

# Planning and Rights of Way Panel

Tuesday, 24th November,  
2020

at 5.30 pm

**PLEASE NOTE TIME OF MEETING**

This will be a 'virtual meeting', a link to which will be available on Southampton City Council's website at least 24hrs before the meeting

## Virtual meeting

This meeting is open to the public

### Members

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

### Contacts

Democratic Support Officer  
Ed Grimshaw  
Tel: 023 8083 2390  
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Interim Head of Planning and Economic  
Development  
Paul Barton  
Email: [paul.barton@southampton.gov.uk](mailto:paul.barton@southampton.gov.uk)

## **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.

### **Southampton: Corporate Plan 2020-2025** sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

### **Dates of Meetings: Municipal Year 2020/2021**

<b>2020</b>	
2 June	15 September
23 June	6 October
14 July	3 November
4 August	24 November
25 August	1 December (special)
	15 December

**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.

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

<b>2021</b>	
12 January	16 March
2 February	20 April
23 February	

## 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 3 November 2020 and to deal with any matters arising.

### **5 OBJECTION TO THE SOUTHAMPTON (32 HOLLY HILL) TREE PRESERVATION ORDER 2020** (Pages 7 - 22)

Report of the Executive Director of Place seeking confirmation of a Tree Preservation Order following an objection to the Order.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **6 PLANNING APPLICATION - 20/00741/FUL - REAR OF SOUTHERN HOUSE AND 4-6 SIR GEORGES ROAD** (Pages 27 - 84)

Report of the Interim 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 - 20/00708/OUT - LAND BETWEEN EVANS STREET/LIME STREET** (Pages 85 - 122)

Report of the Interim 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 - 20/01160/FUL - COSTCO PETROL STATION, REGENTS PARK ROAD** (Pages 123 - 138)

Report of the Interim 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 - 20/00862/FUL - SHIRLEY JUNIOR SCHOOL - BELLEMOOR ROAD** (Pages 139 - 146)

Report of the Interim 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.

**10 QUARTERLY DEVELOPMENT MANAGEMENT FIGURES** (Pages 147 - 150)

Report of the Service Lead Manager Development detailing key planning metrics for information and consideration.

Monday, 16 November 2020

Service Director – Legal and Business Operations

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2020

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Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage (except Agenda item 6), Windle and Bell

Apologies: Councillors Vaughan

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

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel, the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor Bell to replace them for the purposes of this meeting.

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

**RESOLVED:** that the minutes for the Panel meeting on 6 October 2020 be approved and signed as a correct record.

28. **PLANNING APPLICATION - 19/01145/FUL - MARITIME WALK, OCEAN VILLAGE**

The Panel considered the 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.

Redevelopment of the site. Erection of a building ranging from 9 to 24-storeys to provide 199 flats with associated access, parking, cycle storage, substation and landscaping.

Dr Bridge – Chair Pacific Close Residents’ Association, Brett Spiller representing local businesses, Gavin Hall (agent), Tim Tolcher (architect), and Councillors Bogle, Noon and Paffey (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

In addition the Panel received and noted written representations from Mr and Mrs Braybrook, Mr Richardson (Chair of the Admirals Quay Apartment Residents’ Association and Johnathan Jarman from Bell Cornwell were circulated to the Panel and paraphrased at the meeting. The Panel noted that Kristi Roger representing the development company had encountered technical issues but, that her statement had been delivered by Gavin Hal.

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

**RESOLVED** to refuse planning permission for the reasons set out below:

## Reasons for Refusal

### 01. Design & the effect on the character and appearance of the area

The proposed development would result in significant harm to the character and appearance of the area by reason of the following:

- (i) The bulk, excessive scale and massing of the development fails to relate to the prevailing scale and massing of buildings which immediately neighbour the site and results in a proposed building with bulky proportions that fails to create a pleasing landmark within Ocean Village. This having regard to the adopted Development Plan which does not support tall buildings in this location; promoting, instead, the location of landmark buildings on the waterfront in Ocean Village rather than this set-back site where policies require development to relate to the scale and mass of existing buildings within their context.
- (ii) The development would intrude into the clear space in the skyline around the Grade II Listed Royal Pier Entrance Building when viewed from Mayflower Park, lessening this building's dominance in this vista. Likewise, the development would impose upon the southern backdrop of the buildings located within Canute Road Conservation Area. The scale and mass of the new development, coupled with its standard high-rise design fails to create a visual benefit, to these elements which make up the historic character of the area. As such, the proposals would fail to preserve view/s to the nearby heritage asset/s that positively contribute/s to their setting and significance.
- (iii) The paucity of ground floor space or an appreciable setting to the building compounds the scale and massing of the development, resulting in a building which would appear cramped within the site and over-bearing within the streetscene. Furthermore, the ground floor of the development is dominated by servicing, particularly on its southern elevation failing to provide activity to the public realm.
- (iv) The loss of mature protected trees and the pollarding of remaining trees that would erode the soft landscape relief that the existing trees currently provide to an otherwise hard-landscape dominated area.
- (v) The elevational design and tripartite design approach lacks appropriate reference to local character or vernacular, appears bulky, monotonous and authoritarian, failing to achieve a locally distinctive form of development.

As such, in the opinion of the Local Planning Authority, the development would prove contrary to the provisions of policies AP16, AP17 and AP35 of the City Centre Action Plan Adopted Version March 2015, policies CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document Amended Version March 2015, policies SDP1, SDP12, HE1 and HE3 of the City of Southampton Local Plan Review Adopted Version 2<sup>nd</sup> Revision 2015 as supported by relevant sections of the Council's approved Residential Design Guide Supplementary Planning Document 2006 and the NPPF (2019) emphasis on securing high quality design.

### 02. Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as



supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- i. Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- ii. The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - (Amended 2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) taking account of the viability position presented and assessed;
- iii. The provision of public art in accordance with policy CS25 of the Core Strategy and the adopted Developer Contributions SPD;
- iv. A Refuse Management Plan to address the storage and collection of waste from the development in accordance with the Residential Design Guide Supplementary Planning Document 2006;
- v. A Flood Management Plan to address the management of flood risks for future occupants of the development in accordance with policy CS23 of the Core Strategy;
- vi. In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- vii. In the absence of Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and 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);
- viii. In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013) and;
- ix. In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline and New Forest. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

29. **PLANNING APPLICATION - 19/01469/FUL - ITCHEN BUSINESS - KENT ROAD**

The Panel considered the 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.

Change of use to storage and distribution (Use Class B8). Siting of a shipping container and re-siting of commercial waste bins (Retrospective).

Councillor Savage (ward councillor) was present and with the consent of the Chair, addressed the meeting.

In addition the Panel received a statement objecting to the application from Mr and Mrs Young, residents in Kent Road, that was circulated to the Panel and read out at the meeting. It was also noted that officers had received a request to present to the Panel by the applicant, joining instructions had been sent to the stated email address and then resent during the meeting but that no representative had joined the meeting.

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

**RESOLVED** that the Panel refused planning permission for the reasons set out below:

**Reasons for Refusal**

Impact on neighbouring business operations and sewage disposal associated with the Portswood Waste Water Treatment Works & highways safety.

On the basis of inadequate plans and supporting information, and owing to the proximity of the site to neighbouring businesses and the access to Portswood Waste Water Treatment Works; and the access into the parking area associated with the business park the Local Planning Authority is not satisfied that the proposed use can be adequately serviced by vehicles (in particular large articulated commercial vehicles) without obstructing access to other businesses and access to the Portswood Waste Water Treatment Works. The proposal therefore prejudices the operation of neighbouring businesses and the Waste Water Treatment Works and undermines the vitality and viability of Itchen Business Park. Failure to demonstrate safe vehicle tracking might also lead to servicing vehicles having to reverse back out onto Kent Road (and vice versa) which would also represent a highways safety hazard. There is also no confirmation that the development would have indefinite and unfettered access over the likely amount of space required within the private roads to perform the turning manoeuvre. As such the proposal is considered contrary to the provisions of Policies SPD1 (i) and TI 2 of the City of Southampton Local Plan Review (2015) and CS6 and Cs18 of the amended Local Development Framework Core Strategy Development Plan Document (2015); as supported by the NPPF (2019).

**NOTE:** Councillor Savage withdrew from the Panel for this item to make a presentation to the Panel as a Ward Councillor and withdrew from the meeting whilst the matter was debated.

30. **PLANNING APPLICATION - 20/01160/FUL - COSTCO - REGENTS PARK ROAD**

The Panel noted that this application would be deferred to enable further analysis of technical data prior to coming forward for decision.

31. **PLANNING APPLICATION - 20/00631/FUL - 59 BURGESS ROAD**

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

Application for variation of condition 3 (Drainage - retaining wall) of planning permission ref 19/01530/FUL to alter the proposed drainage system.

David Johnston and Gary Annetts (local residents/ objecting), were present and with the consent of the Chair, addressed the meeting.

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 Bell, Coombs, Mitchell, Prior, Savage and  
Windle

AGAINST: Councillor L Harris

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

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# Agenda Item 5

<b>DECISION-MAKER:</b>	<b>PLANNING RIGHTS OF WAY PANEL</b>
<b>SUBJECT:</b>	<b>OBJECTION TO THE SOUTHAMPTON (32 HOLLY HILL) TREE PRESERVATION ORDER 2020</b>
<b>DATE OF DECISION:</b>	<b>24 NOVEMBER 2020</b>
<b>REPORT OF:</b>	<b>EXECUTIVE DIRECTOR OF PLACE</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Place	
	<b>Name:</b>	Kate Martin	Tel: 023 8083 3005
	<b>E-mail</b>	Kate.martin@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	City Tree Officer	
	<b>Name:</b>	Will Taylor	Tel: 023 8083 3005
	<b>E-mail</b>	Will.taylor@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>
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<b>None</b>
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<b>BRIEF SUMMARY</b>
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A Preservation Order has been placed on this tree as a precautionary measure following an anonymous report to the Council tree department regarding fears of the tree being removed entirely or the amenity it provides being lessened by excessive works.

An assessment of the tree's suitability for protection was completed and can be seen in Appendix 2 (TEMPO Form). This assessment indicated that the tree was suitable for protection and long-term retention.

Following a series of email and telephone conversations, and a site visit with the owner of 32 Holly Hill, we were unable to overcome the objection and it was agreed to present the matter to panel for a final decision.

<b>RECOMMENDATIONS:</b>
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	(i)	To confirm The Southampton (32 Holly Hill) Tree Preservation Order 2020
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<b>REASONS FOR REPORT RECOMMENDATIONS</b>
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1.	The trees size, condition and location mean it significantly contributes to the amenity and ecological benefits of the area and its protection under a Tree Preservation Order will ensure the long-term retention of these features.
2.	An indication from the residents of 32 Holly Hill to carry out works to the tree which are considered to be excessive and not in line with good arboricultural practice.

<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>
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3	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable management of the trees.
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<b>DETAIL (Including consultation carried out)</b>	
4	27.05.2020 – Enquiry received requesting tree be considered for protection.
5	29.05.2020 – Assessment of tree completed by officer in the form of a TEMPO ( <b>Appendix 2</b> )
6	12.06.2020 – Tree Preservation Order made and served.
7	12.06.2020 – Enquiry received from 32 Holly Hill indicating objection to TPO, the basis of the objection is the time taken to submit applications and for decisions to be made.
8	15.06.2020-15.10.2020 – Series of email correspondence ( <b>Appendix 3</b> ) between 32 Holly Hill and Council tree department including a site visit to discuss TPO, application process and objection. The necessary application form and guidance notes were supplied to the residents.
9	During my visit to the property (15.10.2020) we discussed the process of making an application or arranging a tree surgeon to apply as the agent. We discussed what would likely be considered as reasonable works, how to apply this to the application in a clear way and the probable timescales for decision as well as works that are exempt from the process. Also explained was the process should the objection be upheld and how this would be taken forward to panel for final decision.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
10	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<b><u>Property/Other</u></b>	
11	If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
12	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.
<b><u>Other Legal Implications:</u></b>	
13	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law

<b>RISK MANAGEMENT IMPLICATIONS</b>	
13	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
14	None

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>Bassett Ward</b>
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	The Order: The Southampton (32 Holly Hill) Tree Preservation Order 2020
2.	Tree Evaluation Method for Preservation Orders (TEMPO)
3.	Email trace between 32 Holly Hill and Council Tree department.

**Documents In Members' Rooms**

1.	None
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**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	No
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	No
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None

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### Form of Tree Preservation Order

#### Town and Country Planning Act 1990

#### The Southampton (32 Holly Hill) Tree Preservation Order 2020

Southampton City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

#### Citation

1. This Order may be cited as The Southampton (32 Holly Hill) Tree Preservation Order 2020

#### Interpretation

- 2.— (1) In this Order “the authority” means the Southampton City Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
- any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 12th June 2020

Signed on behalf of the SOUTHAMPTON CITY COUNCIL

A handwritten signature in black ink, appearing to be 'D. King', written in a cursive style.

Authorised by the Council to sign in that behalf

**SCHEDULE 1**

**The Southampton (32 Holly Hill) Tree Preservation Order 2020**

**Individual Trees  
(encircled black on the map)**

<b>No on Map</b>	<b>Description</b>	<b>Situation</b>
T1	Sycamore	1 x sycamore in north east corner of 32 Holly Hill

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

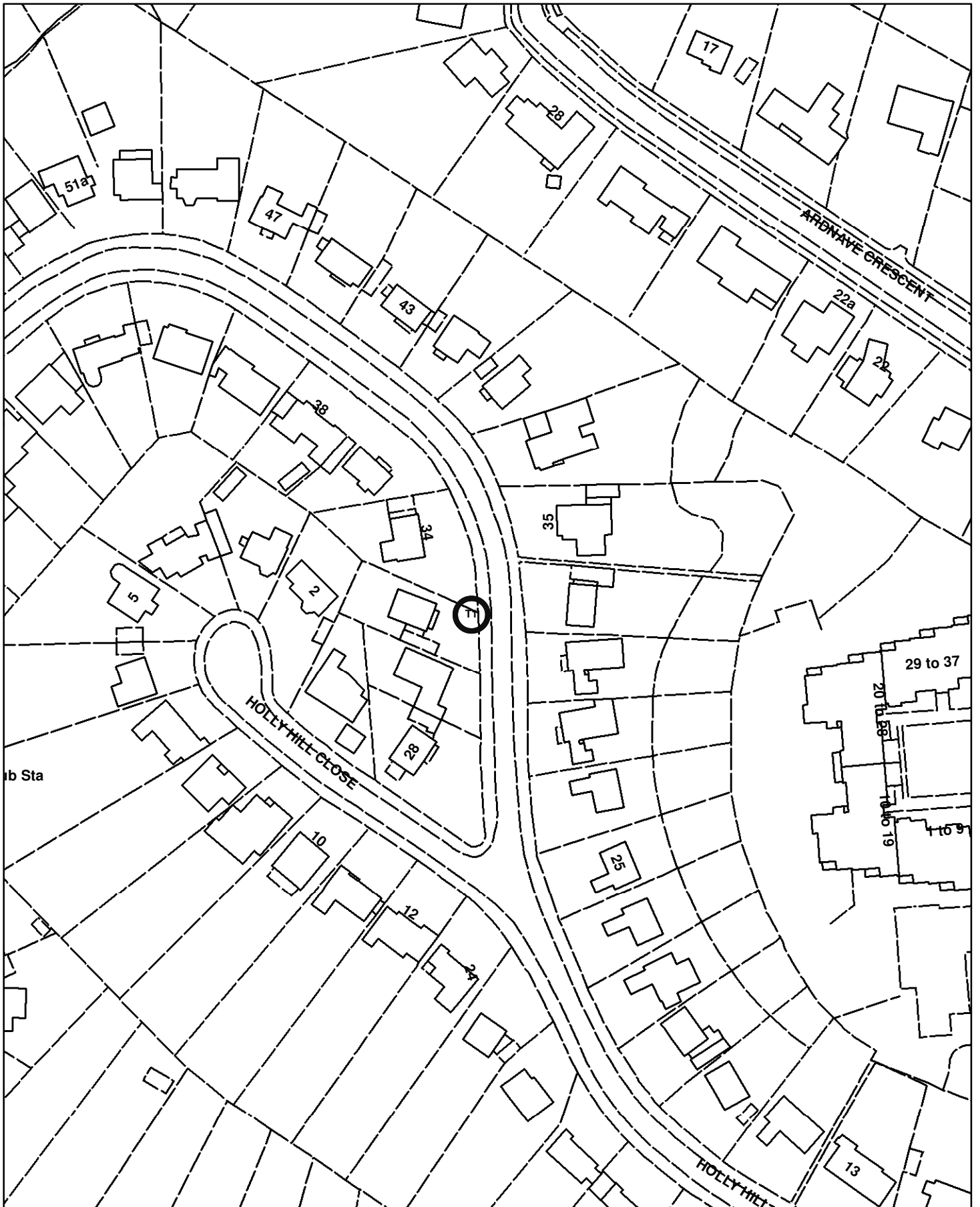
<b>No on Map</b>	<b>Description</b>	<b>Situation</b>
	NONE	

**Woodlands  
(within a continuous black line on the map)**






<b>No on Map</b>	<b>Description</b>	<b>Situation</b>
	NONE	

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

<b>No on Map</b>	<b>Description</b>	<b>Situation</b>
	NONE	



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 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

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

The Southampton (32 Holly Hill) Tree Preservation Order 2020	
TPO Ref: T2-729	Department: Trees team
Drawn: CANI	Page 14
Scale: 1:1,200	



