

Planning and Rights of Way Panel

Tuesday, 14th January,
2020
at 6.00 pm

Conference Rooms 3 & 4 - Civic Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Mitchell (Vice-Chair)
Councillor Coombs
Councillor G Galton
Councillor L Harris
Councillor Vaughan
Councillor Windle

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

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

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

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

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

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

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

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

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

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

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

Dates of Meetings: Municipal Year 2019/2020

2019	
4 June	17 September
25 June	15 October
16 July	12 November
6 August	10 December
31 August	

2020	
14 January	31 March
11 February	21 April
10 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

OTHER INTERESTS

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 10 December 2019 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 19/01537/FUL - BANISTER PRIMARY SCHOOL (Pages 11 - 28)

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

6 PLANNING APPLICATION - 19/01457/FUL - 7A BROWNING AVENUE (Pages 29 - 54)

Report of the Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 19/01729/FUL - 12 MELCHET RD (Pages 55 - 76)

Report of the Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 19/01832/FUL - 4 FITZROY CLOSE

(Pages 77 - 92)

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

9 PLANNING APPLICATION - 19/01793/FUL - SOUTHERN WATER - KENT RD

(Pages 93 - 110)

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

Monday, 6 January 2020

Director of Legal and Governance

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 DECEMBER 2019

Present: Councillors Savage (Chair), Coombs, G Galton, Windle, Fielker and Prior
Apologies: Councillors Mitchell, L Harris and Vaughan

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

It was noted that following receipt of the temporary resignation of Councillors Mitchell and Vaughan from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillors Fielker and Prior to replace them for the purposes of this meeting and noted the apologies of Councillor L Harris.

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

RESOLVED: that the minutes for the Panel meeting on 12 November 2019 be approved and signed as a correct record.

40. **PLANNING APPLICATION -19/00726/FUL - COMPASS HOUSE, ROMSEY ROAD**

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

Re-development of the site to create a three-storey hotel containing 73 rooms with associated works including 34 car parking spaces (amended description following amended plans).

Simon Reynier (City of Southampton Society/ objecting), Chris Brady, Chris Slack (Agents) and Councillors Whitbread and Spicer (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer noted that the description of the report should have stated that there were 34 parking space proposed. The presenting officer also made some amendments to the proposed conditions including a restriction on the hotel bar limiting its use to residents after 11:00pm and the provision of a taxi drop off at the hotel.

In addition it was noted that the report had been deferred at a previous meeting to enable further investigation into parking availability. It was explained that an updated parking survey had been produced and that the report had detailed the analysis of the developer's new parking survey. It was also noted that 2 Ward Councillors had submitted objections since the publication of the report.

The Panel expressed a concern that staff parking especially for those worker that might be working antisocial hours would be required considering the limited number of spaces proposed. Officers agreed that an additional condition to govern this would be added should permission be granted. Members also expressed a view that the lack of parking on site would affect the surrounding area because of the location of the hotel.

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: Infrastructure, Planning 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 G Galton and seconded by Councillor Windle. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 3 of the report.
- (ii) refused planning permission for the reasons set out below:

Reasons for Refusal

- (i) As a direct consequence of the location of the proposed hotel; which is outside of a City, Town, District or Local Centre and the Council's defined area of 'high accessibility'; and based on the information submitted, including the number of car parking spaces proposed on site, the number of bedrooms proposed and a parking stress survey that includes a wide catchment, parking spaces that are unlikely to be available and no response to how overspill into the neighbouring private estate will be managed it has not been adequately demonstrated that the parking demand of the development would not cause harm to the amenity of nearby residential neighbours through increased competition for existing on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the adopted City of Southampton Local Plan Review (2015), Policy CS19 of the adopted Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).
- (ii) 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:-
 - a. 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);
 - b. A (pre and post construction) highway condition survey has not been secured and therefore there is no mechanism to secure appropriate repairs to the highway, caused during the construction phase, which would be to the detriment of the visual appearance and usability of the local highway network;
 - c. A Training & Employment Management Plan committing to adopting local labour and employment initiatives has not been secured in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended

- 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- d. The submission and implementation of a staff & customer travel plan has not been secured to support strategic transport initiatives including those within the Local Transport Plan.
 - e. 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) has not been secured;
 - f. The submission and implementation of a Waste Management Plan has not been secured to ensure suitable arrangements are made to manage waste generated from the site.
 - g. The submission and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy has not been secured;
 - h. In the absence of an alternative arrangement the lack of a financial contributions towards footpath improvements in the Shoreburs and Weston Greenways and Peartree Green Local Nature Reserve (£2,346.57); and financial contributions towards the New Forest National Park Authority Habitat Mitigation Scheme £9,586.64; or financial contributions towards the Solent Disturbance Mitigation Project (SDMP) (Solent Recreation Mitigation Partnership) (£11,764) the application fails to accord 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 and the Council, as the competent authority, cannot conclude that significant adverse effects will not arise from this development on European sites.

41. **PLANNING APPLICATION - 19/01261/FUL- LAND TO THE REAR OF 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.

Use of building as a food court with cafe, bars and takeaway (flexible mixed use comprising classes A1, A3, A4 and A5) with ancillary soft play area, office and storage and kitchen extraction flue.

Simon Reynier (City of Southampton Society / objecting) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported changes to Conditions 2 and 5 of the report and that a further condition requiring the details of the access surfacing be added, as set out below.

Following discussion with members, officers recommended additional conditions designed to secure a gated access to the site and requiring the developer to undertake a feasibility study of incorporating the sustainable design measures into the development, as set out below.

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

RECORDED VOTE to grant planning permission
FOR: Councillors Savage, Coombs Fielker, Prior and Windle
AGAINST: Councillor G Galton

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

Amended Conditions

02. APPROVAL CONDITION - Hours of Use - food/drink establishments
[Performance Condition]

The premises shall be used as a food court with ancillary cafe, bars, takeaway, soft play area and office and storage only and for no other purposes without the prior written consent of the Local Planning Authority. The food court 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 Friday 08:00 to 22:00
- Saturday 10:00 to 22:00
- Sunday and Public Holidays 10:00 to 22:00

REASON:

To protect the amenities of the occupiers of existing nearby residential properties and to define the consent

05. APPROVAL CONDITION – Servicing and deliveries management plan [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved a servicing and deliveries management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved servicing management plan.

Unless otherwise agreed in writing with the Local Planning Authority no servicing from the site access shall take place outside the hours of 07:00am to 08:00am Monday to Friday and 07:00am to 10:00am Saturday, Sunday and Public Holidays. Any vehicles servicing the site during these hours shall reverse into the access from Portswood Road and shall exit the site in a forward gear.

No vehicles including takeaway delivery vehicles shall park within the site access during the trading hours as set out within condition 02 of this planning permission. Notwithstanding the plans hereby approved the loading bay on Portswood Road, as shown on the submitted site plan, is not approved.

REASON: To protect the amenities and privacy of occupiers of the adjoining properties, to protect the highway surface and in the interests of highways safety.

Additional Conditions

Sustainable measures (Pre-Commencement)

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

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

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

REASON: To ensure the development minimises overall demand for resources and is compliant with the Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

Access surfacing (Pre-Commencement)

Prior to the commencement of development details of the surfacing treatment to the access route, as shown on the submitted site plan, shall be submitted to the Local Planning Authority and agreed in writing. The agreed surfacing treatment shall be installed as agreed prior to the first use of the building for its approved use and thereafter retained.

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.

Gated access (Pre-commencement)

Prior to the commencement of development details of secure gated access to the external access route within the site shall be submitted to the Local Planning Authority and agreed in writing. The security gates shall be installed as agreed prior to the first use of the building for its approved use and thereafter retained. Unless otherwise agreed in writing with the Local Planning Authority the gates shall be closed between the hours of 22:00 and 07:00 and designed not to restrict access for users of the side door serving 1 The Broadway.

REASON: In the interests of safety and security.

42. PLANNING APPLICATION - 19/01378/FUL - CQ - EMPLOYMENT SITE

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.

Application for variation of condition 3 of planning permission ref 16/01108/FUL to allow industrial building to be used for purposes falling within classes B1 and B2 (not restricted to marine related activities - Major Environmental Impact Assessment Development).

Simon Reynier (City of Southampton Society / Objecting), Neil Holmes (agent) and Councillor Payne (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Habitats Regulation Assessment had now been received and circulated to the Panel. The Panel were informed that the applicant had confirmed and paid the Employment and Skills contribution and that a palisade fence had been installed due to security concerns.

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: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment.
- (ii) Delegated authority to the Service Lead - Infrastructure, Planning & Development to grant conditional planning permission subject to the completion of a S.106 Legal Deed of Variation to secure the outstanding matters from the 16/01108/FUL s.106 legal agreement.
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure and Development be delegated authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
- (iv) That the Service Lead – Planning, Infrastructure and Development be delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 14th January 2020 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
1	AG	REF	15	19/01537/FUL Banister Primary School
2	MP	DEL	5	19/01457/FUL 7A Browning Avenue
3	AC	DEL	5	19/01729/FUL 12 Melchet Rd
4	SB	CAP	5	19/01832/FUL 4 Fitzroy Close
5	MP	CAP	5	19/01793/FUL Southern Water – Kent Rd

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

Case Officers:

AG – Andy Gregory

MP – Mat Pidgeon

AC – Anna Coombes

SB – Stuart Brooks

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 Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (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 (February 2019)
- (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 14 January 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: Banister Primary School, Archers Road, Southampton			
Proposed development: Variation of condition 21 (Pedestrian Access) of planning permission 12/00489/R3CFL to allow use of pedestrian gate on Banister Gardens - temporary 6 month application.			
Application number	19/01537/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	17 January 2020 (ETA)	Ward	Freemantle
Reason for Panel Referral:	Five or more letters of support received contrary to the officer recommendation to refuse	Ward Councillors	Cllr Vivienne Windle Cllr David Shields Cllr Stephen Leggett
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Banister Primary School	Agent: N/A
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	No
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Appendix attached	
1	Development Plan Policies
2	PROW Panel minutes for application ref 12/00489/R3CFL

Recommendation in Full

Refuse

Reason for refusal

The proposal to vary condition 21 of planning permission 12/00489/R3CFL to allow the use of the pedestrian gate in Banister Gardens for general school access, including for a temporary trial period of 6 months, is not supported. The proposed control measures, including the use of school staff to prevent vehicles from entering Banister Gardens to drop-off/collect pupils is not enforceable because such measures would not override existing highway rights which the public have to access Banister Gardens.

Pedestrian school access from Banister Gardens would likely lead to a significant increase in parents parking within this narrow cul-de-sac which would have an adverse impact on the residential amenities of the area arising from increased noise, disturbance, increased on-street parking pressures, congestion and obstruction to access/traffic flow at drop-off and collection times.

Furthermore the likely increase in the number of vehicles parking within Banister Gardens during school drop off/collection times would adversely impact on the safe manoeuvrability of vehicles and pedestrians within this cul-de-sac because of the narrow width of the carriageway and likelihood that vehicles will park in the turning head close to the school gate. The proposal is therefore contrary to policy SDP1 (i) of the Local Plan Review (2015).

Background

In 2012 Planning Permission (ref 12/00489/R3CFL) was granted for a new school building with Banister Infant School becoming an all through primary school (4-11 years). As a consequence the school capacity was increased from 135 to 450 pupils (including 30 pre-school places). Historically the school had dual pedestrian access from both Archers Road and Banister Gardens and the application for the all through primary school sought to maintain this arrangement.

This application was heard by the Planning and Rights of Way Panel on 26.06.2012. At the Panel meeting deputations were provided which raised concerns regarding the increase in school capacity and associated increase in school traffic into Banister Gardens. The Panel agreed that an increase in school traffic into Banister Gardens would prejudice highway safety and would have an adverse impact on the residential amenities of Banister Gardens. Therefore the Panel resolved to amend condition 21 to prevent school access from Banister Gardens, except for emergency vehicle access, with pupils/parents/guardians/teachers only to enter the site from Archers Road.

Condition 21 of planning permission ref 12/00489/R3CFL reads as follows:

APPROVAL/PERFORMANCE CONDITION - Construction access and routeing and pedestrian access

All traffic associated with the construction and demolition works hereby approved shall enter and leave the site via Archers Road and Banister Gardens in accordance with the submitted phasing plan only, and shall be subject to a construction vehicle routing agreement to be submitted to and approved by the local planning authority before the development commences. Once approved, that routing agreement shall be observed throughout the construction period. For the period of construction, pupils/parents/guardians/teachers shall continue to be permitted to enter the site from Banister Gardens, but upon completion of all works under 12/00489/R3CFL, pupils/parents/guardians/teachers shall only enter the site from Archers Road. Banister Gardens shall continue to function as an emergency point of egress from the site and as a means of servicing the school by emergency vehicles.

REASON:

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

The current application seeks to relax this condition for a trial period.

1 The site and its context

- 1.1 The existing access both vehicular and pedestrian into the school is taken from Archers Road. The main school gates open into a large parent collection area in front of the entrance into the school building. A secondary pedestrian entrance is also available from Archers Road. Existing parking restrictions within Archers Road prevent any parking outside the school between 8am-6pm Monday to Saturday.
- 1.2 A convenience food retail store (Co-Operative) is located on the adjacent side of Archers Road. This retail store was formally a social club with parking to the front and a large car park to the rear, which is used by parents at school drop off and collection times.
- 1.3 Bannister Gardens is located to the north of the school and is accessed from Westrow Road. Banister Gardens is a narrow cul-de-sac with a turning head at the eastern end. The restricted school access gates (emergency vehicles only) are located adjacent to the turning head. Banister Gardens is adopted highway with single yellow line parking restrictions on both sides of the street with no parking 8am-6pm Monday to Saturday and double yellow lines are located at the junction of Banister Gardens/Westrow Road. Banister Gardens is residential in character comprising detached housing with off road parking.

2 Proposal

- 2.1 The application seeks to vary condition 21 of planning permission ref 12/00489/R3CFL to allow the opening of the pedestrian gate in Banister Gardens from 8.30am to 8.45am each morning and 2.55pm to 3.10pm each afternoon, Monday to Friday during term time only. The school are seeking to reduce existing congestion on the pavement outside of the main school entrance onto Archers Road in the interests of pedestrian safety.

The school propose the following control measures in seeking to prevent adverse highway safety and amenity impact within Banister Gardens:

- The school propose to position a member of staff at the end of Banister Gardens each morning (8.30am to 8.45am) and afternoon (2.55pm to 3.10pm) to discourage parents from driving into Banister Gardens. This would be maintained as long as necessary to ensure the vehicular access was observed.
- Propose to erect a sign at the entrance of Banister Gardens
- Regular messaging to parents to remind them of the need to “park and stride”
- Continuation of existing “park and stride” zones.
- Continuation of existing school travel plan arrangements.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. 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.
- 3.3 Saved policy SDP1 (i) seeks to protect the safety and amenity of citizens of Southampton.

