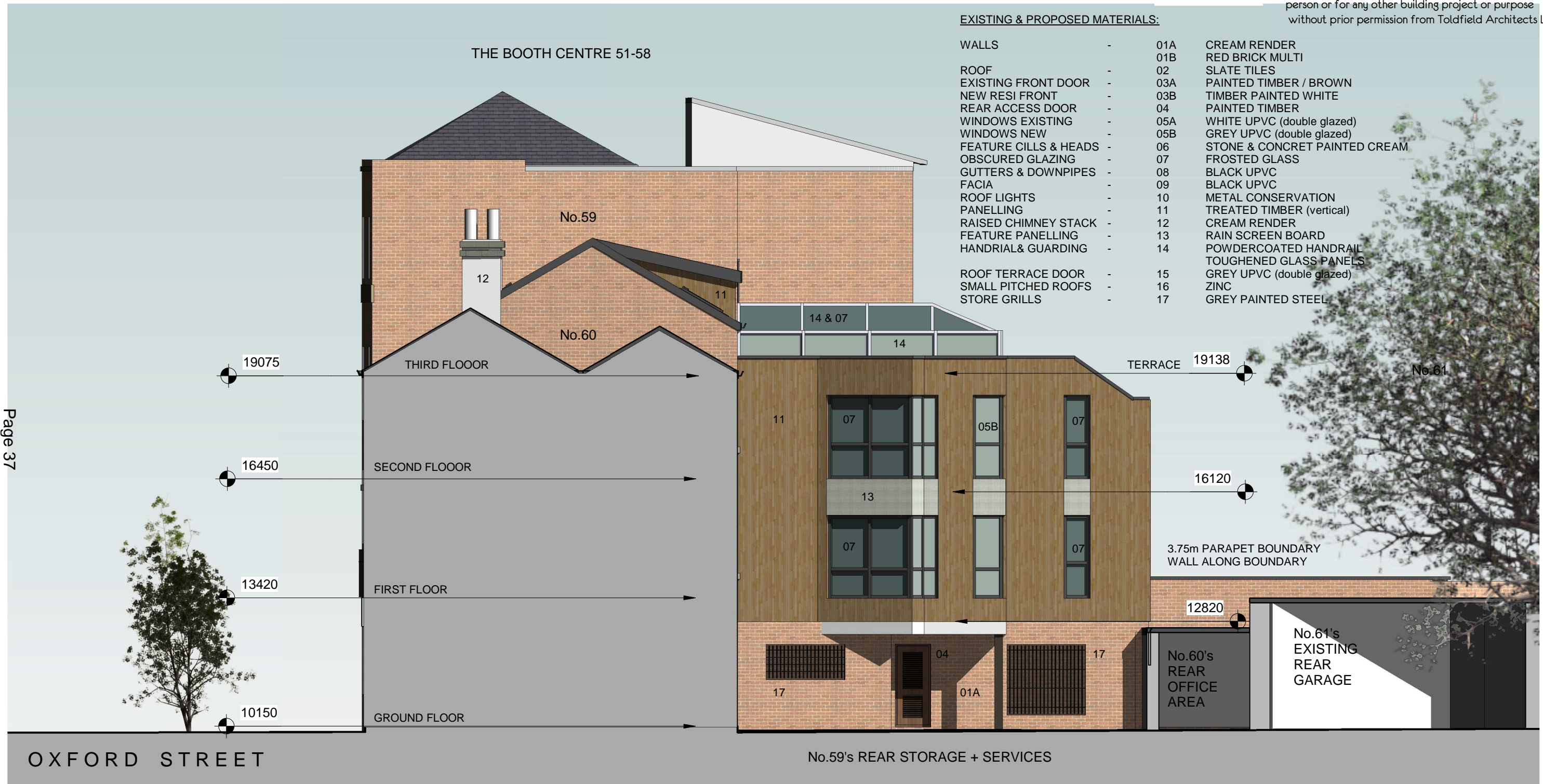
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THE BOOTH CENTRE 51-58

EXISTING & PROPOSED MATERIALS:

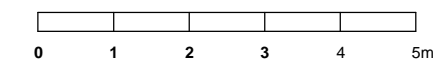
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ROOF	-	02	SLATE TILES
EXISTING FRONT DOOR	-	03A	PAINTED TIMBER / BROWN
NEW RESI FRONT	-	03B	TIMBER PAINTED WHITE
REAR ACCESS DOOR	-	04	PAINTED TIMBER
WINDOWS EXISTING	-	05A	WHITE UPVC (double glazed)
WINDOWS NEW	-	05B	GREY UPVC (double glazed)
FEATURE CILLS & HEADS	-	06	STONE & CONCRET PAINTED CREAM
OBSCURED GLAZING	-	07	FROSTED GLASS
GUTTERS & DOWNPIPES	-	08	BLACK UPVC
FACIA	-	09	BLACK UPVC
ROOF LIGHTS	-	10	METAL CONSERVATION
PANELLING	-	11	TREATED TIMBER (vertical)
RAISED CHIMNEY STACK	-	12	CREAM RENDER
FEATURE PANELLING	-	13	RAIN SCREEN BOARD
HANDRIAL& GUARDING	-	14	POWDERCOATED HANDRAIL
			TOUGHENED GLASS PANELS
ROOF TERRACE DOOR	-	15	GREY UPVC (double glazed)
SMALL PITCHED ROOFS	-	16	ZINC
STORE GRILLS	-	17	GREY PAINTED STEEL

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PROPOSED WESTERN SECTIONAL ELEVATION

SCALE 1:100



Project Name and Address:
 59 Oxford Street, Southampton.
 SO14 3DL

Client:
 Mr Andy Hewitt

Drawing Title:
 Proposed West Elevation

Project Ref: 180301
Origin: TA
Zone: -
Level: -
Type: -E
Role: -A
Number: -P16
Rev: -

Status:
 Planning Application

TA Code: 180301
Project Stage: Planning
Sheet @ A1: 1 : 100
Date: 22/05/2018
 14:42:18

Rev:	Comments:	Dr:	Ch:
		AP	

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THE BOOTH CENTRE 51-58

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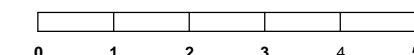
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HANDRIAL& GUARDING	-	14	POWDERCOATED HANDRAIL TOUGHENED GLASS PANELS
ROOF TERRACE DOOR	-	15	GREY UPVC (double glazed)
SMALL PITCHED ROOFS	-	16	ZINC
STORE GRILLS	-	17	GREY PAINTED STEEL



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PROPOSED STREET SCENE ELEVATION TO OXFORD STREET

SCALE 1:100



Project Name and Address:
 59 Oxford Street, Southampton.
 SO14 3DL

Client:
 Mr Andy Hewitt

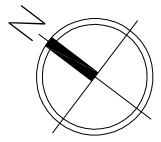
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Project Ref: 180301
Origin: TA
Zone: -
Level: -
Type: -E
Role: -A
Number: -P14
Rev: -

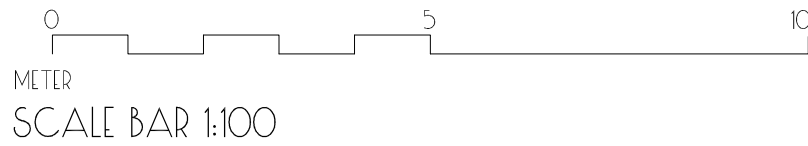
Status:
 Planning Application

TA Code: 180301
Project Stage: Planning
Sheet @ A1: 1 : 100
Date: 22/05/2018
 14:45:09