David Tyrle  
 Head of City Services  
 Transactions and Universal Services  
 Southampton City Council  
 Southampton SO14 7LY

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

Date: 29 May 2020	Surveyor: Charlotte Holloway
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<b>Tree details</b> TPO Ref: Owner (if known): Location: 34 Holly Hill	Tree/Group No:	Species: Sycamore
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**a) Condition & suitability for TPO:**  
Refer to Guidance Note for definitions

- |                                     |                         |  |
|-------------------------------------|-------------------------|--|
| 5) <del>Fair</del> <b>Good</b>      | Highly suitable         |  |
| 3) <del>Poor</del>                  | Suitable                |  |
| 1) <del>Dead/dying/dangerous*</del> | Unlikely to be suitable |  |
| 0) <del>Dead/dying/dangerous*</del> | Unsuitable              |  |

<b>Score &amp; Notes</b> 5 – Tree in good vigor with fair form. Unable to fully inspect base as resident maintaining front garden. No visible cavities or decay from position viewed
---

\* relates to existing context & is intended to apply to severe irremediable defects only

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

- |                                  |                 |  |
|----------------------------------|-----------------|--|
| 5) <del>100+</del> <b>40-100</b> | Highly suitable |  |
| 4) <del>40-100</del>             | Very suitable   |  |
| 2) <del>20-40</del>              | Suitable        |  |
| 1) <del>10-20</del>              | Just suitable   |  |
| 0) <del>&lt;10*</del>            | Unsuitable      |  |

<b>Score &amp; Notes</b> 4
-------------------------------

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

**c) Relative public visibility & suitability for TPO:**

Consider realistic potential for future visibility with changed land use

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

<b>Score &amp; Notes</b> 4 – Prominent tree within road
--

**d) Other factors**

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

- |  |  |  |
|--|--|--|
| 5) Principal components of arboricultural features, or veteran trees                                   |  |  |
| 4) Tree groups, or members of groups important for their cohesion                                      |  |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                               |  |  |
| 2) Trees of particularly good form, especially if rare or unusual                                      |  |  |
| 1) <b>Trees with none of the above additional redeeming features (incl. those of indifferent form)</b> |  |  |

<b>Score &amp; Notes</b> 1
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify

- |  |  |  |
|--|--|--|
| 5) <del>Immediate threat to tree</del>   |  |  |
| 3) <del>Foreseeable threat to tree</del> |  |  |
| 2) <b>Perceived threat to tree</b>       |  |  |
| 1) <del>Precautionary only</del>         |  |  |

<b>Score &amp; Notes</b> 2 – Reports that new owner has requested tree surgeon to fell it
--

**Part 3: Decision guide**


- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b> 16
------------------------------------

<b>Decision:</b> TPO
-------------------------

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### Emails between 32 Holly Hill and Council Tree department

 Mon 15/06/2020 15:34  
[Redacted]  
Tree Preservation Order - REF: 50024331  
To [Redacted]

---

Message   1 APP Form.pdf (98 KB)   1 APP Guidance Notes.pdf (187 KB)

Dear Mrs [Redacted]

Follow on from our telephone conversation please find attached a copy of the application forms to carry out work. You can also apply online on the following link;

[https://www.planningportal.co.uk/info/200126/applications/59/how\\_to\\_apply/5#ConsentunderTreePreservationOrders](https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/5#ConsentunderTreePreservationOrders)

I would like to reiterate that a Tree Preservation Order is placed on a tree to ensure its retention where it has high amenity value within a street scene. The tree to the front of your property is highly visible and as such adds value to the surrounding area. I appreciate that you intended to keep the tree for privacy, and your primary concern was safety. I would also like to reiterate that at no point would we object to necessary safety works being undertaken. As we discussed there are some exemptions in which you can carry out work without an application, for example the removal of deadwood. Should you still wish to object, please do this in writing to [Redacted]@southampton.gov.uk, alternatively you can post to us at;

[Redacted]  
Civic Centre,  
Southampton,  
SO14 7LY


If you wish to find out more about trees covered by a Tree Preservation Order, or view our interactive TPO map, then please visit our website on the following link.


<https://www.southampton.gov.uk/people-places/parks-open-spaces/trees/protected/>

If you have any further questions please do not hesitate to come back to me, either by return of this email or the phone number below.

Kind Regards

[Redacted]  
Assistant Tree Officer

 Tue 30/06/2020 11:44  
[Redacted]  
Ref: 50024331 Our Ref T2-729  
To  Trees

 You replied to this message on 01/07/2020 12:54.

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

32 Holly Hill - Tree Preservation Order

To whom it may concern:

I have received a letter through the post in regards to the tree at the front of my property. I would like to reject the Tree Preservation Order on this tree because my intension were never to get rid of this tree. I like the tree because of the privacy it provides in front of my house, the only concern for me was safety as I have an autistic son. My plan was to crown the tree by 2-3 metres and every time I do anything I cant always be submitting an application as I have a lot on all the time due to my son.

I would really appreciate if you could get back to me in regards to this as soon as possible as I have booked a tree surgeon before this letter was recieved for 7th July to carry out some work on the tree.

Many thanks in advance,  
[Redacted]



Wed 01/07/2020 12:55

[REDACTED] on behalf of Trees

RE: Ref: 50024331 Our Ref T2-729

To [REDACTED]

Thank you very much for your email regarding the Tree Preservation Order on the sycamore to the front of the property. As previously discussed a TPO does not prevent safety works from being undertaken to the tree. An Order is created to ensure the retention of valuable trees throughout Southampton City. The tree to the front of your property has high visual amenity and suitable longevity, therefore it was felt it was worthy of protection.

Should you wish to formally object then the TPO will be presented at a planning rights of way meeting. At this meeting it will be decided if the Order is to be made permanent. This will happen within six months of the date the Order was served. Unfortunately, until the Order is presented at this meeting and an outcome on confirmation decided, you are required to fill out an application to carry out tree work. Therefore your tree surgeon will not be able to attend on 7 July.

I am more than happy to discuss the TPO with you on the phone should you feel it necessary. Should you wish for your email to be counted as a formal objection please come back to me stating this in writing.

Kind Regards

[REDACTED]  
Assistant Tree Officer  
Usual days of work – Tuesday, Wednesday, Thursday

Tree Team  
City Services  
Environment & Economy Directorate  
Southampton City Council  
Tel: 023 8083 3005  
Email: [REDACTED]@southampton.gov.uk

From: [REDACTED]  
Sent: 03 July 2020 13:10  
To: Trees [REDACTED]@southampton.gov.uk>  
Subject: Re: Ref: 50024331 Our Ref T2-729

**CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

Hi [REDACTED]

The problem we have is we don't want to go through an application process every time we want to tidy up the tree. As per my previous emails, I have an autistic child who isn't safety conscious and if one of the branches were to fall on him, you can appreciate the consequences this may have. I have had to quit my job to help support my sons needs at home. As the tree is in our front garden, we should be able to tidy it up as per our wish. This is different to taking the tree down completely. How do you advise we proceed with this?

Kind Regards

[REDACTED]





Fri 10/07/2020 15:00

RE: Ref: 50024331 Our Ref T2-729

To

Message

1APP Form.pdf (98 KB)

1APP Guidance Notes.pdf (187 KB)

Good Afternoon,

I have registered your email as an objection. As previously mentioned the TPO will be presented at a planning rights of way meeting. At this meeting it will be decided if the Order is to be made permanent. This will happen within six months of the date the Order was served. Unfortunately, until the Order is presented at this meeting and an outcome on confirmation decided, you are required to fill out an application to carry out tree work.

Kind Regards

Assistant Tree Officer

Usual days of work – Tuesday, Wednesday, Thursday

Tree Team

City Services

Environment & Economy Directorate

**Southampton City Council**

Tel: 023 8083 3005

Email: [\[redacted\]@southampton.gov.uk](mailto: [redacted]@southampton.gov.uk)

From

Sent: 21 September 2020 11:37

To: [\[redacted\]@southampton.gov.uk](mailto: [redacted]@southampton.gov.uk)

Subject: Re: Ref: 50024331 Our Ref T2-729

**CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

Hi

Hope you're doing well. Do you have any updates on my TPO order? I really need the tree to have some branches cut, as is not health and safety friendly.

Many thanks in advance,



Fri 02/10/2020 15:53

[Redacted] on behalf of Trees

RE: Ref: 50024331 Our Ref T2-729

To [Redacted]

Message 1APP Form.pdf 1APP Guidance Notes.pdf

First Previous

Good Afternoon,

As previously discussed you will need to submit an application to a tree protected by a Tree Preservation Order.

I have attached a copy of the forms for your convenience. You can also apply online on the following link;

[https://www.planningportal.co.uk/info/200126/applications/59/how\\_to\\_apply/5#ConsentunderTreePreservationOrders](https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/5#ConsentunderTreePreservationOrders)

Kind Regards

[Redacted]

Assistant Tree Officer

Usual days of work – Tuesday, Wednesday, Thursday

Tree Team

City Services

Environment & Economy Directorate

**Southampton City Council**

Tel: 023 8083 3005

Email: [Redacted]@southampton.gov.uk



Fri 16/10/2020 12:30

The Southampton (32 Holly Hill) Tree Preservation Order 2020

To [Redacted]

Message TPO Objection Form.doc

Good afternoon,

Thank you for your time yesterday to discuss the Tree preservation Order (TPO) on the Sycamore tree at the front of your house and I hope my explanation was clear. As we discussed you will need to submit an application if you want to carry out works to the tree in the short term, I believe [Redacted] has already given you the application form and guidance but if you need, I can send it again just let me know. Any applications in the next month or two will come to me, whilst I am the officer covering Bassett and because I have already been to see the tree I should be able to decide and return the application relatively quickly.

I need to get an official response from you please, on whether you wish to uphold or withdraw your objections, in light of our discussions, and therefore I have attached a form that I would ask you fill in and return to me when it is convenient. I have filled in the form for the most part and just need you to include your name and indicate how you want to proceed. If I have not been able to overcome your objection then I will look to include this case in the November Planning Rights of Way meeting for Councillors to decide on whether the TPO is confirmed.

If you have any further questions, if anything is unclear or you need help with any of the above please don't hesitate to come back to me.

Kind regards

[Redacted]

City Tree Officer

Southampton City Council

Hours of work Mon, Tues, Wednesday, Thursday and Friday

+44(0)23 8083 3005

email: [Redacted]@southampton.gov.uk



Mon 19/10/2020 22:28

Re: The Southampton (32 Holly Hill) Tree Preservation Order 2020

To

Follow up. Start by 20 October 2020. Due by 20 October 2020.  
If there are problems with how this message is displayed, click here to view it in a web browser.

Message

TPO Objection Form.doc

**CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

Hi

Please see the word document attached filled out.

Thank you again for visiting.

Kind Regards



Thu 29/10/2020 09:25

RE: The Southampton (32 Holly Hill) Tree Preservation Order 2020

To

This message is part of a tracked conversation. Click here to find all related messages or to open the original flagged message.

Good morning,

Thank you for returning the completed form, as you have upheld your objection to the TPO I am now required to take the matter to a Planning Rights of Way panel meeting for the matter to be considered by a group of Councillors. I will present the Councils reasons for making the TPO and the panel will vote to decide whether to confirm the Order or not.

This meeting will hopefully take place on 24<sup>th</sup> Nov 2020 and you will be sent an invite to attend should you wish to speak to the panel, usually you are allocated a 5 minute slot. The meetings are open to the public but with current Covid restrictions there is a strong chance that the meeting will be held virtually with attendees dialling in. Details of this will be sent with the meeting invite.

If you have any questions regarding this please come back to me.

Kind regards,

City Tree Officer

Trees Team  
Southampton City Council  
023 80833 005  
[trees@southampton.gov.uk](mailto:trees@southampton.gov.uk)

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## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 24<sup>th</sup> November 2020 – 5:30 pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	SB	DEL	15	20/00741/FUL r/o Southern House & 4-6 Sir Georges Rd
7	AG	DEL	15	20/00708/OUT Land between Evans Street/Lime St
8	AG	CAP	5	20/01160/FUL Costco Petrol Station, Regents Park Rd
9	KW/RS	CAP	5	20/00862/FUL Shirley Junior School Bellemoor 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:

SB      Stuart Brooks  
AG      Andy Gregory  
KW      Killian Whyte  
RS      Rob Sims

## **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 6

## Planning and Rights of Way Panel 24<sup>th</sup> November 2020 Planning Application Report of the Head of Planning & Economic Development

<b>Application address:</b> Land to the rear of Southern House, 80 Shirley Road and 4 and 6 Sir Georges Road, Southampton			
<b>Proposed development:</b> Redevelopment of land following demolition of existing building to erect a terraced block of 3 x 3-bed houses and 3 storey block containing 11 flats (7 x 2-bed, 3 x 1-bed and 1 x studio) with associated parking and cycle/refuse storage			
<b>Application number:</b>	20/00741/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	EOT 01.12.2020	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Member & Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr David Shields Cllr Stephen Leggett Cllr Vivienne Windle
<b>Referred to Panel by:</b>	Cllr Shields	<b>Reason:</b>	Over-development & Parking demand
<b>Applicant:</b> King Property Development Ltd		<b>Agent:</b> Luken Beck	

<b>Recommendation Summary</b>	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
-------------------------------	---

<b>Community Infrastructure Levy Liable</b>	Yes
---	-----

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Viability Appraisal Report		

## **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:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site or s.278 agreements including any associated Traffic Regulation Orders 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. Affordable housing viability clauses;
- iii. 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.
- iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- vi. 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 2017.
- vii. No eligibility for occupiers to obtain parking permits under Residential Parking Scheme.

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.

### **1. The site and its context**

1.1 This 0.17ha site is located to the west of Shirley Road, north of Waterloo Road, and south of Sir Georges Road and comprises a large irregular shaped plot formed from two adjoining parcels of land to the rear of Southern House, 80 Shirley Road and 4 and 6 Sir Georges Road.

- 1.2 The southern part of the site (relating to block A) mainly comprises of an unused hard-surfaced parking area with landscaping that served the former offices at 80 Shirley Road known as Southern House, now being converted into 10 flats under 'prior approval' (LPA ref no. 19/00842/PA56), separated from the current site area itself but shares the same vehicular access from Shirley Road.
- 1.3 The northern part of the site (relating to block B) adjacent to Sir Georges Road comprises two flats within a 2 storey detached residential property and a rear garden which is open to the car park area. There is a gated vehicle/driveway access that feeds into the larger car park area. Alongside this is a piece of land formerly used as communal garden. This was loaned by the previous owners of Southern House to the Freemantle Triangle Residents Association (as reported in a local resident representation), however, this private land has never been formally designated as open space or amenity space in terms of its planning status. At the time of the site visit, this space was gated off to public access and overgrown. At the time of the site visit, it appears that recent tree clearance had taken place, however, this tree removal did not require any formal consent as there was no statutory protection under a Tree Preservation Order.
- 1.4 The site is adjacent to a well connected and highly frequent bus route serving the city centre/Shirley Town Centre and within close walking distance to the Central railway station. It is located behind the 2 storey commercial and residential frontage of Shirley Road, whilst the surrounding character to the west and south of the site changes to a more suburban and residential feel, including 3 storey higher density flatted blocks on larger plots along Waterloo Road, and 2 storey suburban dwellings on Sir Georges Road (refer to the height analysis in p8 of the Design and Access Statement). There is a mixed character and appearance of properties with no uniform style of architecture in the surrounding area. Street parking on surrounding roads is mostly controlled by kerbside restrictions through a combination of residential permit scheme (Z1-12&16 – on Sir Georges Road, Park Road, Napier Road Princes Road & Kingston Road) operating between 08:00 to 18:00 Monday to Saturday and 'no waiting' of vehicles.

## **2. Proposal**

- 2.1 The proposal is formed by two separate residential parcels shown as block A and block B, comprising the following development:-
- 2.2 Block A:-
- terraced block of 3 x 3-bed houses following the established building lines of Sir Georges Road
  - floor area = 100sqm each unit
  - 2 storeys with rooms in the roof
  - garden sizes = 71, 58, 56sqm & 10m length
  - total 4 parking spaces - 2 parking spaces each for the outer units, and no parking space for central unit
  - rear access for the central unit through the courtyard of block B to allow cycle access directly to the garden
- 2.3 Block B:-
- existing vehicle access from Shirley Road and on-site turning
  - L-shaped 3 storey building within a courtyard setting adjacent to Southern House

- 11 flats (7 x 2-bed, 3 x 1-bed and 1 x studio)
- Floor area of 2 bedroom flats range between 60 to 71sqm
- Floor area of 1 bedroom flat = 50sqm
- Floor area of studio flat = 37sqm
- 10 parking spaces – 7 spaces allocated to the 2 bed flats and 3 unallocated spaces
- central communal garden space = 185sqm
- private courtyard gardens/balconies = 100sqm
- private refuse collection
- green roof to terraces and cycle/refuse store
- 22 PV solar panels

2.4 Separation distances of Block B and Block A between neighbouring buildings (see the diagram on p12 of the Design and Access Statement) are as follows and comply with standards – these will be explained further as part of the officer's presentation to Panel:

- Wellington Court, 11 Waterloo Road (3 storeys) is 20m back to back between southern elevation to nearest flank wall comprising high level windows and garage court adjacent to shared boundary. 26m separation between nearest habitable room windows on inner rear elevation of Wellington Court. Overlooked by southern elevation of block B - limited number of windows on the upper floor including bedroom, high level kitchen window and balcony.
- Houghomont House, 13 Waterloo Road is 2m to eastern boundary of site adjacent to parking area. Proposed - windows on upper floor of west elevation (facing flank wall) are high level & screen to balconies.
- Southern House is 12m between the western elevation comprising living room and bedroom windows in rear elevation overlooking the courtyard area (see p13 of the Design and Access Statement). Proposed - directly overlooked by front doors and secondary lounge window on the ground floor, and high level windows on upper floors of block B. Planting areas adjacent to ground floor windows of Southern House to create defensible space.
- Block A = 24m back to back between north elevation of upper floors. The terrace area is no longer accessible (Juliet balcony shown).
- 78 Shirley Road and coach-house is 23.8m between upper floor of proposed east elevation where all windows have been amended to be obscure glazed, and separation of 11m to shared boundary. The terraced area adjacent to the first floor flat is no longer accessible as a balcony (green roof). The coach-house is not directly overlooked by upper floor windows with the nearest window on the proposed southern elevation being a high level kitchen window.
- 8 Sir Georges Road is 26m between upper floors of north elevation block B albeit overlooking is an oblique angle. The terrace area adjacent to the first floor flat is no longer accessible (amended plans) as a balcony (green roof) with first floor living room window served by a Juliet balcony. Side to side separation of 4.3m on same building lines, side windows to be obscure glazed.