4 Relevant Planning History

- 4.1 On 24.08.2012 a planning application for the erection of a new part 2-storey, part 3-storey school building on the existing car park with associated external works including a new vehicular access from Archers Road was granted (LPA Reference 12/00489/R3CFL). This application was considered by the Planning and Rights of Way Panel on 26.06.2012 and a copy of the minutes are attached as **Appendix 2**. The Panel agreed to amend condition 21 to prevent school access from Banister Gardens, except for emergency vehicle access, with pupils/parents/guardians/teachers only to enter the site from Archers Road.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (27.09.2019) and erecting a site notice (20.09.2019). At the time of writing the report 23 representations have been received in support and 20 representations have been received raising objection to the proposal (43 in total). These representations are summarised as follows:

5.2 In support

Existing congestion of the pavement outside the main gates on Archers Road is putting parent and child safety at risk with potential for conflict with oncoming traffic on Archers Road.

Officer Response - The planning system has to plan for reasonable behaviour. The existing footway design and crossing arrangements are safe providing pedestrians behave in a reasonable manner.

Existing vehicle congestion on Archers Road is leading to adverse air pollution and associated impacts on public health.

Officer Response – Archers Road is not within an air quality management area and therefore this matter can only be given very limited weight as justification to open the access from Banister Gardens.

There is a lot of traffic on Archers Road and is very dangerous for children crossing during school drop-off and collection times

Officer Response - The planning system has to plan for reasonable behaviour. The existing footway design and crossing arrangements are safe providing pedestrians behave in a reasonable manner.

Opening the other gate will take the pressure off of the main gate and offer alternative routes for locals.

Officer Response – Whilst opening the gate at Banister Gardens may reduce some of the congestion at the Archers Road entrance, any benefits must be weighed against the impacts in terms of highway safety and residential amenity impacts within Banister Gardens.

Parents using the Co-Op car park are often caught by their car park management system which can result in parking fines. If an alternative pedestrian access on the north side of the school could be used, then this will take pressure off this part of Archers Road.

Officer Response – The Co-Op car park is privately owned and managed and any unauthorised parking within this area is a private civil matter. The benefits of reducing parking pressures near the Archers Road entrance will need to be weighed against any impacts within Banister Gardens.

5.3 **Against**

Parents would ignore the existing parking restrictions within Banister Gardens.

Obstruction to driveways and general access within Banister Gardens as a result of school traffic.

Banister Gardens is a narrow road and congestion is inevitable.

Banister Gardens would be subject to increased noise, disturbance and inconvenience.

The road and footpath within Banister Gardens has pot holes and is uneven and make it dangerous for children walking or running to school.

Archers Road is made dangerous by the parents themselves, as they are constantly ignoring the highway code by parking on double yellow/zig-zag lines, opening doors into people as they are in a hurry to drop their children at school, and are crossing the road in a reckless manner.

The only way to successfully make the children's life safer is to establish a safety culture, which will help them (and their parents) survive the increasing traffic which is city-wide.

The gate may have been used in the past, but for less than a quarter of the current attendees.

The staff are incapable of stopping the parents from driving their children to schools, with blatant disregard for all driving codes, as they already failed in the past.

Properties in Banister Gardens would be much more susceptible to theft, vandalism and strewn litter.

The reason there have been many near misses in Archers Road is due to parents parking illegally and darting across the road irresponsibly with their children in town and not having the sense to use the pedestrian crossing.

Consultation Responses

5.4 SCC Highways: Objection

There is an existing restriction of opening up an access on Banister Gardens. Therefore the impact from this proposal would mainly be an increase of both pedestrian and vehicular movements at this access and along Banister Gardens. Because of the nature of parent pick up and drop off scenarios, a new access would likely result in more vehicles driving and parking in Banister Gardens. Like with most school developments, the biggest concentration of movements would be during the drop off and pick up times. Normally the bigger impact is in the afternoon in terms of trip movements, the pickup times results in vehicles being parked longer (usually to get a better chance of a parking space) and vehicular movements will be more concentrated as all the children (be it in forms, years or entire school) leaves the premises at the same time.

The drop off movements' main impact would be the similar to the above but lesser extent as the window of parents/children arriving to school is slightly wider. However, there is the added impact that the morning movements would be within the network AM peak traffic. However, due to the location of the new access, the movements here would be on the network anyway and would unlikely cause a significant impact on the network.

Although we cannot assume every driver will park inconsiderately and on the footways etc. But with a narrower carriageway, drivers may be encouraged more to mount the footway to avoid obstructing the carriageway or having their vehicles damaged. Furthermore, with this site, there could also be the concern of vehicles parking all along the turning head at the end of the cul-de-sac. This could affect the ability for vehicles to turn so they may end up having to perform very tight, multiple and awkward turning manoeuvres which would obstruct the highway longer and potentially have a higher safety risk due to the additional manoeuvres a driver would need to perform. Also, depending on the amount of turning space, some drivers may even have to resort to reversing long lengths which is another highway safety concern.

Although opening multiple entrances do provide benefits for school sites in spreading the impact of drop off and pick up times, there are concerns with opening up an access on Banister Gardens as described above.

There is no information before to me to show how busy Banister Gardens is at present but by opening up a new access, it is highly likely that more vehicles will result arriving here especially as parking would be unrestricted unlike Archers road (it is noted that parents have been noticed to park in the coop shop opposite the school as well as private car parks).

The increase in movements here would increase the risk of highway safety for the reasons above and would recommend that the condition to be retained in the interest of highway safety.

6 Planning Consideration Key Issues

- 6.1 The key considerations in determining this planning application are the effects on highway safety and residential amenity.
- 6.2 The existing access restriction preventing pupils/parents/guardians/teachers from accessing the school from Banister Gardens, under condition 21 of planning permission ref 12/00489/R3CFL was imposed by the Planning and Rights of Way Panel on 26.06.2012. This access restriction was imposed as a result of concerns that an uplift in school traffic associated with the increased in school capacity would have had an adverse impact on highway safety and the amenities of local residents had the pedestrian access to the school from Banister Gardens remained open.
- 6.3 The school seek to vary condition 21 of planning permission ref 12/00489/R3CFL in order to ease congestion on the footway outside the main gates on Archers Road during morning drop-off and afternoon collection times. A trial period of 6 months is proposed. The school indicate that over 400 children and their parents access the school via the pavement on the northern side of Archers Road. The footway is under 2 metres wide in this location and the school are concerned that overcrowding of this heavy footway at peak times with the risk of foot traffic spilling into the road. The application submission by the school indicates that the school monitored the footway for a 2 month period in 2019 and recorded 67 near misses and two persons were hit by cars without serious injury.
- 6.4 The planning system must plan for reasonable behaviour. It is acknowledged that the northern side of Archers Road is subject to heavy pedestrian traffic and peak morning drop-off and afternoon collection times and officer have some sympathy with the position the school and its families find itself in. However the existing road layout, including the footway width and crossing arrangements, are safe providing drivers and pedestrians behave reasonably. There appears to be a sufficiently large waiting area within the school gates for parents to wait without obstructing the footway and parents and children arrive/depart the school in a staggered manner to prevent an unreasonable or harmful level of obstruction to the footway. Highways Development Management have raised no highway safety concerns regarding the existing school access arrangements on Archers Road.
- 6.5 It is understood that the two instances of vehicles hitting pedestrians as recorded by the school, were as a result of parents parking in an unauthorised manner outside of the school entrance on Archers Road. During a site inspection by officers it was also observed that a number of parents park in the Co-Op car park on the adjacent side of Archers Road and seek to cross Archers Road at this point, rather than using the signalised pedestrian crossing to the west.
- 6.6 The use of the pedestrian gate in Banister Gardens for general school access, including for a temporary trial period of 6 months, is not supported. The

proposed control measures, including the use of school staff to prevent vehicles from entering Banister Gardens to drop-off/collect pupils is not enforceable because such measures would not override existing highway rights which the public have to access Bannister Gardens.

- 6.7 Pedestrian school access from Banister Gardens would likely lead to a significant increase in parents parking within this narrow cul-de-sac which would have an adverse impact on the residential amenities of the area arising from increased noise, disturbance, increased on-street parking pressures, congestion, obstruction to access/traffic flow at drop-off and collection times. Furthermore the likely increase in the number of vehicles parking within Bannister Gardens during school drop off/collection times would adversely impact on the safe manouverability of vehicles and pedestrians within this cul-de-sac because of the narrow width of the carriageway and likelihood that vehicles will park in the turning head close to the school gate.
- 6.8 The existing problems at the Archers Road entrance arising, from parents not adhering to existing parking restrictions and choosing to park as close as possible to the school entrance is not considered to be a compelling reason to allow the school access to be re-opened from Banister Gardens. Indeed the school could police this in a similar manner to that proposed as part of this application. The merits of the proposal in relation to the easing of congestion along the footway on Archers Road are not considered to outweigh the adverse impacts on Banister Gardens in relation to highway safety and residential amenities of those living close by. The school should continue to communicate with parents to encourage school journeys to be made in a safe and sustainable manner in accordance with the school travel plan.

7 Conclusion

- 7.1 The positive aspects of the scheme are not considered to outweigh the negative impacts on Banister Gardens in relation to highway safety and residential amenities of those living close by. A planning refusal 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) (c) (d) (e), 4 (f) (g) (vv), 6 (a) (c), 7 (a)

AG for 14/01/2020 PROW Panel

Application 19/01537/FUL

POLICY CONTEXT

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

SDP1	Quality of Development
SDP4	Access

Other Relevant Guidance

The National Planning Policy Framework (2019)

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Minutes for 12/00489/R3CFL:

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Erection of a new part 2-storey, part 3-storey school building on the existing car park with associated external works including a new vehicular access from Archers Road. (Upon completion of the new building all of the existing buildings with the exception of the reception building will be demolished and the area landscaped to form a car park and playing field. The existing reception building will change to nursery use)

Mr Sands (Agent), Mr Gill (Applicant), Ms Iredale, Ms Waller, Mr Fox, Ms Nash, Mr Price (objecting) (Local Residents) and Councillor Moulton (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that Southern Water, as a consultee, advised that a public water main crossed the site. As a consequence the following additional conditions were added to the recommendation: before any development commences on the site, the developer shall investigate the precise positioning of the public water main and employ such necessary measures during the build to ensure its protection from damage; any detailed soft planting to meet the requirements of condition 25 of this decision notice shall ensure no new planting occurs within 3 metres of the public water main.

The presenting officer also recommended the following amended conditions so that they should read as follows:

Amended Conditions

21. APPROVAL/PERFORMANCE CONDITION - Construction access and routeing and pedestrian access

All traffic associated with the construction and demolition works hereby approved shall enter and leave the site via Archers Road and Banister Gardens in accordance with the submitted phasing plan only, and shall be subject to a construction vehicle routing agreement to be submitted to and approved by the local planning authority before the development commences. Once approved, that routing agreement shall be observed throughout the construction period. For the period of construction, pupils/parents/guardians/teachers shall continue to be permitted to enter the site from Banister Gardens, but upon completion of all works under 12/00489/R3CFL, pupils/parents/guardians/teachers shall only enter the site from Archers Road. Banister Gardens shall continue to function as an emergency point of egress from the site and as a means of servicing the school by emergency vehicles.

REASON:

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

22. PERFORMANCE CONDITION - No Amplified System

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

REASON:

To protect the residential amenities of adjacent residents.

36. PRE-COMMENCEMENT/PERFORMANCE CONDITION - Refuse enclosure

Before the commencement of development, details shall be submitted to the local planning authority for its approval in writing of a pergola to cover the approved refuse compound. Once approved, that covered refuse compound shall be provided before the school building is first brought into use. The refuse facilities shall provide for the recycling of waste. Once provided, those refuse facilities shall be maintained at all times thereafter.

Reason:

In the interests of amenity

The presenting officer also reported that the delegation being sought was subject to the applicant having carried out a Bat emergence survey to demonstrate there were no Bat roosts in any of the trees that needed to be removed. Only when this had been demonstrated, or at such time that any Bats discovered had legally been translocated from the site, would the local planning authority issue a decision notice.

The presenting officer also reported that the Revised Travel Plan should be deleted as a head of term for the undertaking Head of Children's Services and Learning and this should be secured by way of a planning condition (see below).

A sample of 'fritted' glass was shown to Members and it was clarified that for each window opening comprising a top, middle and lower pane of glass, that the 'fritting' would be heaviest for the lower pane, gradating to becoming less 'fritted' for the top pane. Members were advised that if they did not consider this solution to be enough to safeguard the privacy of neighbours, they could require the relevant glazing to be wholly obscured, but heard from the applicant that this would compromise the optimum natural light for teaching in each affected classroom. Members ultimately did not change the wording to condition 13 requiring fritted glass.

RESOLVED unanimously that authority be delegated to the Planning and Development Managed to **grant** planning permission subject to

- 1 an undertaking from the Head of Children's Services and Learning to secure the items (i), (ii), (iii), (v) and (vi) listed in the report
- 2 the receipt of a satisfactory bat survey
- 3 the following amended conditions:

Amended Conditions

26. APPROVAL CONDITION - Tree Retention and Safeguarding

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

REASON:

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

27. APPROVAL CONDITION - No storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater. In particular, the tree northern-most Lime trees shown cross-hatched on the attached plan shall be fully safeguarded during the build with none of the above practices occurring beneath those trees and thereafter retained/maintained.

REASON:

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

28. APPROVAL CONDITION - Arboricultural Method Statement

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

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)

6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

In particular, the tree northern-most Lime trees shown cross-hatched on the attached plan shall be fully safeguarded during the build and thereafter retained/maintained.

REASON:

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

Additional Conditions

38. APPROVAL CONDITION - Horse Chestnut tree closest to Archers Road

Before the development commences, and notwithstanding the report by Wilmot Dixon received 25.6.2012, the developer shall commission a written report by a qualified arboriculturist to investigate the feasibility of retaining the Horse Chestnut tree closest to Archers Road, shown cross-hatched on the attached plan, as part of the redevelopment proposals, for the consideration of the local planning authority. The report shall investigate the feasibility of non-invasive methods of construction of the stepped access up to the main school entrance and design of the retaining wall shown on the Wilmot Dixon drainage plan so as to bridge over this tree's root system. This tree shall not be removed without the written consent of the local planning authority following consideration of the report.

Reason:

To fully and properly investigate the retention of this protected tree by a competent professional arboriculturist, having regard to the significant amenity value afforded by this tree, notwithstanding the pressing educational need for further primary school places in Southampton".