Rev:	Comments:	Dr:	Ch:
		AP	

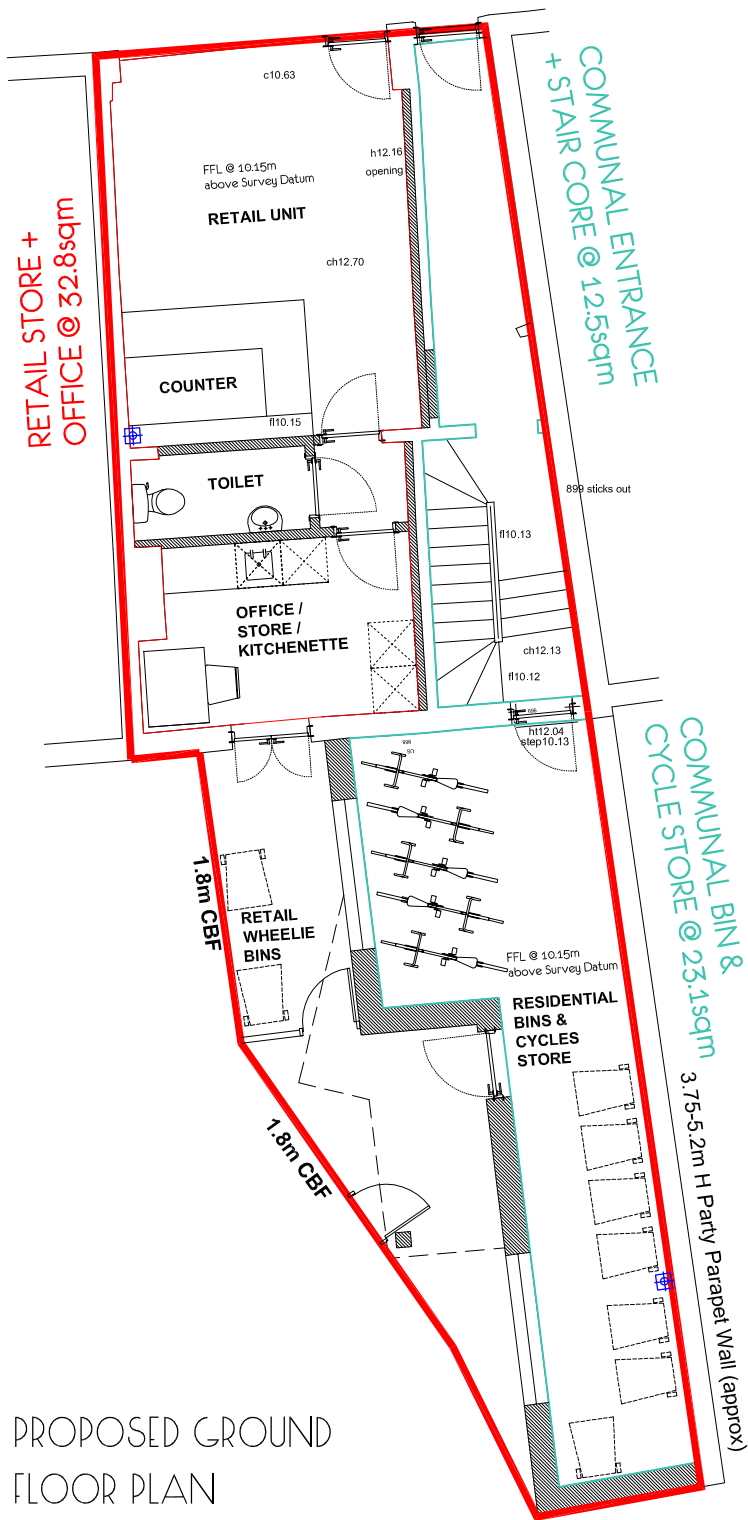


PROPOSED GROUND, FIRST & SECOND FLOOR PLANS

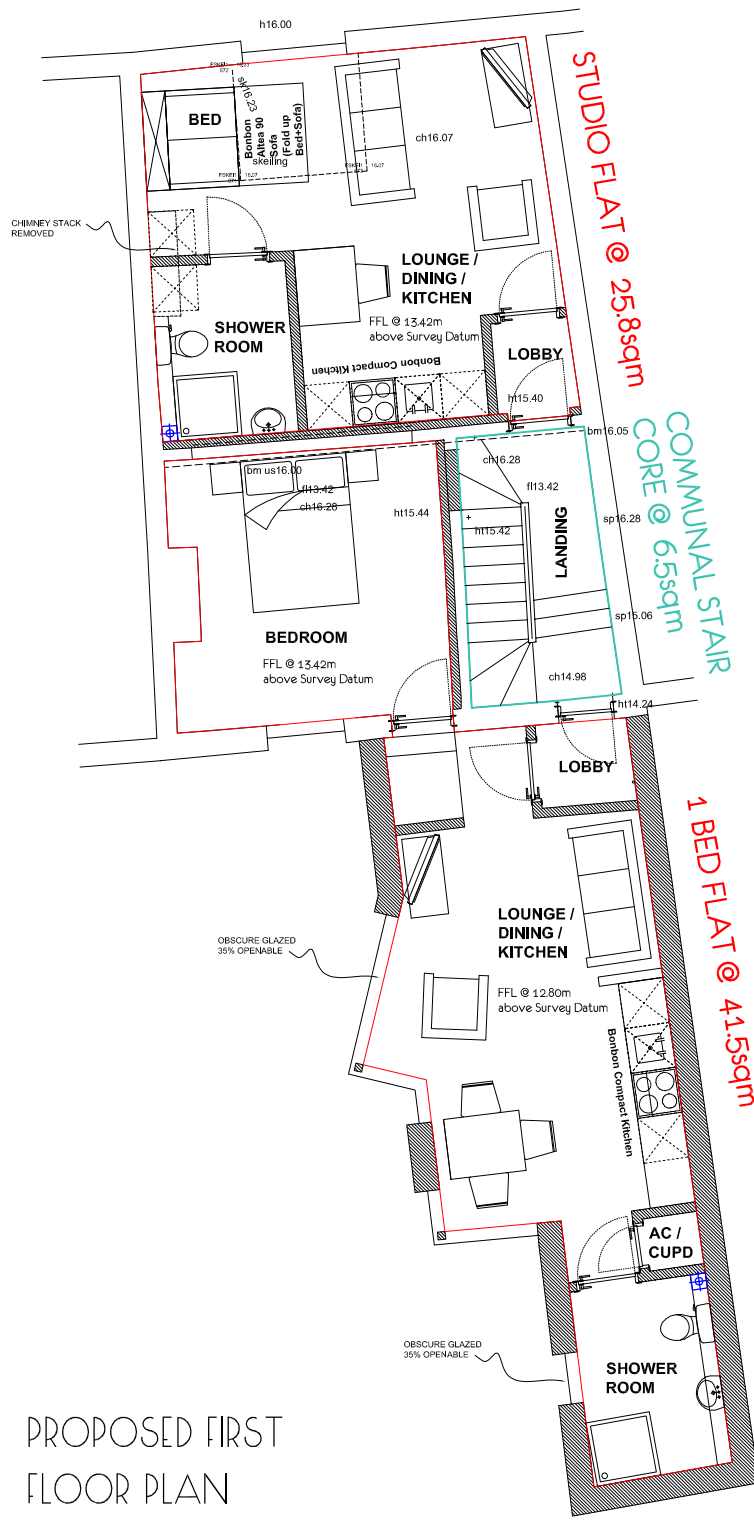


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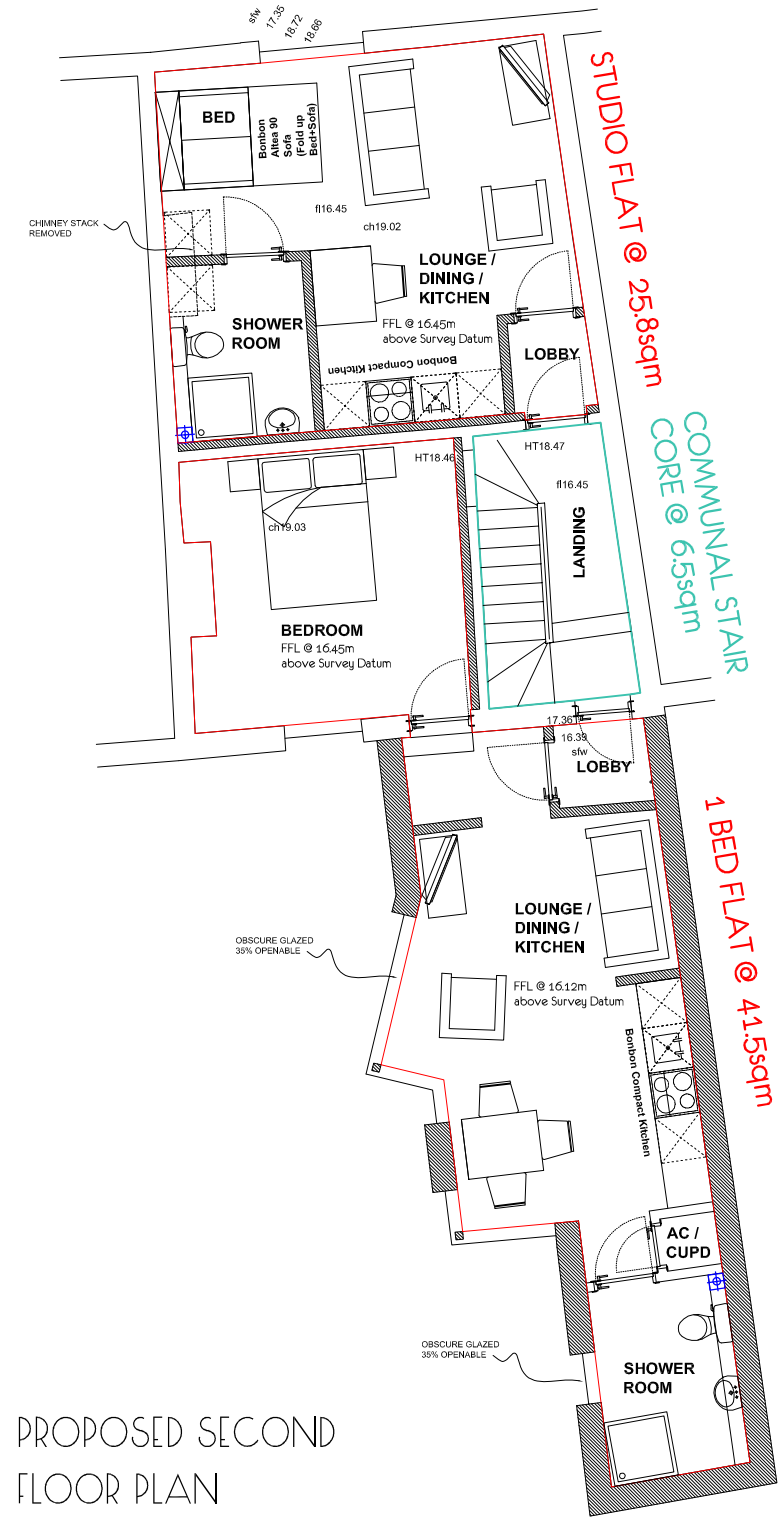
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PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

Key to terms used on survey:

- th - threshold level
- u/s - height to underside
- c - Window cill/cill of feature
- h - head of opening
- ht - height of feature
- co - clear opening
- sp - spring height
- fl - floor height
- ch - ceiling height
- elec - electric service apparatus
- cupd - cupboard

Green partition (colours may vary - for key see floor plans)
White solid wall (best effort is made to identify but where critical should be verified)
△ - survey station

NOTES:
ABSOLUTE LEVELS RELATE TO SURVEY DATUM, RELATIVE LEVELS TO FLOOR LEVEL



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kouros@toldfieldarchitects.co.uk
Web: www.toldfieldarchitects.co.uk

Project Name and Address:
59 Oxford Street, Southampton. SO14 3DL

Client:
Mr Andy Hewitt

Drawing Title:
Proposed Ground, First and Second Floor Plans

Project Ref: 180301
Origin: TA
Zone: -
Level: -
Type: -P
Role: -A
Number: -P12
Rev: -

Status:
Planning Application

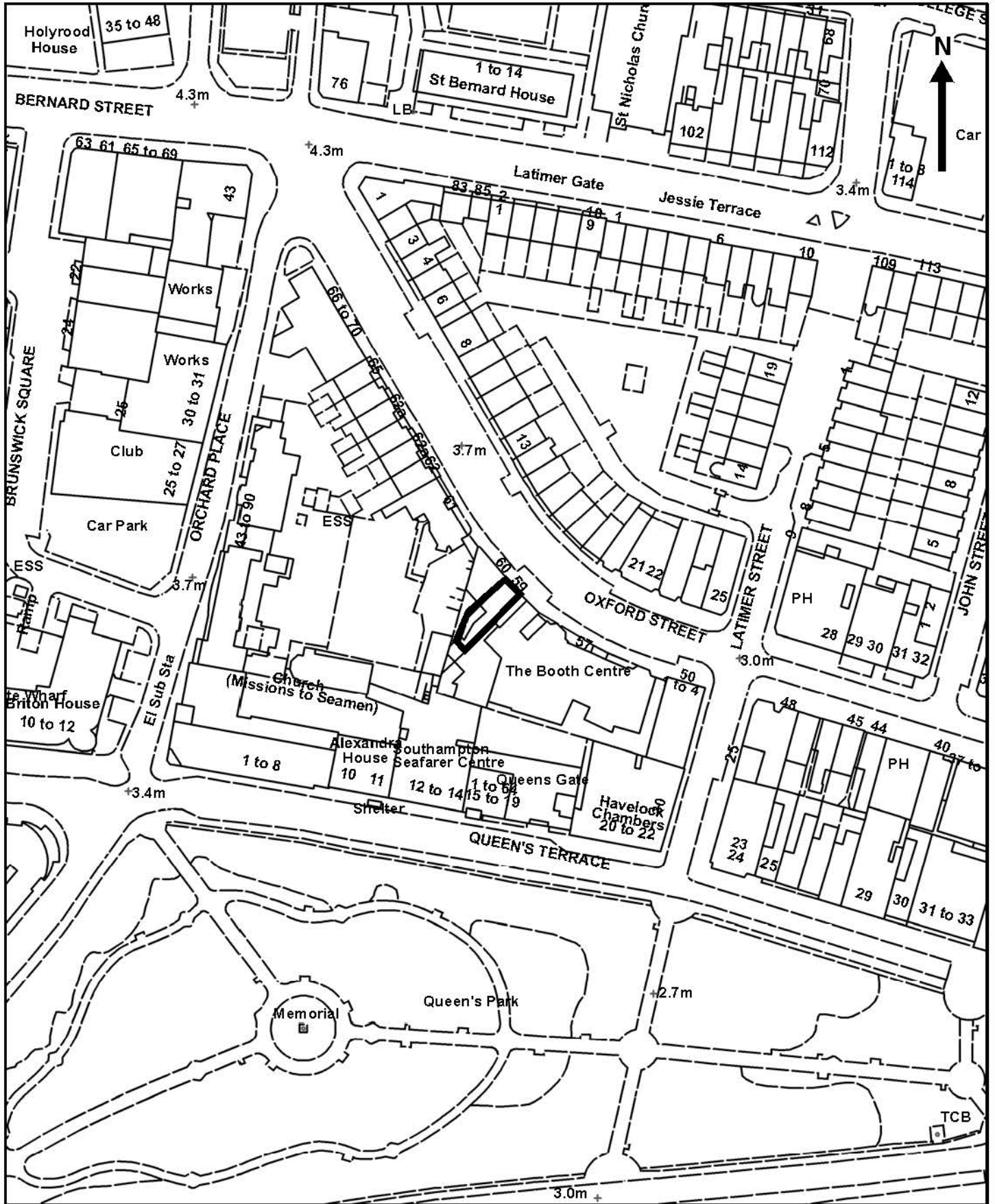
TA Code: 180301
Project Stage: Planning
Sheet @ A3: 1:100
Date: 16/04/2018

Rev:	Comments:	AP	
Dr:	Ch:		

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Agenda Item 5 18/01657/FUL

Appendix 4



Scale: 1:1,250

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Agenda Item 6

Planning and Rights of Way Panel 29th January 2019 Planning Application Report of the Service Lead – Infrastructure, Planning and Development

Application address: Nanital, Hawthorn Road, Southampton			
Proposed development: Erection of a replacement single storey extension and the conversion of existing bungalow to create 2 x 2 bed chalet bungalows with associated car parking, bin and cycle storage.			
Application number	18/01858/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	05/02/2019 (Extension of Time Agreed)	Ward	Portswood
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Claisse Cllr Mitchell Cllr Savage
Applicant: Mr Rivett		Agent: Mr R Wiles - Concept Design & Planning	
Recommendation Summary		Delegate to Service Lead – Planning, Infrastructure & Development to grant planning permission subject to criteria listed in report	
Community Infrastructure Levy Liable		Yes	

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 such as the impact on the character of the area, impact on neighbouring residential properties, amount of parking and the loss of vegetation and habitat have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS6, CS13, CS16, CS18, CS19, CS20 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Appeal Decision		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and
 - a) to secure financial contribution towards Solent Disturbance Mitigation Project (SDMP) 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, and
 - b) An amended parking layout to satisfy SCC Highways
3. That the Service Lead be given delegated powers to add, vary and /or delete relevant conditions as necessary. In the event the SDMP is not resolved the Service Lead will be authorised to refuse permission on the ground of failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010 as required by LDF Policy CS22. Further delegation be given to refuse the application in the event that amended plans are not received to satisfy the highway concerns raised in relation to parking.

1 The site and its context

- 1.1 The site contains a detached 2 bedroom bungalow which is currently vacant. The property is the only dwelling on the south-west side of Hawthorn Road as the rest of the road is occupied by garages and rear gardens of Furzedown Road. Opposite the site is Highfield Church of England primary school. There are four other residential properties on Hawthorn Road, on the opposite side of the road to the application site, adjacent to the school.
- 1.2 The property is a single storey pitched roof, brick and rendered bungalow. The frontage is currently landscaped and there is a garage and drive to the side of the property which can accommodate two cars. The property has been extended to the side and the private garden area is located to the rear.
- 1.3 In terms of parking in the area, all the residential properties within Hawthorn Road benefit from off-road parking. However, the site lies within a residential parking zone (zone 12) which allows parking for more than two hours without a permit outside the hours of 8 am to 6 pm. Due to the location adjacent to the school and university high-levels of on-street parking is common.

2 Proposal

- 2.1 Full planning permission is sought to extend and convert the existing property to provide a pair of two bedroomed semi-detached chalet bungalows. The extensions include an increase in the height of the roof and the insertion of dormer windows facing the street. Each unit will have kitchen, living area and WC on the ground floor and at first floor two bedrooms and a bathroom. There will a double height void from the ground floor to the roof allowing views of the living room from the landing.
- 2.2 The materials proposed for the elevations are render and timber cladding with the dormers and the area under the ground floor front windows to be clad. The roof is to be tiled. The frontage is to be laid out to provide two parking space per unit. One unit will have tandem parking, similar to the existing, utilising the existing dropped kerb. The other unit would be served by two space sides by side along the frontage. The proposal does result in the addition of a double width driveway, which will result in the loss of one on-street parking space.

- 2.3 The proposal results in an approximate increase in height of two metres and a replacement side extension to continue the roof line to enable conversion. Approximately 50 sq.m of private amenity space for each unit is provided within the rear garden area. The resulting extension still provides a proposed footprint very similar to the existing footprint albeit the proposal is for a two storey development – with rooms in the roof. The proposal is only approximately half a metre longer across the plot than the current unit.

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 2**.

- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 The bungalow was given permission on 05.11.1956 under planning permission 1093/59R1 and the side extension was approved under 1510/M24 on 29.06.1976.
- 4.2 Planning permission has previously been granted for the construction of new dwellings to the rear of 7-9 Furzedown Road (12/00345/TIME), following an allowed appeal (08/0110/FUL), and to the rear of 6 Furzedown Road (14/00037/FUL), fronting Hawthorn Road. These permissions have not been implemented and have now lapsed. The appeal decision is provided as Appendix 3.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and placing a site notice on 19.10.2018. At the time of writing the report 6 representations have been received from surrounding residents and from the Head Teacher of Highfield Primary School which lies opposite the site. The following is a summary of the points raised:

5.2 *Overdevelopment*

Response

Policy CS5 of the Core Strategy indicates that densities of between 35 – 50 dph are appropriate for this area and the proposal has a density of 65 dwellings per hectare (dph). Although this is higher than the policy requirement, the policy confirms that these figures are guidelines and density must be assessed in the round with other issues including character and open space. The development can provide sufficient parking, amenity space and meets other adopted standards for residential design and, as such, the level of development is considered to be acceptable. This is discussed in more detail below, particularly as the existing building footprint is very similar to that proposed.

5.3 *Lack of parking and highway safety.*

Response

The proposal provides two parking spaces per unit in line with maximum standards. It is understood that one on-street parking space would be removed due to the position of the new access to the development. The area of road in front of the property does not lie within the resident parking bays but forms

undesigned parking. No objection has been raised to the loss of spaces or highway safety by the Highways Development Management team and the creation of an additional dwelling to meet a recognised need I considered to outweigh the loss of a parking space on street

5.4 ***Concern over noise***

Response

All residential properties have the potential to generate noise. However, the Council's Environmental Health team has not objected and the delivery of housing should not be held up due to concerns that some residents may be unneighbourly. The planning system should plan for reasonable behaviour. Planning conditions can be used to minimise disturbance during the construction phase.

5.5 ***Impact on the character due to the two-storey height and loss of landscaping to the frontage.***

Response

It is noted that the only other buildings along that side of Hawthorn Road are single storey garages and that the property is already different in appearance. The other residential properties on the opposite side of Hawthorn Road are two storey, as are the other properties on Oakhurst Road and Furzedown Road. Therefore the proposed chalet design providing two levels of accommodation does align with the two storey character of the area. It is understood that the proposal will result in the loss of landscaping to the frontage but a landscaping condition is suggested to provide trees and soften the appearance of the development.

The appeal decision in Appendix 3 is also relevant as the site's context has not changed significantly since the decision was made and the policies used to assess character remain the same. This decision concludes, in paragraph 5, that the mix of character in the area means that two-storey development could be accommodated to Hawthorn Road without appearing harmful. As such, it is considered that whilst the character will alter, this would not be a harmful change.

5.6 ***Overlook the school and alter neighbours light and outlook***

Response

The distance between the school and the front elevation of the dwelling is over 21 metres, in line with back-to-back separation distances set out in the Residential Design Guide Supplementary Planning Document (albeit no standards exist for this relationship). The document does not stipulate separation distances between properties across the street. Since the front elevations and curtilages of properties are visible from public vantage points, frontages are typically less private than the rear. On this basis, overlooking across the street is not considered to be harmful. In addition, the school benefits from vegetation screening to the front boundary and is set at a lower level to the street, limiting views into the premises. The development is, therefore, considered to be acceptable in this respect.

In terms of the impact of the development on residential neighbours, the side elevation of the proposed dwellings is nearly 26 metres away from the rear elevation of 11 and 12 Oakhurst Road and 30 metres away from the properties at Furzedown Road, therefore exceeding the adopted separation distances of 15 and 21 metres respectively. These standards are in place to protect the outlook, privacy and daylight to dwellings and, therefore, the proposal is not considered to detrimentally harm neighbouring occupiers.