- 2a Sir Georges Road is 3m side to side, side windows to be obscure glazed. Adjacent first floor side window is secondary.
- 98 Shirley Road is 11.6m rear to gable separation, albeit outlook is already enclosed by rear elevation of no. 2a and rear garden fence.

## 2.5 Amendments since the submission of the application:

- Access removed to first floor flats of Block B to the outside terraces on east and north elevations.
- Introduction of obscure glazing on the first floor windows (east elevation) facing no. 78 Shirley Road.
- Allocation of parking spaces to 2 bedroom flats in Block B.
- Rear access of central unit in block A to the courtyard for cycle access.

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

3.3 The National Planning Policy Framework (NPPF) was revised in 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 The site history shows historic applications dating back to the 1960s regarding the former office use and car park of Southern House. The most recent application was approved in 2019 to convert Southern House into 10 flats (LPA ref no. 19/00842/PA56) under the office to residential prior approval process.

## 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 **17.07.2020** and erecting a site notice **17.07.2020**. At the time of writing the report **1** Ward Cllr and **10** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Not a brownfield site as it includes land formerly as a garden and large proportion of the site is backland development which therefore imposes***

***stricter conditions than a brownfield development. Over-development and 3 storey scale of buildings out of character with surrounding area, adding to the high level of densification of development in local area in recent years. This development is in addition to the conversion of Southern House to 10 flats already implemented (ref no. 19/00842/PA56). The backland phase of the development should reflect the height of the houses on Sir Georges Road and be limited to 6 units.***

**Response**

- The former garden area fronting Sir Georges Road does not hold formal designation or status as public outdoor or amenity space. It no longer has public access and is overgrown.
- Although block B is in a backland position of the site, it is not a backland development in the sense of 'garden grabbing' which has been resisted in recent years. The development has been designed around its own courtyard access, so while it does not directly address the Shirley Road frontage, it still being built on previously developed land comprising of a vacant and underused car park (formerly served Southern House).
- The level of development proposed is not considered an over-development of the site given that the 82dph residential density will be in keeping with the character of the local area, albeit less than the higher 100dph expected for this highly accessible location. The land being redeveloped already comprises mainly of hard-surfacing (former car park) so the high ratio of building and hard-standing to coverage to plot size would not significantly change the character of the area, whilst it seeks to make effective use of land for new housing within a well-designed courtyard environment.
- Although Southern House has already been developed into residential use, the parcel of land has been separated and in situ, the Council must now assess the current application on its own merits. It is satisfied that the courtyard arrangement of block B and its window layout would avoid prejudicing the amenities of the future occupiers of both block B and Southern House;
- The site is classed as previously developed land or 'brownfield' land. Annex 2: Glossary of the NPPF (2019) gives the same definition to brownfield land as previously developed land so the terms are interchangeable – "Land which is or was occupied by a permanent structure, including the curtilage of the developed land". It does exclude residential gardens in built up areas, however, the garden is not being developed in isolation as it is coming forward as part of a comprehensive redevelopment of the land. Section 11 of the NPPF requires the Council to make effective and efficient use of brownfield sites for opportunities to deliver housing.
- Whilst the prevalent character of Sir Georges Road is 2 storey housing, the taller 3 storey and higher density L-shaped block B would not be out of character with the 3 storey flatted blocks that exist adjacent to the site on Waterloo Road;
- The backland location of the site and its courtyard design allows for non-obtrusive visual transition in heights from the 2 storey frontage on Shirley Road. The view of block B from Shirley Road between no. 80 and 78 would be mainly of the eastern elevation, so the set back perspective of the roof ridge of block B would read in the distance as a similar level to the Shirley Road 2 storey frontage. It should be noted that the second floor of the eastern elevation closest to Shirley Road has lowered eaves so it does not read as a full three storey building in appearance.

- 5.3 ***Local residents have high level of car ownership despite sustainable location to public transport links. The middle terrace house (block A) has no off road parking so should be given a parking permit. Lack of off-road parking to accommodate increased parking demand leading to pressure on limited street parking available for local residents. This in addition to the parking demand from the prior approval conversion of Southern House to 10 flats (ref no. 19/00842/PA56). Further pressure on traffic turning near a bus stop in an already over-crowded road space.***

**Response**

This is not a car free scheme and provision has been made for 14 vehicles on site including 2 spaces each for 2 of the 3 family dwellings and 10 spaces for the 11 flats. The Council can accept off-road parking provision below the maximum standards in this sustainable location. Whilst the parking survey does show kerbside capacity, the local parking restrictions and permit controls in place would minimise the pressure on existing street parking available for local residents. The future occupants would not be entitled to parking permits.

- 5.4 ***Loss of residential amenity for neighbouring occupiers due to orientation and scale and massing of the backland location of the buildings, including overlooking of privacy from windows and balcony and overlooking between the occupiers of Southern House and Block B, loss of light and outlook, and noise disturbance from the use of the large balconies and proximity of parking bays to shared boundaries. Siting of the bin store adjacent to the garden of no. 8 Sir Georges Road could be relocated as concerned about nuisance caused by odour and vermin with hot weather and mismanagement of refuse.***

**Response**

- Although the backland position of block B in close proximity to the east, west and southern boundaries does span the garage courts, communal and garden areas of many neighbouring properties, officers are satisfied that the back to back separation distances combined with layout of the window openings and glazing type are arranged in such a way to avoid adverse loss of privacy from direct overlooking between the adjacent elevation and the habitable areas, and would adequately protect the outlook of neighbouring properties and Southern House. The terraced balconies have been omitted from the scheme, with a juliet balcony preventing access to the terrace on the north elevation of block B.
- The orientation of the blocks A and B combined with its separation between neighbouring properties will ensure that those affected during the day to the east, west and north of the site will maintain an adequate level of natural light as the sun path moves east to west during the day, whilst the primary over-shadowing impact to the north of block B will be on the courtyard and communal garden of the site itself. The area affected to the west of the site is the adjacent car park of Houghomont House, 13 Waterloo Road and, therefore, would afford as greater protection with regards to loss of light and outlook.
- The lowered eaves of the 3 storey wing of block B closest to no. 78 combined with the 11m separation from the shared boundary and presence of existing outbuildings is not considered to adversely affect the outlook of the neighbour's amenity space, whilst the outlook from coach-house building at the rear of no. 78 remains open to the east and south. As result, the oblique view of block B (located away to the north-east) would not overly enclose their outlook mainly reliant across third party land. The overlooking of the coach-

house and garden of no. 78 from the upper floors of the east and south elevations is at an oblique angle (south) and prevented by obscure glazing (east).

- The noise disturbance arising from the parking spaces adjacent to the boundary of no. 78 is not considered to adversely impact on the amenity of the neighbouring occupiers. The use of space was formerly a car park so there would not be any significant difference in noise disturbance within this urban setting, whilst the impact is only from 3 parking spaces which is separated from garden of no. 78 by a brick wall and outbuilding.
- With adequate ventilation into the communal garden space of block B and regular cleaning and management of the bin store (required to provide drainage gulley and water hose facilities for cleaning) the odour impact can be controlled. The repositioning of the bin store away from the boundary of no. 8 closer the central courtyard access can be investigated to improve access for collection.

**5.5 *Good quality design. Aimed at first time buyers to redress the balance of owner occupiers within the local community.***

**Response**

Noted. The mix of flatted block B otherwise comprises a diverse mix of 1 and 2 beds (7 x 2-bed, 3 x 1-bed and 1 x studio). This meets the objectives of policy CS16 to positively contribute to the mix and balance of the local community. The scheme also includes 3 dwellings suitable for families with 3 bedrooms and a private garden

**5.6 *Trees on site have been removed. Impact on biodiversity including nesting hedgehogs. Swifts bricks should be included to increase nesting opportunities due to decline in nesting sites on existing houses.***

**Response**

The removal of the trees did not require formal consent as they were not statutorily protected. The Council's Ecologist considers that the hard-standing, amenity grassland and house are of negligible biodiversity value whilst the shrubs have low value for nesting birds. Mitigation measures and biodiversity and habitat improvements are recommended such as protection of bird nesting, bat roosting boxes, and landscaping planting species of recognised wildlife value. Regarding the protection of hedgehogs, further advice was being sought from the Ecologist at the time of writing this report, so a verbal update will be made at the meeting.

**5.7 *The Southern Water drainage issues needs addressing.***

**Response**

The applicant has requested Southern Water to review their records as it is not evident that there is a sewer drain on site. Given that this does not affect a significant part of the development (only a small section of block A), it is reasonable to impose a condition to request further details of a possible sewer diversion to be agreed with Southern Water prior to the commencement of development relating to block A only. That said, the applicant will have to obtain separate sewer diversion consent from Southern Water under their own legislation.



5.8 ***Increased pressures on local services including doctor surgeries and long waiting times for appointments.***

**Response**

All residential schemes make a contribution to the Community Infrastructure Levy (CIL) and these monies can be pooled and allocated to a wide range of infrastructure proposals including health facilities. Given the limited scale of the development proposed it would not be reasonable to seek a s.106 contribution towards NHS staffing.

5.9 ***Should have been a notification outside 4-6 Sir Georges Road.***

**Response**

A site notice was posted on 17<sup>th</sup> July 2020 to the adjacent lamp column and the Planning Department has exceeded its statutory requirements for notification.

5.10 ***The quality of the outdoor communal space needs better designing.***

**Response**

Officers are satisfied that the orientation, quality and quantity of the outdoor amenity space serving both blocks A and B would fit be for purpose and therefore create an acceptable residential living environment.

**Consultation Responses**

5.11 **SCC Highways** – No objection

5.12 **SCC Housing** – No objection

5.13 **SCC Sustainability** – No objection

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

5.15 **SCC Flood Risk** – No objection

5.16 **SCC Environmental Health (Contaminated Land)** – No objection

5.17 **SCC Ecology** – No objection

5.18 **SCC Archaeology** – No objection

5.19 **Southern Water** – Possible sewer diversion required within the vicinity to block A adjacent to Sir Georges Road.

**Response**

This is not a significant constraint on the development as it only effects a small area of the site and therefore does not warrant stopping the whole development coming forward. The applicant is checking with Southern Water to see whether their sewer records are up to date as they are unaware of a sewer running across the site. Nevertheless a condition can be used to agree a potential diversion prior to commencement. A verbal update will be given at the meeting.

**6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character;

- Residential amenity;
- Parking highways and transport;
- Air Quality and the Green Charter;
- Mitigation of direct local impacts 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 previously developed land to provide housing. The site is not allocated for housing however it represents an opportunity for windfall housing. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. However it should also be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing.

6.2.2 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. That said, the 30% provision is a target, so the appropriate percentage of family housing for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 3 family units (block A) with acceptable private garden space and, as such, this does not accord with the policy requirement of 4 family units, however, the shortfall is considered an appropriate level to respond to the viability and deliverability constraints of the scheme, whilst the neighbourhood is characterised by higher density flatted schemes. The mix of flatted block B otherwise comprises a diverse mix of 1 and 2 beds (7 x 2-bed, 3 x 1-bed and 1 x studio). This meets the other objectives of policy CS16 to positively contribute to the mix and balance of the local community. On balance, taking account of the benefits delivered by the residential scheme as a whole, the shortfall of 1 family unit would therefore not be contrary to the objectives of policy CS16.

6.2.3 Policy CS5 confirms that in high accessibility locations such as this, density levels should generally accord with the range over 100 dph, although caveats this in terms of the character of the area and the quality and quantity of open space provided. Therefore, higher residential development is appropriate within this neighbourhood area. That said, the proposal would achieve a residential density of 82 dph so the density level is not as high as it would be within the nearby Shirley Town Centre or City Centre areas, however, it does respond well to the more residential suburban character located off the Shirley Road frontage. There are examples of higher density flatted schemes in Waterloo Road already forming part of the context of the surrounding area, and this also includes the recent conversions of the former office buildings on Shirley Road including Southern House itself. The impact of the proposal on the local character is further discussed in the report below.

- 6.2.4 The principle of development is therefore supported to optimise the use of the previously developed land to deliver a windfall site to contribute towards the city's housing need, whilst this scheme provides 3 new genuine family homes as part of the residential mix and positively contributes to the mix and balance of households in the local community. In determining the application, the planning balance of the overall gains and losses arising from the development should be weighed up in relation to the socio-economic and environmental objectives of the development plan.
- 6.3 Design and effect on character
- 6.3.1 Through the contextual analysis undertaken earlier in the report, Officers are satisfied that the scale, massing and appearance of the 3 storey block B with regards to the courtyard style development in its backland location would not be out character and context of the surrounding area. The scale and massing of block A is considered to be in keeping with the character and appearance of the surrounding area as it responds well to the established building lines and heights of the neighbouring properties within the street scene. Furthermore, the proposed residential density and high plot coverage of block B complies with policy guidelines and reflects the character and appearance of the existing plot with regards to its former car park use, whilst it has the positive benefit of making effective use of land to contribute to the city's housing delivery as a windfall site.
- 6.4 Residential amenity
- 6.4.1 Through the assessment already taken in paragraphs in 2.4 and 5.4 of the report, Officers are satisfied that the separation distances, layout and massing of the blocks A and B, and careful design of window openings would comply with the residential standards as set out in section 2 of the Residential Design Guide and, therefore, would not adversely affect the residential amenity of neighbouring occupiers including Southern House.
- 6.4.2 Officers are satisfied that the proposed internal floorspace proposed will comply the national described floor space standards.
- 6.4.3 The rear gardens of block A provides the 50sqm for each terraced dwelling. The minimum standards require 20sqm per flat, which can be include communal space. The standards can be applied flexibly depending on the context of the area. The combined quantity of communal and private terrace and balcony space available would ensure that the 11 flats have adequate amenity space (central communal garden space to serve 4 upper floor flats without private space = 185sqm & private courtyard & gardens/balconies = 100sqm). The narrowness of the private gardens at the foot of block A are supplemented by access to the communal space, however, they provide a private and useful space to dry washing and sit out, and have good access to sunlight as they are south and west facing. Officers are therefore satisfied that the orientation, quality and quantity of the outdoor amenity space serving both blocks A and B would fit be for purpose and therefore create an acceptable residential living environment.
- 6.4.4 The ground floor flats of the L-shaped block B benefit from a dual aspect onto the courtyard area so their close proximity to the west and south boundaries of the site would not create an unacceptable internal living environment. Whilst the remaining flats and dwellings in block A and B have access to an acceptable level of privacy, outlook and light.

## 6.5 Parking highways and transport

- 6.5.1 The Highways Officer has raised no objection to the impact on highways safety. They consider that the assessment for this application is solely on the new residential against 4-6 Sir George's Road (believed to be flats) as the impacts of the Southern House development is separate from this application as it has been assessed under a different application. Due to this, the development will generate more trips due to the increase in residential units. However, it is noted that due to Southern House having consent for residential units and with the reduction of parking spaces as part of this application, the level of vehicular trips using the existing access will likely reduce. Therefore the increase in trips is expected to be non-motorised.
- 6.5.2 In terms of the layout of parking, vehicle access, the Highways Officer is satisfied this does not adversely affects highway safety, whilst conditions are recommended to maintain adequate access sightlines adjacent to the bus stop and keep on-site turning areas clear and mark out the parking spaces. The applicant proposes to rely on private refuse collection for block B given the constraints for SCC refuse vehicles to enter the site. It is intended to provide a cycle and refuse storage building with convenient and secure access for residents in the communal garden, whilst there is scope to relocate the bin store closer to the central courtyard. A detailed design of the refuse and cycle storage facilities can be agreed by condition.
- 6.5.3 The site is adjacent to a well connected and highly frequent bus route serving the city centre/Shirley Town Centre and within close walking distance to the Central railway station. Street parking on surrounding roads is mostly controlled by kerbside restrictions through a combination of residential permit scheme (Z1-12&16 – on Sir Georges Road, Park Road, Napier Road Princes Road & Kingston Road) operating between 08:00 to 18:00 Monday to Saturday and 'no waiting' of vehicles. With regards to car ownership in Freemantle, the census data shows that 29.7% of households have no access to a car and only 21.5% have more than one car.
- 6.5.4 The parking impact of the recently converted Southern House should be assessed under its own application and, therefore, not form part of the current application. In accordance with the Parking Standards SPD and the Council's adopted maximum parking standards, the Council can accept off-road parking provision below the maximum standards in this location. In this case, the site is in a high accessibility zone to public transport, so the maximum standards are less. Out of the total 10 off-road spaces proposed for block B, there is a shortfall of 1 space (1 space per 1 bed and 1 space per 2 bed). For block A, there is a shortfall of 2 off-road spaces out of the maximum 6 spaces as the middle unit does not have any spaces due to the terraced nature of the building. With the redundant dropped kerb stopped up on Sir Georges Road, one street parking space will become available (dependent on double yellow lines being lifted). That said, the 200m parking survey (undertaken between 22.00 and 23.30 on Sunday 17<sup>th</sup> November and Wednesday 20<sup>th</sup> November 2019 – pre Covid19) does show kerbside capacity for 26 and 20 vehicles in the surrounding streets to absorb the shortfall in demand, and the local parking restrictions and permit controls in place (the future occupants would not be eligible for parking permits) combined with the

sustainable location would further minimise the pressure on street parking available for existing residents and discourage car ownership.