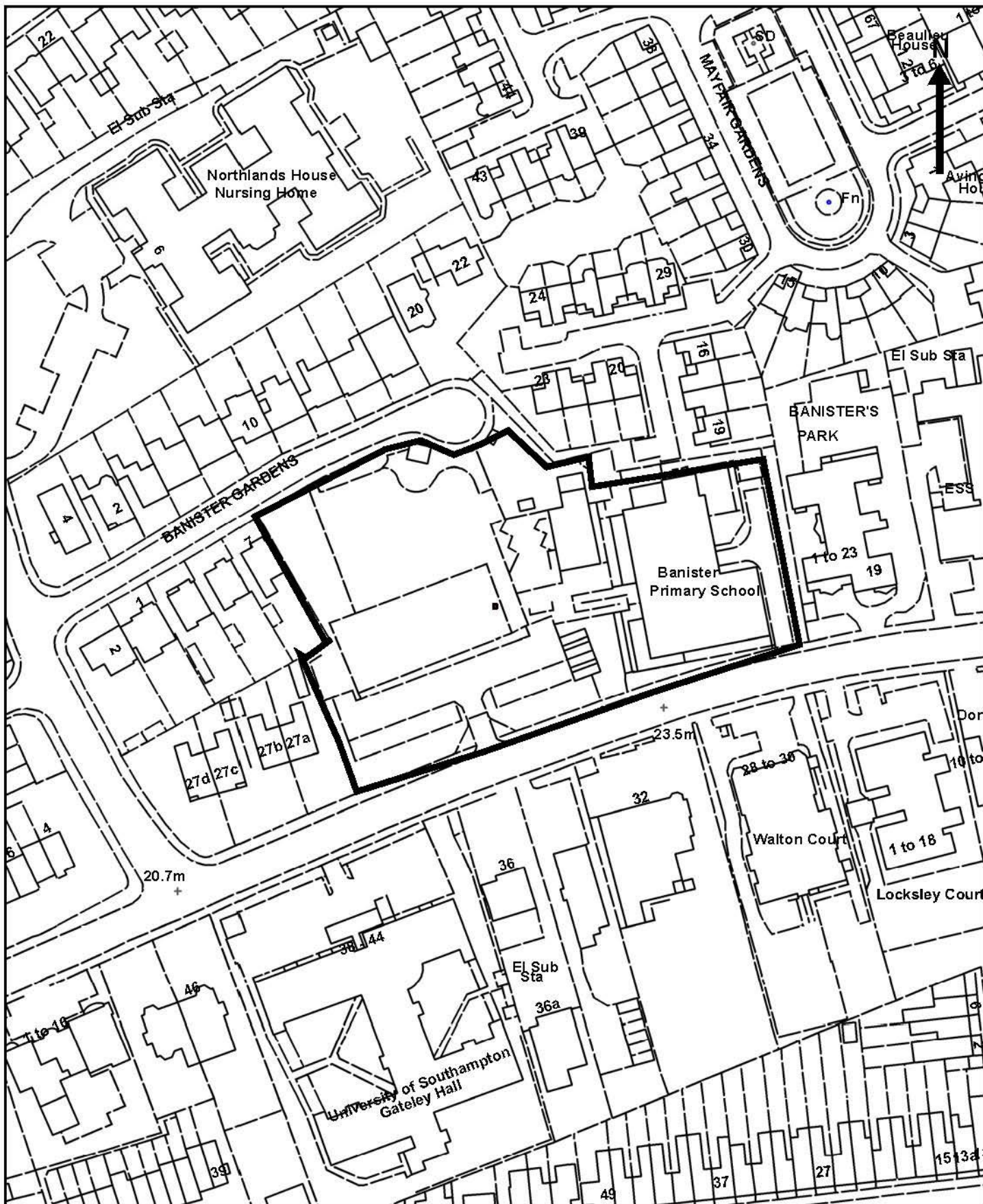
39. PRE-OCCUPATION CONDITION - Revised Travel Plan

The existing school travel plan referred to in the Scott White Hookins Transport Assessment shall be fully revised and submitted to the local planning authority for its written approval prior to the new school building first being occupied. Once approved, that revised school travel plan shall be implemented at all times the new school building is in use be updated and reviewed on an annual basis. The City Council's Travel Plan Officer and at the Head Teacher (or other teacher that may be appointed to that role) from Banister School shall be members of the body that will review the School Travel Plan, A copy of the reviewed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority on an annual basis. The plan shall include provisions to encourage the use of alternative modes of travel to and from the site, together with targets and provisions for monitoring and review. In particular, the facilities proposed for bicycle parking, including shower facilities, lockers and secure bicycle parking shall be fully implemented as part of this permission and retained at all times thereafter.

Reason:

To as far as possible ensure those attending the school arrive and depart from the site by means other than the private car and in particular promote walking to and from the school.

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Agenda Item 6

Planning and Rights of Way Panel 14^h January 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: 7A Browning Avenue, Southampton.			
Proposed development: Redevelopment of the site for 6 dwellings in total comprising erection of a single storey rear extension and alterations to roof including side dormers to facilitate conversion of existing building into 4 x 1 bed flats and erection of 2 x 2-bed semi-detached single storey houses with associated parking, cycle and refuse storage (Resubmission of 19/00818/FUL) (amended description).			
Application number:	19/01457/FUL	Application type:	FUL
Case officer:	Mat Pidgeon	Public speaking time:	5 minutes
Last date for determination:	22/10/2019	Ward:	Bitterne
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Murphy Cllr Prior Cllr Streets
Applicant: Osman Homes		Agent: Wildern Architecture Ltd	

Recommendation Summary	Delegate to Head of Planning and Economic 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 including impact on neighbouring amenity and on street car parking pressure 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 (2019).

Policies of the City of Southampton Local Plan Review (Amended 2015) and of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Policies – CS4, CS5, CS13, CS16, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies

Recommendation in Full

Delegate to Head of Planning and Economic Development to grant planning permission subject to criteria listed in report.

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.

2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iii. 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 Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. The site and its context

- 1.1 The 0.09 hectare site is located on Browning Avenue close to Thornhill Park Road and Thornhill Avenue. The section of Browning Avenue is a cul-de-sac, the western end of which allows pedestrian access to Thornhill Park. Thornhill Park Local Centre is located to the north on Thornill Park Road and is approximately 150m walking distance from the site (via Thornhill Avenue).
- 1.2 The site is previously developed land and comprises of individual buildings including offices, a workshop and 3 stores. There is car parking to the front of the site directly off of Browning Avenue, with access for vehicles also leading to a yard and buildings to the rear.

- 1.3 The office building is located to the front of the site facing onto Browning Avenue and is single storey with an appearance similar to the bungalows in the surrounding area. It comprises of facing brickwork, uPVC windows and doors and a hipped tiled roof. The building was extended as the roof has been altered and now includes an area of flat roof and a gable end facing the rear. The single storey workshop also has facing brickwork with white painted metal windows and a metal corrugated roof. The store buildings are a mixture of facing brickwork and timber cladding, together with flat felt roofs and low-pitched metal corrugated roofs.
- 1.4 The site is located within a mainly residential area which includes detached bungalows and two storey houses. The properties include facing brickwork and render with hipped tiled roofs built in a traditional 1930s style.
- 1.5 Directly north of the site is a small road leading off of Thornhill Avenue which allows vehicular access into the rear of the site, via a set of timber gates. The road also allows access to the rear of the commercial premises that are located along Thornhill Park Road.
- 1.6 The site was last occupied by Nolan Davis Contracting Limited who vacated on the 29th August 2018.

2. Proposal

- 2.1 Full planning permission is sought for the redevelopment of the site with 6 dwellings at a density of 63 dwellings per hectare.
- 2.2 Since the original submission amended plans have been received which reduce the amount of development being proposed on the site. The houses to the rear were originally detached two storey dwellings and the flatted block to the front previously contained an additional two bed flat and included a two storey rear extension.
- 2.3 The amended proposal is to re-configure the existing office and alter the roof to create four x one bedroom flats with an open plan kitchen/living area, a bedroom and WC/shower room. The main roof will also include a front facing dormer window and side facing roof lights. The workshop and store buildings to the rear will be removed and it is proposed to erect two x two bed single storey dwellings to the rear of the site.
- 2.4 The two new dwellings to the rear of the site are designed to be contemporary in appearance at the same time as having minimal impact on the visual amenity of neighbouring residents. They include a separate living room, kitchen/dining room with two bedrooms and a bathroom. They will include facing brickwork, uPVC windows and doors and pitched tiled roofs. Roof lights have been added to bring light to the central areas.
- 2.5 Each of the dwellings will have a dedicated car parking space (6 spaces in total). Private gardens are provided for each dwelling with an area of 100sq.m and 70sq.m respectively. A shared garden has also been provided for the occupants of the flats with an area of 110sq.m and both refuse and cycle storage can be accommodated on the site. The floor areas proposed for the flats and houses are listed below:

Proposed unit.	Floor Area (sq.m)
Flat 1	41
Flat 2	34
Flat 3	30
Flat 4	53
House 1	59
House 2	59

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 2**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. 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 In 1961 planning permission was granted for a builder’s office to be constructed on the site. In 1966 permission for a garage to the rear was granted. In 1969 permission was granted for a store/workshop and in 1972 permission was granted for the extension of the workshop. In 1991 permission was granted for the extension of the office. Another extension, along with permission for a car park, was granted in 1999. This site has, however, been vacant since 2018.

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 (4 in total), and erecting a site notice (**06/09/2019**). At the time of writing the report **10** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Loss of Privacy. Response

A development can be achieved on site that would not lead to overlooking of neighbouring gardens. This has been achieved by negotiating amendments to the scheme which remove the rear facing dormer window proposed for the flatted block to the front; and by removing the first floor elements of the two dwellings to the rear.

5.3 **Noise.**

Response

The Council must plan with reasonable behaviour in mind. Provided that residents behave reasonably significantly harmful noise will be avoided. Separate legislation can also be used to manage unreasonable behaviour. The application removes a potential nuisance neighbour with an unrestricted employment use.

5.4 **Highways safety.**

Response

No objection has been received from the Highways Officers. The Council must plan for reasonable behaviour and provided that car drivers behave reasonably and drive in accordance with highway law significant highways danger will not arise as a consequence of the development.

5.5 **Parking pressure.**

Response

The Council has maximum parking standards. Each dwelling proposed would have its own dedicated parking space. The parking survey also demonstrates that there is the capacity to accommodate overspill parking if needed from the site without negatively impacting local residential amenity. The parking survey was taken on Tuesday 19th November and Thursday 21st November and identified a total of 103 potential parking spaces within the assessment area (250m radius of the site). The result of the survey shows that on the 19th 40 spaces were available and on the 21st there were 46 spaces available.

5.6 **Drainage and sewerage system cannot/will not be able to cope.**

Response

No objection has been received from Southern Water.

5.7 **Existing brick wall boundaries should remain rather than fences.**

Response

Agreed; a planning condition will be added accordingly.

5.8 **Disruption to neighbours during construction.**

Response

It is unreasonable to oppose development on this basis. Construction noise would be temporary and it is not uncommon for construction related noise to occur during daylight hours within residential areas of the city. Conditions are suggested to limit impacts.

5.9 **Flats are out of keeping with the character of the road.**

Response

The proposed amended design of the development has taken account of the surrounding context. The building to the front shares common design related characteristics with neighbouring buildings and the buildings to the rear have been designed to have minimal visual impact on neighbours thus not effecting character. Inclusion of flats to the area alone is not sufficient reason to oppose the scheme on character grounds.

5.10 ***Excessive footprint/out of character building to plot ratio.***

Response

The proposal represents an improvement over the existing situation on the site whereby 100% of the site is currently covered by hard surfacing and non-residential buildings.

5.11 ***Shadowing.***

Response

Significant shadowing of neighbouring properties will not result as a consequence of the extended roof proposed for the flatted block. The amended plans removed the first floor element of the dwellings to the rear deliberately to reduce impact on neighbours.

5.12 ***Overdevelopment.***

Response

The site is capable of accommodating the proposed level of development; each dwelling would provide an acceptable living environment and amenity space required will be fit for purpose. Adequate provision on site has also been achieved for refuse & cycle storage and vehicle parking/manoeuvrings. The proposed density (63 dph) is also acceptable in this location.

Consultation Responses

5.13 **SCC Highways** - The parking survey is acceptable and no objection is raised subject to the imposition of standard conditions on parking, construction management, bin and cycle storage.

5.14 **SCC Sustainability Team** – No objection subject to requested conditions (energy and water efficiency).

5.15 **SCC Environmental Health (Pollution & Safety)** - No objection subject to requested conditions (Construction Environment Management Plan).

5.16 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. No objection is raised subject to requested conditions.

5.17 **SCC Ecology** – The application site consists of hard-standing and a number of buildings. The buildings appear to be in good condition and have negligible biodiversity value. No objection subject to requested conditions (Ecological enhancement of the site).

5.18 **SCC Archaeology** – Owing to the low potential for archaeological remains to be found on the site no objections are raised and no conditions are requested.

5.19 **SCC CIL** – The development is CIL Liable; apply requested informative.

5.20 **Southern Water** – No objection subject to requested conditions and informatives.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;
 - Neighbouring residential amenity;
 - Quality of the living environment;
 - Parking highways and transport;
 - Mitigation of direct local impacts; and
 - Likely effect on designated habitats.

Principle of Development

- 6.2 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 H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy sets an advised density range of between 35 and 50 dwellings per hectare in low accessibility areas. As the site is located within a low accessibility area and the proposed density is 63 dwellings per hectare (based on a site area of 0.09ha) the scheme does not comply with this recommended density range.
- 6.3 However, whilst the development is within a low accessibility area the site is close to the boundary with a medium accessibility area where density levels (according to CS5) are advised to be generally between 50 and 100 dwellings per hectare. On this basis and because the density proposed is low in the range recommended for medium accessibility areas; and given the proximity to Thornhill Park Local Centre, it is considered reasonable to not oppose the development solely on this basis. The policy also confirms that density should also be assessed against a number of different criteria including local character, quality of open space, accessibility to public transport and the efficient and effective use of land.
- 6.4 The NPPF also encourages release of previously developed land for housing in sustainable locations. The sites location is considered to be sustainable given it's distance from Thornhill Park Local Centre and nearby bus stops. Other aspects of the scheme, required to determine how sustainable toe proposal is, are discussed below.
- 6.5 The scheme provides both one and two bedroom units resulting in an acceptable mix of housing units which is compliant with policy CS16 (housing mix and type). Family housing (with 3 or more bedrooms) are not triggered by this scheme.
- 6.6 In principle the scheme is considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended in NPPF and local planning policies. The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Therefore the principle of a medium density development is generally supported if the Panel agree that it meets design and environmental policies as discussed further in this report.

Design and effect on character

- 6.7 Overall, the style and character of the front building will be in keeping with the surrounding area. The building will include facing brickwork and uPVC windows and doors. The pitch of the roof will remain the same as the existing building which shares a similar roof pitch to neighbouring and nearby residential properties. When viewed from Browning Avenue the building will retain its proportions as it is only the roof of the building that is being altered to accommodate the additional accommodation at first floor level.
- 6.8 The dwellings to the rear of the site will replace existing non-residential buildings which do not reflect local context or character. The replacement with residential buildings of lesser visual impact is considered to be an improvement in general character terms. The design of the dwellings is contemporary and include flat roofs with the aim of having little visual impact on neighbouring residents.
- 6.9 Hardsurfacing materials which exist on site will be replaced by block paving and landscaping. The removal of large amounts of tarmac will also help to harmonise the development with other nearby residential development.
- 6.10 The materials and design chosen are acceptable given the character of nearby properties. This residential scheme is also an improvement over the existing commercial character and appearance of the site.