5.7 ***Increase overcrowding/House Multiple Occupation (HMO)/increase in rented properties***

Response

The proposal is for two bedroom C3 dwellings and, therefore, could not be used as HMOs, which are defined as having three or more occupants and require planning

permission in their own right. The proposal provides one additional unit which would contribute to meeting housing need in the city. Officers are unaware as to whether the units will be rented or privately sold as it is not a relevant planning consideration that forms part of the planning application assessment.

5.8 ***Poor design***
Response

The changes to the existing property are relatively limited: the height of the building would be increased by 2 metres; the footprint of the existing building would be used; two dormer windows would be inserted into the front roofslope and; there would be new fenestration and cladding to the elevations. Having regard to the mixed character of the area and the fact that the existing dwelling is standalone within the street, it is not considered that the alterations would appear out-of-character. The use of dormers help to retain a low-rise appearance to the building and to minimise its impact on the surrounding area. The dormers are modest in terms of their projection and are set away from the eaves and ridge to ensure that they do not dominate the appearance of the roof.

5.9 ***Concerned that the development could impact great crested newt habitat***
Response

The Council's ecologist has advised that it is unlikely great crested newts will be present in the garden or the adjacent ones since they are all too intensively managed and provide little suitable habitat.

Consultation Responses

5.10 **SCC Highways** - The proposed development is acceptable in principle. However, the parking will need to be altered in the interests of highway safety. Firstly, the parking spaces must be 2.4m x 5m in order to avoid vehicles overhanging the highway. This can be addressed via a condition.

The new parking spaces on the southern end should be relocated northwards so it is away from the southern boundary where sightlines is reliant upon a neighbouring property. Due to the proximity of the school, it is especially important to provide best possible sightlines for the new access. This may require adjusting the refuse store and possibly main door depending on pedestrian route widths. A front low wall should be provided to secure the sightlines by the southern boundary (preferably 2m from the southern boundary).

The northern access is existing and will be improved by the splay. Overall, the proposed development is acceptable but the parking will need to be revised to provide better sightlines.

Officer comment –

Amended plans have been requested and officers will update members at Panel.

5.11 **SCC Sustainability Team –**

No objection, as the proposal is a conversion and the amount of floor space increase does not justify the standard conditions.

5.12 **SCC Ecology Officer –**

No objection, it is unlikely if great crested newts were present in the garden or the adjacent ones, they are all too intensively managed and provide little suitable habitat. In addition, the environment between application site and the nearest breeding pond is totally unsuitable for great crested newts further reducing the likelihood of them being present. The best approach would be a construction method statement, secured via a planning condition, covering the demolition of the current extension, removal of existing vegetation and paving and protection of the retained garden area. The construction method statement should set out precautionary procedures such as checks of any vegetation or paving before works

start to ensure there aren't any newts present and a protocol for the workforce to follow if any are found.

5.13 **SCC CIL Officer** –
The development is CIL liable.

5.14 **Southern Water** –
No objection subject to the addition of an informative.

6 Planning Consideration Key Issues

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

- Principle of development;
- Design, character and amenity;
- Parking, Access and Highway safety;

- Impact on adjacent SINC and landscaping; and
- Development Mitigation

6.2 Principle of Development

6.2.1 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable housing development, and the use of previously developed land. The proposal would make good use of this previously developed site to provide further housing in accordance with Local Plan Policy H2. The development of this site as proposed is acceptable in principle and accords with the policies within the development plan and central government's guidance (through the NPPF) which promote the sustainable and efficient use of land for housing development, providing the character of an area is not compromised.

6.2.2 The proposed density of 65 dph does exceed the guide of 35-50 dph for the site. Density alone is not a determinate in the consideration of planning applications and policy CS5 confirms that density should be assessed with regard to a number of criteria including in terms of the character and appearance of the existing neighbourhood and the quality and quantity of open space. This is discussed in more detail below.

6.3 Design, character and amenity

6.3.1 As stated above, the character of the area is mixed and varied. The dwellings differ in design and footprint but are typically two storey in nature, with the exception of the application property. The application property is a standalone dwelling in this part of Hawthorn Road and lies opposite the school which is also distinctive in appearance. The proposal put forward is for a two-storey development, albeit the second floor rooms are within the roofspace served by dormer windows. The design chosen respects the single-storey structures fronting Hawthorn Road and the two-storey development found within the area, including on other parts of the street, balancing both the neighbouring single and two storey buildings. The existing bungalow on site is attractive due to its symmetrical design and this proposal seeks to retain this with the addition of the dormers within the roofslope which assist in limiting the scale and impact of the building. The wooden cladding chosen seeks to freshen up the existing render and would provide a crisp finish.

6.3.2 The size of the plot, whilst not very deep, provides sufficient space to provide for all the necessary amenities to create suitable living conditions for the occupiers. All habitable rooms have an acceptable outlook and adequate light. Sufficient amenity space of 50sq.m in area, exceeding the adopted guidance for this type of development, has been provided to allow a decent area to sit out and enjoy. Storage for cycles and refuse has been provided to an acceptable standard. The proposal uses the footprint of the existing dwelling with an increase in height that

will sit comfortably within its immediate context. The semi-detached nature of the development reflects the type of housing to be found in this area. As such, the level of development is considered to relate well with the established pattern of development within the area.

- 6.3.3 The proposal will result in the loss of shrubs that are not considered significant in terms of size and amenity. None of the trees or shrubs within the site are protected and could be removed in any event. A landscaping condition has been suggested to provide trees within the frontage. The character of the area will be altered by the loss of the vegetation but it could be removed without permission in any event. The provision of strong landscaping to the front of the units is key for a development where parking is going to dominate the frontage. Therefore, subject to the submission of replacement landscaping the proposal is considered to be acceptable.
- 6.3.4 With respect to the impact on the neighbours, the separation distance between the proposed units and neighbouring properties on Furzedown Road vary in distance from 27 metres to 33 metres and with Oakhurst Road the distance is 26 metres. This separation exceeds the standards set out in the Residential Design Guide which seek to ensure the privacy, outlook and light to properties are not adversely affected by developments.
- 6.3.5 The school buildings lie 21 metres away. As stated above it is important to note there are no privacy standards for the separation of buildings across a street since it is typical and expected for frontages of buildings to address the public realm. However, 21 metres separation distance would be sufficient for a back-to-back relationship between buildings and, since this has been met, indicates that no harmful over-looking would occur as a result of the development. Furthermore, the relationship of the school with the street, including the vegetation screening, limits views into the school site.
- 6.3.6 As such, the proposal is considered to be acceptable in terms of its design and its relationship with surrounding properties and accords with Local Plan Review Policy SDP1, and the standards set out in the Residential Design Guide Supplementary Planning Document.
- 6.4 Parking, Access and Highway safety
- 6.4.1 The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. Therefore, careful consideration needs to be made of the implications of the proposed number of parking spaces. The scheme proposes two spaces per unit, which is the maximum permitted for the development by the Council's adopted standards. The 2011 Census suggested that for the Ward of Portswood, 32% of households do not have access to a private car, 44% had access to one car and 24% had access to two cars therefore meaning that two spaces per unit should be sufficient.
- 6.4.2 There is a mixture of restricted and unrestricted on-street car parking within the area. There is a demand for the on-road parking available on the street, which is a concern that has been raised by local residents. The proposal will result in the loss of one unrestricted on-street parking space which is currently well-used. This is considered to be a limited impact and, when balanced against the merits of the scheme, which includes the delivery of housing, is considered to be justifiable.
- 6.4.3 The Council's Highways Officer has raised no objection to the proposal with respect to parking or highway safety (subject to amended plans). Refuse storage and its collection is to be secured by condition to prevent issues of highway safety. The provision of the cycle storage shown is also secured via condition. Therefore on this basis the proposal is considered to be acceptable in this respect.

6.5 Development Mitigation

6.5.1 As with all new development, the application needs to address and mitigate the additional pressure on the environmental, social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). A section106 legal agreement is normally triggered by schemes of 5 or more dwellings and is not, therefore, required for the size of the development proposed. The area of contribution for this development, in order to mitigate against its wider impact, is only towards the Solent Disturbance Mitigation Project. The application is delegated for approval subject to the payment of this contribution or an alternative mechanism for securing appropriate informal greenspace mitigation. 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 proposed scheme provides an acceptable residential environment for future occupiers without significantly affecting neighbouring amenity or the character of the local area. The scheme represents efficient use of previously developed land to contribute to the family housing stock for the city, whilst having little impact on the amenities of neighbouring residents and providing a good quality environment and amenity space for future occupants of the property. Whilst the plot depth is relatively narrow and that the density is slightly higher than the guide and further pressures on parking could be experienced, on balance this scheme is considered to be acceptable.

8 Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AL for 29/01/19 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

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

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

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

03. Refuse & Recycling (Performance)

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

Reason: In the interest of visual and residential amenity.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

04. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

05. Residential - Permitted Development Restriction (Performance Condition)

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class F (hard surface area)

Class G (chimneys, flues etc)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

06. Front Boundary Treatment (Pre-Occupation)

Before occupation of the development hereby approved, details of the front boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

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

07. No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

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

08. Amenity Space Access (Pre-Occupation)

Before the dwellings hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

09. Landscaping & means of enclosure detailed plan (Pre-Commencement Condition)

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

- i. hard surfacing materials in line with the approved plans;
- ii. planting plans including the provision of two semi-mature trees to the frontage; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate - to be agreed; and;
- iii. a landscape management scheme.

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

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

responsible for any replacements for a period of 5 years from the date of planting.

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

10. Ecological Method Statement (Pre-Commencement)

Prior to commencement of the development hereby approved, including demolition, an Ecological Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following;

- Details of the demolition of the current extension, removal of existing vegetation and paving and protection of the retained garden area;
- precautionary procedures such as checks of any vegetation or paving before works start to ensure there aren't any newts present; and
- a protocol for the workforce to follow if any Great crested newts are found.

The Ecological Method Statement shall be adhered to throughout the course of demolition and development.

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

11. Parking (Pre-Occupation)

The parking spaces hereby approved shall be provided prior to the development first coming into occupation and shall be 2.4m wide by 5m width in order to avoid vehicles overhanging the highway. In addition the access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

12. Sightlines specification (Pre-Commencement condition)

Details of sight lines 2m by 2m (measured from the point where the back edge of footway meets the parking space on both sides) shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

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

13. 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.

14. Construction Management Plan (Pre-Commencement Condition)

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

15. Approved Plans (Performance)

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.

Notes to Applicant

Community Infrastructure Liability (Approval)

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

Southern Water - Public Sewerage

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (www.southernwater.co.uk)

Car Parking Permits

Please note, the occupiers of the development hereby approved will not be eligible for parking permits for on-street car parking spaces.

Application 18/01858/FUL

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:	9 th January 2019
Application reference:	18/01858/FUL
Application address:	Nanital, Hawthorn Road, Southampton, SO17 1PX
Application description:	Erection of a replacement single storey extension and the conversion of existing bungalow to create 2 x 2 bed chalet bungalows with associated car parking, bin and cycle storage.
Lead Planning Officer:	Anna Lee
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	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

yes, Applicant should have provided details)?	
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>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>

Stage 2 - HRA screening assessment

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.

Solent SPAs

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.

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.

The New Forest

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.

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.

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

Size of unit (number of bedrooms)	Scale of mitigation per unit (£)
1	337.00
2	487.00
3	637.00

4	749.00
5	880.00

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.

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Application 18/01858/FUL

POLICY CONTEXT

Core Strategy - (January 2010 – Amended 2015)

CS4- Housing Delivery
CS6- Housing Density
CS13- Fundamentals of Design
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

City of Southampton Local Plan Review – (March 2006 - Amended 2015)

SDP1- Quality of Development
SDP4- Development Access
SDP5- Parking
SDP7- Urban Design Context
SDP9- Scale, Massing & Appearance
SDP10- Safety & Security
SDP11- Accessibility & Movement
SDP12- Landscape & Biodiversity
SDP13- Resource Conservation
SDP14- Renewable Energy
SDP15- Air Quality
SDP16- Noise
SDP17- Lighting
SDP22- Contaminated Land
H1- Housing Supply
H2- Previously Developed Land
H7- The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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

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Appeal Decision

Hearing held on 29 April 2009
Site visit made on 29 April 2009

by **John Chase** MCD Dip Arch RIBA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

Appendix 3

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
20 May 2009

Appeal Ref: APP/D1780/A/09/2093507

Land to the rear of 7 and 8, Furzedown Road, Southampton, SO17 1PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S K Ohri against the decision of Southampton City Council.
- The application Ref 08/01110/FUL, dated 17 July 2008, was refused by notice dated 22 September 2008.
- The development proposed is the erection of two, three bedroom, semi-detached dwellings (two storeys high with accommodation in the roof space) with associated car parking.

Application for costs

1. At the Hearing an application for costs was made by Mr S K Ohri against Southampton City Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for the erection of two, three bedroom, semi-detached dwellings (two storeys high with accommodation in the roof space) with associated car parking at land to the rear of 7 and 8 Furzedown Road, Southampton, SO17 1PN in accordance with the terms of the application, Ref 08/01110/FUL, dated 17 July 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) Before occupation of either unit the approved facilities for the storage, removal and recycling of refuse from the premises and the storage of cycles shall be provided and kept available for their designated use thereafter.
 - 4) Before occupation of either unit the parking spaces shown on the approved plans shall be made available for use and thereafter kept available for their designated purpose.

- 5) Before commencement of development a hard and soft landscaping scheme, including details of enclosure, shall be submitted to and approved in writing by the local planning authority. The means of enclosure and hard landscaping shall be carried out in accordance with the approved details prior to occupation of either unit. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of either of the dwellings or the completion of the development, whichever is the sooner.
- 6) Demolition, clearance, or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 09.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays, except that any works outside the permitted hours shall be confined to internal work that shall not be audible outside the building.

Main issue

3. I consider that the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The major point of difference between the main parties is the effect of the introduction of two storey houses into the middle of a street frontage which is otherwise occupied by low sheds, garages, and boundary enclosure. I recognise the Council's concern in this regard: the new building would be significantly higher than any adjoining development on this side, so that its flank walls would become prominent features of the street, especially when viewed from the opposite footpath in Hawthorn Road. On the other hand, there are a number of mitigating factors. There is some vegetation along the street frontage which would soften the effect of the new development; there is a small group of two storey dwellings immediately opposite the site; and I noted that the end buildings in the crossing streets also present isolated flank walls to the Hawthorn Road frontage.
5. Policies SDP1, 7 and 9 of the Local Plan Review, adopted 2006, reinforced by the *Residential Design Guide*, 2006, include provisions to ensure that new development should respect the prevailing character of the streetscape. I recognise that this does not necessarily indicate that new development should be of the same form as its surroundings, which would otherwise prevent evolution to meet changing needs, but that it should not cause unacceptable harm to the present environment. In this case, Hawthorn Road has a disparate character, with a mix of building types and open space, and the frontage surrounding the appeal site has the appearance of a rear service area for the houses in Furzedown Road, with open parking areas alongside sheds and fences. I consider that there is sufficient variety, and not such distinctive character, as to enable the introduction of a new building without harming either the immediate environment, or the wider area, which includes the parkland to the north west.
6. I therefore conclude on the main issue that the proposal would not be detrimental to the character and appearance of the area, in conformity with the identified development plan policies.