6.5.5 In the S106 agreement, Officers will seek to secure site specific transport contributions towards cycle improvements at Waterloo Road/Shirley Road junction to provide a safer environment for cyclists by introducing green time for cyclists only. Improvements to include 'cycle' green signal lights to the signal junction; wiring, reconfiguration and testing. Also a contribution towards a traffic regulation order and physical works to amend the on street parking bays on Sir Georges Road to reprovide additional kerbside parking. The developer will be required to provide details of stopping up the redundant dropped kerb access on Sir Georges Road and carry out these works prior to occupation.

## 6.6 Air Quality and the Green Charter

6.6.1 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.

6.6.2 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.

6.6.3 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/m<sup>3</sup>. 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.

6.6.4 The effect of the development on air quality is considered to have a minimal impact given the small to medium scale of the residential development which is built on previously developed land. Although it is not possible to directly deliver benefits towards improving air quality, the environmental impact would be partly mitigated by requiring sustainable construction with energy and water efficiency improvements and the creation of additional private green space, and therefore will not conflict with the requirements of the Green Charter in this instance.

## 6.7 Mitigation of direct local impacts

- 6.7.1 Policy CS15 sets out that ‘the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).’ The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 3**.
- 6.7.2 The DVS report concludes that a 100% private scheme incorporating a site value of £337,000 with CIL and S106 contributions totalling £98,530 and £28,991 is not viable and cannot provide any contribution towards affordable housing. The appraisal shows a deficit figure of -£81,000 following a developer profit of 17.5% of Gross Development Value. This would result in a reduced profit of 14.5% which is not viable but is deliverable with no affordable housing. If the 3 affordable units were included, DVS considers that the deficit would amount to -£168,936 with a developer profit of 10%. This would make the development unviable and not deliverable under the RICS standard viability framework. As such, the developers 14.5% profit margin is already below the accepted 15% level of viability that rewards the kind of financial risk with this scale house building, so acknowledging the significant material weight of the RICS standards it would not be reasonable for the Council to request any affordable housing to be secured with the development.
- 6.7.3 The benefits of redeveloping the site in this manner and the need to comply with the policy constraints outweigh the requirement for affordable housing in this case in accordance with the objectives of policy CS15. The Panel may attach greater weight to the need for affordable housing in this part of the City but in doing so – and thereby rejecting this application – the Council would then need to defend an appeal where an independent Inspector is likely to attach significant weight to the DVS report (also independent).

## 6.8 Likely effect on designated habitats

- 6.8.1 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 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 In summary, the proposed scheme has been designed in such a way to make effective use of the under-used vacant land to deliver a good mix and quality of housing including family homes, whilst the arrangement of the development is carefully designed to maintain the residential amenity of the neighbouring occupiers bordering on all sides within the backland part of the site. The scale and layout of blocks A and B respond well to the built form and pattern of development within their respective parts of the Shirley Road and Sir Georges Road. The development is considered to maintain an acceptable level of highways safety for the local road network and the scheme is, therefore, recommended favourably.

## **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) (c) (d) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**SB for 24/11/2020 PROW Panel**

## **PLANNING CONDITIONS to include:**

### **01. Full Permission Timing Condition (Performance)**

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

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

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

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

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

### **03. 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.

### **04. 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.



**05. 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.

**06. 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.

**07. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)**

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

- i. proposed finished ground levels or contours; means of enclosure; hard surfacing materials; external lighting;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate. This shall include native and/or ornamental species of recognised value for wildlife;

- iii. detailed specification of the green roof areas to be provided on the cycle/bin store and first floor terraces biodiverse mix is used, to include wildflowers as well as sedum to provide greater benefits for wildlife;
- iv. details of any proposed boundary treatment, including retaining walls. No front boundary is to exceed the height of 600mm in order to secure pedestrian and vehicular sightlines 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.

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

**08. Archaeological watching brief with provision for excavation investigation [Pre-Commencement Condition]**

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

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

**09. Archaeological watching brief with provision for excavation work programme [Performance Condition]**

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

Reason: To ensure that the archaeological investigation is completed.

**10. Protection of nesting birds (Performance)**

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

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

**11. Ecological Mitigation Statement (Pre-Commencement)**

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

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

**12. Sustainable Drainage (Pre-Commencement Condition).**

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

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

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

**13. Energy & Water (Pre-Commencement)**

Before the development commences, 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).

**14. 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 Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**15. Public Sewer protection (Pre-commencement)**

Prior to the commencement of development, details of the measures to either protect the public sewer from damage during the demolition and construction or divert the sewer 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.

**16. Residential - Permitted Development Restriction (Performance Condition)**

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class F (hard surface area)

Reason: To protect residential amenity and visual amenities of the area.

**17. Parking (Pre-Occupation)**

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved for the benefit of residents and their visitors only. This shall include the allocation of 7 parking spaces for block B to the 2 bedroom flats hereby approved and the marking out of the parking spaces for block B. The turning areas within the parking area of block B shall be kept clear at all times.

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

**18. Euro Bin Storage Block B (Pre-Occupation)**

Prior to the occupation of block B hereby approved, details of storage for refuse and recycling, together with the access to it and a private collection management plan, shall be submitted to and approved in writing by the Local Planning Authority. In particular, the specification of the refuse storage shall include:-

- i) The bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.
- ii) Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor.
- iii) Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage cause by bin movements.
- iv) The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m.
- v) The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.
- vi) A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The storage shall be provided in accordance with the agreed details before block B 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 outside the approved store.

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.

**19. Refuse & Recycling Block A (Pre-Occupation)**

Prior to the occupation of block A hereby approved, 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 block A 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.*

**20. Refuse & Recycling Southern House (Pre-Commencement)**

Prior to the commencement of block B hereby approved, details of storage for refuse and recycling to serve the residents of Southern House, together with the access to it; hardstanding; and brick wall screen, 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 construction works for block B first commences 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.*

**21. Cycle storage facilities (Pre-Occupation Condition)**

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles for block A and B shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

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

**22. Obscure Glazing Block A (Performance Condition)**

All windows in the side elevations, located at first floor level and above 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.

**23. Obscure Glazing Block B (Performance Condition)**

The schedule of windows below of the hereby approved development relating to block B, 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. This shall include the installation of the juliet balconies on the north elevation serving units 8 and 11. The windows shall be thereafter retained in this manner.

Schedule:-

- i) east elevation - units 6 & 9; bathroom and bed 2 units 8 & 11
- ii) south elevation - rooflights unit 9
- iii) west elevation - first and second floor

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

**24. Balcony screens (Performance Condition)**

Prior to the first occupation of block B hereby approved, details of the balcony screening system and its fitting serving units 7 and 10 shall be submitted to and agreed in writing with the Local Planning Authority. The balcony screens approved shall thereafter be provided before the development is first occupied and retained in this manner.

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

**25. Amenity Space Access (Pre-Occupation)**

Before the respective dwellings and flats of block A and block B hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. This shall include access for the central unit of block A to the courtyard area of block B. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings and adequate access for cycle parking for occupants of block A.

**26. Provision of family units (Performance)**

In accordance with the agent's email received by the Local Planning Authority on 12th November 2020, the three family dwellings in block A shall be substantially completed prior to the occupation of the units in block B. These dwellings will be maintained with accommodation that can provide a minimum of 3 bedrooms

Reason: In the interests of securing the objectives of policy CS16 to provide 3 bedroom family housing to improve opportunities for families to achieve home ownership and meet a specific housing need.

**27. 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.



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## 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 (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) 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:

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

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

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

#### New Forest

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

*Within Southampton the Council will promote biodiversity through:*

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

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

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Application 20/00741/FUL

## POLICY CONTEXT

### Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
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
SDP14	Renewable Energy
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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Valuation Office  
Agency

**DVS** Property Specialists  
for the Public Sector

## Viability Report for Land to the rear of Southern House, 80 Shirley Rd and 4 & 6 Sir Georges Rd Southampton

Report for:  
Simon Mackie  
Southampton City Council

Prepared by:



RICS Registered Valuer  
DVS

Tel: [Redacted]



Case Number: 1751419

Client Reference: 20/00741/FUL

Date: 27 October 2020

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## 1. Executive Summary

### 1.1 Proposed Development Details

This updated report provides an Independent Review of a Financial Viability Appraisal in connection with:

<b>Proposed Development</b>	<b>Redevelopment of land following demolition of existing building to erect a terraced block of 3 x 3-bed houses and 3 storey block containing 11 flats (7 x 2-bed, 3 x 1-bed and 1 x studio) with associated parking and cycle/refuse storage.</b>
<b>Subject of Assessment:</b>	<b>Land to rear of Southern House, 80 Shirley Rd and 4 &amp; 6 Sir Georges Rd, Southampton SO15 3EY</b>
<b>Planning Ref:</b>	<b>20/00741/FUL</b>
<b>Applicant:</b>	<b>King Property Development Ltd</b>
<b>Applicant's Viability Advisor:</b>	<b>Simon Corp of S106 Affordable Housing (S106)</b>

### Non-Technical Summary of Viability Assessment Inputs

Inputs for All Private Scheme	S106	DVS Viability Review	Agreed (Y/N)
<b>Assessment Date</b>	<b>24 April 2020</b>	<b>27 October 2020</b>	
<b>Scheme, Net and Gross Internal Area, Site Area</b>	<b>Residential Flats - 672 sq m net Houses - 327 sq m Total – 1,115 sq m gross 0.17 hectares</b>	<b>Residential Flats - 672 sq m net Houses - 327 sq m Total - 1118 sq m gross 0.17 hectares</b>	<b>Y</b>
<b>Construction Period</b>	<b>12 months</b>	<b>12 months</b>	<b>Y</b>
<b>Sale Period</b>	<b>5 months</b>	<b>5 months</b>	<b>Y</b>
<b>Gross Development Value</b>	<b>£3,009,000</b>	<b>£3,009,000</b>	<b>Y</b>
<b>Market Housing blended value rate</b>	<b>£2,968 per sq m</b>	<b>£2,968 per sq m</b>	<b>Y</b>
<b>Affordable Housing</b>	<b>N/A</b>	<b>N/A</b>	
<b>Ground Rents</b>	<b>£44,000</b>	<b>£44,000</b>	<b>Y</b>
<b>Planning Policy / S.106 Total</b>	<b>CIL - £100,726 S.106 - Nil</b>	<b>CIL - £98,530 S.106 - £28,991</b>	<b>N N</b>
<b>Construction Cost Inc. Externals &amp; Abnormals. Total</b>	<b>£1,773,353</b>	<b>£1,692,148</b>	<b>N</b>
<b>Contingency</b>	<b>5%</b>	<b>5%</b>	<b>Y</b>

<b>Professional Fees &amp; Surveys etc</b>	<b>7%</b>	<b>7%</b>	<b>Y</b>
<b>Finance Interest</b>	<b>7% used but 6.5% stated in report</b>	<b>6.5%</b>	<b>N</b>
<b>Other Fees</b>			
Marketing Fees	<b>1.0%</b>	<b>1.0%</b>	<b>Y</b>
Sales / Agency Fees	<b>1.5%</b>	<b>1.5%</b>	<b>Y</b>
Legal Fees	<b>£750 per unit</b>	<b>£750 per unit</b>	<b>Y</b>
Land Acquiring Costs	<b>SDLT + 1.5%</b>	<b>SDLT + 1.5%</b>	<b>Y</b>
<b>Profit Target %</b>	<b>Residential – 17.5% of GDV Affordable – 6% of GDV</b>	<b>Residential – 17.5% of GDV Affordable- 6% of GDV</b>	<b>Y</b>
<b>EUV</b>	<b>£293,122</b>	<b>£293,000</b>	<b>N</b>
<b>EUV Premium to BLV</b>	<b>15%</b>	<b>15%</b>	<b>Y</b>
<b>Benchmark Land Value</b>	<b>£337,000</b>	<b>£337,000</b>	<b>Y</b>
<b>Purchase Price (if relevant)</b>	<b>N/A</b>	<b>N/A</b>	
<b>Alternative Use Value</b>	<b>N/A</b>	<b>N/A</b>	
<b>Viability Conclusion</b>	<b>Deficit of £171,469 Not Viable</b>	<b>Deficit of £81,000 Not Viable</b>	<b>N Y</b>

## 2. Introduction

- 2.1 I refer to your instructions dated 2 October 2020 and my Terms of Engagement dated 8 September 2020.
- 2.2 This opinion of the development viability of the proposed development scheme assessed is based on a review of the planning applicants/agents report dated 24 April submitted to the Local Authority.
- 2.3 As this is a desk top assessment I have not inspect the site and I have now finalised my viability assessment and I am pleased to report to you as follows.
- 2.4 A copy of my Terms of Engagement dated 8 September 2020 are attached.

### 2.5 Identification of Client

Southampton City Council

### 2.6 Purpose of Assessment

It is understood that the Southampton City Council require an independent opinion on the viability information provided by S106 Affordable Housing (S106), in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.

## 2.7 Subject of the Assessment

Land to rear of Southern House, 80 Shirley Road, and 4 & 6 Sir Georges Road, Southampton SO15 2EW

## 3. Date of Assessment / Date of Report

The date of viability assessment is 27 October 2020

Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

## 4. Viability Methodology / Professional Guidance

4.1 The review of the applicant's viability assessment has been prepared in accordance with the recommended practice set out in the National Planning Policy Framework; the NPPG on Viability (July 2018, updated May 2019, September 2019) and the Royal Institution of Chartered Surveyors (RICS) Professional Statement, Financial Viability in Planning (**FVIP: Conduct and Reporting**) (effective from 1<sup>st</sup> September 2019) and the RICS (**FVIP**) Guidance Note (1<sup>st</sup> Edition) (GN 94/2012), where applicable.

4.2 The Residual appraisal methodology is established practice for viability assessments. In simple terms the residual appraisal formula is:

**Gross Development Value less Total Development Cost (inclusive of S106 obligations, abnormal development costs and finance) less Profit, equals the Residual Land Value.**

4.3 The Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance on Viability. Where the Residual Land Value produced from an appraisal of a policy compliant scheme is in excess of the Benchmark Land Value the scheme is financially viable, and vice versa:

**Residual Land Value > Benchmark Land Value = Viable**  
**Residual Land Value < Benchmark Land Value = Not Viable**

4.4 The appraisal can be rearranged to judge the viability of a scheme in terms of the residual profit, which is compared to the target profit:

**Residual Profit > Target Profit = Viable**  
**Residual Profit < Target Profit = Not Viable**

4.5 For this case the DVS appraisal produces a Residual Land Value which is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance on Viability and the appraisal shows either a deficit or surplus.

## **5. RICS Financial Viability in Planning Conduct and Reporting**

In accordance with the above professional standard it is confirmed that:

- 5.1 In carrying out this viability assessment review the valuer has acted with objectivity impartiality, without interference and with reference to all appropriate sources of information.
- 5.2 The professional fee for this report is not performance related and contingent fees are not applicable.
- 5.3 DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- 5.4 The appointed valuer, [REDACTED] MRICS, Registered Valuer is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- 5.5 Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- 5.6 DVS are employed to independently review the applicant's financial viability assessment, and can provide assurance that the review has been carried out with due diligence and in accordance with section 4 of the professional standard. It is also confirmed that all other contributors to this report, as referred to herein, have complied with the above RICS requirements.

## **6. Restrictions on Disclosure / Publication**

- 6.1 The report has been produced for Southampton City Council only. DVS permit that this report may be shared with the applicant and their advisors as listed above, as named third parties.
- 6.2 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party who may seek to rely on the content of the report.
- 6.3 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor

reproduce the whole or any part of this report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position or alternatively where the stage one report is accepted a redacted version will be produced, void of personal and confidential data, and that this approved document will be available for public consumption.

- 6.4 None of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.
- 6.5 This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

## **7. Validity**

This report remains valid for 3 months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

## **8. Confirmation of Standards**

- 8.1 The viability assessment review has been prepared in accordance with paragraph 57 of the National Planning Policy Framework, which states that all viability assessments should reflect the recommended approach in the National Planning Practice Guidance on Viability, (July 2018, updated May 2019 and September 2019).
- 8.2 The viability assessment review report has been prepared in accordance with the Professional Statement Financial Viability in Planning: Conduct and Reporting (effective from 1<sup>st</sup> September 2019). Regard has been made to the RICS Guidance Note "Financial Viability in Planning" 1<sup>st</sup> Edition (GN 94/2012), where applicable.
- 8.3 Valuation advice (where applicable) has been prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards 2020 and RICS UK National Supplement, commonly known together as the Red Book. Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).
- 8.4 Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your internal decision making and for planning purposes, and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our assessment and conclusion may be used by you as part of a negotiation, therefore RICS Red Book professional standards PS1 and PS2 are applicable to our undertaking of your case instruction, compliance with the technical and performance standards at

VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) but remains best practice and they will be applied to the extent not precluded by your specific requirement.