Neighbouring residential amenity

- 6.11 The development is unlikely to cause direct significant harm in terms of overshadowing, privacy or visual impact to neighbouring amenity due to the distance between the proposed building & extension and the closest neighbouring residential properties.
- 6.12 The proposed building to the rear is lower in height than the existing buildings. It would also be set off the shared boundary with neighbouring properties and would have a smaller footprint than existing buildings meaning that the new building would have less visual impact, cause less shadowing and be less overbearing. Separation distances between the proposed dwellings and properties on Thornhill Avenue would be in excess of 35m.
- 6.13 The extended pitched roof of the building to the front would not cause significant harm to neighbouring residential amenity given the scale, mass and bulk proposed and distance from neighbouring properties and gardens.
- 6.14 Obscure glazing can be used to prevent overlooking of the neighbour to the west (7 Browning Avenue). It is also acceptable to introduce a new dormer window at first floor level overlooking the street as this is a common relationship found across the city.
- 6.15 Impact will also be acceptable to the residential units at upper floor level within the adjoining parade of shops fronting onto Thornhill Park Road.
- 6.16 To ensure that the amenity of nearby residents is not significantly harmed during construction a demolition and construction management plan is recommended by planning condition. A standard condition restricting construction hours to 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 will also be applied.

- 6.17 As such the proposal is considered to be acceptable in terms of its impact on nearby residential amenity and accordingly is deemed compliant with policy SDP1(i).

Quality of the living environment

- 6.18 All habitable rooms within the proposed buildings would have access to natural light, outlook and would benefit from sufficient levels of privacy. Ground floor units would have windows with defensible space formed by planting and boundary treatment.
- 6.19 In Southampton, 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. All amenity space should be usable and fit for purpose. In the case of the proposed scheme, all flats would have access to the communal garden to the rear which measures 110sq.m. In addition there would be a private garden space provided for the occupiers of the two dwellings to the rear. Those gardens at 100sq.m and 70sq.m of useable garden space each achieve the minimum recommended garden sizes for semi-detached dwellings in Southampton. Each garden would include a patio area and all would receive direct sunlight; and be fit for their intended purpose.
- 6.20 The amount of amenity space provided does, therefore, accord with the total space requirements recommended in the residential design guide.
- 6.21 All dwellings would have easily accessible bin and bike stores along with a dedicated car parking space.
- 6.22 The site benefits from being positioned within 150m walking distance from Thornhill Local Centre which provides access to local shops and services. Public open space (Thornhill Park) is also within 50m walking distance.
- 6.23 The pedestrian entrance to the flats is visible from Browning Avenue and the entrances to the houses at the rear are visible from the shared space located centrally within the site. All entrances to dwellings therefore achieve the benefit of natural surveillance which will assist to ensure that the site is suitably safe.
- 6.24 Overall the quality of the residential environment is considered acceptable.

Parking highways and transport

- 6.25 Objectors have raised highways safety, congestion and existing on street parking pressure; and the associated potential overspill parking impact caused by the proposal as a concern. In terms of highways safety provided that vehicle drivers behave responsibly and drive in accordance with the highway law the safety of other highway users will not be directly impacted upon as a consequence of the proposal.

- 6.26 The site is located outside of a high accessibility area and therefore the Council's maximum parking standards would allow up to two car parking spaces for the two bed units and one for each of the one bed units (i.e. 8 in total). The proposal does not however provide the maximum as only one space is provided for the occupants of each unit. As the site would not accommodate the maximum number of parking spaces permitted a car parking survey has been undertaken to identify if there is capacity offsite to accommodate potential overspill parking. The results of the car parking survey identifies that out of a total of 103 potential car parking spaces that were identified within the assessment area on Tuesday 19th November there were 40 available/free spaces and on Thursday 21st November there were 46 available/free. This means that there is sufficient space within the local area to cope with the potential overspill of 2 cars caused by the development.
- 6.27 Adequate cycle storage is proposed and would be hidden from view of the public realm. Spaces would be provided at a ratio of 1:1 for the proposed residential units.
- 6.28 Sufficient bin storage can also be provided. Conditions can be used to ensure that the refuse store doors and site access is sufficient to allow easy movement of bins to and from the highway for collection. A condition will also be needed to secure a refuse management plan to ensure refuse is moved to the highway on collection day. Another condition will need to be added to ensure that bins are not stored on the public highways other than on collection day.
- 6.29 In coming to the conclusion not to oppose the scheme in highway terms officers have also taken into account the location of the development which is close to the Local Centre and, thus, is within walking distance of many public facilities as well as bus stops.
- 6.30 Where appropriate the Council will seek site specific highways contributions to facilitate the direct impact of the development through the Section 106 process.

Mitigation of direct local impacts

- 6.31 The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the relatively small scale nature of the proposal a narrow package of contributions and obligations is proposed as part of the application. The scheme triggers the Community Infrastructure Levy (CIL), Solent Disturbance Mitigation, highways condition survey and the need for site specific highways works.

Likely effect on designated habitats

- 6.32 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 previously developed site is located within a mainly residential area and is conveniently located close to local shops and amenities, as well as local transport links. The design is acceptable, and the removal of the existing buildings; and a non-confirming use, is also considered beneficial to local character and amenity. An appropriate residential environment would be formed and the proposed site layout provides the appropriate car parking, refuse and cycle storage; and amenity requirements for occupants. The scheme is sensitive to the surrounding residents and would not significantly harm neighbouring residential amenity. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and 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) (d) 4.(f) (g) (vv) 6. (a) (b)

MP for 14/01/2020 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.Demolition & 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) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; and

(b) 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.

4. Construction related materials, equipment and vehicular storage/parking (Performance Condition)

No work shall be carried out on site unless and until provision is available within the site for all temporary contractors buildings, plant and stacks of materials and equipment; and contractors parking associated with the development; and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason: To avoid undue congestion on the site and consequent obstruction to access.

5. 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.

6. Wheel Cleaning Facilities (Performance Condition)

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

Reason: In the interests of highway safety.

7. Green Roof implementation [Pre-Commencement Condition]

Prior to the commencement of any above ground works full details of the proposed green roof to be incorporated within the development shall be submitted to and agreed in writing by the Local Planning Authority. 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 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

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

The roof area of the development 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.

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

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

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

10.Public Sewer protection (Pre-Commencement Condition).

Prior to the commencement of development, details of the measures which will be undertaken to divert the public sewers shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved Reason: In order to safeguard the public sewer.

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

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

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

12.Energy & Water [Performance Condition]

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

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

13.Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, and Part 2 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:

Part 1:

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

Class B (roof alteration),

Class D (porches),

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

Class F (hard surface area); and

Part 2:

Class A (gates, fences, walls).

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

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

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

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

15. Glazing panel specification [Pre-Occupation Condition]

All first floor windows positioned in the side elevation (west facing) serving the first floor accommodation (F4) of the proposed development shall be glazed in obscure glass and shall be non-opening/shall only have a top light opening at least 1.7m above the floor level of the room to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

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

16.Refuse & Recycling [Pre-Occupation Condition]

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

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

17.Waste Management Plan [Pre-Occupation Condition]

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

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

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

The residential units hereby approved shall not be occupied until the car parking spaces and cycle storage facilities have been provided as shown on the approved drawings. These facilities shall be permanently retained thereafter for those purposes and no more than one car parking space shall be allocated to a single dwelling at any time.

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

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

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and

render) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments (permeable paving) formed. Development shall be implemented only in accordance with the agreed details.

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

20.Sustainable Drainage Systems (Pre-Above Ground Works)

Prior to the commencement of any above ground works a specification for the proposed sustainable drainage system for the site including hardsurfacing to include permeable paving 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.

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.

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

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

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

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

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

22.Use of uncontaminated soils and fill (Performance)

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

be submitted to the Local Planning Authority for approval prior to the occupancy of the site. Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

23.Unsuspected Contamination (Performance)

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

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

24.Ecological Mitigation Plan [Pre-Above Ground Work]

Prior to any above ground work, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The landscape plan shall include native species and/or ornamental species of recognised value for wildlife.

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

25.Landscaping, lighting & means of enclosure detailed plan (Pre-Above Ground Works)

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

- i. car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials,
- ii. means of lighting the car parking/communal areas;
- iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iv. details of boundary treatments, including retaining walls (all brick boundary walls must be retained and repaired as necessary and at no time shall be replaced by any other boundary treatment unless otherwise agreed in writing by the local planning authority); and
- v. a landscape management scheme.

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

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

the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The landscape plan shall include native species and/or ornamental species of recognised value for wildlife.

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.

26.Retention of Boundary Treatment. [Performance Condition]

Notwithstanding the approved plans all existing masonry built walls that form the boundary of the site shall be retained and repaired where necessary with material to match and at a height to match the existing height unless otherwise agreed in writing by the Local Planning Authority.

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

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 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>
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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.

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;*

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as 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
SDP16	Housing Mix and Type.
SDP17	Lighting
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

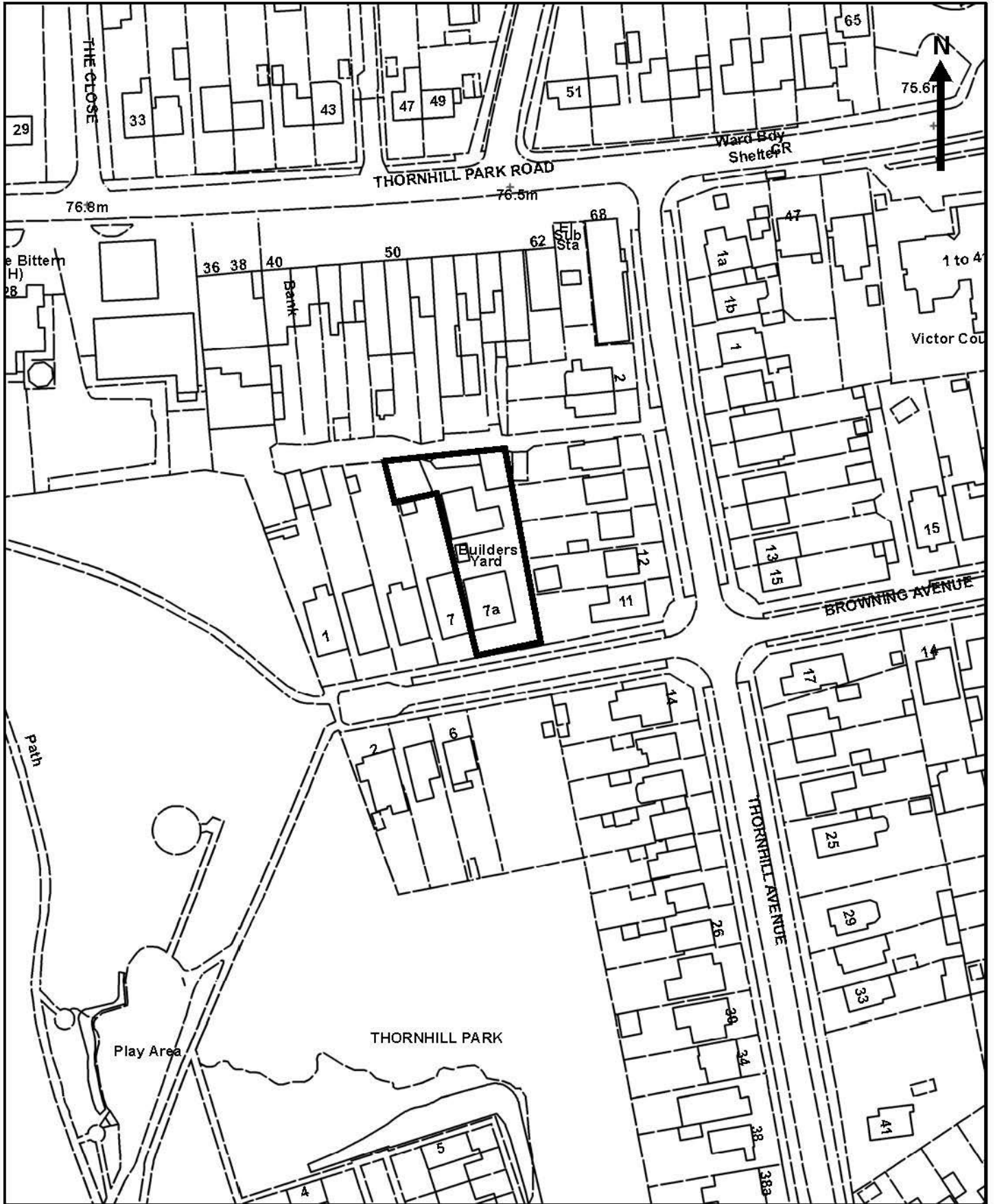
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 7

Planning and Rights of Way Panel 14th January 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: 12 Melchet Road, Southampton			
Proposed development: Erection of a two-storey end of terrace two-bedroom dwelling (Resubmission of 19/00321/FUL).			
Application number:	19/01729/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	31.12.2019	Ward:	Harefield
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Daniel Fitzhenry Cllr Valerie Laurent Cllr Peter Baillie
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr Paul Vernon		Agent: Mr David Windsor	

Recommendation Summary	Delegate to the Head of Planning & Economic 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 (2019). Policies – CS4, CS5, CS13, CS16, CS19, CS20 and CS22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached			
1.	Habitats Regulation Assessment	2.	Parking Survey results table
3.	Development Plan Policies		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure 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 Head of Planning & Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

1. The site, its context and background to the scheme

- 1.1 The application site comprises a small two-storey, end-of-terrace family dwelling on a corner plot with a modest enclosed rear garden and a larger open garden area to the side, with front/side driveway parking for 1 car.
- 1.2 The property is set at a slightly lower level than Melchet Road, with a small bank of vegetation running along the back edge of the footpath, dropping down into the front gardens of this terrace. Ground levels even out at the corner of the plot to give level access to the driveway from the road.
- 1.3 Along the rear boundary of the plot there is a single track access road which leads to communal residential garages to the rear of these surrounding properties.
- 1.4 Properties on the Northern side of Melchet Road are approximately 1.5m-2m higher than the application site. Ground levels then slope down towards the South, along Denmead Road, meaning the application site is approximately 1.5m-2m higher than neighbouring properties to the rear.

2. Proposal

- 2.1 The proposal comprises an extension to the end of this existing terrace to provide a similar small 2 bedroom dwelling with off road parking to the rear. The off-road parking area at the rear will provide 1 replacement car parking space for the existing dwelling, No.12, and 1 space for the new dwelling, accessed from the existing rear access road.
- 2.2 The site plan shows that sufficient private garden areas will be provided for both the existing and new dwellings, including bin storage and cycle storage areas.
- 2.3 This application seeks to address the earlier reasons for refusal as set out in the Planning History section of this report.