Other Matters

7. My attention has been drawn to the objective of making the best use of existing urban land, contained in Government guidance as well as development plan policies. Whilst this would not justify unacceptable environmental harm, I have concluded that the proposal would be satisfactory in this respect, and I take account of the benefit of maximising the use of the land.
8. I recognise the concern of adjoining residents, and particularly those at No 9 Furzedown Road, from whose garden I viewed the site, about the introduction of a new house at the rear of their properties in terms of loss of outlook and privacy. However, whilst there would be a third storey in the roof space, I accept that the building would have a two storey form, and the angle of the rooflights, combined with the limited headroom around them, would diminish the effect of overlooking, so that the separation distance for two storey dwellings shown in the *Residential Design Guide* would be adequate in this instance. I consider that the proposal would meet normal development standards in this regard, and would not unduly affect the living conditions of adjoining residents.

Conditions

9. I have considered the conditions put forward by the Council in the light of Circular 11/95. I shall retain the three year period in the standard time condition, which was introduced to avoid a build up of unimplemented permissions. I do not accept that the present economic climate would justify a longer period in this instance. Materials and landscaping conditions will be imposed for the benefit of the appearance of the development. In the latter case, the impact of the dwelling in the street would be sufficient to require control over the appearance of its external areas.
10. Conditions are necessary to require the provision and retention of bin and recycling areas, for the benefit of the appearance of the locality, and for cycle storage to facilitate alternative modes of transport. I noted that the street is heavily parked, so that on-site parking should be provided to diminish the likelihood of dangerous or illegal parking which would affect highway safety. I shall apply a condition to limit construction working hours to avoid undue disturbance in this residential area. Having regard to the nature of the site, and the absence of identified risk, I consider that a condition concerning ground contamination, even if only precautionary, would not be necessary.

John Chase

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr N Holmes Quayside Architects, 141 Burgess Road,
Southampton, SO16 7AA

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Amery Planning Team Leader, Southampton City Council

INTERESTED PERSONS TAKING PART IN THE DISCUSSION:

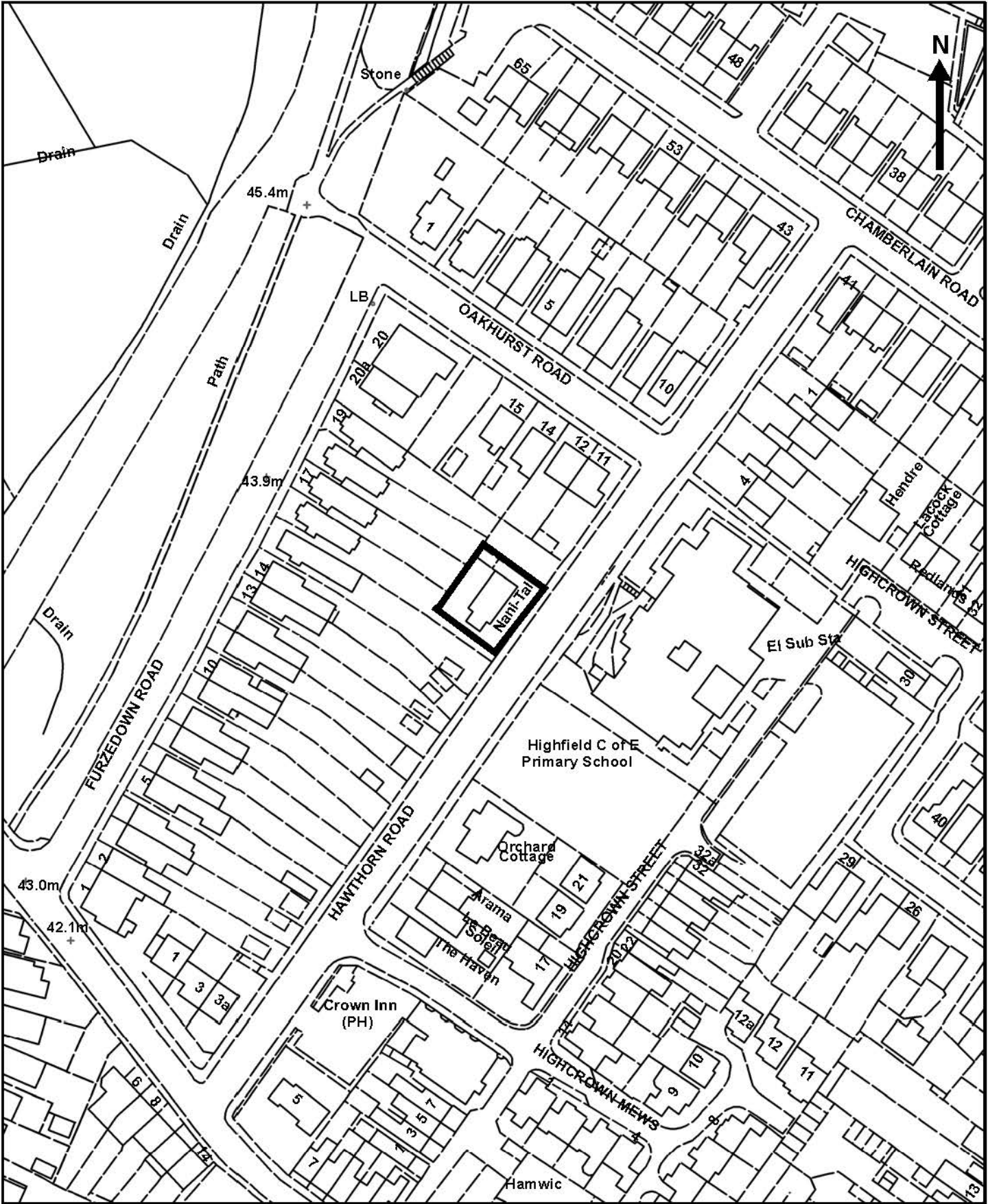
Mr J Williams 9 Furzedown Road, Highfield, Southampton,
SO17 1PN
Mr A Vinson 14 Grosvenor Road, Southampton, SO17 1RT on
behalf of the Highfield Residents Association
Cllr J Baston 27 Highfield Crescent, Southampton, SO17 1SG

DOCUMENTS

- 1 Notification of Hearing
- 2 Schedule of proposed conditions
- 3 Draft application for an award of costs
- 4 Extracts from the Council's Residential Design Guide, 2006

Agenda Item 6
18/01858/FUL

Appendix 4



Scale: 1:1,250

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Agenda Item 7

Planning and Rights of Way Panel 29th January 2019 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 21 Lower Banister Street, Southampton			
Proposed development: Variation of condition 2 of planning permission ref 09/00336/FUL and condition 1 of planning permission ref 13/01840/FUL to allow opening hours of 08:30am to 03:00am 7 days a week			
Application number:	18/01987/FUL	Application type:	FUL
Case officer:	John Fanning	Public speaking time:	5 minutes
Last date for determination:	27.12.2018	Ward:	Bevois
Reason for Panel Referral:	More than 5 representation letters contrary to the officers recommendation	Ward Councillors:	Cllr Kataria Cllr Rayment Cllr Barnes-Andrews
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr Kannangara		Agent: Sennitt Planning	
Recommendation Summary		Refuse	
Community Infrastructure Levy Liable		Not applicable	

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Previous Appeal Decisions		

Recommendation in Full - Refusal

1.Noise and disturbance

The proposed extension to opening hours would result in an extended late night use. It is considered that the intensification of use into the early hours of the morning would cause further detriment to the amenities of neighbouring properties by reason of noise, litter and disturbance caused as patrons leave the premises. The proposal would be contrary to the particular provisions of AP8 which outlines acceptable limits on opening hours within the city centre. Whilst the trade with existing hours on another premises is noted this approach is likely to create further harm to nearby residents of the application site and sets a difficult precedent for further trading that could lead to additional premises trading after midnight in an area with evidenced problems of late night disturbance. The proposal would thereby, having regard to similar appeal decisions in the locality for extended hours of use and the objection from the Police, prove contrary to and conflict with 'saved' policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) and Policy AP8 of the City Centre Area Action Plan (adopted 2015).

1. The site and its context

- 1.1 The application site lies within the defined city centre, situated on Lower Banister Street between Bedford Place and London Road.
- 1.2 The area contains a number of late night music and drink venues with a mix of other uses in the wider surrounding area including a multi-storey car park.

2. Proposal

- 2.1 The site has a somewhat complicated planning history, with the premises currently operating as a single unit. Historically this was not always the case and there are two separate consents for the use of the ground floor and first floor as Class A4 uses.
- 2.2 Application 09/00336/FUL granted consent for the use of the ground floor as an A4 use and imposed the following condition:

APPROVAL CONDITION – A4 Hours of Use - [Performance Condition]

The ground floor A4 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

<i>Monday to Saturday</i>	<i>8.30 am to 12 Midnight</i>
<i>Sunday and recognised public holidays</i>	<i>8.30am to 12 Midnight</i>

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

- 2.3 Application 13/01840/FUL granted consent for the use of the first floor as an A4 use and imposed the following condition:

APPROVAL CONDITION - Hours of Use - drink establishments [Performance Condition]

The drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

<i>Monday to Thursday</i>	<i>08.30am to 12.00 midnight</i>
<i>Friday and Saturday</i>	<i>08.30am to 12.00 midnight</i>
<i>Sunday and recognised public holidays</i>	<i>08.30am to 12.00 midnight</i>

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

- 2.4 The current application seeks to vary the consented hours for both floors to allow opening from 08.30AM to 03:00AM, 7 days a week. A trading hour's swap is proposed making this scheme a little different. It is intended to trade existing planning rights granted on a neighbouring site – namely 5a Bedford Place, which has operated under the name of The Rhino, and which has no conditions restricting hours of operation. In practice, The Rhino closed 4.00am six days a week. A legal agreement would bind the 2 premises so that 5a Bedford Place would trade with the midnight close that currently restricts the applicant.

- 2.5 Previous requests for extended hours have been refused and dismissed at appeal for this site. These appeal decisions are appended at Appendix 3.
- 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 with relevant appeal decisions also attached at Appendix 3.
- 4.2 The site was historically in use as a single retail unit before being subdivided to form separate food and drink elements. Presently the site is lawfully occupied as a single premises operating under separate consents for A4 uses on the ground floor and first floor. An application for the first floor to extend its opening hours to 2AM under application 14/00686/FUL was made in 2014. This application was refused and a subsequent appeal dismissed. Earlier applications in 2009 and 2010 under 09/01025/FUL and 10/01567/FUL for 2AM and 1AM opening were also refused and an appeal dismissed.
- 5. Consultation Responses and Notification Representations**
- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (16.11.2018). At the time of writing the report **8 representations in support** of the proposal have been received from surrounding residents. The following is a summary of the points raised:
- 5.2
- ***Precedent set by Buddha Lounge application***
- Response**
The Council has previously accepted a similar arrangement for an ‘hours swap’ on premises at 3 Winchester Street (Buddha Lounge) under application 15/02217/FUL. It is considered that there are substantial differences between the circumstances of the two cases which require a fresh assessment. This issue is discussed in more detail in section 6 below.
- 5.3
- ***Significant noise and disturbance associated with The Rhino when it was open***
 - ***The Rhino had more anti-social issues while The Social has a more mature/well-managed clientele***
- Response**
It is noted that a planning consent runs with the land, not the current operator. While the Council encourages land owners to operate their premises responsibly and considerately of nearby residents, a future tenant may operate in a different way. The fact that the Rhino club presented issues does not in itself justify the extension of hours to a different operator.

- 5.4 • **Existing closing time results in people leaving into dark, uneven footing. Additional lighting and staff would improve matters.**

Response

It is not clear that allowing later opening hours would improve this situation.

- 5.5 • **Occupiers near The Social moved into the properties aware of the context of surrounding late night premises and would not suffer greater disturbance**

Response

The application would extend later opening hours in this area. It is noted that The Rhino is also a historic use of the premises and a similar argument can be made for that premises. Later hours have wider implications for nearby residents as customers leave the premises and walk home.

- 5.6 • **Individuals leaving application site are less likely to pass takeaways and exacerbate associated impacts**

Response

It is not clear that the difference in location will have a substantial impact on the uptake of nearby food outlets.

- 5.7 • **Reduce queues for nearby premises**

Response

The additional hours proposed will result in additional capacity later into the night, resulting in larger groups congregating later at night.

- 5.8 • **Additional employment and leisure availability**

Response

The Council supports employment and leisure uses where the impacts do not have a harmful impact on the character or amenity of surrounding properties. In this case AP8 of the Councils CCAP outlines appropriate late night opening hours in this area and the proposed application would exceed those hours.

Consultation Responses

- 5.9 **Environmental Health – No objection**

Environmental Health do not have an objection in principle, however there are considerations to be made and works to attenuate sound may be required, the detail of which will only be known following a noise assessment. The issue of noise break out has been discussed at length with the management of the premises in the past following noise nuisance complaints (no substantiated) so the potential points for noise break out have already been identified. A noise report will be required, as notwithstanding that there are adjacent properties open until the early hours, each premises has to be considered independently for potential noise break out that may result in a statutory nuisance. The responsibility is on the operator and management to minimise problems, including use of any external areas. The building may require sound proofing, not only to the front elevation windows and external doors, but also as sound may break out through the roof. Noise break out from the front elevation can in part be achieved by keeping the external doors and windows closed and maintaining the double door lobby after 21.00 hours. A noise assessment must include levels at above the height of the building where residents living on the upper floors of particularly Roebuck House may be affected by noise which at ground level is not a problem/not audible. A good management plan will be required and this should be covered in licence conditions, but I think it is fair to say that detail of management of the premises relating to noise should be a condition of the planning application being granted. Although the building and use may have existed prior to the residential accommodation that does not remove the responsibility for the venue operator to take appropriate steps to protect against any noise that may adversely

affect neighbours, particularly domestic residents, due to the longer opening hours.

5.10 **Police – Objection**

The proposal is contrary to the provisions of the City Centre Action Plan. The Rhino has been closed since 2014 and has not had an alcohol licence since that date. It is considered that staggered opening times at present help prevent build ups of people in the public realm and the applicant is not considered to have clearly demonstrated that the change will not adversely impact the local area. Objection to application.

6.0 Planning Consideration Key Issues

- 6.1 The key issue in this case is the impact of late night operations on the amenity of the area. The site lies within one of the specified late night zones, laid out in the Council's City Centre Action Plan (CCAP). Policy AP8 in this document identifies late night uses are an important part of meeting the needs of those living within the city but that the impacts associated with such uses need to be carefully managed so as to avoid disruption and other negative impacts on local residents associated with congregations of such uses.
- 6.2 Specifically, in this area the CCAP identifies that premises should have a terminal hour of midnight, which is the existing closing time of the premises per their planning conditions. As such it is considered that a later opening time would be contrary to policy.
- 6.3 In order to address this issue the applicant has suggested they are willing to enter into a legal agreement where the opening hours on another nearby premises, The Rhino (which has currently been vacant for a number of years), will be limited to midnight (per the current restrictions on the application site), while the application site will have the opening hours proposed of 3AM.
- 6.4 The planning history of The Rhino (5A Bedford Place) is included in Appendix 2 but in summary application 1530/M23 granted consent for the use of the premises as a 'folk club' with no restriction on opening hours. The property has been extended a number of times since then. It is considered that the premises could lawfully operate as a music/drink venue without any restrictions on its hours. The premises has been vacant for a number of years and a number of applications have been submitted for the redevelopment of the site (16/01051/OUT, 16/01930/OUT) but were refused.
- 6.5 The Council has previously accepted a similar arrangement for an 'hours swap' on premises at 3 Winchester Street (Buddha Lounge) under application 15/02217/FUL. It is considered that there are substantial differences between the circumstances of the two cases. In that situation, the two premises were immediately adjacent and, at the time, linked internally. This meant that the impacts associated with the two uses were somewhat difficult to differentiate in terms of anything except hours of opening. As such it was considered that the agreement could secure a definitive improvement over the existing situation.
- 6.6 In this case the application site is a distinct separate premises from The Rhino. The properties are over 100m apart, on different frontages and separated by large multi-storey car park. The Rhino has also been closed for several years and does not currently have a licence to operate, though it is accepted that it could reopen without requiring planning permission.
- 6.7 While both properties are situated in the wider context of the Bedford Place/London Road area, it is not considered that there is a direct equivalency between the relative impacts associated with the two uses. As such it is not felt that a legal agreement would be an appropriate method of addressing the additional harm associated with the later opening hours. As such it is considered

that the proposal should be refused in line with the provisions of AP8. The Council maintains that midnight opening is in line with policy and any movement away from this position would harm the living conditions of neighbouring occupants (as confirmed by the appeal inspector at paragraph 17 of LPA ref: 14/00686/FUL.