- 8.5 Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).
- 8.6 Where relevant measurements stated will in accordance with the RICS Professional Statement 'RICS Property Measurement' (2<sup>nd</sup> Edition) and, the RICS Code of Measuring Practice (6<sup>th</sup> Edition).
- 8.7 Agreed Departures from the RICS Professional Standards
  - 8.7.1 As agreed, any commercial and residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area has been used for value and Gross Internal Area for costs. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'. This method of measurement is standard practice for Viability assessments.
- 8.8 It is agreed that the DVS terms of engagement appended to this report will omit commercially confidential and personal data.

## **10. Conflict of Interest**

- 10.1 In accordance with the requirements of RICS Professional Standards, DVS as part of the VOA has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.
- 10.2 It is confirmed that the valuer appointed has no personal or prejudicial conflict in undertaking this instruction. It is confirmed that all other valuers involved in the production of this report have also declared they have no conflict assisting with this instruction. Should any conflict or difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

## **11. Engagement**

- 11.1 The DVS valuer has / has not conducted any discussions negotiations with the applicant or any of their other advisors other than requests for confirmation of details provided.

## **12. Status of Valuer**

- 12.1 It is confirmed that the viability assessment has been carried out by [REDACTED] BSc MRICS, Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective



and unbiased review. [REDACTED] is referred hereafter and in redacted correspondence as 'the DVS reviewer'.

12.2 [REDACTED] – Graduate Surveyor has assisted in both the Gross Development Value and the Existing Use Value of the site.

### **13. Assessment Details**

#### **13.1 Location / Situation**

The site is located on the edge of the City Centre within the highly accessible area of Freemantle and only a short walk from the Central Station with regular bus routes to both the City Centre and Shirley High Street.

The surrounding area is a mix of residential, offices and shops and the site is surrounded by residential.

#### **13.2 Description**

The existing site comprises a vacant car park to the rear of Southern House (permitted development for 10 x 1 bed flats) and a detached office building to be demolished facing Sir Georges Road.

#### **13.3 Site Area**

We understand from the planning application form that the site has an area of approx 0.17 hectares.

### **14. Date of Inspection**

As agreed with the Council the property has not been inspected.

### **15. Planning Policy / Background**

The current application, the subject of this review, is reference 20/00741/FUL - Redevelopment of land following demolition of existing building to erect a terraced block of 3 x 3-bed houses and 3 storey block containing 11 flats (7 x 2-bed, 3 x 1-bed and 1 x studio) with associated parking and cycle/refuse storage.

We understand that there is no direct planning history in respect of the site although Prior Approval for conversion of 80 Shirley Road (Southern House) to 10 flats was approved in 2019.

However the adopted Development Plan should be taken into account including:

- Southampton Core Statutory (Partial Review) 2015
- City of Southampton Local Plan (Review) 2015

## 16. Local Plan Policy Scheme Requirements / S106 Costs

I'm advised that the following planning obligations are required:

- Highways/Transport – £9,000 plus Developer works
- Solent Disturbance Mitigation Project - £7,035
- Employment & Skills Plan - £8,030
- Carbon Management Plan - £4,926
- Total 106 - £28,991
  
- CIL - £98,530

S106 have included for:

- S106 - Nil
- CIL - £100,726

In addition under policy CS15 of the Core Strategy 20% affordable housing is required, ie 3 units on site.

## 17. Development Scheme / Special Assumptions

17.1 The following assumptions and special assumptions have been agreed with the Council and applied:

- that your council's planning policy, or emerging policy, for affordable housing is up to date
- There are no abnormal development costs in addition to those which the applicant has identified, and (for cases with no QS review) the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.

### 17.2 Scheme Floor Areas

Measurements stated are in accordance with the RICS Professional Statement '**RICS Property Measurement' (2<sup>nd</sup> Edition)**, and where relevant, the **RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

As agreed, any commercial and residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area has been used for value and Gross Internal Area for costs. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'. This method of measurement is standard practice for Viability assessments.

The accommodation schedule of the scheme is included on the architect's plans but these appear to be in conflict with the Design and Access Statement and the

areas adopted by S106. We have assumed that the areas adopted by S106 are correct and have been adopted as follows:

Type / Description	No of Units	Average Sq m	Average Sq Ft	Total Sq m	Total Sq Ft
<b>Open Market Housing</b>					
Studio Flat	1	39	420	39	420
1 Bed Flat	3	51	549	153	1647
2 Bed Flat	7	68.57	738	480	5167
3 Bed House	3	109	1173	327	3520
<b>Affordable Housing</b>					
<b>Residential Total</b>	<b>14</b>			<b>999 sq m</b>	<b>10,753 sq ft</b>

We understand that the total gross internal area of the flatted element of the scheme totals 791 sq m which represents a net to gross ratio of 85% which is within the range we would normally expect for scheme of this type whilst the total gross area is 1,118 sq m.

17.3 Mineral Stability

The property is not in an underground mining area and a Mining Subsidence Report has not been obtained.

17.4 Environmental Factors Observed or Identified

Not applicable since no inspection carried out and the site is currently a car park.

17.5 Tenure

We assume the site is held Freehold with vacant possession

17.6 Easements and Restrictions

It is assumed that there are no easements or restrictions affecting the property.

17.7 Services

It is assumed that all services are available to the site.

17.8 Access and Highways

It is assumed that access is available from the adopted highway.

## 18. Development Scheme information and Assessment

This report deals with each major input into the viability assessment of the scheme. This assessment has been undertaken following our own research into both current sales values and current costs. We have used figures put forward by S106 if we believe them to be reasonable.

We have used a copy of our bespoke excel based toolkit with cash flow to assess the scheme whilst S106 have used the DAT toolkit but no cash flow has been provided.

We would summarise our assessment of the scheme as follows:

### 18.1 Gross Development Value (GDV)

#### 18.1.1 Residential

S106 have research properties both on the market and recently sold within 0.25 miles of the site wherever possible utilising new build evidence.

They have identified 1 bed flats on the market from £115,000 to £135,000 and 2 bed flats from £130,000 to £190,000. Taking into account a new build premium S106 have adopted the following values for the flats:

- Studio - £125,000
- 1 Bed - £145,000
- 2 Bed - £200,000 to £240,000

In respect of the 3 bed houses they have identified a range of £175,000 to £360,000 and reflecting a new build premium have adopted £295,000.

We have undertaken our own market research in the area of new build units including our own data base, recently assessed schemes and Zoopla/Rightmove within 0.25 miles of the site.

The Zoopla area guide of post code SO15 states that the average current value for flats is £176,134 - £3,035 per sq m (1.7 beds) and £258,480 - £2,756 per sq m (2.9 beds) for terraced housing whilst the average asking prices in the post code are as follows:

- 1 Bed Flat - £125,240
- 2 Bed Flat - £176,858
- 3 Bed House - £292,425

In addition from our independent research we have established the following ranges:

- 1 Bed Studio - £80,000 to £104,950
- 1 Bed Flat - £135,000 to £150,000
- 2 Bed Flats - £140,000 to £175,000
- 3 Bed House - £235,000 to £280,000

On the basis of our evidence we have adopted the same rates as S106 as reasonable with the following values:

- Studio Flat – 39 Sq M - £125,000 (£3,205 per sq m)
- 1 Bed Flat – 51 Sq m - £145,000 (2,843 per sq m)
- 2 Bed Flat – 60 Sq m - £200,000 (£3,333 per sq m)
- 2 Bed Flat – 73 Sq m - £220,000 (£3,014 per sq m)
- 2 Bed Flat – 77 Sq m - £240,000 (£3,117 per sq m)
- 3 Bed House – 109 sq m - £295,000 (£2,706 per sq m)
- Overall GDV - £2,965,000 - £2,968 per sq m

#### 18.1.2 Affordable Housing

No affordable housing has been included by either party at this stage however in accordance with our experience we would normally adopt 55% to 60% of market value for affordable rented and 65% to 75% of market value for shared ownership.

#### 18.1.3 Ground Rents

S106 have included for ground rents at £200 per annum per unit capitalised at 5.0% with a total of £44,000.

It should be noted that the government have announced that they would crack down on unfair leasehold practices in respect of ground rents. However since no legislation has been enacted the policy of DVS is to include ground rents at the present time.

On this basis we have also included for ground rents of £200 pa capitalised at 5% which we believe is reasonable in the current market and agreed on similar schemes. This takes account of the limits placed by funders on ground rents.

However if legislation is enacted it could affect this assessment.

#### 18.1.4 Total Gross Development Value

	<b>DVS</b>	<b>S106</b>
Market Units	£2,965,000	£2,965,000
Affordable Units	NIL	NIL
Ground Rents	£44,000	£44,000
<b>Total</b>	<b>£3,009,000</b>	<b>£3,009,000</b>

## 18.2 Build Cost

### 18.2.1 Construction cost

S106 have used the March BCIS median rate re based for Southampton for 3-5 storey flats of £1,478 per sq m and the average for 2 and 3 storey terraced houses

of £1,285 per sq m plus 10% for external works and demolition of the existing buildings of £30,000 with an overall total of £1,773,353

In accordance with advice from our QS I have taken account of the default (due to sample size) median (October 2020) BCIS rate rebased to Southampton for 2/3 storey terraced houses of £1,284.5 per sq m but the 5 year median rate for 3-5 storey flats of £1,380 per sq m. I have adopted the following as reasonable:

- Base Build Costs –
  - Residential Flats - £1,091,012
  - Residential Houses - £420,032
- Externals
  - 10% - £151,104
- Abnormals –
  - Demolition & Site Clearance - £30,000
  
- Total - £1,662,148

The overall difference is £81,205 which is predominately due to the rate per sq m adopted for the flats. I have adopted 10% for externals taking into account the access road, car parking, cycle racks and refuse stores for the flats and parking and gardens etc for the houses plus £30,000 for demolition as reasonable in this case.

#### 18.2.2 Contingency

S106 have adopted a contingency of 5% which is within the range of 3% to 5% we adopt as reasonable. Although it's a detailed application when more detail should be known taking account of the issues caused by Covid 19 I have also used 5% as reasonable

### 18.3 Development Costs

#### 18.3.1 Professional Fees

S106 have adopted 7% of construction costs (£122,035) which is in the range we normally adopt for this type of scheme of 6% to 10% and we have also adopted a total of 7% or £118,450 as reasonable in the case.

#### 18.3.2 CIL/Section 106 Costs

S106 have included for the following:

- CIL - £100,726
- Section 106 - NIL

You have advised us that the following contributions are required:

- Affordable Housing – 20%
- Highways/Transport – £9,000 plus Developer works
- Solent Disturbance Mitigation Project - £7,035

- Employment & Skills Plan - £8,030
- Carbon Management Plan - £4,926
- Total Section 106 - £28,991
  
- CIL - £98,530

In addition we have assumed that the section 106 costs would be payable at start on site and the CIL costs phased over the development period in accordance with previous schemes assessed.

### 18.3.3 Marketing and Agency Costs

S106 have included the following as fees:

Marketing and Agent Sale Costs – 2.5% - £74,125  
Legal Sale Fees - £750 per unit - £10,500  
Total - £84,625

I have adopted the following as reasonable and compare to similar schemes:

Marketing Costs – 1.0% - £29,650  
Residential Agent Sale Fees – 1.5% - £44,475  
Legal Sale Fees - £750 per unit - £10,500  
Ground Rent sale and legal fees – 1.5% - £660  
Total - £85,285

### 18.3.4 Finance Costs

S106 state in their report that they have adopted an all-inclusive debit finance rate of 6.5% however the appraisal uses an interest rate of 7% plus a credit rate of 4% but no cash flow has been provided.

I have used an all-inclusive debit rate of 6.5% which is within the range of 6% to 7% plus 2% credit rate that we normally adopt as reasonable and calculated in accordance with the cash flow.

### 18.3.5 Programme

S106 have adopted a 6 month lead in, a 12 month construction programme and a 5 months sale period for the flats and houses.

I have adopted the following programme as reasonable when compared to similar schemes:

Site Purchase – Month 1  
Start on Site for site preparation etc – Month 4  
Construction – Month 5 to 16 (12 months)  
Sale of Residential - Month 16 – 20 (5 months and approx 2.8 units per month)  
Sale of Ground Rents – Month 20

### 18.3.6 Profit

S106 have suggested a target profit of 17.5% of GDV for the open market residential units and 6% for any affordable housing.

The latest NPPF guidance suggests a profit level of 15-20% and on this basis I have adopted 17.5% of GDV for the private residential units based upon our expectations for a scheme of this nature and agreed on similar types of scheme in the area. In respect of affordable units if included on site I would adopt a profit level of 6% due to the reduced risk on the basis of a forward sale to an RP.

## 19. Benchmark Land Value (BLV)

19.1. S106 have adopted a Benchmark Land Value of £337,000 on the basis of the EUV of £293,122 plus a 15% premium.

### 19.2 Existing Use Value (EUV)

S106 have adopted a EUV of £293,122 following research into the market within 0.5 miles of the site and identified Anglo City House at 2-6 Shirley Road which is available at rents of £16 per sq ft and 73-75 Millbrook Road East which is available at £12.80 per sq ft per annum. On this basis S106 have adopted a mid-point rent of £14 per sq ft.

They have then capitalised at a yield of 7% (no evidence provided) less purchaser's costs of 5.75% and a rent free period of 6 months with a net EUV of £293,122.

We have undertaken our own research into rental values in the area which range from

- £10 per sqft for a second floor office of £1,756 sq ft at Equity Court, Millbrook Rd
- £16 per sq ft for a unit on the market at Anglo House, Shirley Rd of 1,344 sq ft
- £14 per sq ft for a unit on the market at 18-20 Millbrook Rd of 2,500 per sq ft
- £17.72 per sq ft for 1,425 sq ft at 158 Winchester Rd let in June 2020.

I have adopted an average of £15 per sq ft per annum but I have used a yield of 7.5% based on my experience of the location less purchasers costs of 5.8% and a 6 months' rent fee period with a total net EUV of £293,000.

### 19.3 Premium (EUV)

The premium applied by S106 is 15% which they consider will provide the landowner with a sufficient incentive.

Taking into account PPG in respect of NPPF I have also adopted a premium uplift of 15% as reasonable and adopted on similar cases in Southampton and the region.



#### 19.4 Purchase Price

- 19.4.1 The PPG and the RICS encourage the reporting of the purchase price to improve transparency and accountability.
- 19.4.2 RICS FVIP (1<sup>st</sup> edition) 2012 guidance states at para 3.6.1.2 "It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition.."
- 19.4.3 However, the NPPG on viability very much dissuades the use of a purchase price as a barrier to viability this is reinforced at several places in the PPG: The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.
- 19.4.4 The PPG does not invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.
- 19.4.5 I understand that the whole site including Southern House was purchased in April 2019 for £875,000 which was valued at the time for lending purposes with a pro-rata value of £350,000 put against the Sir Georges Road property and vacant car park.

#### 19.5. Market Transactions

Market transactions for rental transactions as detailed above have been considered to establish the EUV.

#### 19.6 Alternative Use Value (AUV)

- 19.6.1 Alternative Use Values are not applicable in this case save for residential as assessed.

#### 19.7 Other Evidence

- 19.7.1 Other Evidence from recent schemes assessed for Southampton City Council has been taken into account in this assessment.

#### 19.8 Benchmark Land Value Considerations

- 19.8.1 The methodology of using EUV plus for the BLV is considered reasonable in the case but some of the assumptions made by the parties have differed.

#### 19.9 Benchmark Land Value Conclusion

- 19.9.1 Whilst the matter of premium to the EUV is ultimately a matter for your Council as the decision maker, it is my balanced and professional opinion having considered all of the above case and a fair and reasonable BLV would be £337,000

19.9.2 For this stage one report we have adopted a BLV of £337,000 on the basis of the EUV plus a premium of 15%.

## **20. Viability Assessment**

S106 acting on behalf of the applicants have concluded that the appraisal of the proposed all private scheme shows a deficit of £171,469 on the basis of a BLV of £337,000 and a 17.5% profit which is not viable. This would show a reduced profit of 11.5% which they suggest will allow the scheme to be delivered but with no affordable housing.

In addition they have undertaken an appraisal with 3 affordable units (2 affordable rented and 1 shared ownership flats) based on 77% to 82% of market value for the rented units and 76% of market value for the shared ownership unit with an overall reduced GDV of £2,890,895. This appraisal shows an increased deficit of £202,701 and would result in a reduced blended profit of 8.6% which is not deliverable.

## **21. Conclusions / Presentation of Results**

I have undertaken a review of the assessment prepared by S106 and conclude that the all private scheme as proposed shows a deficit of ££81,000 on the basis of a BLV of £337,000 and a profit of 17.5%. This would result in a reduced profit of 14.5% which is not viable but is deliverable but with no affordable housing. See 24.1

## **22. Sensitivity Analysis and Testing**

As set out in the RICS Professional Standard 'Financial viability in planning: conduct and reporting' (effective from 1<sup>st</sup> September 2019), I have carried out sensitivity tests to test the robustness of the viability conclusion described above.

On the basis that 3 affordable units are required I have include these as 2 affordable rented (1 x 1 bed and 1 x 2 bed) and 1 x 1 bed as shared ownership. I'm of the opinion that the rates adopted by S106 are high and I have used 60% of market value for the rented units and 75% of market value for the shared ownership units with a reduced GDV of £2,822,750. This appraisal shows a deficit of £168,936 and would result in a reduced blended profit of 10% which is not viable or deliverable. See 24.2

Values would need to increase by almost 7.5% for the scheme with 20% affordable to be viable.