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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. 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 Applications for a very similar new dwelling proposal have previously been submitted for this site under application refs: 18/02163/FUL (withdrawn January 2019) and more recently 19/00321/FUL (refused May 2019). These proposals were not considered to sufficiently address concerns for parking provision.
- 4.2 The reasons for refusal for 19/00321/FUL, refused under officer’s delegated authority in May 2019, are as follows:

Reason for refusal - Parking Layout

The development fails to provide an acceptable parking layout in terms of highway safety, due to the lack of turning area for either parking space, preventing vehicle users from either entering or leaving the carriageway in a forward gear at access points with restricted visibility. The development also fails to provide convenient access arrangements for either proposed parking space, as the access for the parking space to the front of the site would rely on access over a neighbouring property, and the space to the rear would involve vehicle manoeuvres that would cause the user to cross the public footpath and grass verge at the narrow entrance to the rear access road. The proposal would therefore be detrimental to highway safety and contrary to saved policies SDP1(i), SDP5, SDP7 and SDP9 of the Local Plan Review and CS13 and CS19 of the Core Strategy, as supported by section 4.2 of the Parking Standards SPD (2011) and is, therefore, recommended for refusal.

Reason for refusal - Impact on Character.

The introduction of additional hardstanding and parking within the front boundary would be harmful to the character of the local area by creating a car dominated frontage to the detriment of the otherwise green character of these front gardens. As such, the proposal is contrary to saved policies SDP1(i), SDP7 and SDP9 of the Local Plan Review and CS13 of the Core Strategy, as supported by sections 2.4.1 and 2.4.4 of the Residential Design Guide SPD (2016).

- 4.3 Prior to this, proposals for a large two-storey side extension to the property were initially refused in 2007 (07/01360/FUL) and later approved under an amended scheme in 2008 (08/00881/FUL), however this scheme was never built.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **7 representations** have been received from surrounding residents: 6 objections from local residents and 1 comment in support of the application from the applicant themselves. The following is a summary of the points raised:

5.1.1 The applicant does not live at the property. They are only interested in private profit, not community benefits. They have inaccurately commented regarding enforcement action on a neighbouring property.

Response:

The proposal is to be assessed on the merits of the design itself and how it complies with local planning policies. Issues of ownership, intentions of the applicant, or comments regarding enforcement on unrelated sites are not material considerations for this assessment.

5.1.2 The area is already overpopulated and the proposal will exacerbate existing parking issues. The proposed front parking space for No.12 would result in vehicles driving past the new property. No space to turn / manoeuvre cars.

Response:

The impact on local parking availability is discussed further below. The site plan has since been amended to remove the front parking space in question. The existing and proposed dwelling each have a private off road parking space.

5.1.3 Loss of light and view / outlook to No's 6, 5, 7 and 9 Melchet Road.

Response:

The application continues the terrace. Due to the distance separating these properties from the application site, and the ground level changes involved, the proposal is not considered to cause significant harm to the light and outlook enjoyed by neighbouring properties. This is discussed in more detail further below. Loss of a view across a neighbouring property is not a material planning consideration.

5.1.4 Noise, dust, nuisance and obstruction caused by construction traffic.

Response:

A condition is recommended to secure hours of construction and a construction method statement to manage these impacts.

5.1.5 The proposal will obstruct visibility for cars exiting the rear garage access road and for cars negotiating the junction of Melchet Road and Denmead Road.

Response:

An unobstructed visibility splay for the entrance to the rear access road has been shown on the plans and the proposal retains space on the corner junction, to avoid obstructing visibility here. The Highways Officer has no objection in terms of highway safety.

- 5.1.6 The parking survey is not a true representation of local situation, as it was taken after 5:00am. A 200m walking distance is not a reasonable expectation for people to walk to their cars. The site is not on a major bus route.

Response:

An updated parking survey has since been submitted with results from 4:00am. The survey times and the 200m walking distance comply with the requirements of the standard Lambeth Model for parking surveys and the Highways Officer has no objection to the survey. The maximum number of spaces for the scheme is 4 spaces and 2 are shown with on-street capacity available for any overspill.

- 5.1.7 Loss of green space for wildlife.

Response:

Only a very small amount of open grassed garden area will be lost as a result of the new building, as the rest of the building footprint will sit on the existing paved driveway area. The proposal retains the majority of the existing green space, simply enclosing this with a fence.

- 5.1.8 Inadequate living space.

Response:

The proposed internal layout is compact, however all habitable rooms have good access to light and outlook, and sufficient amenity space has been provided. This is discussed in more detail below.

5.2 **Consultation Responses**

- 5.3 **Highways Development Management:** No objection in terms of highway safety, now that the parking space to the front of No.12 has been removed. The existing driveway appears capable of hosting only 1 parking space, as a second car would overhang the footpath. The issue of parking is one of amenity, rather than safety. The parking survey is acceptable and indicates some remaining parking capacity on surrounding roads.

- 5.4 **CIL:** The development is CIL liable as there is a net gain of residential units. The current indexed residential CIL rate is £100.63 per sq m, which would be measured on the Gross Internal Area of the building. This figure will change in January 2020.

- 5.5 **Contamination:** The proposed land use is sensitive to the effects of land contamination, however records do not indicate any potentially contaminating land uses have existed on or, in the vicinity of the subject site. Recommend conditions: L001 Land Contamination investigation & remediation (Pre-Commencement)
L010 Use of uncontaminated soils and fill (Performance)
L015 Unsuspected Contamination (Performance)

Response:

Since there are no recorded instances of contaminated land on, or near the site, condition L001 is considered onerous and is unlikely to meet the test of reasonableness. L015 Unsuspected Contamination would provide measures to secure remediation of any contamination found on site during construction.

5.6 **Environmental Health:** No objection. Recommend conditions:

Construction working hours

No Bonfires

Response:

Restrictions on working hours are recommended further below as part of a wider condition requiring a construction method statement. Nuisance from bonfires is controlled under separate legislation, so is not considered reasonable.

5.7 **Southern Water:** No objection in principle, but note an existing public foul and surface water sewers within the site. The exact location should be identified by the applicant prior to finalising the site layout. Any sewer diversion proposals shall be agreed and carried out under Section 185 of the Water Industry Act before construction. The proposed development layout is acceptable only on condition of these sewers being diverted. No development or new tree planting should be located within 3 metres on each side of the external edge of the public sewer. No new soakaways should be located within 5 meters of a public sewer. All existing infrastructure should be protected during the course of construction works.

Request condition: "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development."

Request informative note: Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

5.8 **Sustainability:** No objection. Request conditions in respect of Energy & Water (Pre-commencement - *"With the exception of site clearance, demolition and preparation works"*)
Energy & Water (Performance)

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in determining this planning application are:

- Principle of development
- Design and effect on character;
- Residential amenity;
- Parking; and,
- Likely effect on designated habitats.

6.2 **Principle of development**

6.2.1 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of land to provide housing. Policies H1, H2 and CS4 acknowledge that new homes will generally need to be built at higher densities, and that new dwellings will contribute towards delivering the Council's strategic target for housing supply, however policy CS5 highlights that the development should be an appropriate density for its context, and should protect and enhance existing neighbourhoods.

- 6.2.2 As a result of this proposal, the application site would have a residential density of 62 dwellings per hectare, Whilst this slightly exceeds the levels set by policy CS5, which seeks a density of 35 - 50 dwellings per hectare in this low accessibility area, this is only one indicator of the acceptability of a scheme and the overall quality of development must still be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.
- 6.2.3 Policy CS16 of the Core Strategy resists the loss of 3 bed family homes, however it is noted that the existing property No.12 has only 2 bedrooms and would retain its existing garden, so policy CS16 isn't directly triggered by the application.
- 6.2.4 The application site lies within an urban area where the basic principle of development is considered to be acceptable. The planning assessment must now consider whether the nature, design and impact of the proposal are appropriate and in accordance with the relevant Local Plan policies and supplementary planning documents and guidance:
- 6.3 Design and effect on character
- 6.3.1 In general, despite different proportions and fenestration details, the proposal appears to sit well as a continuation of the existing terrace and the minor changes to porch and window positions are not considered significantly harmful in terms of their impact on the character of the host dwelling or local area. Further details of proposed materials can be secured by condition.
- 6.3.2 The proposed front porch is modest in scale and the pitched roof design would reflect those visible on nearby properties, No.14 Melchet Road on the opposite corner plot, and No.5 Melchet Road on the northern side of Melchet Road.
- 6.3.3 Whilst there would be some loss of the existing open space on this corner plot, the proposed site layout would retain a side garden area / access, similar to that of No.14 on the opposite corner plot, ensuring that the proposal does not breach the building line along Denmead Road to the side elevation, and would not appear as an overdevelopment of the plot.
- 6.3.4 The amended site plan and parking layout has now removed the proposed parking area to the front of the site, in order to address the previous reason for refusal relating to the visual impact of increased hardstanding and car dominated frontage.
- 6.3.5 Given the details discussed above, the proposal is not considered to cause harm to the character of the host dwelling or local area and has addressed earlier concerns.
- 6.4 Residential amenity
- 6.4.1 The proposal introduces a new dwelling to this corner plot, however given the ground level changes involved, and the separation distances from neighbouring dwellings, the proposal would not overshadow neighbouring properties and it is not considered to present an overbearing impact for neighbouring residents.
- 6.4.2 The proposal would not result in significant concerns for overlooking of neighbouring properties, as the relationship to No.2 Denmead Road to the rear

will be the same as that of the existing dwellings in this terrace, and would not overlook their private rear garden. In addition, the separation distance of 16m would far exceed our minimum requirement of 12.5m between the rear habitable room windows of the new dwelling and the side gable wall of No.2 Denmead Road. It is also noted that there are no habitable room windows within the north-western elevation of this dwelling.

- 6.4.3 The potential impact of construction noise and disturbance on neighbouring residents can be mitigated by way of a condition restricting the permitted working hours and requiring a construction management plan.
- 6.4.4 On the above basis, the proposals would not result in harm to the occupiers of neighbouring properties, subject to compliance with recommended conditions.
- 6.4.5 The existing dwelling, No.12 Melchet Road retains approximately 59sq.m of garden amenity space, which exceeds our minimum standard of 50sq.m for a terraced dwelling, and is provided with a replacement parking space and sufficient bin and cycle storage on site. In addition, the proposal does not result in overlooking, overshadowing or overbearing impacts for this existing dwelling, so the proposal is not considered to cause harm to the amenity of existing occupiers.
- 6.4.6 The proposal provides good levels of light, outlook and privacy to all habitable rooms within the new dwelling, with a large private rear garden area of 88sq.m, which exceeds our minimum standard of 50sq.m. There is sufficient bin and cycle storage and 1 car parking space to the rear. As such, the proposal is not considered to cause harm to future occupiers of the new dwelling and has addressed earlier concerns.

6.5 Parking

- 6.5.1 The current proposal replaces the 1 existing car parking space on the driveway of No.12 with a parking space to the rear of the site, and provides 1 additional parking space for the proposed new dwelling. There is un-restricted on-street parking on Melchet Road and surrounding roads.
- 6.5.2 The maximum standard provision of car parking spaces for a new 2 bed dwelling in a low accessibility area such as this is 2x parking spaces. The proposal indicates 1x parking space each for the existing and new dwellings. The existing property has only 1 existing parking space on the front driveway, which would be relocated to the rear. It is also noted that surrounding houses on this terrace have no off-road parking directly on site, relying on on-street parking and the residential garages to the rear. As such, a parking survey has been submitted to address the shortfall of 1 parking space for the new dwelling.
- 6.5.3 The submitted parking survey has been completed in line with the recommended Lambeth Model and the results, attached as **Appendix 2**, indicate that there is remaining capacity on surrounding roads to accommodate the shortfall of 1 parking space for the new dwelling. The survey found 20 available spaces on Friday 20th December (05:00am – 05:20am) and 17 available spaces on Monday 23rd December (04:34am – 05:00am). Even allowing for the time of year that the survey was completed it is considered likely that any overspill from this small development can be accommodated locally and officer's would not recommend a

refusal based upon limited parking given the circumstances of this case and the 1:1 offer.

6.5.4 The Highways Officer has no objection to the revised site layout showing an open parallel parking bay which spans the rear boundaries of No.12 and the new dwelling, providing 2 parking spaces. In addition, they have no concerns regarding the safety of highway users at the junction of Melchet Road and Denmead Road, nor to the entrance to the rear access road. The amended parking layout removes intervening fences between the parking for No.12 and the new dwelling, to create a single, open parallel parking bay. The proposal also improves the visibility from the rear access road onto Denmead Road. This amended site layout is an improvement on previous schemes and is considered to address the previous reasons for refusal.

6.6 Likely effect on designated habitats

6.6.1 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 10% 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 development is not considered to cause harm to the amenity of neighbouring residents, or the occupiers of the existing or new dwellings, and the design of the proposal would not appear out of character with the host dwelling or local area. Moreover, the site is large enough to accommodate the proposal, mitigation can be secured to ensure protection of European designated sites, and the proposal is not considered to cause harm to highway safety or local parking amenity. As the previous reasons for refusal have been addressed by this application officers now recommend an approval.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions .

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) (f) 4.(f) (g) (vv) 6. (a) (b)

AC for 14/01/2020 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. 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.

03. Materials to match (Performance Condition)

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

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

04. 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.

05. Public Sewer protection (Pre-commencement)

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

Reason: In order to safeguard the public sewer.

06. Energy & Water (Pre-commencement)

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

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

07. Energy & Water (Performance)

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

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

08. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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

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

09. Cycle storage facilities (Pre-Commencement)

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

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

10. Car Parking (Pre-Occupation)

The car parking spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. The existing and proposed dwelling shall each be allocated 1 parking space

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

11. Boundary Treatment (Pre-Occupation)

Before first occupation of the development hereby approved, details of the proposed 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.

12. Use of uncontaminated soils and fill (Performance)

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

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

13. Unsuspected Contamination (Performance)

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

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

14. 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.

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

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

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

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

Stage 1 - details of the plan or project

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

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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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

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

endorsed by Natural England.

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

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 10% 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 10% 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 10% 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.

PARKING SURVEY RESULTS TABLE

Parking Survey for 12 Melchet Road, Southampton, SO18 5GU

2. Two surveys were conducted on different days.
3. The survey was not conducted in a week that included Public Holidays or school holidays
4. All areas of unrestricted parking were counted either as unallocated designated parking spaces, unrestricted parking bays or unrestricted kerbside parking measured in accordance with the guidelines stated above.