7. Summary

7.1 The Police have raised concerns that the proposal would exacerbate existing issues associated with late night opening in the immediate area. A number of applications for later opening hours have been submitted on the site over the last 10 years which have been refused with subsequent appeals dismissed. The Council considers that the adoption of the CCAP in 2015 has only reinforced its stance on the harm resulting from later opening hours in this area.

7.2 The Council do not consider that the proposed legal agreement is sufficient to mitigate the immediate and wider impacts of the development and as such it is considered that the provisions of AP8 in the CCAP should be given significant weight and the application refused. The trading of hours in this manner would also set a precedent for further sites and could lead to more premises with extended hours to the detriment of residential amenity.

8. Conclusion

8.1 It is recommended that planning permission be refused.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a)(b)(c)(d), 2(b)(d)(e)(f), 4(f), 6(a)(b)

JF for 29/01/19 PROW Panel

Application 18/01987/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1 City Centre Approach
CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP16 Noise
REI7 Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 8 The Night time economy

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2018)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Application 18/01987/FUL

Relevant Planning History

21 Lower Banister Street

15/02302/FUL, Variation of condition 6 of planning permission 05/00174/FUL to allow extended opening hours to 2am Thursday, Friday and Saturday
Withdrawn, 27.09.2017

14/00686/FUL, Variation of condition 1 of planning permission 13/01840/FUL to extend the approved opening hours for the first floor bar (A4 use) from 08:30am - 12 midnight (Monday - Sunday) to 08:30am - 02:00am (Monday - Sunday and recognised public holidays)

Refused, 30.07.2014

Appeal Dismissed, 31.12.2014

REFUSAL REASON: Noise and disturbance

The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises. The proposal would thereby, having regard to similar appeal decisions in the locality for extended hours of use, prove contrary to the provisions of 'Saved' policies SDP1, SDP16, REI7 and CLT14 of the adopted City of Southampton Local Plan Review (2006) and Policy AP8 of the emerging City Centre Area Action Plan (2013).

**13/01840/FUL, Change of use of the first floor from A3 (restaurants) to A4 (drinking establishment) (retrospective)
Conditionally Approved, 07.03.2014**

Condition 1

APPROVAL CONDITION - Hours of Use - drink establishments [Performance Condition]

The drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

<i>Monday to Thursday</i>	<i>08.30am to 12.00 midnight</i>
<i>Friday and Saturday</i>	<i>08.30am to 12.00 midnight</i>
<i>Sunday and recognised public holidays</i>	<i>08.30am to 12.00 midnight</i>

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

10/01567/FUL, Application for variation of conditions 2 and 3 of planning permission 09/00336/FUL to extend the approved opening hours for both A3 and A4 uses from 08:30am-midnight Monday-Sunday to 08:30am-01:00am Monday-Sunday.
Refused, 10.01.2011
Appeal Dismissed, 12.09.2011

REFUSAL REASON: Noise and Disturbance

The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises. The proposal would thereby prove contrary to the provisions of Policies SDP1, SDP 16, REI7 and CLT 14 of the adopted City of Southampton Local Plan Review (2006).

09/01025/FUL, Variation of conditions 2 and 3 of permission 09/00336/FUL to extend the approved opening hours for both A3 and A4 use from 08.30 (8.30 am) until midnight (Monday - Sunday) to 08.30 (8.30 am) until 02.00 (2am) (Monday - Sunday).
Refused, 19.11.2009

REFUSAL REASON: Noise and Disturbance

The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises. The proposal would thereby prove contrary to the provisions of Policies SDP1, SDP 16, REI7 and CLT 14 of the adopted City of Southampton Local Plan Review (2006).

**09/00336/FUL, Alterations to ground floor front/side elevations and change of use from Class A3 to mixed use Class A3/A4
Conditionally Approved, 04.06.2009**

Condition 2

APPROVAL CONDITION – A4 Hours of Use - [Performance Condition]

The ground floor A4 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

<i>Monday to Saturday</i>	<i>8.30 am to 12 Midnight</i>
<i>Sunday and recognised public holidays</i>	<i>8.30am to 12 Midnight</i>

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

Condition 3

APPROVAL CONDITION – A3 Hours of Use - [Performance Condition]

The first floor A3 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

***Monday to Saturday 8.30 am to 12 Midnight
Sunday and recognised public holidays 8.30am to 12 Midnight***

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

06/01682/FUL, Retrospective application for external alterations to front elevation, erection of decking to front, insertion of windows and formation of fire escape.
Conditionally Approved, 22.12.2006

06/01559/VC, Variation of Condition 06 of Planning Permission (ref 05/00174/FUL) to allow opening hours of 8.30am to 12 midnight 7 days a week.
Conditionally Approved, 15.12.2006

05/00174/FUL, Subdivision of the premises and change of use of part of premises from A1 (Retail) to A3 (Restuarants and cafes) and change of use of another part of the premises from A1 (Retail) to A4 (Drinking establishment) to form an extension to The Orange Rooms and alterations to the fenestration of the building on the south and west elevations (resubmission).
Conditionally Approved, 08.03.2006

5A/6A Bedford Place

16/01930/OUT, Redevelopment of the site. Demolition of the existing building and erection of a 5-storey building to provide commercial use on the ground floor and 10 flats above (7 x 2-bed and 3 x 1-bed) with associated refuse facilities (Outline application seeking approval for Access, Layout and Scale)
Refused, 07.02.2017

16/01051/OUT, Redevelopment of the site. Demolition of the existing building and erection of a 6-storey building to provide commercial use on the ground floor and 15 flats above (5 x one bedroom, 8 x two bedroom and 2 x three bedroom. (Outline application seeking approval for access, layout, scale and appearance).
Refused, 11.08.2016

10/00127/FUL, Change of use from A1 (retail) to mixed use comprising a combination of uses within Use Class A1 (retail), A2 (financial services), A3 (drinking establishment), A4 (restaurant) and/or A5 (take-away)
Conditionally Approved, 08.04.2010

09/00861/FUL, Installation of a new shop front
Conditionally Approved, 25.09.2009

09/00617/FUL, Change of use from retail (class A1) to mixed use restaurant/cafe and takeaway (A3 and A5)
Conditionally Approved, 10.08.2009

09/00193/FUL, Change of use of ground floor from retail (use class A1) to hot food takeaway (use class A5)
Conditionally Approved, 01.05.2009

04/01586/FUL, Installation of automatic sliding door to existing shopfront.
Conditionally Approved, 06.12.2004

971262/E, INSTALLATION OF A NEW SHOPFRONT
Conditionally Approved, 26.01.1998

1631/M18, INSTALLATION OF 6 NEW WINDOWS FRONTING WATERLOO TERRACE
Conditionally Approved, 07.06.1983

1626/M17, USE OF GROUND FLOOR AS RESTAURANT
Conditionally Approved, 01.02.1983

1571/M27, ERECTION OF A FIRST FLOOR REAR EXTENSION FOR USE AS CASINO
Conditionally Approved, 24.06.1980

1554/M29, ALTERATIONS TO FLANK WALL FRONTING WATERLOO
Conditionally Approved, 03.04.1979

1548/M29, USE OF PREMISES AS RESTAURANT
Conditionally Approved, 09.01.1979

1532/M25, ALTERATIONS TO THE EXTERNAL ELEVATIONS IN CONNECTION WITH THE USE OF REAR OF PREMISES AS FOLK CLUB.
Conditionally Approved, 29.11.1977

**1530/M23, USE AS FOLK CLUB
Conditionally Approved, 20.10.1977**

Appeal Decision

Site visit made on 8 December 2014

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2014

Appeal Ref: APP/D1780/A/14/2226053

Triad House, 24 Lower Banister Street, Southampton, SO15 2EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Neil Homer (Roxx) against the decision of Southampton City Council.
 - The application Ref 14/00686/FUL, dated 22 April 2014, was refused by notice dated 30 July 2014.
 - The application sought planning permission for the change of use of the first floor from A3 (restaurant) to A4 (drinking establishment) (retrospective) without complying with a condition attached to planning permission Ref 13/01840/FUL, dated 7 March 2014.
 - The condition in dispute is No 1 which states that: *The drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours: Monday to Thursday 08.30am to 12.00 midnight, Friday and Saturday 08.30am to 12.00 midnight, Sunday and recognised public holidays 08.30am to 12.00 midnight. Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.*
 - The reason given for the condition is: *To protect the amenities of the occupiers of existing nearby residential properties.*
-

Decision

1. The appeal is dismissed.

Background

2. The appellant considers that the hours restrictions contained in condition 1 of the planning permission granted by the Council are overly onerous on the business, are not appropriate for modern drinking habits and offer competitors with later opening hours an unfair advantage. As such, the application seeks to vary the permissible hours to allow opening from 08.30 to 02.00am on all days of the week.

Main Issue

3. The main issue is the effect that the proposed variation of opening hours would have on the living conditions of local residents.

Reasons

4. The appeal property is the first floor within a building comprising a further drinking establishment at ground floor level. A mix of uses surround the site including a wide range of pubs, night clubs, restaurants and other night time uses. A modern development of residential flats is located on the opposite side of the road and other residential streets, including a large residential area known as the Polygon, are located nearby.
5. The Council has identified issues of noise, disturbance, anti-social behaviour and littering which are said to be associated with people leaving late night premises and making their way through residential streets. This is a matter that was considered in some detail during the Examination into the City of Southampton Local Plan Review (LPR) (2006). The Inspector noted attempts to support and maintain the night-time economy whilst protecting the living conditions of neighbouring residents. In doing so, she drew a distinction between 'Late Night Zones' where existing concentrations of night time uses stand close to residential uses, and 'Late Night Hubs', evening economy areas more remote from residential areas where future late night uses with extended opening hours should be focused.
6. Policies CLT 14 and REI 7 of the LPR enshrine this approach within the development plan and the site, falling within the Bedford Place/London Road area, is identified on the Proposals Map as a Late Night Zone. Whilst A4 uses are not precluded from these areas, they will only be permitted where potential adverse impacts can be mitigated, including through the imposition of planning conditions. In particular, these policies seek to protect the living conditions of nearby residents.
7. In order to implement these policies consistently, the Council has produced a Planning Policy Note, *Night Time Economy, Guidelines for opening hours relating to Policies CLT 14 and CLT 15*. I can attach this document only limited weight as it has not undergone public consultation. However, it suggests a terminal hour of 12am for premises within the London Road (Bedford Place) zone. This appears to have been implemented consistently by the Council, and indeed at appeal, having had regard to the examples submitted, most recently at 22 Bedford Place (APP/D1780/A/13/2210207).
8. The appellant refers to an appeal example where opening hours were allowed until 02.00 in relation to 24 Carlton Place (APP/D1780/A/08/2078978). Whilst acknowledged by the Council, it makes clear that the Inspector in that case was unaware of the policy background described above as no appeal statement was provided. I have also had regard to a decision at 42B London Road (APP/D1780/A/00/1046651) but this considerably predates the LPR. Having regard to the more recent examples provided by the Council and the evidence outlined above, I attach these examples little weight.
9. I note that the LPR is aged but Policies CLT 14 and REI 7 remain saved with the firm intention of maintaining residential living conditions. This is an objective that I consider to be consistent with the National Planning Policy Framework (the Framework), one of its core planning principles being to ensure a good standard of amenity for all existing and future occupants of land and buildings. As such, I attach them significant weight.

10. Furthermore, the Council's emerging policy AP8, contained within the City Centre Action Plan Proposed Submission (CCAP) (September 2013) seeks to maintain this policy approach, identifying that the issues raised above are ongoing. This is further highlighted in the responses I have received from local people which outline ongoing objections and concerns with regards to the issues identified above. This document has undergone independent examination but the results are yet to be published and I do not know the extent of any outstanding objections to the document. With this in mind, and the fact that the document is yet to be adopted, I can only attach it limited weight, but it nonetheless supports the Council's current policy position.
11. There are a number of other premises in the vicinity of the site that operate later opening hours than the appeal premises. However, the Council suggest that these are outside the scope of planning control, resulting from historic planning permissions without hours restrictions or having established lawful uses over the passage of time. I have seen no compelling evidence, notwithstanding the examples discussed above, that demonstrates any deviation by the Council from the policy approach set out within the development plan. The presence of late night uses is accepted but they are also highlighted as key contributors to the issues of noise, disturbance, anti-social behaviour and littering that have led to the policy approach described. To permit later opening hours of existing premises within the Late Night Zone would conflict with this policy approach and exacerbate these issues.
12. I have had regard to the appellant's track record of successfully operating other local venues, the type of venue aspired to, focusing on entertainment and culture rather than a cheap drinks establishment, as well as the economic benefits that result from local businesses. However, the planning application relates to an open A4 use and there is no guarantee that any subsequent occupier would maintain the same values. In any case, these matters do not outweigh the harm that I have identified with regard to the main issue.
13. I note the existing sound mitigation measures including entry system, sound proofing and dispersion policy, as well as measures employed in nearby residential developments. However, the issues identified relate to noise and disturbance from patrons that have left the site rather than noise emanating from the building and its immediate environs. Whilst these measures, combined with the proposed security staff and litter pickers would no doubt assist in managing patrons at the site, the appellant can have little control over behaviour further afield. Although financial contributions towards local management schemes are offered, these appear to be having only limited effect given the level of objection identified by local people and the ongoing policy impetus to restrict opening hours in the Late Night Zones.
14. The appellant highlights that no objections have been received from immediate neighbours, the Police or the Council's Environmental Health team but this does not alter the harm that I have identified. It is also apparent from the evidence before me that the Police have visited the appeal premises on a number of occasions and reported later opening hours to the Council, suggesting some level of concern.
15. Whilst the concerns raised by the Council and local residents cannot be directly attributed to customers visiting the appeal site the examination into the LPR accepted that issues were associated with late night uses in a general sense. It

is clear that allowing later opening hours would intensify the number of people on the streets at unsociable hours. It is, therefore, sensible to consider the cumulative impact of concentrated night time uses and the impacts of further intensification.