## 23. Comments and Recommendations

Following a review of the viability assessment undertaken by S106 the key differences are:

- 1) Lower build cost due to the BCIS rate adopted – Difference of £81,205
- 2) Finance – Due to rate adopted in the appraisal – Difference of £30,485

On the basis that the Council are prepared to consider granting consent at less than the policy level of affordable housing it is suggested that a review mechanism is considered.

### 23.1 Market Uncertainty

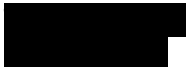
The outbreak of the Novel Coronavirus (COVID-19), declared by the World Health Organisation as a “Global Pandemic” on the 11 March 2020, has impacted many aspects of daily life and the global economy – with some real estate markets experiencing significantly lower levels of transactional activity and liquidity. As at the valuation date, in the case of the subject property there is a shortage of market evidence for comparison purposes, to inform opinions of value.

Our valuation of this property is therefore reported as being subject to ‘material valuation uncertainty’ as set out in VPS 3 and VPGA 10 of the RICS Valuation – Global Standards. Consequently, less certainty – and a higher degree of caution – should be attached to our valuation than would normally be the case. For the avoidance of doubt, the inclusion of the ‘material valuation uncertainty’ declaration above does not mean that the valuation cannot be relied upon. Rather, the declaration has been included to ensure transparency of the fact that – in the current extraordinary circumstances – less certainty can be attached to the valuation than would otherwise be the case.

The material uncertainty clause is to serve as a precaution and does not invalidate the valuation. Given the unknown future impact that COVID-19 might have on the real estate market and the difficulty in differentiating between short term impacts and long-term structural changes, we recommend that you keep the valuation[s] contained within this report under frequent review.

I trust that the above report is satisfactory for your purposes. However, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely

 BSc MRICS  
RICS Registered Valuer  
DVS

**24. Appendices**

- 24.1 Development Appraisal – All Private
- 24.2 Development Appraisal – Policy Compliant
- 24.3 Terms of Engagement

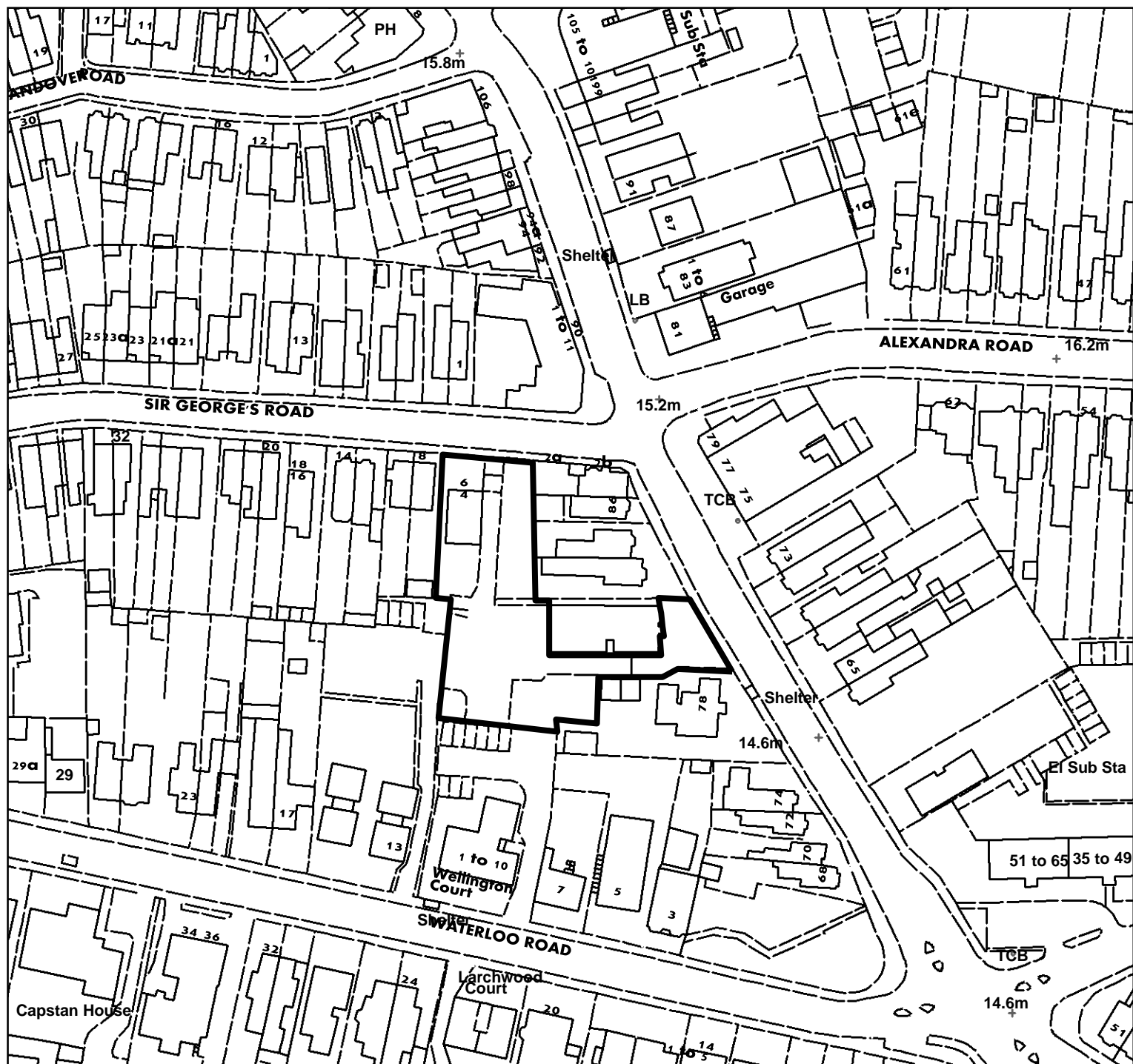
## **24.1 Development Appraisal – All Private**

## **24.2 Development Appraisal – Policy Compliant**

### **24.3 Terms of Engagement**

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# Agenda Item 7

## Planning and Rights of Way Panel 24 November 2020 Planning Application Report of the Head of Planning & Economic Development.

<b>Application address:</b> Land between Evans Street/Lime Street (Former East Street Shopping Centre site), Southampton			
<b>Proposed development:</b> Erection of a 5-15 storey 268-bed hotel (Use Class C1) with detached two-storey duplex hotel suite and associated car parking (Outline application seeking approval for ACCESS, LAYOUT and SCALE) (amended)			
<b>Application number</b>	20/00708/OUT	<b>Application type</b>	Major Dwellings
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	28.09.2020 (ETA)	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Referral request from Ward Cllr Bogle and Cllr Paffey.	<b>Ward Councillors</b>	Cllr Sarah Bogle Cllr John Noon Cllr Darren Paffey

<b>Applicant:</b> Investin Southampton Limited	<b>Agent:</b> DPP Planning
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<b>Recommendation Summary</b>	Delegate conditional approval to the Head of Planning & Economic Development
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2	Habitats Regulations Assessment

### Recommendation in Full

#### Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The 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).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT3, CLT6, H2, H7 and REI4 of the City of Southampton Local Plan Review (Amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS14, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP5, AP16, AP17 and AP24 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2019).

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 2** 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 or provision through a s.278 agreement 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 towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
  - vi. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners
  - vii. Submission of a scheme of works and management plan for the areas around the site accessible to the public.
  - viii. Clause to define the apart-hotel rooms with a maximum period of occupancy to ensure the apart-hotel rooms fall within planning use class C1
2. 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 Head of Planning & Economic Development will be authorised 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.

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.

## **1 The site and its context**

- 1.1 This site was formally occupied by the East Street Shopping Centre. The shopping centre was demolished as part of a planning approval for site redevelopment for a Morrisons Food Store. However in 2015 Morrisons pulled out of the project, and the site has remained undeveloped since then, other than as a construction compound in association with nearby residential development at 86-93 East Street. The site is located within the defined city centre boundary for the purposes of Planning.
- 1.2 The area has a mixed commercial and residential character and the site falls within defined secondary retail frontage forming part of the East Street shopping parade. The neighbouring site to the north is occupied for student housing comprising an office conversion (13 storey Capital House) and new build 5-storey development fronting Evans Street. Holyrood Housing Estate is located the south with a four-storey flatted block (Challis Court) located on the southern side of Evans Street. A 5-15-storey Private Rented Scheme (PRS) is currently under construction at the corner of Queens Street and East Street and planning permission has been granted for a student scheme at 81-85 East Street. Nearby heritage include Central Hall (locally listed building) on the adjacent side of Evans Street and St Marys Church (grade II listed) to the north-west. The registered central parks are located to the west. A cluster of tall buildings, including Dukes Keep, are located to the south-east. Site access for the former shopping Centre was taken from Lime Street (via East Street and Orchard Lane) with no access from Evans Street.

## **2 Proposal**

- 2.1 This application seeks outline planning approval for the erection of a 5-15 storey 268-bed hotel (Use Class C1) with detached two-storey duplex hotel suite and associated car parking. The scheme has been amended following validation. The matters under consideration are the principle of development, the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, and the scale, massing and bulk of the buildings.
- 2.2 Details of external appearance and landscaping are reserved. However the application is supported by indicative elevations and a design code to demonstrate that a building of good design quality can be achieved based on the scale of buildings proposed.
- 2.3 The application has been amended from the original submission with the building heights reduced from 6-18-storey to 5-15-storey with 18 storeys considered excessive for design and visual impact reasons. The layout was also amended with the geometry of the building footprint altered to better align with East Street and Evans Street.

- 2.4 The proposed 268-bed hotel comprises, 169 standard hotel rooms, 98 aparthotel rooms and a detached duplex hotel suite, all rooms falling within hotel planning use class C1. The proposed building has a horseshoe footprint which frames a courtyard with an open southern aspect. The tall 15-storey tower element is located in the south-eastern corner, with a height of 5-storey fronting East Street. Pedestrian access into the hotel is available from East Street with car parking and servicing accessed from Lime Street (via Orchard Lane) with no vehicle access available from Evans Street. The scheme provides a total of 30 surface level car parking spaces including 4 disabled parking bays. The layout provides integral bin storage and cycle storage provision has been incorporated for 30 long stay cycle spaces and 16 short stay spaces. The applicants suggests that some 60 jobs would be created by this application.
- 2.5 The internal layout incorporate ancillary hotel facilities at ground floor to create active frontage to East Street and Evans Street including a café/restaurant, gym and co-working space. The angled geometry of East Street to the front of the site enables the provision of a tapered area of public open space to the front of the hotel. Whilst landscaping details are reserved the layout makes provision for soft landscaping with indicative tree planting shown within the parking area and along the site frontages, including to Lime Street. This outline planning application has not been submitted by a hotel operator. However the application has received a letter of support from IHG (InterContinental Hotels Group plc) who indicate that they support the proposed development with the ultimate aim of offering a Franchise Agreement.

### **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 (March 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 The site is allocated under policy AP24 of the City Centre Action Plan for retail-led mixed use development including retail (A1 use), food and drink (A3, A4, A5 uses) with residential, hotel and offices supported above the ground floor,. This is a site specific policy covering East Street Shopping Centre (now demolished) and Queens Buildings (Debenhams).
- 3.4 Supporting text to policy AP24 at paragraph 5.61 of the City Centre Action Plan indicates that the East Street Shopping Centre acted as a barrier between St Marys and the city centre and that redevelopment provides opportunity to reinstate the route across Kingsway / Evans Street to the St Marys Area and to revitalise the eastern end of East Street. To achieve this policy AP24 requires

active commercial frontages alongside East Street in accordance with the retail policy for secondary retail frontages.

#### **4. Relevant Planning History**

- 4.1 The site was formally occupied by the East Street Shopping Centre which is now demolished and the site has been cleared. The shopping centre was constructed in the early 1970s, planning permission was granted in July 1971 for a 10-storey office building with entrance hall, an arcade of shops, a roof top car park, a public house, caretakers flat, pedestrian square and associated roads, footpaths, service areas, ramps and walkways.
- 4.2 In March 2013 planning permission was granted for redevelopment of the shopping centre and car park as a new Morrisons foodstore (5,534 square metres gross floorspace) with car parking on upper levels, including works of demolition, retention of Capital House and the Royal Oak Public House; new vehicular access arrangements, including construction of a new roundabout on Evans Street, highway and public realm improvements, including creation of a new pedestrian link between East Street and Evans Street, landscaping and associated works (reference 12/01355/FUL). However in 2015 Morrisons pulled out of the redevelopment and this cleared site remains undeveloped.
- 4.3 In 2016 planning permission was granted for conversion of Capital House to provide purpose built student accommodation; demolition of the Royal Oak Public House, and erection of 4 and 5-storey buildings to provide student townhouses (total accommodation 156 units comprising 423 bedspaces) (reference 16/00196/FUL). This student scheme, located immediately to the north of the application site, has been built out.

#### **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 316 adjoining and nearby landowners and erecting a site notice (10.07.2020). The application has been advertised as a Departure to Policy AP24 and published in the Hampshire Independent (10.07.2020). At the time of writing the report **6 representations** have been received, with 1 letter of support from IHG (InterContinental Hotels Group plc) as referenced above. Objections have been received from 1 local resident, Cllr Bogle, Cllr Paffey, Cllr Noon and the City of Southampton Society. A renotification exercise is running at the time of writing and any additional representations will be reported verbally at the Panel meeting.

The concerns are as follows:

#### **5.2 Cllr Bogle**

This site has been vacant for 7 years now and was originally hopeful a supermarket/amenity would be provided here. I am concerned about potential overlooking of Challis Court and feel the height (highest at 18 storeys) should be reconsidered to be in line with the nearest tall building (Capital House) which is 13 storeys. I don't object to redevelopment of the site if there is sufficient demand for a hotel in this location but do think an overall review of the area including the now

abandoned Debenhams site/East St/Queensway etc needs to be done in a coordinated (master plan) way.

*Officer Response – It is unfortunate that a supermarket and/or retail-led mixed use development has not come forward on this site, in line with the site policy allocation. The retail sector has changed significantly since the initial allocation. That said, a hotel use is a suitable city centre use and makes effective use of the land. Developers are not required to demonstrate need for hotel use under the requirements of the National Planning Policy Framework. The wider strategic approach to the Debenhams site/East St/Queensway is under review as part of the new Local Plan (Southampton City Vision). The scheme has been amended with the height of the tower reduced to part 15 part 13 storeys. The proposed hotel building is located circa 20m from Challis Court with the taller tower element adjacent to a blank part of the northern façade to Challis Street. The proposed development is not considered to give rise to harmful overlooking having regard to the building separation distance, orientation and character and density of the neighbourhood.*

### 5.3 **Cllr Noon**

Though I do welcome the development of this site and have no issue with a hotel on the site, I do have a concern about the height of this development. A 18 storey development would overshadow the Holyrood estate and in particular the 3 storey elder block at Challis Court.

*Officer Response - The building height has been reduced and a shadow diagrams have demonstrated that there will no adverse shadowing impact on Challis Court because the proposed development is due north.*

### 5.4 **Cllr Paffey**

While I wish to see this vacant site occupied and developed, this does not seem the right place for a hotel. I would like to see something here which benefits the local community and adds to the sense of 'place' and neighbourhood at the edge of the Holyrood estate. There is an existing school in the area which does not have suitable accommodation and this could be a potential site to serve local families. What is the evidence that there is demand for another hotel? What forecasting has been done to take into account the likely local accommodation economy in the next year or two?

*Officer Response – Hotels are listed as an appropriate use for the site within the site policy allocation and the NPPF encourages uses such as hotels to be located in sustainable locations such as existing centres where access from all modes by all users including staff and guests is realistic.*

### 5.5 **City of Southampton Society - Objection**

The proposed hotel with a maximum of 18 stories will be the highest, will dominate the Central Hall and will cast shadows in the afternoon and evening over a student block of flats off Evans Street. There can be no justification in planning terms for a building of this height. The 18 storey tower block is on the eastern edge of the site fronting Evans Street. On the opposite side of Evans Street is the much smaller Central Hall. Although not a listed building, it was opened in 1925 as a Methodist Central Hall with very distinctive architecture including a copper dome. The hotel tower will completely dominate it. If the layout of the site were changed with the tower re-positioned to the western edge, this



would considerably alleviate the problem. There are already 19 hotels (2,300 beds) in Southampton), 6 hotels (650 beds) for which planning permission has been agreed and a further 3 hotels (385) awaiting planning permission. We wonder whether there is the need for yet another hotel in the city bearing in mind the current suspension of the cruise businesses.

*Officer Response - The scale of the building has been reduced and no objections have been raised by the Council's Design and Heritage Officers in relation to the impact on Central Hall. It is unfortunate that the 5-storey element would cut off some views of the Central Hall Cupola from East Street (as was the case with the Morrisons scheme), however, on balance, the proposed building alignment is considered the correct urban design response. As above, the applicants are not required to demonstrate need and hotel use is suitable for this city centre site.*

#### 5.6 **Additional concerns:**

Microclimate impact from the tall building

*Officer Response – The submitted wind assessment confirms that the wind conditions at ground level are likely to be suitable for pedestrian safety throughout the year. Due to winds funnelling and downdraughts, the windiest area is likely to occur around the southwest corner of the Tower where wind microclimate is likely to be suitable for walking during the worst season (Winter). Further, away from this corner, it is expected that the wind conditions at the remaining walkways, in terms of pedestrian comfort, are suitable for their intended uses in and around the proposed site.*

Heat Island

*Officer Response – This is not a reason that planning permission can be refused. However this individual tall building is not part of an immediate cluster and therefore adverse heat island impact is unlikely. The layout enables provision of soft landscaping and tree planting around the hotel building.*

Residential amenity -Loss of light and outlook to nearby properties.