Survey Results

Parking Location		Marked Parking Bays	Kerb Space (m)	Max Spaces	Survey 1	Survey 2
					Friday 20/12/2019 05:00-05:20	Monday 23/12/2019 04:34-05:00
A	Selborne Avenue	-	111.6	18	3	4
B	Melchet Road	-	68	11	6	8
TOTAL				29	9	12
Parking Stress					31%	41%

*It should be noted that at the time of the surveys **Area D containing 24 Garages**, were unused.*

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	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 Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

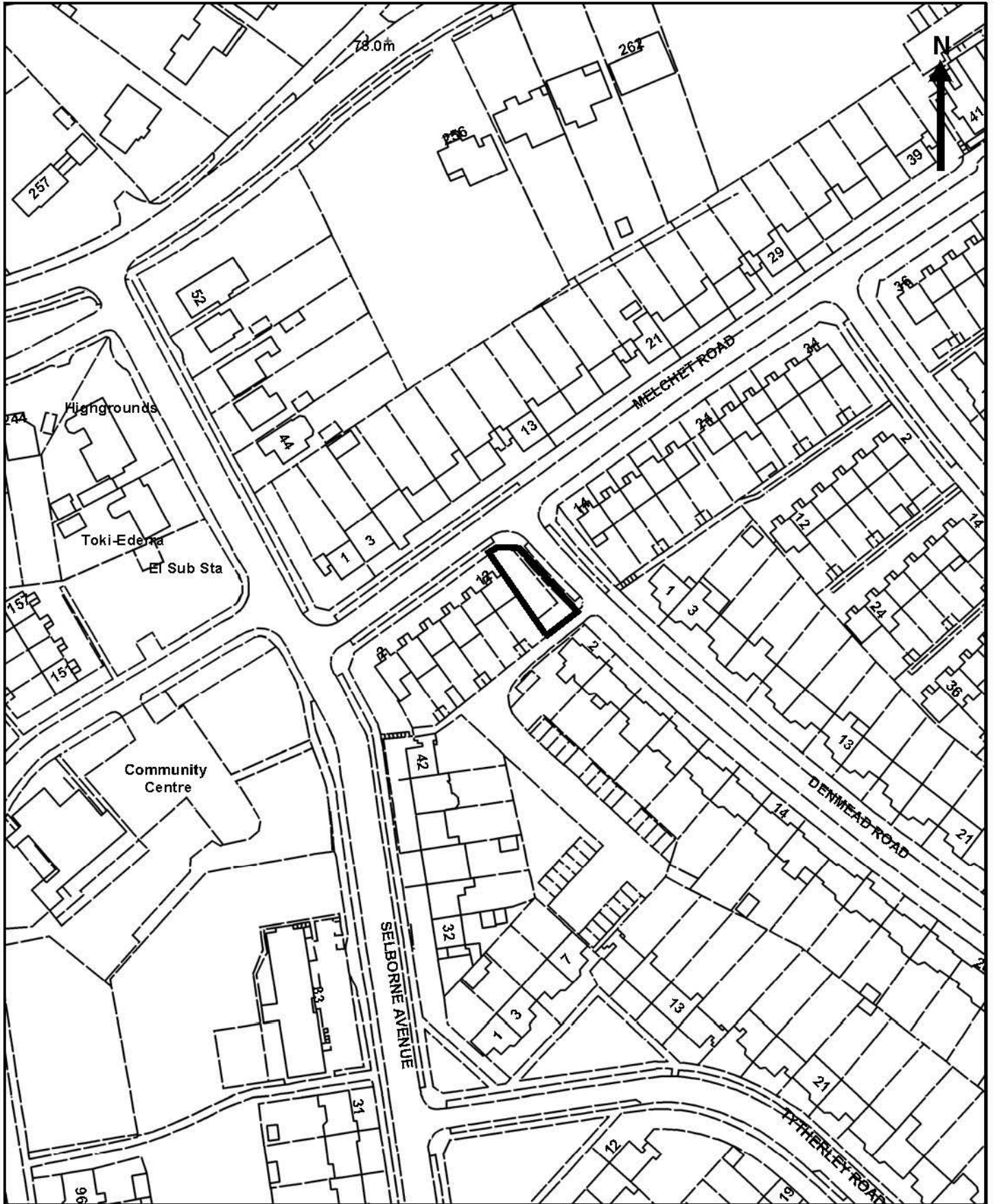
Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:1,250

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Agenda Item 8

Planning and Rights of Way Panel 14th January 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: 4 Fitzroy Close, Southampton			
Proposed development: Erection of a single-storey front and two-storey side extension. (Re-submission of planning application 19/01442/FUL).			
Application number:	19/01832/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	27.12.2019	Ward:	Bassett
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides
Referred to Panel by:	n/a	Reason:	n/a
Applicant: Mrs S Bhakar		Agent: CMCdesign	

Recommendation Summary	Conditionally approve
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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 (2019). Policies – CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP12 of the City of Southampton Local Plan Review (Amended 2015). Policies BAS4 of the Bassett Neighbourhood Plan (2016).

Appendix attached			
1	Development Plan Policies	2	Refused application 19/01442/FUL

Recommendation in Full

Conditionally approve

1. Introduction & Background

- 1.1 This re-submission follows a previous delegated refusal on 25.10.19 for the erection of a single-storey front and two-storey side extension (LPA Ref 19/01442/FUL).
- 1.2 The application was refused because the two-storey extension would have resulted in a visually oppressive and overbearing impact on neighbouring properties at 6, 7 and 8 Fitzroy Close.
- 1.3 The previously refused two-storey extension was sited 11.3 metres from neighbouring habitable windows in Fitzroy Close and therefore failed to meet the minimum separation distance of 12.5 metres between windows of habitable rooms and the side (gable end) wall of another house, as set out within the Council's approved Residential Design Guide SPD.
- 1.4 This current proposal (LPA Ref 19/01832/FUL) has amended the two-storey side extension by reducing the width of the first-floor of the side extension by 1.2 metres. The scheme now achieves a separation distance of 12.5 metres from neighbouring habitable windows in Fitzroy Close.

2. The site and its context

- 2.1 The site lies within the ward of Bassett to the west of Bassett Avenue and south of the M27. The local area is characterised as a leafy suburban residential area with mainly two-storey terraced housing forming part of a modern higher density housing estate. The area is characterised by a group Tree Preservation Order dating back to 1958 (Lingwood – Bassett Avenue). There are trees nearby in the neighbouring gardens and towards the eastern end of the site but not directly affected by the proposal.
- 2.2 The site itself comprises a two-storey terraced 3 bedroom house within a long sized plot (area of 390sqm). An integral garage at the front of the property has been previously converted into a habitable space which is also evident of other neighbouring properties within the same terrace.

3. Proposal

- 3.1 This is a resubmission following refusal of application ref no. 19/01442/FUL. The current application again seeks to create additional living space at ground and first floor by extending the property to the front and side at single and two storey level. This re-submission has amended the previously refused scheme by reducing the width of the first-floor to the two-storey side extension by 1.2 metres in order to satisfy the required minimum 12.5m separation distance between the two-storey extension and neighbouring windows, as set out within the Council's Residential Design Guide SPD.

4. Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015), and the Bassett Neighbourhood

Plan (July 2016). The most relevant policies to these proposals are set out at **Appendix 1**.

- 4.2 The National Planning Policy Framework (NPPF) was revised in 2019. 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.
- 4.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.
- 4.4 Policy BAS 4 (Character and Design) of the Neighbourhood Plan expects new development to complement the street scene, with particular reference to the scale, spacing, massing, materials and height of the neighbouring properties.

5. Relevant Planning History

- 5.1 An application (ref no. 19/01442/FUL) was recently refused in October this year for a similar extension on the basis that officers were concerned that the proximity and height of the 2 storey side extension, in terms of its siting and massing, would be visually oppressive and overbearing to the residential amenities to the neighbouring occupiers situated to the south at no. 6, 7 and 8 Fitzroy Close. A copy of the decision notice and plans are appended to **Appendix 2**.

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. Although amended plans have been received during the course of the application, it was not considered necessary to reconsult neighbours as the plans shows an improvement to the relationship with the neighbouring properties by reducing the size of the extension and not materially changing its appearance. At the time of writing the report **9 representations** (7 objections and 2 support) have been received from surrounding residents. The following is a summary of the points raised:

6.2 Additional street parking pressure to surrounding streets **Response**

The property will still be occupied as a 3 bedroom house so there would not be any significant increase in parking demand from the same household size. The

associated garage has already been converted to living accommodation and so there is no change in the parking proposed.

6.3 ***Loss of outlook, light and privacy to garden and living spaces of neighbouring properties***

Response

Although the visual changes are perceptibly minor since the previously refused application, the reduction in the width of the 2 storey side extension increases the gap between side gable of the proposed extension and the rear elevation of the neighbouring properties (to the south) to 12.5m (it was previously 11.3m). As set out in paragraph 2.2.7 of the Council's Residential Design Guide, this spacing complies with the Council's minimum separation distance guideline to ensure that the outlook of the neighbouring properties will be maintained. The orientation of the extension to the north of the neighbouring properties affected would ensure that the shadow cast by the extension does not fall onto their gardens and living spaces during the course of the day and, therefore, the light enjoyed by the neighbour's would be adequately maintained. There are no side windows directly overlooking the neighbouring properties whilst there would oblique views only from the rear and front first floor windows. Whilst the relationship proposed is tight it is compliant with guidance and can, on balance, be supported.

6.4 ***The scale and appearance of the extension will be out of character with other properties***

Response

Officers determined under the previously refused application that no harm to the character and appearance of the area was found. The design and appearance of the proposed extension replicates the form of the existing terrace, including the doubling in width of the ground floor front projection.

6.5 ***The ownership of the land adjacent to the southern boundary of the property is still under dispute with the council. The land has been fenced off purposefully by the applicant to make it look like they have a bigger site to accommodate the extension. The rear boundary line shown on the ordnance survey plan does not match the land registry plan correctly. The development would be contrary to property covenants which prevents significant exterior change***

Response

The applicant's site boundary line does not include the disputed strip of land to the side purported to be a right of way, therefore the applicant is not proposing development outside of their red line and land ownership. The dispute over land ownership falls outside powers of the planning system. The accuracy of the site boundary line at the rear of the property does not affect landowner's rights to dispute the land ownership outside the planning application process nor does it prejudice the decision of the application given the location of the proposed extension at the other end of the plot. The covenant restriction is not a consideration and is enforced separately to the planning process.

6.6 ***The extension will further increase the noise disturbance caused by the applicant.***

Response

There would be no noticeable noise increase from the activities associated with the property as there will no intensification of its use given that it will still be occupied by a similar size family household. The Council has separate

enforcement powers to enforce against noise disturbance deemed as a statutory nuisance so this issue can be dealt with under separate legislation to the planning process.

- 6.7 ***Majority of the properties within the neighbourhood are large and unique. No loss of privacy or outlook to the neighbour's garden. The construction of the extension will not affect parking on the road as the applicant has two spaces for vehicles on his drive***

Response

Noted.

- 6.8 ***Loss of property value***

Response

This is not a material planning consideration.

- 6.9 ***Create a precedent for land grab of woodland adjacent to no. 13 Fitzroy Close and further development/removal of trees***

Response

This parcel of land does not form part of the application site so it does not form a material consideration in the assessment of this application. This application should be assessed based on the proposal made to the Council.

Consultation Responses

- 6.10 **SCC Tree team** – No objection subject to conditions

7.0 Planning Consideration Key Issues

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

- Design and effect on character;
- Residential amenity;
- Parking highways and transport

7.2 **Design and effect on character**

- 7.2.1 The previous application was not considered harmful to the character and appearance of the area and was refused, instead, because of the impact on residential amenities. Although the extension is not strictly subservient in size and appearance to the host dwelling in its ridge height and set back from the front building line, officers had already found under the previously refused application that this was not harmful in appearance to this style of gabled modern terraced house and the street scene. It still found under the current application that the design and appearance of the proposed extension replicates the form of the existing terrace in a sympathetic manner, terminates the end of the terraced row at the same ridge height, and follows the original front building line. This includes the doubling in width of the ground floor front projection which is already a feature seen at no. 2 and 3 Fitzroy Close within the same terrace.

- 7.2.2 The Tree Officer commented under the previous application that there are no trees immediately affected by the proposal however there are trees, protected by The Southampton (Lingwood - Bassett Avenue) Tree Preservation Order 1958, in the neighbouring property and to the rear of the garden. To ensure their

protection they require a Tree survey and Tree Protection plan to restrict all construction traffic and storage from the root protection areas (RPAs). They recommend that these measures can be secured by condition. With the submission of the new application, the impact of the proposal on these trees has not materially changed, albeit improved by reducing the size of the extension, and therefore these comments are still valid and the suggested conditions form part of this recommendation.

7.3 Residential amenity

- 7.3.1 Although the visual changes are perceptibly minor since the previously refused application, the reduction in the width of the 2 storey side extension increases the gap between side gable of the proposed extension and the rear elevation of the neighbouring properties (to the south) to 12.5m (it was previously 11.3m). As set out in paragraph 2.2.7 of the Council's Residential Design Guide, this spacing complies with the Council's minimum separation distance guideline to ensure that the outlook of the neighbouring properties will be maintained. This separation distance is not uncharacteristic of the local pattern of development. Other houses built within this tightly spaced modern estate in Fitzroy Close already have a tighter spacing of 10.5m between side gabled elevation of no. 19 Fitzroy Close and the rear elevations of the neighbouring properties no. 13 to 15 Fitzroy Close.
- 7.3.2 The height and spacing of the ground floor front element remains the same, however, officers had not raised its impact as a particular concern under of the previous refusal. Although it has a tall eaves and gabled end, its single storey height combined with the 9.5m spacing from the rear elevation of no. 6 Fitzroy Close, and the enclosure on their own garden from the existing garage at 5 Fitzroy Close, does not create an undue sense of enclosure to the neighbouring gardens and living spaces to the south.
- 7.3.3 The orientation of the proposed extension to the north of the neighbouring properties affected would ensure that the shadow cast by the extension does not fall onto their gardens and living spaces during the course of the day and, therefore, the light enjoyed by the neighbour's would be adequately maintained. There are no side windows directly overlooking the neighbouring properties, whilst there would only be oblique views from the rear and front first floor windows which would not cause any harmful loss of privacy. The front bedroom ensuite window can be made obscure glazed given the non-habitable nature of the room. As such, the revised application is considered to be compliant with saved Local Plan Review Policy SDP1(i).

7.4 Parking, highways and transport

- 7.4.1 The proposed expansion to the accommodation of the existing family home would not cause further pressure to local street parking capacity as the property will still be occupied in the same manner as a 3 bedroom family house. As such, there would not be any significant increase in parking demand given the same household size. Furthermore, the impact from the proposal would not adversely affect highways safety.

8. Summary

- 8.1 Following the submission of amended plans to further reduce the width of the two-storey side extension, the previous reasons for refusal raised by officers have been successfully addressed with regards to the concerns of the visually oppressive relationship that the proposed two storey extension had with the neighbouring occupiers. The design of the proposed extension has been found to be in keeping with the character and appearance of the local area, and the siting of its mass and bulk would adequately maintain the residential amenity of the neighbouring occupiers.

9. Conclusion

- 9.1 It is recommended that planning permission be granted subject to 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) (d) (g) 4.(f) (vv) 6. (a) (b) 7. (a)

SB for 14/01/19 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. Materials to match (Performance Condition)

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

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

3. 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 in the south facing 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.