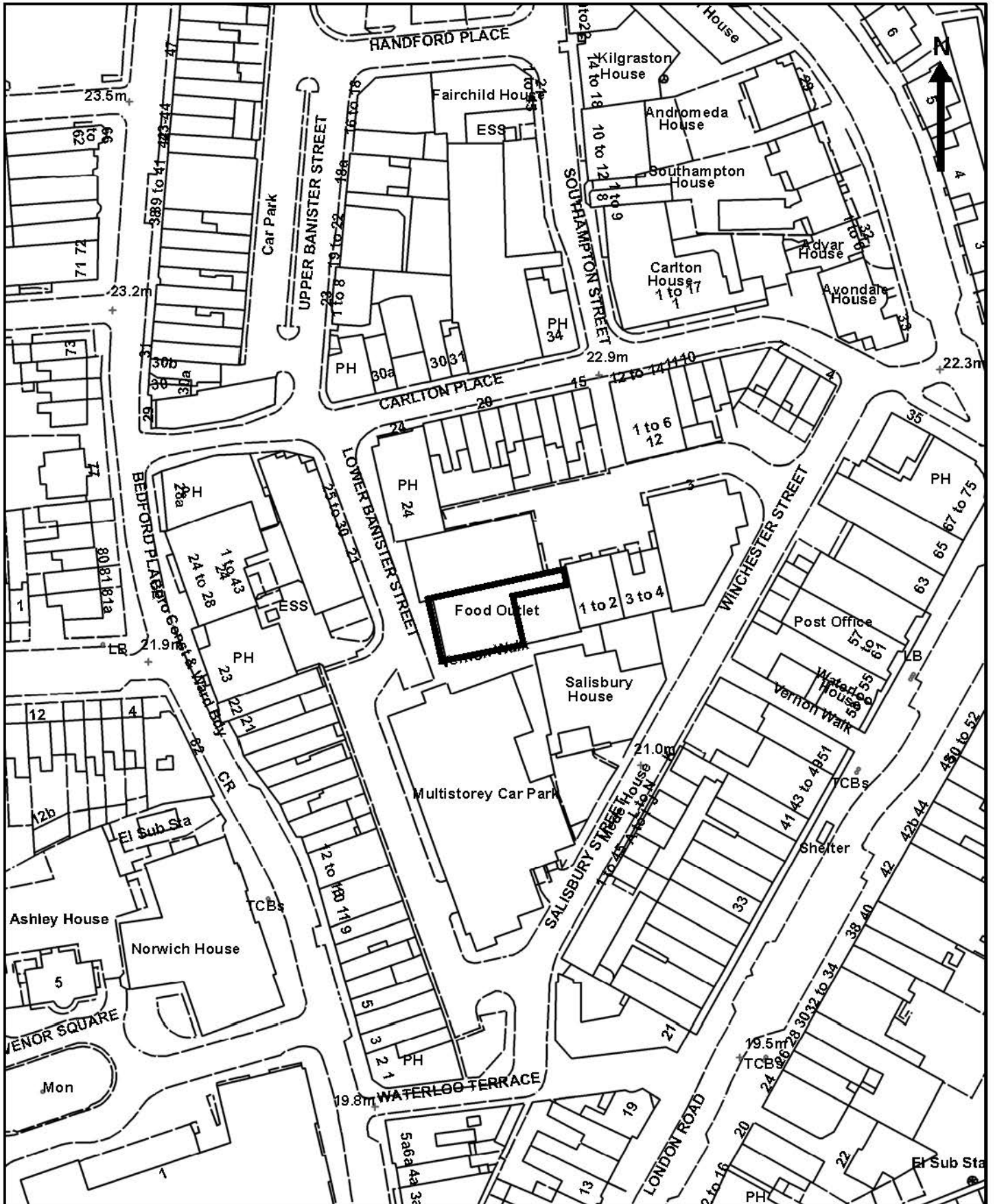
16. I acknowledge that the Framework has been introduced since a number of previous appeal decisions were made and subsequent to the LPR being adopted. I have had regard to the presumption in favour of sustainable development advocated but I have already identified conflict with social objectives to protect the living conditions of local people and the development cannot, therefore, be said to comprise 'sustainable development', notwithstanding that there would be some economic benefits.
17. The proposed opening hours would harm the living conditions of neighbouring occupants. As such, the development would conflict with Policies SDP 1, SDP 16, REI 7 and CLT 14 of the LPR, which seek to direct night time uses to appropriate locations, require development to contribute, where appropriate, to a complimentary mix of uses whilst avoiding harm to the health, safety and amenity of residents, with particular regard to noise, disturbance and litter; as well as Policy AP8 of the emerging CCAP, which has similar objectives.
18. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

Agenda Item 7 18/01987/FUL

Appendix 4



Scale: 1:1,250

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Agenda Item 8

Planning and Rights of Way Panel 29th January 2019 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 5 Woodlands Way, Southampton			
Proposed development: Conversion and extension of existing two-storey semi-detached dwelling to create 2 dwellings (1 x 2-bed and 1 x 3-bed) including additional floor of accommodation (resubmission of 15/01846/FUL)			
Application number:	18/01595/FUL	Application type:	Full Application
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	Target date extended until 5 February 2019	Ward:	Freemantle
Reason for Panel Referral:	Five or more letters of objection have been received contrary to the recommendation to grant permission	Ward Councillors:	Councillor Leggett Councillor Parnell Councillor Shields
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr David Carden-Jones		Agent: NP Designs	

Recommendation Summary	Conditionally approve
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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 – CS4 (Housing Delivery), CS5 (Housing Density), CS13 (Fundamentals of Design), CS16 (Housing Mix and Type), CS19 (Car and Cycle Parking), CS20 (Tackling and Adapting to Climate Change), CS22 (Promoting Biodiversity and Habitats), CS23 (Flood Risk) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Policies – SDP1 (Quality of Development), SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, NE3 (Sites of Local Nature Conservation Importance), H1 (Housing Supply), H7 (The Residential Environment) of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Car Parking Survey	4	Habitats Regulation Assessment

Recommendation in Full

Conditionally approve

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 4 of this report.
2. Conditional approval for the reasons set out in this report

1. The site and its context

- 1.1 The application site is a two storey, 3 bedroom semi-detached dwelling house located on the eastern side of Woodlands Way adjacent to the Southampton Common, which is a Site of Importance for Nature Conservation (SINC).
- 1.2 The proposal already benefits from the addition of a single storey side extension on the north elevation of the property and there is recent planning history.

2. Proposal

- 2.1 This is a resubmission of the same scheme that was approved in 2015, but was not implemented and the permission lapsed. The application again seeks to create an additional dwelling by providing two additional floors above the existing single storey side extension on the north elevation of the existing property. The application also proposes creating an additional floor above the existing property.
- 2.2 The result would be to create two separate 3 storey dwellings with extensions to the original dwelling forming an independent 2 bedroom dwelling whilst the original house would be reconfigured to maintain it as a family sized 3 bedroom unit. An existing single storey rear extension would be removed.
- 2.3 For the new dwelling; at ground floor the living area will be open plan with access served by an additional porch/utility area to the north. The kitchen dining area will be located to the front of the property and the living area looking out onto the amenity area to the rear of the property
- 2.4 At first floor a bedroom and bathroom will be provided. The bedroom will be served by two windows. The window on the west elevation will be obscure glazed and a clear glazed projecting window on the north elevation.
- 2.5 Within the pitched roof space will be a second bedroom with an en-suite. The bedroom will be served by roof lights on the front roof slope and the en-suite will be served by windows on the rear elevation.
- 2.6 The external facing materials will be facing brick and tiles to match the existing dwelling.
- 2.7 No on-site parking is possible.

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 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 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.

4.2 Planning consent 15/01846/FUL provided consent for the conversion and extension of existing two-storey semi-detached dwelling to create 2 dwellings (1 x 2-bed and 1 x 3-bed) including additional floor of accommodation. The permission remained extant at the time the current proposal was submitted and is identical to that now being proposed in this current application. It has now lapsed hence the need for this application

4.3 In 1995, conditional approval (ref.950712/W) was granted for the construction of a single storey side and rear extension.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice 4 September 2018. At the time of writing the report **5 representations** have been received from surrounding residents objecting to the proposal. The following is a summary of the points raised:

5.2 Insufficient Parking

Officer Response

The existing dwelling retains its parking and the new house has no provision (as was the case with the earlier permission). The Council has adopted maximum car parking standards and the Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standards is permissible subject to justification. There are parking restrictions in the surrounding area which limit the possibility for overspill car parking. A car parking survey and parking justification (**Appendix 3**) has been submitted by the applicant and concludes that the proposal would not result in an unacceptable competition for unrestricted on-street car parking spaces in the vicinity of the site. The surveys were carried out at midnight on Saturday 24th November and Thursday 29th 2018 and shows spare capacity as follows:

- **Unrestricted Parking – Survey 1**
8 spaces or parking at 82% capacity
- **Single Yellow Line and Restricted Parking**
3 Spaces or 70% capacity
- **Unrestricted Parking – Survey 2**
10 spaces or 78% capacity
- **Single Yellow Line and Restricted Parking**
4 Spaces or 60% capacity

Furthermore, the Council's Highway Engineer has raised no objection to the application.

5.3 ***Inadequate access for emergency services.***

Officer Response

No objection has been raised in this regard from the Highways Development Management Team

5.4 ***Impact of noise and disturbance during construction***

Officer Response

In order to protect the amenities of the occupiers of existing nearby properties a condition can be imposed that requires the submission of a construction environment management plan. 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. This shall also include details of the storage of construction materials and the parking of all vehicles relating to construction.

5.4 ***Overdevelopment of the Site***

Officer Response

The site is considered to be sufficient in size to accommodate the proposed dwelling and associated amenity space, refuse and cycle storage without being significantly harmful to neighbouring amenity. The application is a renewal of the previous consent 15/01846/FUL where it was considered that there is sufficient remaining space to ensure that the occupants of the existing dwelling enjoy a suitable living environment. There has been no change to the Councils adopted standards or policies since the original permission was granted in 2015.

5.5 ***Loss of privacy***

Officer Response

The proposed upper floor windows serving the main bedroom will be obscure glazed on the west elevation preventing any overlooking. Obscure glazing can be secured by condition. The roof lights on the front roof slope will be located at a high level mitigating any overlooking to the west. The upper floor windows on the rear elevation (east) will result in reciprocal overlooking with the host property.

5.6 ***Loss of Light***

Officer Response

The proposal is located to the north of the host property and is sufficiently distanced from the neighbouring dwellings to mitigate any material harm to the light currently enjoyed by the occupiers of the neighbouring dwellings.

5.7 ***Detrimental to Protected Species Habitats***

Officer Response

No objection has been raised by the Council's Planning Ecologist although an amendment to the windows was requested. Given that the current proposal is a renewal of a previous consent with no material change to the considerations of the proposal it would be considered unreasonable to request such an amendment. Furthermore upper floor windows could be inserted into the north elevation of the original dwelling without the need for express planning consent.

5.8 ***The property is the subject of covenants and maintenance charges***

Officer Response

These covenant and any legal agreements outside of the planning process do not form materials considerations for the application.

Consultation Responses

5.10 **SCC Highways – No Objection**

5.11 **SCC Community Infrastructure Levy (CIL) – The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the extension.**

- 5.12 **SCC Sustainability Team** – Conditions are recommended in relation to the new dwelling in order to ensure compliance with core strategy policy CS20.
- 5.13 **SCC Conservation Heritage Manger** – No objection
- 5.14 **SCC Ecology** – To the north of the site lies an area of woodland which forms part of Southampton Common Site of Importance for Nature Conservation (SINC). The house is in good condition with no obvious access points for bats. There is therefore a negligible risk of bat roosts. The adjoining habitat is of high quality, particularly for bat foraging. Side windows at first floor level, or above, will result in illumination of the tree canopies which would reduce the bat foraging value. I would therefore like the window on the northern elevation to be removed.
- 5.15 **Southern Water** – Southern Water requires a formal application for new connections to the public foul and surface water sewers to be made by the applicant or developer.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport
- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The council has already accepted the principle of the development in the consideration of the previous proposal 15/01846/FUL. There are no material changes to the consideration of the proposal that result in a change to the principle of the development and housing need is still significant in this City.

6.3 Design and effect on character

6.3.1 The application site is part of a wider residential development where dwellings have been designed to a particular style. Buildings within Woodlands Way are predominantly two or three storeys in height and constructed using a range of materials including brick, render, timber cladding, concrete roof tiles and UPVC windows. Bay windows are a key feature of this development and tend to be located at first floor level with a timber clad surround and a shallow dual pitched roof. A number of properties have integral garages and associated driveways however there is also a separate parking court in the vicinity.

6.3.2 This proposal would convert the existing two storey dwelling into a three storey dwelling whilst also establishing a new three storey dwelling at the end of this row of properties. It would convert a semi-detached pair into a terraced row of three properties. It is noted that the third storey provides accommodation within the roof. The principal of three storeys is considered acceptable in this location given the presence of a number of existing three storey properties in Woodlands Way. The design which has been adopted is in keeping with the design of the existing three storey properties in this location. The incorporation of features which are characteristic of the surrounding area (projecting bay window and parapet wall) combined with the installation of windows to match those of the surrounding area and the use of appropriate materials would ensure that as a result of this proposal, both dwellings would be in keeping with the character of the surrounding area.

6.3.3 The row of properties within which the application site is located has a stepped arrangement with the three storey, semi-detached pair of properties located at the

end of the row (at no.9 and no.10 Woodlands Way) positioned forward of the remaining two storey properties. The proposed new dwelling would continue this stepped arrangement with the front elevation of the proposed dwelling positioned approximately 0.5m back from the front elevation of the existing dwelling at no.5. This would reduce the visual appearance of the property subsequently minimising its overall impact on the wider street scene.

6.3.4 The single storey extension to the rear of the proposed dwelling is existing and the proposed single storey side extension is considered to be of an appropriate style and scale in this location. Again, this element of the scheme would be positioned in a way which would ensure it would be hidden from the wider street scene.

6.3.5 The chosen design is again considered acceptable and fits into the established pattern of development as required by LDF Policy CS13.

6.4 Residential amenity

6.4.1 At present, the rear elevation of no.5 Woodlands Way is set back from the adjoining property at no.6 by approximately 0.8m. This relationship would continue as a result of the proposal with the additional floor space at roof level also set back from the rear of this adjoining property. The proposed new dwelling would be level with the rear elevation of no.6, however it would be separated from no.6 due to the presence of the existing dwelling at no.5. As such, it is not considered that the proposed scheme would be detrimental to the residential amenities of the occupiers of no.6 Woodlands Way in terms of loss of light, overbearing impact

6.4.2 The proposed dwelling would face the rear garden of the property located opposite at no.4 Woodlands Way. One window is proposed at first floor level of the proposed dwelling however this would be obscure glazed and would not therefore, result in any additional overlooking or loss of privacy for this rear garden.

6.4.3 It is not considered that the proposed dwelling would result in any significant additional shadowing. The property at no.4, and its garden, is overshadowed by the existing dwelling at no.5 and the proposed dwelling is not considered to worsen this arrangement. As such, this scheme is not considered to result in any loss of amenity for the occupiers of no.4 in terms of loss of light or overshadowing.

6.4.4 A distance of approximately 6m between the proposed dwelling and the boundary of the rear garden of no.4 would be retained. This neighbouring property has a very large rear garden. Its narrowest point is located at the boundary closest to the application site with the garden opening out from this point and at its widest adjacent to the boundary with no.3 Woodlands Way. Having regard to this, the proposed dwelling is not considered to have an overbearing impact on the rear garden of this property.

6.4.5 A separation distance of approximately 8m would remain between the proposed dwelling and the rear elevation of no.4. There is a single storey conservatory located to the rear of this property in addition to two windows at first floor level within the rear elevation. Given the positioning of the proposed dwelling back from the front elevation of the existing dwelling at no.5, the retention of an acceptable separation distance in the context of the surrounding area and the absence of any clear glazed windows within the front elevation of the proposed dwelling, it is not considered that the proposed additional dwelling would have a significant impact over that of the existing dwelling at no.5.