*Officer Response - The site layout and building position due north of Challis Court will not give rise to harmful loss of light or outlook having regard to the character and density of the neighbourhood. Shadow will fall to the north and across the public highway in the afternoon.*

Traffic and noise pollution impacts

*Officer Response - The level of traffic will be significantly less than the former shopping centre and as forecasted for the approved Morrisons supermarket. Conditions are recommended in relation to plant and ventilation equipment to ensure an appropriate noise environment. The city centre infrastructure can accommodate the level of development proposed and further mitigation can be secured with the recommended s.106 legal agreement.*

There is no justification for a hotel of this scale/density in this location

*Officer Response - See response above.*

### **Consultation Responses**

#### 5.7 **SCC Highways** – No objection

Overall, the proposed development is considered acceptable subject to the following conditions and further mitigation being secured via the S106 agreement:

- Boundary Treatment and Sightlines. Plans showing the boundary treatment and sightline details for the gated secured parking court along the Western boundary will need to be submitted to and agreed in writing by the local planning authority
- Parking management plan. Plans to manage and prevent informal parking along the internal road system in order to ensure adequate manoeuvring space for servicing vehicles.
- Construction Management plan
- Servicing management plan

**Urban Design Manager – No objection**

- 5.8 Satisfied with the building form and architectural style. The building scale and layout has been amended as per the request of the Design Advisory Panel. A public permissive route is requested through the car park to link East Street with Lime Street.

*Officer Response - The applicants have not included the requested permissive route for site security reasons. It should also be noted that there was no such route through the former Shopping Centre or the approved Morrisons food store. There would be no significant public benefit in terms of travel distances by introducing a public route through the car park, although improved permeability around any site is always a good starting point for negotiations.*

**Heritage Officer – No objection**

- 5.9 No designated heritage assets would be directly affected by the proposals.

The submitted Townscape and Visual Impact Assessment has demonstrated that the indirect impact on the highly/sensitive view from Mayflower Park to St Micheal's Church (as outlined in Southampton Tall Building Study) would be limited as the development would sit lower in the skyline than the church spire, allowing this latter feature to retain its dominance in this panorama.

Although the proposals would indirectly affect the wider environs of Central Hall, a non-designated heritage asset, it is acknowledged that the development plot is sufficiently separated from the hall by the flyover, and whilst I would prefer to see the ground floor element of the development at this corner junction to be set back or curved in some way to further improve the visual permeability through to the hall, it is acknowledged that the new view along East Street to the dome of the hall is a much improved vista when compared with the previous (and now demolished) shopping centre arrangement.

As such, in taking all the above considerations into account, the proposals would not adversely harm the above heritage assets or their settings, and no objections would be raised from a conservation perspective on this occasion.

Notwithstanding this, the success of the scheme in this townscape location would depend on the use of good quality materials and joinery details, as well as appropriate landscaping measures. It is therefore advised that these details be secured by way of condition/s.

**Historic England – No objection**

- 5.10 We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

5.11 **Ecology Officer – No Objection** subject to conditions to secure ecological mitigation and protection of nesting birds.

5.12 **Archaeology** – No objection subject to conditions to secure archaeological investigation

5.13 **Environmental Health** – No objection subject to conditions to control the noise environment and construction environment.

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

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

5.16 **Employment and Skills** - An Employment and Skills Plan Obligation will be sought via the Section 106 Agreement.

5.17 **Sustainability - No objection**

A BREEAM pre-assessment estimator has now been submitted which demonstrates that the proposal would be able to meet Excellent. Conditions are recommended to secure this. A green space factor tool has also been submitted which demonstrates green infrastructure improvements. These should be secured through a landscaping condition.

5.18 **Natural England:** Request further information to determine impacts on designated sites.

*Officer Response: This request has been addressed through the Habitats Regulations Assessment.*

5.19 **Southern Water:** No objection subject to a condition's regarding sewer diversion, and foul and surface water disposal.

5.20 **Airport Safeguarding:** No objection subject to a condition to secure a bird hazard management plan and informative regarding the use of cranes.

## 6. Planning Consideration Key Issues

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

- the principle of the development
- design and heritage impact;
- residential environment
- highways;
- habitats regulations;

## **Principle of Development**

- 6.1 The site is allocated under policy AP24 of the City Centre Action Plan for retail-led mixed use development including retail (A1 use), food and drink (A3, A4, A5 uses) with residential, hotel and offices supported above the ground floor. The proposed hotel development is a main city centre use as defined by the NPPF and is suitable use for this city centre site. The proposal represents a departure from the retail-led mixed use allocation however this departure is considered acceptable given the period of time the site has been vacant (7 years) and anticipated future challenges facing the retail sector. The development would make efficient use of this city centre site and would provide active frontage to East St and assists in reinstating the route across Kingsway / Evans Street to the St Marys Area and to revitalise the eastern end of East Street. The applicants suggests that some 60 jobs would be created by this application.
- 6.2 Given that hotel use is a main city centre there is no policy requirement for the applicants to demonstrate need for the development in this city centre location. Core Strategy saved policy CS 1 promotes leisure, cultural and hotel development in the city centre. The Plan supports this type of development across the city centre (subject to meeting other policy requirements) with the aim of delivering more diversity, for example in city centre hotels.

- 6.3 Paragraph 4.82-4.83 of the City Centre Action Plan indicates:

*“Hotels play an important role in attracting people to visit Southampton city centre and encouraging them to stay for longer. They support tourism and business development and contribute to jobs. The South Hampshire Hotel Futures Study (2010) identified opportunities for significant new hotel development in the city centre as the economy and tourism grows. It reported that in 2010 Southampton city centre had 19 hotels with a total of 1,462 rooms. Although there have been proposals for new hotels, relatively few have opened in the last 5 years. The Study projected that 14 new hotels and 1,340 new rooms were required to 2031.*

*The aim is for a more diverse range of hotels including five star and smaller boutique hotels (particularly in the Old Town) as well as mid-priced and business hotels. The Plan supports in principle the development of hotels throughout the city centre, for example at the Ocean Village Promontory site and further opportunities at the waterfront (Royal Pier Waterfront and Chapel Riverside), Old Town, Station Quarter, Western Gateway and as part of the Watermark WestQuay development. Proposals for serviced apartments and ‘aparthotels’ which fall outside C1 (hotel) use class will also be supported with a condition to ensure short stay occupancy only.”*

- 6.4 In recent years the following hotels have been granted planning permission in the city centre:

Bargate Development - 18/01515/FUL (unlikely to come forward)  
12-14 High Street - 19/00506/FUL (unlikely to come forward)  
The South of West Quay Shopping Centre - 13/00464/OUT  
Southampton Harbour Hotel, Ocean Village - 14/00414/FUL  
Dolphin Hotel (36 additional bedrooms) - 16/01180/FUL  
Moxy Hotel, Harbour Parade - 16/00927/FUL

Premier Inn, Cumberland Place - 15/01423/FUL  
Travel Lodge, Castle Way - 12/01171/FUL

- 6.5 There are also 3 application for hotel development which are pending:  
Nelson Gate - 19/00038/OUT  
24-32 Canute Road - 19/02127/FUL  
Cedar Press - 18/02015/FUL

- 6.6 Therefore the projected requirement of 14 additional hotels to 2031 still hasn't been met.

6.7 **Design & Heritage Impact**

The proposal comprises tall buildings of 5 storeys or more and therefore the scheme will need to comply with tall building policy AP17 of the City Centre Action Plan (CCAP), saved Policy SDP9 and Historic England Advice Note 4: Tall Buildings.

- 6.8 The site is not identified for a tall building within the CCAP (indicative tall building locations shown on Map 12) because it does not sit within an identified cluster, does not frame the central parks and is not located within an area identified for individual landmark tall buildings.

- 6.9 That said, the site is located within an emerging cluster having regard to the proximity to existing and approved tall buildings (circa 9-15 storeys in scale). Policy AP17 supports individual landmark tall buildings providing the design requirements of policy AP16 and CS13 are met. The amended scheme with a reduced height of part 15 part 13 storey's within the tower element would not have an adverse impact on strategic or sensitive heritage views and has the support of the relevant design advisers and officers. The scheme has been through a design review process and has incorporated changes recommended by the Design Advisory Panel. No objections have been raised in terms of design and heritage impact from the Council's Design and Heritage Officers and the Council's obligations under the Planning (Listed Buildings and Conservation Area) Act as supported by the NPPF have been met in reaching this conclusion. The proposed development has been assessed in relation to its impact on Central Hall and the impact on the setting of this locally listed building is not considered substantial.

- 6.10 Whilst appearance is a reserved matter sufficient information has been provided in the form of a design code, and indicative elevations to demonstrate that a tall building of good design quality can be achieved on this site based on the scale and layout proposed. A condition is recommended to ensure the design requirements of the Design Code are carried forward.

6.11 **Impact on the amenities of neighbouring occupiers**

- 6.12 The building layout has been arranged to prevent adverse impact on neighbouring amenities. A shadow analysis has been provided to demonstrate this tall building will not lead to adverse loss of sunlight to neighbouring properties, with the development located due north of Challis Court and is not located immediately adjacent to habitable room windows. The relationship of the proposed 5-storey elements with neighbouring development across Lime Street and East Street is considered acceptable in this context. The development will not result in adverse

loss of privacy, daylight, sunlight or outlook having regard to the character and density of the neighbourhood and, therefore, satisfies saved Policy SDP1(i).

### 6.13 **Highways**

6.14 The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would provide 30 car parking spaces for this 268 bed hotel which accords with the Council's maximum car parking standards which require a maximum of 1 car parking space per 3 hotel bedrooms in this locality. Therefore the maximum number of car parking spaces permissible for this site would be 90 spaces. However less than the maximum is permissible within this sustainable city centre location (0.8 miles from Central Train Station). There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets. The level of proposed vehicular trips will not be harmful when compared to the multi-storey car park which previously occupied the site. Conditions are recommended to secure bin and cycle storage, adequate sightlines and appropriate servicing and car parking management.

### 6.15 **Habitat Regulations**

6.16 The proposed development, as a scheme providing overnight accommodation, 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. 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 2**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution, the development will not adversely affect the integrity of the European designated sites.

## 7 **Summary**

7.1 The proposed hotel development is a main city centre use which is suitable for this site and is compliant with the range of uses identified in the site-specific policy allocation. It is unfortunate that this is not coming forward as part of a retail led-mixed use development however it is unlikely that retail will come forward given it

now 7 years since the previous food store consent and the future of the retail market is uncertain. Therefore a departure from policy can be supported.

- 7.2 The proposed scale and density of the development makes efficient use of this previously developed site and the proposed building height will have no adverse impact on heritage assets, sensitive views or the city skyline as determined by officers and the independent Design Advisory Panel. The site is close to an existing cluster of tall buildings to the south-west and is part of an emerging cluster of existing and emerging tall buildings in this area which range in height from 13-15 storeys.
- 7.3 The development will not have an adverse impact on neighbouring residential amenities having regard to building position, orientation and separation distances and the character and density of the neighbourhood. The scheme is also acceptable in highway terms and planning obligations can be secured to mitigate against the impact of the development

## **8 Conclusion**

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval. Delegation is sought firstly to secure the necessary s.106 legal agreement.

### **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) (v), 6 (a) (c), 7 (a)  
**AG for 24/11/2020 PROW Panel**

## **Planning Conditions to include:**

### **01. Outline Permission Timing Condition (Performance)**

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

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
  - the appearance and architectural design specifying the external materials to be used and an assessment of how the design accords fully with the Design Code hereby approved within the Design & Access Statement by HGP (Ref P4 20.11.06);
  - the landscaping of the site specifying both the hard, soft treatments and means of enclosures and the green roof with details of ongoing management.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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

### **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. APPROVAL CONDITION Archaeological damage-assessment [Pre-Commencement Condition]**

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

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

### **04. APPROVAL CONDITION Archaeological investigation [Pre-Commencement Condition]**

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

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



**05. APPROVAL CONDITION Archaeological work programme [Performance Condition]**

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

Reason: To ensure that the archaeological investigation is completed.

**06. Ecological Mitigation Statement (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted Ecological Impact Assessment Ref A11354/2.1 June 2020, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

**07. Protection of nesting birds (Performance)**

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

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

**08. APPROVAL CONDITION - Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]**

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 report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in the Phase I Geo-Environmental Site Assessment report, ref:A11354/1.0 Draft) to be assessed.
2. 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 (2) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

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

**09. 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.

**10. 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.

**11. 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.

**12. Glazing- Soundproofing from external noise (Performance Condition)**

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation shall be either:

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

Any trickle vents must be acoustically rated. The above specified glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason: In order to protect occupiers of the flats from traffic noise.

**13. Extract Ventilation (Pre-Commencement)**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

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

**14. 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](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.*

**15. 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.

**16. Piling (Pre-Commencement)**

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity.

**17. External Lighting Scheme (Pre-Commencement)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

**18. APPROVAL CONDITION - Sustainable Drainage (Pre-Commencement Condition).**

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

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

Reason

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

**19. APPROVAL CONDITION - BREEAM Standards**

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 Excellent against the BREEAM Standard, in the form of a design stage report, is 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).

**20. APPROVAL CONDITION - BREEAM Standards [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 Excellent against the BREEAM Standard, in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body 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 Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**21. Surface / foul water drainage (Pre-commencement)**

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

Reason: To ensure satisfactory drainage provision for the area.

**22. Public Sewer protection (Performance)**

Prior to the commencement of development, details of the measures to protect the public sewer 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.

**23. Parking (Pre-Occupation)**

The parking for a minimum of 30 cars (including at least 4 disabled 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.

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

**24. Cycle storage facilities (Pre-Commencement Condition)**

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles for both staff and customers 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.

**25. Sightlines specification (Pre-Commencement)**

Sight lines to the vehicular access onto Lime Street serving the western car park shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

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

**26. APPROVAL CONDITION - Servicing Management Plan (Pre-Occupation Condition)**

The development shall not be occupied until a scheme relating to vehicular servicing arrangements has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place before the development is first occupied and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the arrangements for vehicular servicing are satisfactory in the interests of highway safety.

**27. APPROVAL CONDITION - Parking Management Plan (Pre-Occupation Condition)**

The development shall not be occupied until a scheme relating to parking management to manage and prevent informal parking along the internal road system in order to ensure adequate manoeuvring space for servicing vehicles, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place before the development is first occupied and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the arrangements for vehicular servicing are satisfactory in the interests of highway safety.

**28. Submission of a Bird Hazard Management Plan**

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- Management of the roof area and solar panels within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes'

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Southampton Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

*Note to Applicant: Aircraft Safeguarding - Use of Cranes*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues*

**29. Telecommunications Equipment**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no external telecommunications equipment shall be installed on the roof of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the appearance of the building and the visual amenities of the area.

30. **Hotel - Hours of use**

No deliveries shall be taken outside of the hours of 07:00 to 21:00 daily.

The hotel cafe/restaurant shall be limited to hotel guests use only between midnight and 07:00am.

Reason: In order to control the use in the interests of the amenity of nearby residential occupiers.

31. **APPROVAL CONDITION - Electric Vehicle Charging points feasibility study**

A feasibility study for electric vehicle charging points must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for electric vehicle charging points, a specification shall be agreed in writing with the Local Planning Authority. Electric vehicle charging points to the approved specification must be installed and rendered fully operational prior to the first operation of the development hereby granted consent and retained and maintained thereafter.

Reason: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

## **APPENDIX 1**

### **POLICY CONTEXT**

#### Local Plan Policies

SDP1 - Quality of Development  
SDP4 - Development Access  
SDP5 - Parking  
SDP7 - Context  
SDP9 - Scale, Massing and Appearance  
SDP10 - Safety and Security  
SDP13 - Resource Conservation  
SDP14 - Renewable Energy  
HE4 – Local List  
H2 - Previously Developed Land  
H6 - Housing Retention  
H7 - The Residential Environment  
REI4 - Secondary Retail

#### Core Strategy Policies

CS1 – City Centre Approach

CS4 - Housing Delivery  
CS5 – Housing Density  
CS6 - Economic Growth  
CS13 - Fundamentals of Design  
CS16 - Housing Mix and Type  
CS20 - Tackling and Adapting to Climate Change  
CS22- Promoting Biodiversity and Protecting Habitats

City Centre Action Plan

AP5 – Shopping area  
AP9 - Housing Supply  
AP12 – Green Infrastructure and Open space  
AP13 – Public Open space in New Developments  
AP14 – Renewable or low carbon energy plants; and the District Energy Network  
AP15 – Flood Resilience  
AP16 – Design  
AP17 – Tall Buildings  
AP18 – Transport and Movement  
AP19 – Streets and spaces  
AP24 – East Street Shopping Centre

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards 2011

Other Relevant Guidance

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



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### Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	20/00708/OUT
<b>Application address:</b>	Land between Evans Street/Lime Street, Southampton
<b>Application description:</b>	PROPOSAL: Erection of a 6-18 storey hotel (Use Class C1) and associated car parking (Outline application seeking approval for access, layout and scale).
<b>HRA completion date:</b>	13/11/2020

<b>HRA completed by:</b>	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	

#### Summary

The project being assessed is for a hotel (268 bedrooms), with associated car parking.