4. Obscure Glazing (Performance Condition)

The first floor ensuite window in the west facing elevation of the hereby approved development, 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.

5. 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.

6. Tree Retention and Safeguarding (Pre-Commencement Condition)

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

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

7. No storage under tree canopy (Performance)

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

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

8. 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.

Note to Applicant

The amended scheme hereby approved shows a separation distance of 12.5 metres from the rear face of the neighbours at 5-8 Fitzroy Close to the side wall of the extension hereby approved. It is on this basis that planning permission has been secured and this distance should be checked on site as part of the construction phase.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Trees

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)

19/01442/FUL/36489



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

CMCdesign
Chris McDermott
The Studio
23 Malibres Road
Chandlers Ford
SO53 5DS

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 single storey front and two storey side extension

Site Address: 4 Fitzroy Close, Southampton, SO16 7LW

Application No: 19/01442/FUL

For the following reason(s):

01.REASON FOR REFUSAL: Impact on Residential Amenity

The proposed two storey side extension would, by virtue of its proposed size, design and siting in close proximity to the southern boundary, result in a visually oppressive and overbearing impact on the residential amenities of the neighbouring occupiers of No. 6, 7 and 8 Fitzroy Close. The proposal is therefore considered to be contrary to saved Policies SDP1(i) and SDP9(v) of the City of Southampton Local Plan Review (Amended 2015) and Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) with further reference to the provisions of sections 2.2.1-3 and 2.2.7 of the Southampton City Council Residential Design Guide Supplementary Planning Document (2006), and Policy BAS 4 of the Bassett Neighbourhood Plan (2016) and the guidance contained within the National Planning Policy Framework 2019.

Note to Applicant

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

A handwritten signature in black ink, appearing to be "J.M.D.", located at the bottom left of the page.

PROPOSED MATERIALS -

- walls • brick to match existing
- roof • tiled to match existing
- windows / doors • white to match existing

PROPOSED FRONT ELEVATION (facing west)
SCALE 1:100

0 1 2 3 4 5m

PROPOSED SIDE ELEVATION (facing south)
SCALE 1:100

PROPOSED REAR ELEVATION (facing east)
SCALE 1:100

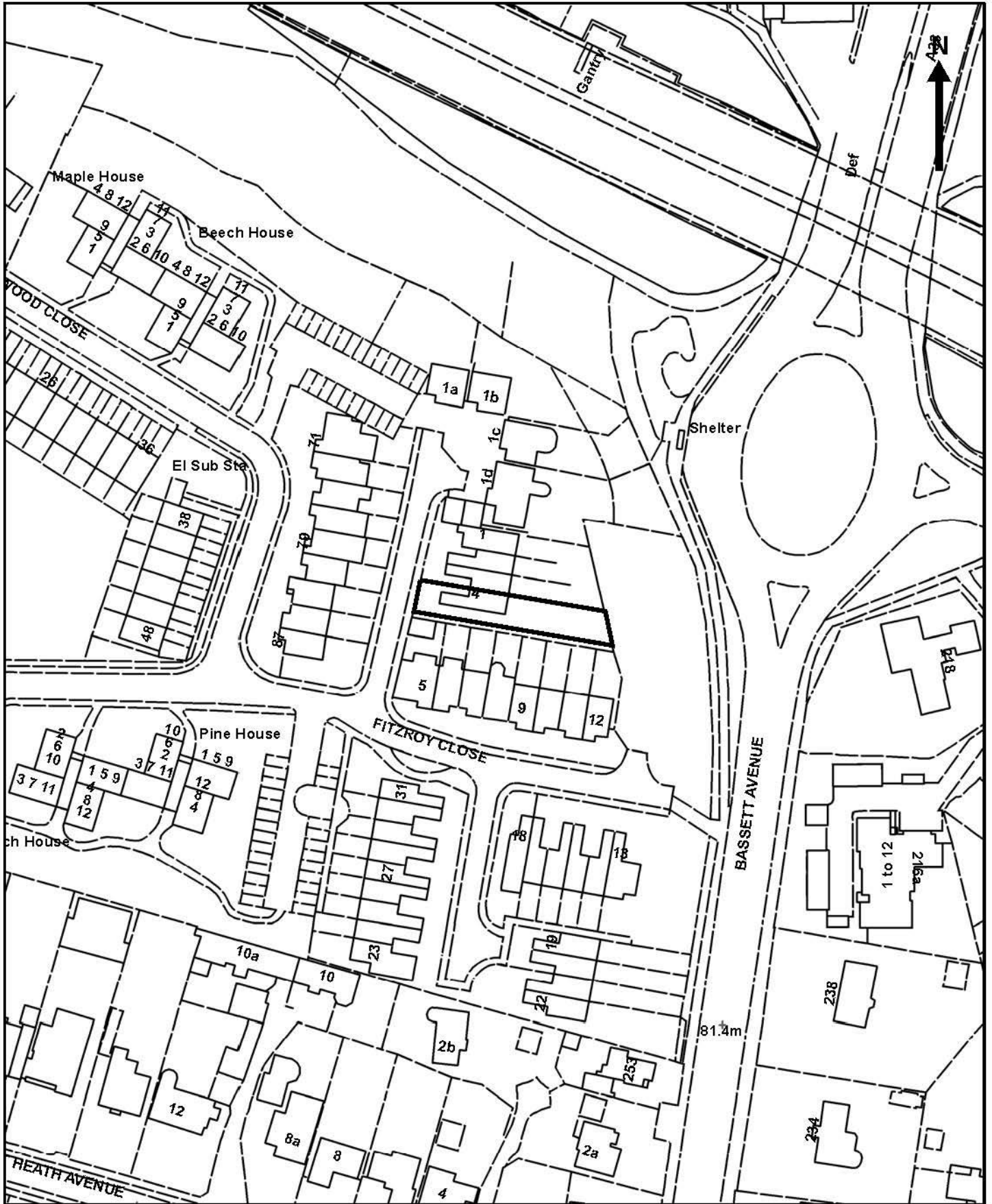
PROPOSED SIDE ELEVATION (facing north)
SCALE 1:100

PROPOSED SECTION ELEVATION (facing north)
SCALE 1:100

<p>PROPOSED</p> <ul style="list-style-type: none"> • roof • door • window • chimney • gable • chimney • chimney • chimney 	<p>EXISTING</p> <ul style="list-style-type: none"> • roof • door • window • chimney • gable • chimney • chimney • chimney
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Agenda Item 9

Planning and Rights of Way Panel 14th January 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: Southern Water Services, Kent Road, Southampton.			
Proposed development: Construction and operation of a motor control centre kiosk, poly dosing kiosk and polymer powder handling kiosk (3 detached buildings).			
Application number:	19/01793/FUL	Application type:	FUL
Case officer:	Mat Pidgeon	Public speaking time:	5 minutes
Last date for determination:	17/12/2019	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Cllr	Ward Councillors:	Cllr Cooper Cllr Mitchell Cllr Savage
Referred to Panel by:	Cllr Savage	Reason:	Impact of HGV's on highways network and residential amenity.
Applicant: Southern Water Services Ltd		Agent: WSP	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission.

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on the highway network and residential amenity 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 (2019). Policies - SDP1, SDP7, SDP9, SDP16, NE1, NE2, NE4 and HE6 of the City of Southampton Local Plan Review (Amended 2015) and policies CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The application site forms part of the existing Portswood Waste Water Treatment Works (WWTW), accessed from the south via Kent Road. The location of the kiosks is within the eastern part of the WwTW site.
- 1.2 The WwTW is characterised by various plant, equipment and buildings used in the wastewater treatment processes. The northern, eastern and western boundaries of the WwTW are well screened by trees and vegetation. A railway line runs along the western WwTW boundary, beyond which is the A335 and an industrial area.
- 1.3 There is an area of trees/woodland to the north of the WwTW site, which also extends along the eastern site boundary. The River Itchen runs to the east of the WwTW site, beyond which is Riverside Park. There are some commercial buildings and uses immediately to the south of the WwTW. The wider area, including Kent Road itself, is predominantly residential in character.
- 1.4 The site is currently undeveloped consisting of mown grass. The site is not accessible to the public and cannot be seen clearly from outside of the site. There are no registered Public Rights of Way into or across the site, and the site is not accessible to the public. The site and its immediate context is industrial in nature.
- 1.5 Construction related vehicles would need to use Kent Road to access the site. Kent Road links to St Denys Road (A3035) to the south and to Portswood Road to the north via a railway and road bridge. There is a height restriction for vehicles passing under the railway and road bridges to the north of 8ft 9in (2.6m).
- 1.6 The nearest residential properties to the application site are located over 200m to the south of the site off Saltmead.

2. Proposal

- 2.1 Portswood WwTW is a key Southern Water operational site that provides wastewater treatment services to a population of approximately 75,000 in the surrounding area of Southampton.
- 2.2 The current method of waste water management has insufficient capacity to process the volume of waste received. At the moment temporary centrifuges dewater approximately 3% of the waste water received and the thickened 'sludge cake' produced by this process is then transported via road to the Budds Farm Treatment Works where the material is used to generate electricity. The remaining liquid waste is transported by barge to separate sites for waste water treatment including dewatering by centrifuge.
- 2.3 The use of the barge is however set to end in April 2020 as the barge is at the end of its operational life. A more efficient method of onsite waste water treatment is therefore required otherwise the liquid waste that is currently transported by barge will have to be transported by road in tankers.
- 2.4 As a consequence of the current insufficient capacity for processing waste water on the site there are regular delays in transporting sludge off site which have resulted in sludge becoming septic and causing an odour. This is partly due to the

use of the barge which is limited by it only being operational during daylight hours and at certain times in the tidal cycle.

- 2.5 A permanent, less potentially odorous treatment process is therefore essential. Southern Water is therefore installing a permanent centrifuge dewatering system. The proposed kiosks will house equipment and controls which are an integral part of the centrifuge sewage sludge dewatering system.
- 2.6 The operational equipment required for the sludge dewatering scheme/centrifuges will be delivered using permitted development rights under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
- 2.7 The proposals that are the subject of this planning application are to construct and operate:
- A motor control kiosk,
 - Poly dosing kiosk; and
 - Polymer powder handling kiosk
- 2.8 These functions are essential to the management of the waste water treatment process and are covered by Southern Waters existing permitted development rights.

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 2019. 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.
- 3.3 National Planning Practice Guidance notes the importance of adequate wastewater infrastructure to support sustainable development. In identifying suitable sites for enhanced wastewater infrastructure, the guidance highlights that such infrastructure
- “has particular location needs (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered where consistent with their designation”* (Paragraph 5).
- 3.4 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as ‘open riverside character’ (Local Plan Policy NE5 ii relates). NE5 ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape

4. Relevant Planning History

- 4.1 There is no relevant recent planning history relating to the site that relates to the proposed kiosks necessary to facilitate the centrifuges and the earliest planning history for the site, detailing the use as a waste water treatment works, held by the City Council, is 1959 whereby an extension to the existing works was approved. Part of the site was also proposed to be re-developed into 41 dwellings in 2007 however the application was not supported.
- 4.2 A schedule of the planning history for the site is set out in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Southern Water advise that they met with the residents association on 32/1, 27/3 and 21/5.
- 5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (139 letters sent) and erecting a site notice **05.11.2019**. At the time of writing the report **1** representation has been received from Cllr Savage. The following is a summary of the points raised by ward Cllr Savage with a panel referral:
- 5.3 ***Explore improved conditions of operation to reduce impact from the site on local residents living on Kent Road which is used by HGV's to transport sewage sludge from the site.***
Response
Where they meet the tests for planning conditions, as set out in the Planning Practice Guidance, conditions can be applied to control the development.
- 5.4 ***Request a delivery movement schedule to be published and made available to view on Southern Water's Website with penalties for out of hours operation enforced.***
Response
If approved and planning conditions are applied planning enforcement action will proceed if necessary, although this has been discussed with Southern Water.
- 5.5 ***Request plan of scheduled future growth.***
Response
Not a material planning consideration which is necessary prior to the determination of this planning application.

Consultation Responses

- 5.6 **SCC Highways** – No objection on the basis that there are currently no restrictions preventing Southern Water from using the public highway to transport raw or treated waste. Moreover the use of the kiosks facilitate improved waste treatment on site and will increase treatment capacity that will reduce the need for untreated waste transportation and therefore reduce the number of HGV movements associated.
- 5.7 **SCC Sustainability Team** – No sustainability conditions required.

- 5.8 **SCC Archaeology** - Based on the geotechnical report and Southern Water's assurance that groundworks for the concrete slabs will be dug only 500-600mm below existing kerb level, no archaeological conditions are required.
- 5.9 **SCC Environmental Health (Pollution & Safety)** - No objection in principle subject to the requested amendments to the Construction Environment Management Plan being applied.
- 5.10 **SCC Environmental Health (Contaminated Land)** – There is the potential for contaminants which could be found on site to mobilise as a consequence and present a risk to the proposed end use, workers involved in construction and the wider environment. No objection is raised subject to recommended conditions.
- 5.11 **SCC Ecology** – Provided implementation of the measures detailed in the Construction Environment Management Plan is secured through a planning condition no objection is raised.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of the development.
 - Character and appearance; and neighbouring visual amenity.
 - Highways impact.
 - Pollution control.
 - Air Quality and the Green Charter; and
 - Ecology.

Principle of Development

- 6.2 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape. The proposal is not deemed to be at odds with policy NE5 ii in principle. The scale of the proposal and whether or not it can be seen from the public realm surrounding the River Itchen will determine if the scheme is contrary to that policy. Officers consider the proposals to be limited in their scale but crucial to the effective operation of the works.
- 6.3 The scheme does not propose to change the existing land use on site.
- 6.4 The scheme is not opposed in principle.

Character and appearance; and neighbouring visual amenity

- 6.5 The land is within the Portswood WwTWs, and is not accessible to the public, and cannot be seen clearly from outside of the site. There are no registered Public Rights of Way access routes into or across the site, and the site is not accessible to the public.
- 6.6 The kiosks are not anticipated as being visible from any residential building owing to the distance from the site to the nearest residential properties which are in

excess of 200m to the south. Furthermore between the plant equipment and the nearest residential properties is existing infrastructure associated with the WwTW and industrial style buildings of greater scale than the proposed kiosks; the tallest of which would measure 5.2m and the other two would measure a maximum of 3.5m and 3.1m respectively.

- 6.7 To the west the site is surrounded by additional equipment associated with the WwTW and beyond this is a railway line screened by mature vegetation. Beyond the railway line is Belgrave Road Industrial Estate.
- 6.8 The north and to the east the site is bordered by mature vegetation including trees. Further to the north and east is the River Itchen which broadly curves around the site.
- 6.9 The kiosks are not likely to be visible from the public realm including Riverside Park owing to the scale of the development and the height and density of vegetative boundary bordering the River Itchen. In addition the distance between the site and the eastern bank of the river (in excess of 100m) will mean that there is little visual effect of the development even if it is visible through the vegetation.
- 6.9 Taking all of the above points into consideration (existing waste water treatment equipment on site, distance to the nearest public areas, distance to the nearest residential properties, vegetative screening and industrial setting to the site) it is not anticipated that the proposed development will have any visual impact on the surrounding environment including from residential and public amenity viewpoints. As such the character and appearance of the area; and the visual amenity enjoyed by neighbouring residents, will not be harmed as a consequence. Policy NE5ii is not judged to be compromised as a consequence of the development.