6.5 Parking highways and transport

- 6.5.1 At present no.5 Woodlands Way has access to 2 (off-site) car parking spaces in the form of a garage and a parking space immediately outside this garage. This property would continue to comply with the maximum car parking requirement for a 3 bedroom dwelling. The new dwelling has nil parking as was the case with the earlier consent and it is again considered reasonable to permit a car-parking free scheme given the recent history (which could have still been implemented in November 2018, our maximum parking standards and the survey work to explain spare capacity.
- 6.5.2 The City Council's Highways team have reviewed the submitted parking survey and raised no objection to the proposal.
- 6.5.3 The submitted plans indicate that a cycle store will be provided for the new dwelling within the rear garden. A condition securing this provision can be applied to any consent. The submitted plans indicate that refuse storage will be provided to the front of the new unit. More details of this will be secured by condition to ensure that refuse storage provision is acceptable.

6.6 Mitigation of direct local impacts - Flood risk

- 6.6.1 The application site is not located within a designated flood zone. It is however, located in close proximity to a stream (approximately 7m away). As part of the previous consent the City Council's Flood Risk team advised that they have no objection to the scheme however they advised that the applicant may need to apply for flood risk consent from the Environment Agency. An informative will be attached to the decision notice to advise the applicant of this as per the previous consent.

6.7 Ecology and likely effect on designated habitats

- 6.7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution, has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application complies with the requirements of the SDMP following the payment of the required mitigation, and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). The attached HRA confirms this and should be agreed ahead of the Panel taking a vote on the recommendation
- 6.7.2 The application site is located adjacent to the Southampton Common Site of Importance for Nature Conservation. The City Council's Ecology team have raised no objection to the scheme provided that the bay window within the side elevation is removed from the scheme. There are no windows at first floor level within the side elevation of the existing property and this scheme would introduce a new window in this location.

6.7.3 Under permitted development, it would be possible to install a new window at first floor level within the side elevation of the existing property provided it was obscure glazed. This allowance would also apply to the proposed dwelling once constructed. Even if obscure glazed, these windows would inevitably allow light to escape from the property. It would also be possible to install outdoor security lighting if required. Having regard to this, it is considered to be unreasonable to request the removal of the proposed bay window. This would provide much needed light and outlook to a habitable room (a bedroom) which would not be served by any other windows. The window would be relatively modest in size, not too dissimilar to the windows within the rear elevation of the properties located at 1 - 4 Woodlands Way and which also face Southampton Common. It is not considered that the proposed window would give rise to a level of light which would be significantly harmful to the SINC and this does not, subsequently, form a reason for refusal.

7. Summary

7.1 The proposal to remodel the existing dwelling and create a further terraced house largely reflects the previous scheme 15/01846/FUL that remained extant at the time the application was submitted. Additional details have been provided with regard to secure cycle storage removing the need for a condition for such details to be provided. An updated parking survey has been provided to reflect the current availability of available parking, the survey has been considered by Highways Officers and no objection has been raised. The scheme remains acceptable and delivers an additional dwelling.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the inclusion of the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

MT for 29/1/19 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

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

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. Materials to Match

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

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

4. Cycle Storage

Prior to the first occupation of the development hereby approved the secure cycle storage facilities (as approved) shall be implemented and permanently maintained and retained for that purpose.

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

5. Refuse Storage

Prior to the first occupation of the development hereby approved details (and amended plans) of facilities to be provided for the storage of refuse and recyclable materials at the new dwelling shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall be permanently maintained and retained for that purpose.

Reason: In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

6. Surface / foul water drainage

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

Reason: To ensure satisfactory drainage provision for the area.

7. Energy & Water

Before the development commences, written documentary evidence demonstrating that the new build 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 Adopted Core Strategy (Amended 2015).

8. Energy & Water

Within 6 months of any part of the new build development first becoming occupied, written documentary evidence proving that the new build 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 Systems

Prior to the commencement of development a specification for the proposed sustainable drainage system (including green roofs) shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

10. Window specification limitations

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, the window at first floor level within the front elevation of the new dwelling hereby permitted shall be obscure glazed only with a limited opening top hung window. This window shall be retained in this manner for the duration of the use of this building for residential occupation.

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

11. 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. This shall also include details of the storage of construction materials and the parking of all

vehicles relating to construction. 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.

12. Hours of work for Demolition / Clearance / Construction

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

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POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4 (Housing Delivery)
CS5 (Housing Density)
CS13 (Fundamentals of Design)
CS16 (Housing Mix and Type)
CS19 (Car and Cycle Parking)
CS20 (Tackling and Adapting to Climate Change)
CS22 (Promoting Biodiversity and Habitats)
CS23 (Flood Risk)

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

SDP1 (Quality of Development)
SDP6 (Urban Design Principles)
SDP7 (Context) - outside city centre
SDP9 (Scale, Massing and Appearance) - outside city centre
NE3 (Sites of Local Nature Conservation Importance)
H1 (Housing Supply)
H7 (The Residential Environment)

Supplementary Planning Guidance

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

Other Relevant Guidance

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

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Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
15/01846/FUL	Conversion and extension of existing two-storey semi-detached dwelling to create 2 dwellings (1 x 2-bed and 1 x 3-bed) including additional floor of accommodation.	Approve with Conditions	16/11/15
950712/W	Erection of a single storey side/rear	Conditionally Approved	06/06/95

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5/5a Woodlands Way, Northlands Road, Southampton.

Local Parking Survey

INTRODUCTION

To establish the availability of parking for two vehicles for the proposed two bedroom dwelling at 5a Woodlands Way.

PARKING WITHIN THE ESTATE

Woodlands Way is an estate of 10 houses in a cul-de-sac with single yellow line restricted parking Monday to Saturday 8am to 6pm.

Access for vehicles and pedestrians will be unchanged, with existing car parking arrangements providing two spaces for the three bedroom house [No5].

All existing properties have their own private parking provision and although there is some communal parking within the estate this is usually used by other residents and visitors. There is, therefore, no realistic prospect of permanently using communal parking space for the proposed No 5a.

OFF ESTATE PARKING

Northlands Road is a residential street with just one commercial premises within the survey area at No 6. This property is divided into office suites and provides adequate parking for tenants within its own boundary.

Northlands Road offers unrestricted parking on its south side and immediately to the west of Woodlands Way with provision for 24 vehicles. It also offers 4 hour single yellow line restricted parking Monday to Friday 8am to 6pm immediately to the west of Woodlands Way with provision for 5 vehicles.

There is further 4 hour single yellow line restricted parking Monday to Friday 8am to 6pm on the north side of Northlands Road and to the east of Woodlands Way with provision for 5 vehicles.

Further unrestricted parking is available on the south side of Northlands Road further to the west but this is beyond the 200m limit of this survey.

Hulse Road is a residential street principally comprising apartment buildings. Each block provides parking space for residents within its own grounds. There is unrestricted parking to the east side of the road providing 21 parking spaces within the 200m limit of this survey.

Court Royal Mews is a close of 21 houses. The two detached properties have double garages and forecourt parking and the remaining 19 houses have garage and forecourt parking. There is communal parking space for 6 vehicles in the centre of the banjo turning circle. The close has single yellow line restricted parking Monday to Saturday 8am to 6pm throughout.

RESIDENTIAL DISABLED PERSON'S BAY

The residents of the proposed 5a Woodlands Way are Blue Badge holders and drive a Motability vehicle. The following extract from Southampton City Council's Residents Parking Policy document may prove relevant to this survey.

"Disabled Persons Parking Bays

In some circumstances, disabled users will require access to a parking space close to their property, particularly if they have restricted mobility. In these circumstances, the Council will investigate the potential for implementing a disabled parking bay outside or close to the Blue Badge Holder's property.

Policy Statement RP18

Southampton City Council will consider providing disabled parking places to assist access for Blue Badge holders to their residence or community facilities, taking into account a range of criteria including;

- *The Driver is a resident disabled person with a valid Blue Badge;*
- *Where the applicant is not the driver, but a driver lives at the same address, a bay may be considered, providing that the vehicle is used as a regular means of transport for the disabled person;*
- *There is no useable or accessible off-road parking;*
- *A car is registered and kept at the residence;*
- *There are significant problems in accessing on-street parking;*
- *There are no conflicting road safety requirements or other overriding interests.*

The Council will carry out periodic reviews to ensure that the qualifying requirements for the provision of disabled persons parking bays are still met. If not, the bays may be removed, if it is in the public interest to do so."

A preferred location for a resident's disabled parking bay is shown on the accompanying plan. Its position is such that it maintains the full carriageway width and causes no obstruction to access. Heavy goods vehicles, SCC refuse lorries, Post Office and Parcelforce delivery vehicles and private cars have been observed accessing the estate without restriction with the owner's vehicle parked in this position whilst displaying the Blue Badge.

An alternative position opposite the entrance to Woodlands Way on the south side of Northlands Road might be considered but this would entail doubling the distance to walk for a person with restricted mobility.

A formal application for a residential disabled parking bay can be made if this is regarded as an acceptable option to the Planning and Highways departments and would be ideal for the disabled resident.

SURVEY

The survey has been conducted with the guidance of a copy of the Lambeth Transport Residential Parking Survey Methodology document and Southampton City Council's Parking Survey Guidance document.

It is understood from the Highways department that the area covered by the accompanying plan is not in a controlled parking zone (CPZ) and the survey has been conducted accordingly. The information provided is restricted to a two minute walk and within a 200m distance from the application site.

The results are shown in the following tables.

Survey 1 – Saturday 24 November 2018 12.00 midnight

Unrestricted Parking

Street Name	Total Length (m) of Kerb Space	Length of Unrestricted Parking (m)	No. of Parking Spaces	No. of Cars Parked on Unrestricted Length of Road	Unrestricted Parking Stress(%)
Woodlands Way	90	0	0	0	0
Court Royal Mews	85	0	0	0	0
Northlands Road	685	120	24	20	83
Hulse Road	210	85	21	17	81
TOTAL	1070	205	45	37	82

Single Yellow Line and Restricted Parking

Street Name	SYL No. of Parking Spaces	SYL No. of Cars Parked	SYL Parking Stress (%)	Restricted Bay Parking Monday to Saturday 4 hour 8am-6pm	No. of Cars Parked	Restricted Bay Parking Stress (%)
Woodlands Way	9	0	0	N/A	0	0
Court Royal Mews	9	0	0	N/A	0	0
Northlands Road	61	0	0	10	7	70
Hulse Road	26	0	0	N/A	0	0
TOTAL	105	0	0	10	7	70

Survey 2 – Thursday 29 November at 12.15 am

Unrestricted Parking

Street Name	Total Length (m) of Kerb Space	Length of Unrestricted Parking (m)	No. of Parking Spaces	No. of Cars Parked on Unrestricted Length of Road	Unrestricted Parking Stress(%)
Woodlands Way	90	0	0	0	0
Court Royal Mews	85	0	0	0	0
Northlands Road	685	120	24	16	66
Hulse Road	210	85	21	19	90
TOTAL	1070	205	45	35	78

Single Yellow Line and Restricted Parking

Street Name	SYL No. of Parking Spaces	SYL No. of Cars Parked	SYL Parking Stress (%)	Restricted Bay Parking Monday to Saturday 4 hour 8am-6pm	No. of Cars Parked	Restricted Bay Parking Stress (%)
Woodlands Way	9	0	0	N/A	0	0
Court Royal Mews	9	0	0	N/A	0	0
Northlands Road	61	0	0	10	6	60
Hulse Road	26	0	0	N/A	0	0
TOTAL	105	0	0	10	6	60

Supporting Photographs

It has proved impossible to produce night shots of the various parking areas within the survey and the accompanying photographs were taken during working hours on following days. The location and direction from which each photograph was taken is shown on the parking survey plan. These images are useful in indicating there is usually less stress on daytime parking than overnight parking.

Additional 'Standard Information Required' Questions

From the 2011 census, what is the average car ownership for this area?

0.97 or approximately 1 car per household

How far away is the nearest bus stop (both directions)?

0.28kmm and 0.3km respectively

How many buses are accessible in daytime hours from this stop (both directions)?

3 services in each direction (from SCC Southampton Public Transport Map)

How far away is the nearest convenience store/shop?

1.13km

How far away are the nearest primary and secondary schools?

Primary school 0.95km

Secondary school 1km

How far away is the nearest doctors surgery?

0.95km

How far away is the nearest dentist surgery?

0.36km









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Application 18/01595/FUL

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.
Are there any other projects or plans that together with the planning application being	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>assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</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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Stage 2 - HRA screening assessment

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.

Solent SPAs

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.

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.

The New Forest

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.

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

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:

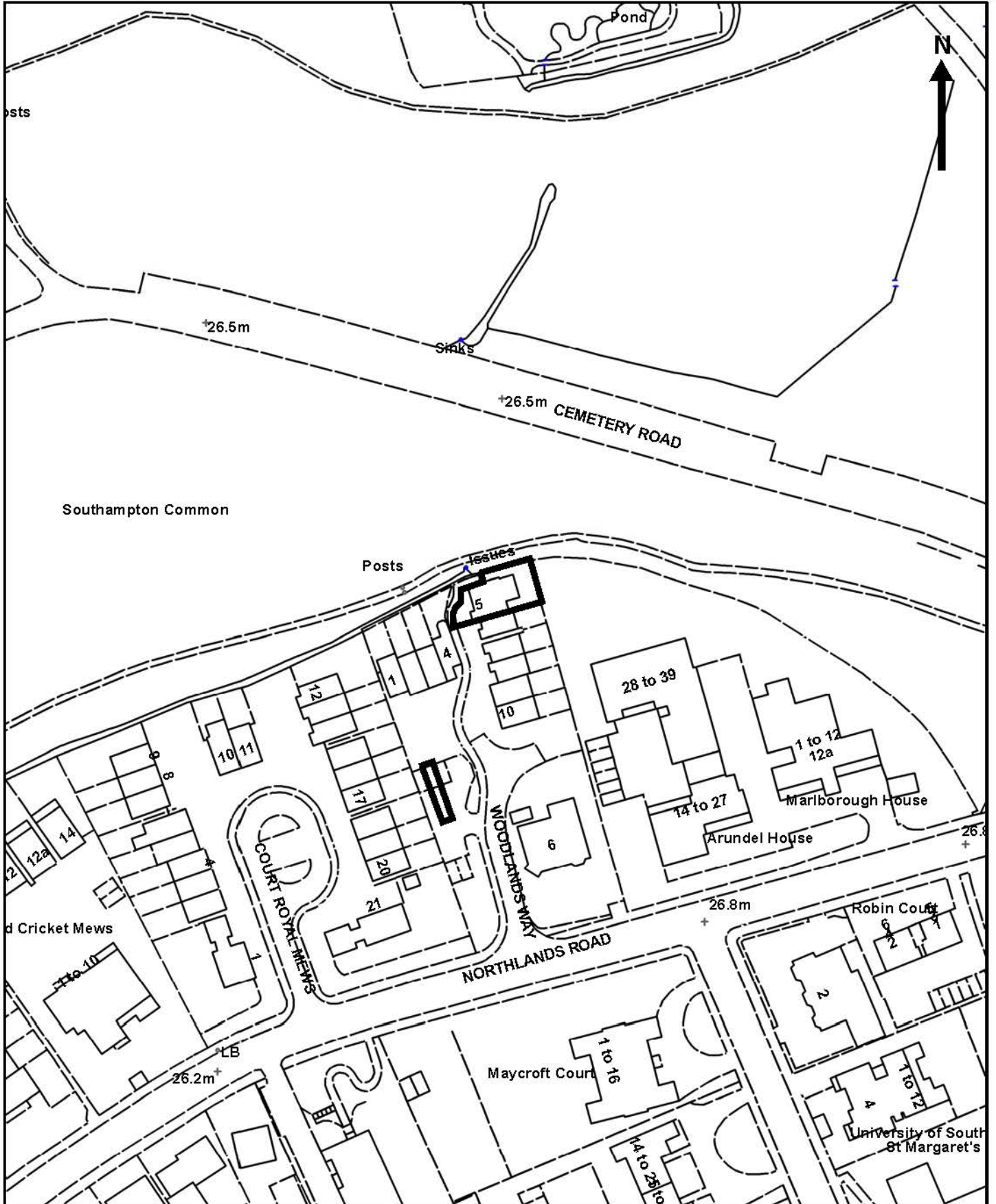
Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your 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.

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Agenda Item 8

18/01595/FUL

Appendix 5



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Agenda Item 9

Planning and Rights of Way Panel 29th January 2019
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: United Reform Church, The Avenue, Southampton, S017 1XQ			
Proposed development: Installation of solar panels to south slope of church hall.			
Application number:	18/02007/FUL	Application type:	Full
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	1 st January 2019	Ward:	Bevois
Reason for Panel Referral:	Five or more letters of representation contrary to the applications recommendation have been received.	Ward Councillors:	Cllr Barnes-Andrews Cllr Kataria Cllr Rayment
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Reverend Dr Sarah Hall		Agent: Mrs F Hudd, Seymour & Bainbridge Ltd.	
Recommendation Summary		Refuse	
Community Infrastructure Levy Liable		Not applicable	

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Refuse for the following reason:

1. Impact on Grade II Listed Church

The proposed solar panels will have an adverse impact on the character and appearance of the building which is a designated heritage asset of architectural and historic interest and listed as Grade II. As such, the proposal is contrary to Local Plan Review (2015) saved policy HE3, LDF Core Strategy Policy CS14 and the guidance given in the NPPF (2018) where “less than substantial harm” should be weighed against public benefit. It is considered that there is insufficient public benefit to off-set the adverse impact and, therefore, the proposal is also contrary to NPPF (2018) paragraph 196.

1. The site and its context

- 1.1 The application site is located on the eastern side of The Avenue. The southern boundary of the site abuts Alma Road and Westwood Road is located to the north of the site.
- 1.2 The listed United Reformed Church comprises a group of connected buildings formed in a U-shape. The main church building is link- attached to the Avenue Hall (on which the panels are to be fixed) via the relatively recent glazed concourse addition located between the buildings.
- 1.3 The Church is a Grade II listed building and the Avenue Hall on which the panels are to be erected formed part of that listing in 2000.

2. Proposal

- 2.1 The application proposes to erect 48 photovoltaic panels on the eastern side of the southern roof slope of the Avenue of St Andrews Church Hall; facing towards the Avenue St Andrews united Reformed Church itself.
- 2.2 The submitted drawing 879/29 provides an indicative location of the proposed panels, the precise location will be determined by the structure below. The panels are to be located on a proprietary supporting frame and will sit above the existing roofslope.
- 2.3 The submitted plans indicated that the panels will be arranged in four rows of twelve panels. The panels will be set back approximately 16m from the front (west) edge of the roof slope and will cover an area approximately 12.5m in length and 4.9m in height. The panels will be set down approximately 0.8m from the roof ridge and 45cm from the rear (eastern) edge of the roof slope.
- 2.4 The submitted plans indicate that each photovoltaic panel will measure 1.64m x 99cm and have a depth of 4cm.

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.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice 20th November 2018. At the time of writing the report **7 representations in support** of the proposals have been received. The following is a summary of the points raised:

- 5.2 **City of Southampton Society** - Recommend approval

Officer's Response

The Society's support for the proposal is noted.

5.3 **Elder of Church and Chair of Management Committee - Support**

- Membership of the Avenue St Andrews church which passed a unanimous resolution on 25th November to put up the solar panels in accordance with the planning proposal for the benefit of the wider community. The financial considerations are secondary, the effect of a refusal will be to remove a small regular income from an important community building which the congregation is struggling to maintain.
- As a result of the panels being mounted in an internal courtyard they may be seen only directly from a distance of 60 to 80m over a modern steel and glass part of the church (built 2003) from the west side of the Avenue but only approaching from the south for just 50m approximately from when the church tower is being passed to when the array is again concealed by the hall face.
- The overwhelming reason to put up the panels is by generating clean electricity to help combat climate change for the public good. It is the mission of the church to care for the wider community including taking responsibility for combatting climate change recently highlighted again weeks ago by IPCC saying we have ten years to change direction.
- A well-designed solar array supports all 4 Council Priorities

Officer's Response

The Committee's support for the proposal is noted and commentary on the planning merits of the scheme are set out later in this report.

5.4 **Transition Southampton - Support**

- External visibility of the panels is limited to a short length of the Avenue and a short length of Alma Rd, and even then only a small part of the array can be seen.
- The financial benefit to the church members is small given the recent reductions in feed-in-tariff and is not the main motivation.
- The main benefit is indeed to the wider community as a result of increased renewable electricity generation.
- The recent IPCC report stresses the urgent need to address climate change. The UK as a whole needs to take action to reduce carbon emissions.

Church members have raised a significant sum of money with the prospect of very limited financial return should be seen as a benefit to the whole of our city.

Officer's Response

The groups support for the proposal is noted and commentary on the planning merits of the scheme are set out later in this report.

5.5 **Bevois Mount History - Support**

- The positioning of the panels would not affect the church's "attractions".

Officer's Response

The groups support for the proposal is noted and commentary on the planning merits of the scheme are set out later in this report.

5.6 **Local Residents comments:**

- These panels will not adversely affect the overall appearance of the buildings as the roof in question is essentially an internal part of the complex which includes the modern concourse and rear carpark. The fine Victorian character of the main church building will not be affected.
- The installation of these panels arises from the wish to contribute to the generation of electricity by sustainable means
- Sight of these panels highlights concern for the environment
- If any income is generated from this proposal it will most certainly go to support their work of benefit to the wider community.
- Climate change will have a huge impact on historic buildings and, within reason, where there is an opportunity for an unobtrusive solar array to be hosted it should be taken.
- A solar array is after all easily removed and does not require structural changes.
- Solar will bring an extra focus of the problems of energy generation for the whole church community which is important for the challenges ahead.
- The panels will not have a significant impact on the most important public views of the Church and in any case are not fundamentally unsightly in themselves.
- The location of the panels, on the area of Hall roof furthest away from the main road and viewing points, means that they will be largely hidden by the church building.
- Considering the more local views in the courtyard, in the foreground there are single storey flat roofed extensions of fairly recent origin wrapped along the south elevation of the Hall and around the around its eastern end. I do not think that the panels will have an adverse impact in this situation.
- The existing Hall roof tiling is quite darkened by weathering reducing the contrast with the solar panels.
- If in the future solar panels are not needed or wanted they can be easily removed.
- It provides a positive example to other organisations responsible for similar large buildings of how some environmental and possibly economic benefit could be achieved from utilisation of carefully selected parts of their building stock in this way.

Officer's Response:

The support for the proposals from local residents is noted.

Consultation Responses

5.7 **Historic Environment Consultant – Strongly Object**

The proposed solar panels will have an adverse impact on the character and appearance of the Grade II building which is of architectural and historic interest. As such, it is contrary to Local Plan policy HE3 and advice given in the NPPF. Paragraph 196 of the NPPF advises that where there is “less than substantial harm” it should be weighed against public benefit. It is considered that there is insufficient public benefit to off-set the adverse impact and therefore the proposal is also contrary to NPPF paragraph 196.

5.8 **SCC Sustainability Team – Approval is recommended**

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

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Likely effect on protected habitats.

6.2 Principle of Development

6.2.1 Policy SDP14 of the adopted Local Plan Review states that proposals for the use and development of renewable and alternative sources of energy will be permitted subject to criteria. This policy is further supported by the provisions of policy SDP13 (iii) that seeks to use natural light and heat and minimise the use of non-renewable energy. However, the proposal is sited on a building that forms part of a Grade II Listed Church. As such Policy HE3 of the adopted Local Plan Review also applies. Criteria (i) of policy HE3 advises that proposals will not be permitted if they are considered to adversely affect the character or setting of a listed building. A balance needs, therefore, to be struck between the provision of green infrastructure and the need to protect a designated heritage asset.

6.3 Design and effect on character

6.3.1 The proposal is to locate 48 solar panels on to the south slope of the Church hall roof. The adjoining church is also Grade II listed. Although the linking structure between these two building (known as the Spencer Hall) was demolished in 2001 and replaced with the new modern concourse seen today, this does not mean that the church hall is now not listed as the church rooms or hall were attached to the main church at the time of Listing in May 2000.

6.3.2 Although the position of the proposed panels is to be to the rear or east end of the hall roof, this part of the roof is extremely visible especially from The Avenue. The roof is also visible from the service road on the east side of the church complex, and the rear of properties in Alma Road.

6.3.3 The hall building is currently part characterised by the steep uniform clay tiled roof a format very similar to the roof of the main church nave. The panels would constitute a considerable visual intrusion obtrusively cutting across the traditional clay tiled roof.

6.3.4 It is acknowledged that the proposal offers a number of environmental benefits through the use of renewable energy, as encouraged by policies SDP13 and SDP14. However, paragraph 193 of the NPPF advises:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

6.3.5 There is an identified harm resulting from the proposed panels due to their obtrusive impact on the clay tiled roof of the hall. The considerations of this impact reach further than the ability to see the panels in the streetscene but to the impact to the setting and character of the building itself. Paragraph 196 of the NPPF advises that:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

6.3.6 In this instance, whilst the environmental benefits that the proposed panels may potentially bring are recognised and would in other circumstances be encouraged and supported, in this instance they are not considered to outweigh the harm to the Grade II Listed Building. The Council's Heritage Officer objects to the application and these concerns are, on balance, supported by officers resulting in a recommendation to refuse.

6.4 Residential amenity

6.4.1 An appropriate separation distance would remain between the proposal and the nearest residential dwellings to ensure that no loss of amenity would occur. As such, this element of the scheme is considered to be acceptable in terms of residential amenity.

6.4.2 By their very nature, solar panels are designed to absorb light and minimise reflections and, as such, it is considered unlikely that any glare to neighbours would be caused as a result of the proposal. As such the scheme is compliant with LPR Policy SDP1(i).

6.5 Likely effect on protected species and their habitats

6.5.1 Avenue St Andrews Church commissioned a preliminary ecological appraisal and bat survey on the church site which was carried out by Arcadian Ecology Consulting Ltd in September and October 2018. The survey identified low potential for the use of the halls roof by bats and advised that the installation of the PV panels may take place during the winter period (November-March), with inspection of the roof prior to works taking place and a watching brief during the installation by a licenced bat ecologist. As such, there are no ecological objections to the proposals.

7. Summary

7.1 The proposed solar panels offer the opportunity for the provision of renewable energy in accordance with saved policies SDP13 and SDP14. This is supported in principle. However the panels are located on a Grade II listed building and the potential public benefits of the proposed panels are not considered to outweigh the harm to that listed building. As such the proposal is considered to be contrary to the requirements of saved LPR policy HE3 and LDF policy CS14 and the guidance provided at paragraph 196 of the NPPF. The Council's Heritage Officer has objected to the application.

7.2 The proposal is not considered to be to the detriment of any protected species habitats or the amenities currently enjoyed by the occupiers of neighbouring residential dwellings.

8. Conclusion

8.1 It is recommended that planning permission be refused for the reasons outlined above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) 4 (c) (aa) 6. (a) (b)

MT for 29/01/19 PROW Panel

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS14	Historic Environment
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
HE3	Listed Buildings

Other Relevant Guidance

The National Planning Policy Framework (2018)

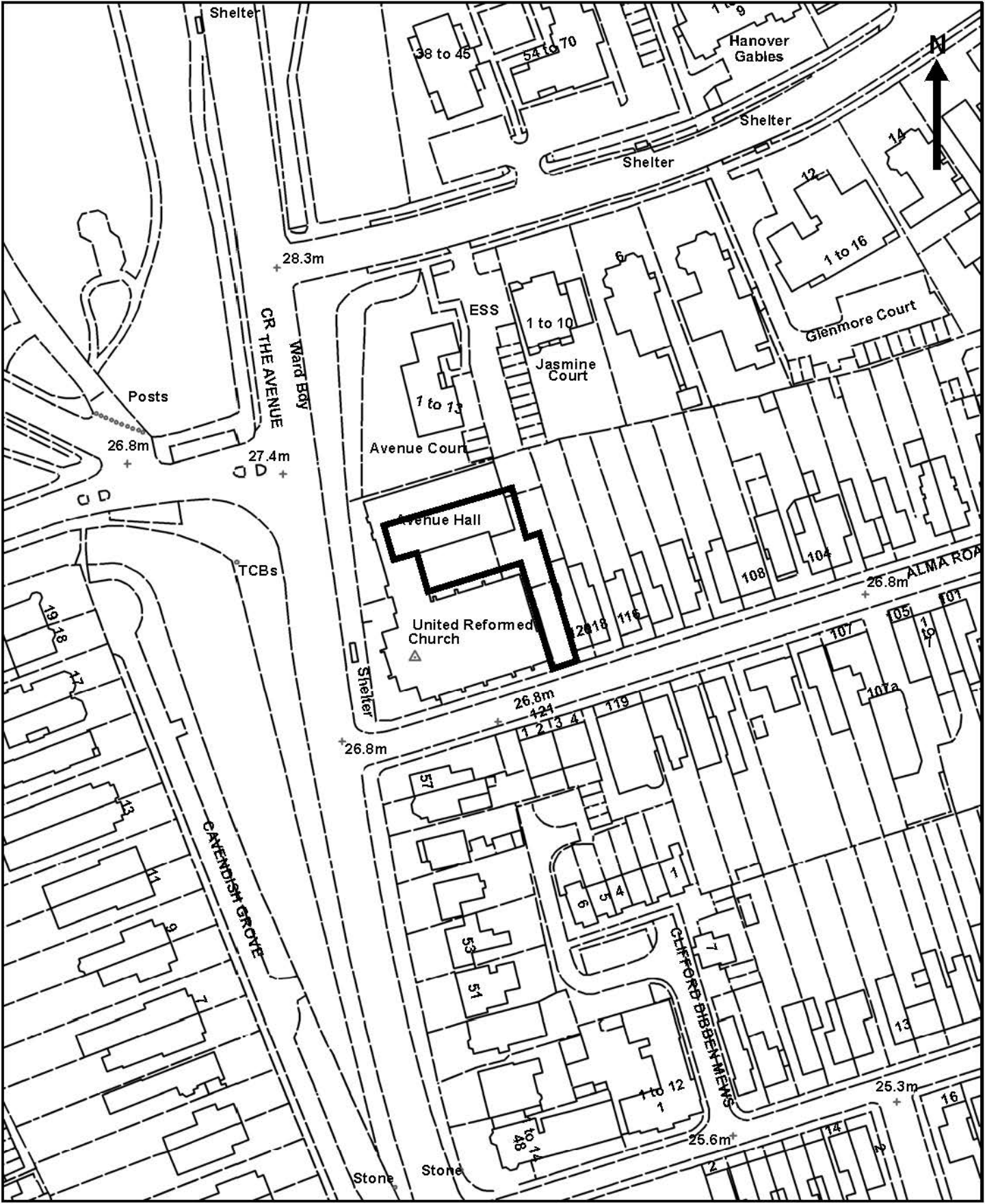
Relevant Planning History

01/00934/FUL – Approved 2001

Demolition of existing Spencer Hall, construction of a new concourse and internal refurbishment of Avenue Hall

Agenda Item 9 18/02007/FUL

Appendix 1



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