Highways Impact

- 6.10 At present the existing WwTW produce a total of 186 cubic metres of sewage sludge per day. Just 3% of the waste produced are dry solids that can be transported by road off site for further treatment and energy production. This results in an average total of 12 HGV movements (6 in & 6 out) per week; the remaining 97% is liquid waste which is transported by barge. The barge is however at the end of its operational lifespan and will not be able to continue after April 2020.
- 6.11 After April 2020 it is not intended to use a new barge for transportation of liquid waste and therefore all transportation will be by road. In the absence of both the barge and the permanent centrifuge; and on the basis of a single articulated tanker holding a maximum volume of 27 cubic metres of waste liquid, this would result in approximately 14 additional HGV movements per day (7 in & 7 out). Over the course of a full week this would be 98 (49 in & 49 out).
- 6.12 The addition of the permanent dewatering centrifuges will however significantly reduce the number of HGVs needed to transport waste from the site. If the kiosks are granted planning permission and the permanent centrifuge dewatering system becomes operational then the transportation of the dewatered sludge would only generate an additional 12 HGV movements per week (6 in & 6 out). Added to the existing 12 this results in a total of 24 per week (12 in & 12 out). Therefore should

permission be granted and the permanent centrifuges become operational there would be a potential reduction of 74 HGV movements per week (37 in & 37 out). This is considered to be a significant reduction and one which would greatly benefit the amenity of local residents.

HGV movement summary (Average/day).				
	Existing	Existing if barge and proposed kiosks/centrifuge are not implemented.	Proposed (with kiosks & permanent centrifuges)	Difference between proposed with and without the permanent centrifuges.
Per day (in & out)	1.7	14	3.4	10.6
Per week (in & out)	12 (6 in & 6 out)	98 (49 in & 49 out)	24 (12 in & 12 out)	74

- 6.13 It is also worth noting that there are currently no planning controls which restrict the disposal of waste from the site and, therefore, there would be nothing stopping Southern Water from immediately ending the use of the barge and transporting all waste from the site by road.
- 6.14 It is also worth noting that Southern Water have engaged with the City Council on numerous occasions with the aim of overcoming the impact of HGVs on the residents of Kent Road. As a consequence Southern Water have agreed to the implementation of an Operational Traffic Management Plan for Portswood WwTW that includes the following measures:
- Vehicle delivery times limited to 0800 – 1600 Monday – Friday;
 - All vehicles are clearly liveried as Southern Water;
 - 20mph speed limit on Kent Road;
 - Financial penalties for contractors that do not implement the strategy;
 - These practices are embedded through induction training and regular tool box talks; and
 - Regular progress reports to the residents' group.

Those that are deemed enforceable are set out in recommended planning conditions.

- 6.15 No objection has been raised by the Highways team in terms of highways safety, and there are no legal restrictions on surrounding residential roads which prevent access and use by commercial vehicles and HGVs.
- 6.17 Having considered the positive impact of the development on overall potential HGV movements to and from the site; and once the use of the barge ends, it is considered that the proposal is acceptable on highways grounds.

Pollution control

- 6.18 As discussed above Portswood WwTW is currently operating with insufficient capacity to process the volume of waste received because of the limitations of transportation by barge and the inefficiency of the current dewatering temporary centrifuges on site. This means that at present there are often delays in transporting sewage sludge off site, during which time sludge has to be stored on site where it can become septic and potentially could cause significant odour nuisance to local residents and users of Riverside Park.
- 6.19 A permanent, less potentially odorous treatment process is essential and is one of the reasons Southern Water is installing a permanent centrifuge dewatering system. The proposed kiosks will house equipment and controls which are an integral part of the centrifuge sewage dewatering system.
- 6.20 Whilst the local planning authority cannot control the method of sewage transportation away from the site it is noteworthy that HGVs use significantly less diesel than barges (up to 10x). In addition diesel motors used in HGVs are also likely to be significantly more efficient at removing harmful pollutants from exhaust fumes than diesel motors used to power barges and Southern Water use Euro 5 category HGVs.
- 6.21 The waste water treatment works itself will have to comply with nationally set water treatment standards managed by separate legislation to planning.
- 6.22 The Environmental Health Team do not object to the proposal on the basis of noise, odour or contamination. The Environmental Health Team are also satisfied that with the imposition of relevant conditions the proposal will be acceptable and will not harm the amenity of neighbouring residents or users of the nearby public amenity area (Riverside Park).

Air Quality and the Green Charter

- 6.23 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.24 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.25 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in

decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

- 6.26 The application has addressed the Green Charter and the air quality impact of the development by facilitating the increased capacity for dealing with waste water at the site. This will assist in achieving the green city charter targets by reducing the overall number of HGV and barge trips needed to service the treatment works. As discussed above the existing barge needed to transport liquid waste is more polluting than the resulting HGVs. Furthermore if the barge operation was stopped and the permanent centrifuges are not installed there would be a significant increase in the number of HGV movements (74) to and from the site.
- 6.27 The proposal results in achieving a number goals set out in the Green City Carter:
- Encourages and promotes sustainable transportation necessary to facilitate the scheme.
 - Reducing emissions & improvements to air quality and impact on the natural environment.
 - Facilitates best use of resources.

Ecology

- 6.28 The application site consists of amenity grassland and hard standing located 43m from the River Itchen. It is separated from the river by a block of woodland. The river close to the site forms part of the Solent and Dorset Coast potential Special Protection Area (pSPA), which is designated as foraging habitat for three species of tern species; Sandwich tern, *Sterna sandvicensis*, common tern, *Sterna hirundo*, and little tern, *Sternula albifrons*; and the River Itchen Special Area of Conservation (SAC) is located 570m to the north-east.
- 6.29 The proposed development is relatively minor in scale and is unlikely to have any adverse impacts on the designated sites or their features of interest. The amenity grassland is highly disturbed and of negligible biodiversity value, and there is a negligible risk of long term adverse impacts on local biodiversity. A Construction Environmental Management Plan has been provided and will be sufficient to prevent any construction stage impacts.

7. Summary

- 7.1 The proposal seeks the installation of three kiosks to facilitate waste water treatment serving approximately 75,000 of Southampton's residents. The facility would provide a key piece of infrastructure to help ensure reliable waste water treatment.
- 7.2 The scheme is supported in principle as it would increase the capacity of the site to process waste water so that a smaller volume of waste will need to be transported from the site for further processing. In addition this will reduce the likelihood of liquid waste being stored on site and therein lower the potential for odours to be generated by septic waste.

- 7.3 The sewage treatment works currently have no restrictions over their operation including transportation of waste material. This means that the City Council, as Local Planning Authority, cannot prevent Southern Water from using the highway to dispose of waste nor can we require waste to be transported from the site by barge.
- 7.4 The positive aspects of the proposal which include improved overall air quality through reduced exhaust emissions generated by transportation; and lower odour potential, are judged to outweigh the perceived negative impacts i.e. HGV movement impact on local residential amenity.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, d, 3a, 6a,

MP for 14/01/2020 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. 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.

4. Construction related materials, equipment and vehicular storage/parking (Performance Condition)

No work shall be carried out on site unless and until provision is available within the site or on nearby private sites for all temporary contractors' buildings, plant and stacks of materials

and equipment; and contractors parking associated with the development; and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or construction related equipment (including construction related vehicles) be stored or operated from the public highway.

Reason: To avoid undue congestion on the site and consequent obstruction to access.

5. Construction Traffic Management [Performance Condition]

Unless otherwise agreed in writing by the local planning authority construction traffic shall not arrive at or depart from the site outside of the following hours:

0800 – 1600 Monday – Friday; and

09:00 to 13:00 hours Saturdays.

And at no time on Sundays and recognised public holidays.

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

6. Construction Management Plan (Pre-Commencement)

The development shall be carried out in accordance with the submitted and approved Construction Environmental Management Plan (as listed below) along with the additional following points:

- Waste skips and lightweight materials shall be covered - rather than will be covered if deemed necessary - as dust is not the only consideration.
- Noise monitoring is required to protect potential recipients of noise rather than wait for complaint which may cause delay and potential ongoing problems for complainants.

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.

7. Operational Traffic Management [Performance Condition]

The movement of Heavy Goods Vehicles associated with Portswood WwTW shall be carried out in accordance with the agreed Traffic Management Plan that includes the following measures:

- Vehicle delivery times limited to 0800 – 1600 Monday – Friday;
- All vehicles are clearly liveried as Southern Water;
- These practices are embedded through induction training and regular tool box talks.

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

8. Wheel Cleaning Facilities (Pre-commencement)

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

Reason: In the interests of highway safety.

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

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination

- identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

10. Use of uncontaminated soils and fill (Performance)

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

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development. L015

11. Unsuspected Contamination (Performance)

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS22 Promoting Biodiversity and Protecting Habitats
CS23 Flood Risk

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

SDP1 Quality of Development
SDP7 Development Access
SDP9 Scale, Massing and Appearance
SDP16 Noise
NE1 International Sites
NE2 National Sites
NE4 Protected Species
HE6 Archaeological Remains

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 (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)
Minerals and Waste Plan (2013)

Relevant Planning History

19/00890/FUL - Installation of a motor control centres kiosk (retrospective); approved with conditions 4 July 2019

17/01690/FUL - Construction of a 20 Mega Watt gas standby facility at Portswood Wastewater Treatment Works - approved with conditions 25 June 2018

09/00058/FUL - Leornain House, Itchen Business Park – Change of use from skill centre to class D1 NHS Trust eating disorder community and day support to patients with eating disorders.

08/00646/FUL - Construction of six light industrial units (use class B1c) with associated car parking, cycle storage and refuse storage (total 906 square metres floor area)

07/0080/FUL - Redevelopment of the site. Demolition of the existing buildings and erection of two and three-storey buildings to provide 41 dwellings (17 x three-bedroom houses, 18 x two-bedroom flats and 6 x one-bedroom flats and 6 x one-bedroom flats) with associated parking

07/01989/FUL - Part change of use from office, training centre and workshop to D1 (place of worship)

98636/W - construction of a reception vestibule. Approved 21.7.98

960043/W - change of use of part of site to parking of vehicles and storage of materials/plant. Approved 13.03.96

930193/W – erection of a single storey building for use as a skill centre to include classroom/storeroom/store and covered area for trench digging/pipe laying. Approved 13.04.1992

1635/E6 – Reconstruction of River Wall. Approved 27 September 1983

1610/E9 – Erection of single storey flame proof store. Approved - 12.01.82

1493/E3 – Floodlighting of sewage works – Approved 14 May 1975

1458/C10 – Redevelop sewage works 1973 – status unknown

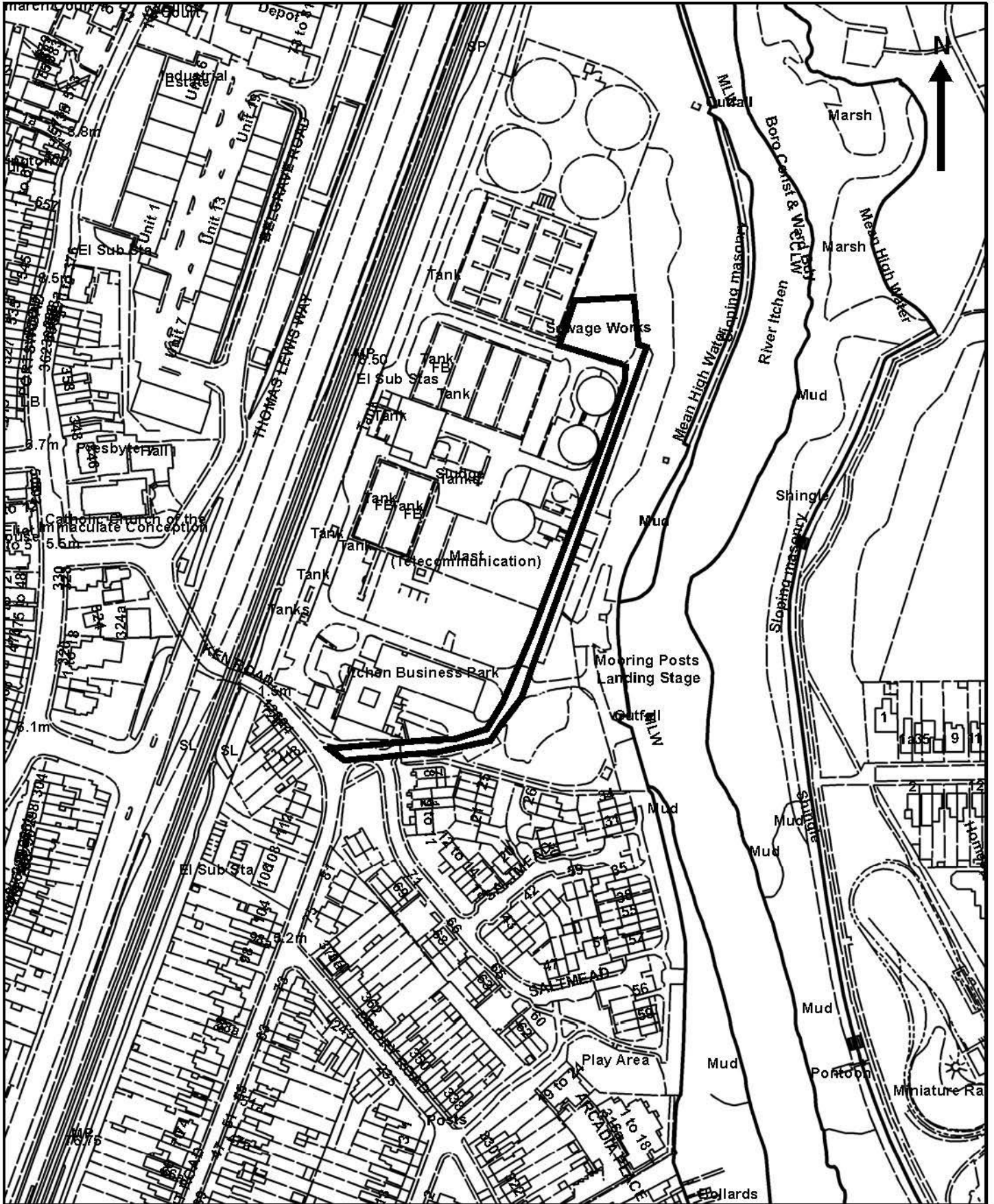
1443/C3 – Reconstruct sewage works – 8 August 1972 – status unknown

1160/MM – Extension to sewage works – 8 August 1959 – status unknown

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Agenda Item 9 19/01793/FUL

Appendix 1



Scale: 1:2,500

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