The development is located approximately 560m to the west of the Solent and Dorset Coast Special Protection Area (SPA), 860m from a section of the Solent and Southampton Water SPA and the Solent and Southampton Water Ramsar site and 3.6km from the Solent Maritime Special Area of Conservation (SAC). It is also 4.8km from the New Forest SAC, the New Forest SPA and the New Forest Ramsar site.

The site is currently empty having previously contained a multi-storey car park, which has been demolished, and more recently a compound for plant and materials for a nearby development. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in combination with other residential developments across south Hampshire, could result in recreational disturbance to the interest features of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site, and also the release of additional nitrogen and phosphorous, via waste water, which could affect the features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that **the significant effects which are likely in association with the proposed development can be overcome.**

#### Section 1 - details of the plan or project

##### European sites potentially impacted by plan or project:

European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline

- New Forest SAC
- New Forest SPA
- New Forest Ramsar site
- Solent and Southampton Water (SPA)

Evidence Review Report, which is on the city council's website at	<ul style="list-style-type: none"> <li>▪ Solent and Southampton Water Ramsar Site</li> </ul>
<b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b>	No – the development consists of a new hotel, which is neither connected to, nor necessary for, the management of any European site.
<b>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b>	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a> )</li> </ul> <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the Lime Street site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

## Section 2 - Assessment of implications for European sites

### Test 1: the likelihood of a significant effect

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The development is located approximately 560m to the west of the Solent and Dorset Coast Special Protection Area (SPA), 860m from a section of the Solent and Southampton Water SPA and the Solent and Southampton Water Ramsar site and 3.6km from the Solent Maritime Special Area of Conservation (SAC). It is also 4.8km from the New Forest SAC, the New Forest SPA and the New Forest Ramsar site.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

The following mitigation measures have been proposed as part of the development:

- New Forest Mitigation
  - Agreed contribution of £XXXX, will be ring fenced for footpath improvements in the Shoreburs and Weston Greenways and Peartree Green Local Nature Reserve;
  - Agreed contribution of £XXXX, will be allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- A contribution of £10,680 towards the Solent Recreation Mitigation Partnership

### Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the provision of a 268 bed hotel located approximately 560m to the west of the Solent and Dorset Coast Special Protection Area (SPA), 860m from a section of the Solent and Southampton Water SPA and the Solent and Southampton Water Ramsar site and 3.6km from the Solent Maritime Special Area of Conservation (SAC). It is also 4.8km from the New Forest SAC, the New Forest SPA and the New Forest Ramsar site.

The site is currently empty having previously contained a multi-storey car park, which has been demolished, and more recently a compound for plant and materials for a nearby development. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in combination with other residential developments across south Hampshire, could result in recreational disturbance to the interest features of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site, and also the release of additional nitrogen and phosphorous, via waste water, which could affect the features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

## Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152>.

The conservation objective for Special Areas of Conservation is to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

### TEMPORARY, CONSTRUCTION PHASE EFFECTS

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

### PERMANENT, OPERATIONAL EFFECTS.

#### ***Recreational disturbance***

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

#### **New Forest SPA/Ramsar site/ New Forest SAC**

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

#### **Nightjar**

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were

found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

### **Woodlark**

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

### **Dartford warbler**

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

### **Visitor levels in 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 et al (2008), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away from the National Park boundary. 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).

The application site is located 4.8km from the nearest part of the New Forest SPA and Ramsar site and 2.7km from the National Park boundary in terms of linear distance and as such, residents of the proposed development would appear to fall into the category of local day visitors. However, the actual travel distance is considerably longer with the nearest road access point 11.6km away or by ferry it is a ten minute crossing, with a return fare of £7 or £10 with a bicycle, plus 4.6km along roads. Residents of the Lime Street development are therefore unlikely to make this trip on a daily basis.

### **Characteristics of visitors to the New Forest**

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.

- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families. (Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs.

### **Car parking and accessibility**

The development consists of a 268 bed hotel with a limited amount of on-site car parking spaces. With just 30 spaces and only very limited parking available locally, only a 11% of the rooms will benefit. Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. Assuming the hotel is operating at full capacity, the majority of visitors will not fit this profile.

### **Visiting the New Forest National Park using public transport**

Should visitors choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the hotel to the designated areas is not possible and visitors must first make their way to the train or bus stations in Southampton city centre. From here it is possible to use train and bus services to access the New Forest however, these services serve the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

**Table 1 Train services from Southampton Central to New Forest Locations**

<b>Destination</b>	<b>Service frequency (outside of peak hours)</b>	<b>Journey time</b>
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed hotel the process is complicated and likely to be costly for visitors without cars. It is therefore reasonable to conclude that the number of visits is likely to be low as visitors wishing to visit the New Forest are likely to choose accommodation that is more conveniently located.



## Mitigation

Although the likely frequency of recreational visits to the New Forest, arising from the proposed development, is low, there is still the risk of recreational impacts. Southampton City Council has therefore undertaken to use 5% of Community Infrastructure Levy (CIL) contributions

The majority of this money, 4%, will be used to upgrade footpaths and infrastructure in the City's greenways. The greenways are a series of wooded stream valleys within Southampton's urban area which provide opportunities for walks in a semi-natural environment. Two of the greenways, Shoreburs and Weston, plus Peartree Green Local Nature Reserve (LNR), fall within the 5km which equates to a 25minute cycle at a leisurely pace. Not only are these within easy cycling distance they can be accessed via quiet roads and National Cycle Route Number 2 directly from the development.

However, even with good quality walking routes available within Southampton, the New Forest's draw as a special destination is likely to attract visitors from the Lime Street development. It is therefore proposed that 1% of the CIL contribution will be used to fund the New Forest National Park Habitat Mitigation Scheme. This scheme involves the following elements:

- Access management within the designated sites.
- Alternative recreation sites and routes outside the designated sites.
- Education, awareness and promotion.
- Monitoring and research.

The development will generate a minimum CIL contribution of least £XXXXXX which will result in a contribution of £XXXX to pay for improvements within the two greenways and £XXXX for the New Forest National Park Habitat Mitigation Scheme.

### **Solent and Southampton Water SPA/Ramsar site**

In 2008 the Council adopted the Solent Disturbance Mitigation Project's mitigation scheme, in collaboration with other Councils within the Partnership for Urban South Hampshire, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

Assuming the hotel always contains a number of visitors there will be a net increase in population of the city is likely which could lead to significant impacts on the Solent and Southampton Water SPA. There is therefore the risk that the development, in-combination with residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. The likelihood of recreational impacts occurring is clearly linked to visitors' ability to access the coast. Results from the Solent Disturbance & Mitigation Project visitor survey, Fearnley, H., Clarke, R. T. & Liley, D. (2011), indicated that 52% of visitors arrived by car. Consequently, residents occupying rooms without car parking will have a low likelihood of visiting the coast.

The hotel is unlikely to be fully occupied all the time and, even when it is, only 30 rooms will benefit from parking spaces it is proposed to apply the one bedroom flat rate to those rooms that would

have access to a car parking space. Calculations of the SRMP contribution for the development are shown below.

Size of Unit	Scale of Mitigation per Unit	Number of units	Total
1 Bedroom	£356	30	£10,680
	<b>Total</b>		£10,680

It is considered that, subject to a level of mitigation, which has been calculated as a total of £10,680 being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

#### *Water quality*

In their letter date 9<sup>th</sup> January 2019, Natural England highlighted concerns regarding, “high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, waste water treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on Wastewater Treatment Works (WwTW) effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to waste water treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings are provided in Appendix 1.

The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development of 152.8kg/TN/yr. This is based on the additional population from the residential units using 110litres of waste water per person per day.

Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. **At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount of 152.8kg/TN/yr nitrogen is made and an appropriate mitigation option is identified before a further full or reserved matters application is approved.**

### Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

#### Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents in the new accommodation will have only limited access to cars making travel to the New Forest and many coastal locations difficult.
- The availability of a wide range of open spaces, including a number of semi-natural sites, within easy cycling reach of the development will reduce the need to travel to the New Forest.

The following mitigation measures have been proposed as part of the development:

- 4% of the CIL contribution, which will be a minimum of £XXXX will be ring fenced for footpath improvements in the Shoreburs and Weston Greenways and Peartree Green Local Nature Reserve;
- 1% of the CIL contribution, which will be a minimum of £XXXX, will be allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- **A contribution of £10,680 towards the Solent Recreation Mitigation Partnership;**

**It can therefore be concluded that, subject to the implementation of the identified mitigation measures, significant effects arising from recreational disturbance will not occur.**

#### References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum / Footprint Ecology.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology / Solent Forum.

Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park

## European Site Qualifying Features

### The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the Isoëto-Nanojuncetea (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- Molinia meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the Rhynchosporion (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (Quercion robori-petraeae or Ilici-Fagenion) (primary reason for selection)
- Asperulo-Fagetum beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

### The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

### New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.

- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

## **Solent and Dorset Coast Special Protection Area**

### **Qualifying Features**

- Sandwich tern (Breeding) *Sterna sandvicensis*;
- Common tern (Breeding) *Sterna hirundo*;
- Little tern (Breeding) *Sternula albifrons*;

### **Solent Maritime SAC**

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- Spartina swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

### **Solent and Southampton Water SPA**

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*

- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

### **Solent and Southampton Water Ramsar Site**

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

## Appendix 1 Nutrient Budget

### Assumptions upon which the calculation is based:

The calculations completed to assess the additional population due to the development have been included within the table below, with justification of values used provided as follows:

The number and type of units for the proposed development is 283 units. Of these approximately 165 units will comprise standard hotel rooms and 118 units will be apart-hotel rooms.

In order to calculate the additional population due to this development, an occupancy rate of 80%, where 2.0 persons per hotel room has been assumed.

This occupancy rate is based on the England Occupancy Survey (EOS), which measures the occupancy across the serviced accommodation sector, recorded an average occupancy rate of 78% in 2019 and 78% in 2018 in England (United Kingdom Occupancy Survey, Serviced Accommodation, Annual Report 2019). An occupancy rate of 80% for the development is felt to be appropriately precautionary.

Based on the information above, an overall population increase of 452.8 persons has been calculated for the development.

Whilst the development will include full-time staff, it is assumed that anyone working in the catchment also lives and uses facilities in the catchment, and therefore wastewater generated by that person has not been accounted for in this calculation in order to remove the potential for double counting of human wastewater arising from different planning uses, as recommended by the Natural England guidance.

### Tables – Stage 1

**Table 1.1 Calculation of Increased Population**

Step	Variable	Value	Calculation
	<b>Hotel Rooms</b>		
1.1	No. of Dwellings	283.0	
1.2	Occupancy Rate per Room (Persons)	2.0	
1.3	Occupancy Rate of Hotel (80%)	0.8	
1.4	Total Occupants (Persons)	<b>452.8</b>	<b>Step 1.1 x 1.2 x 1.3</b>
<b>1.5</b>	<b>Total Increased Population</b>	<b>452.8</b>	<b>Step 1.4</b>

*Table 1.2 Calculation of Total Nitrogen Load from the development*

Step	Variable	Value	Calculation
2.1	Total Increased Population	452.8	Step 1.5
2.2	Water Efficiency (litres/per person / per day)	110.0	
2.3	Total Wastewater Volume (l/day)	49,808.0	Step 2.1 x 2.2
2.4	Receiving WWTW Permit Limit (mg/l TN)	10.0	
2.5	90% Permit Concentration (mg/l TN)	9.0	Step 2.4 x 0.9
2.6	Deduct Acceptable TN loading (@2mg/l TN)	7.0	Step 2.5 – 2.0
2.7	TN Discharged after WWTW (mg/TN/day)	348,656.0	Step 2.3 x 2.6
2.8	Convert mg/TN to kg/TN per day (kg/TN/day)	0.349*	Step 2.7 / 1,000,000
2.9	Convert kg/TN per day to kg/TN per year (kg/TN/yr)	127.3	Step 2.7 x 365
<b>2.10</b>	<b>Wastewater Total Nitrogen Load (kg/TN/yr)</b>	<b>127.3</b>	<b>Step 2.9</b>



\*The value calculated in Step 2.7 is 0.348656, which has been used in the following calculations. The value 0.349 has been presented for simplicity.

## 2.0 Tables – Stage 4\*

Stages 2 and Stage 3 have been omitted from the calculations, as there is no change in land use from the current use to the proposed use.

Table 2.1 Nitrogen Budget

Step	Variable	Value	Calculation
3.1	Nitrogen Load from Wastewater (kg/N/yr)	127.3	Step 2.10
<b>3.2</b>	<b>Net Nitrogen Budget (kg/N/yr)</b>	<b>127.3</b>	<b>Step 3.1</b>
3.3	Calculate 20% Buffer (kg/N/yr)	25.5	Step 3.2 x 0.2
<b>3.4</b>	<b>Nitrogen Budget with 20% Buffer (kg/N/yr)</b>	<b>152.8</b>	<b>Step 3.2 + 3.3</b>

The quantity of nitrogen that requires mitigating is **152.8kg/N/yr**



**Planning and Rights of Way Panel 24<sup>th</sup> November 2020**  
**Planning Application Report of the Head of Planning & Economic Development.**

<b>Application address:</b> Costco, Regents Park Road, Southampton			
<b>Proposed development:</b> Implementation of planning permission 17/02525/FUL not in accordance with condition 8 (hours of use). Variation of condition 8 to allow for earlier opening hours for customers Monday-Saturday only (06:00) and to allow unrestricted deliveries every day between 07:00 - 21:00 – description amended following validation			
<b>Application number</b>	20/01160/FUL	<b>Application type</b>	Full
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	23.10.2020 (ETA)	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	Referred by Cllr S Galton - Petrol station hours should remain as approved in the interests of neighbouring residential amenities.	<b>Ward Councillors (at the time of Panel considerations)</b>	Cllr G Galton Cllr S Galton Cllr S Taggart

<b>Applicant:</b> Costco Wholesale Uk Ltd	<b>Agent:</b> RPS Planning & Development
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<b>Recommendation Summary</b>	Conditionally Approve
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The amended trading and servicing hours will not adversely harm the residential amenities of neighbouring occupiers and would not have an unacceptable impact on highway safety network capacity. Other material considerations 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 and SDP16 of the City of Southampton Local Plan Review (Amended 2015) and CS18 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Minutes relating to panel resolution for application ref 17/02525/FUL

## **Recommendation in Full**

Conditionally Approve

## **Background**

This application was deferred at the 3<sup>rd</sup> November Planning Panel to enable further discussion with the applicant around the technical information that supported the application.

This application relates to the hours of use for the existing Petrol filling station at Costco, Regents Park Road. The application for the Petrol Filling Station (ref 17/02525/FUL) was considered by the Planning and Rights of Way Panel on 31st July 2018 and Panel resolved to grant planning permission, but varied the hours of operation recommended by officers with the opening time reduced from 7am to 9am in the interests of the residential amenities of nearby residents.

The current authorised hours of use as restricted under condition 08 of planning permission ref 17/02525/FUL are as follows:

### *08. Hours of Use (Performance)*

*The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:*

*Monday to Friday - 09:00 to 21:30*

*Saturday - 09:00 to 20:00*

*Sunday and recognised public holidays - 09:00 to 18:00*

*No deliveries shall take place during the following peak times on the highway network:*

*Monday - Friday 0800hrs to 0900hrs and 1600hrs to 1700hrs*

*Saturday 1330hrs to 1430hrs*

*Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.*

## **1 The site and its context**

1.1 The Petrol Filling Station (PFS) is located in the southern part of the Costco car parking area and comprises 9 self service pumps available to Costco members only, with members swiping their Costco membership and debit/credit payment cards at the pump. There is no kiosk / shop or ATM machine service at this petrol filling station. A 1.8m height acoustic screen has been installed along the southern edge of the Petrol Filling Station and was a requirement of the planning approval.

1.2 The Costco warehouse has the following authorised hours of use:

Monday to Friday 10.00am - 8.30pm (10.00am - midday trade customers only)

Saturday 09.00am - 6.30pm

Sunday 11.00am - 5.00pm

Public holidays 10.00am – 6.00pm

The normal servicing hours for deliveries are restricted to 07.00am - 9.00pm, however the servicing hours have been temporarily relaxed as part of the Covid-19 response with planning restrictions lifted on deliveries to retailers and distribution centres in a written ministerial statement on 17 March 2020.

1.3

Site access is taken from Regents Park Road. The Costco Warehouse building is located to the east and retained BAT office and research & development buildings are located to the north. The surrounding area comprises a mix of commercial and residential uses. Adjacent to the southern boundary is the Military, Territorial Army base and the Solent Business Centre. Two-storey dwelling houses frame the western boundary and part of the southern boundary. The eastern boundary abuts Waterhouse Lane with dwelling houses located on the adjacent side of the road. There are group and individual tree preservation orders located at the site entrance, along the southern boundary and also within the north-eastern corner of the site.

**2 Proposal**

2.1 Variation of condition 8 is sought to allow for earlier opening time for customers of 6am Monday to Saturday (with Sundays and Public Holidays remaining as existing at 9am), extended opening on Saturday evenings (from 8pm to 9:30pm) and to also allow unrestricted deliveries every day between 7am to 9pm. The submission has confirmed that the Petrol Filling Station is serviced by a maximum of 1 tanker delivery per day.

2.2 The submission indicates that the opening hours proposed are consistent with the operation of other Costco petrol filling stations. The applicants have indicated that examples of other similar Costco stores with comparable separation distances from residential properties include:

- Costkea Way, Edinburgh, EH20 9BY (Midlothian Council - 16/00627/DPP)
- Torrington Avenue, Coventry, CV4 9AQ (Coventry City Council - FUL/2019/1771)

2.3 Summary – Condition 8

	<b>Approved</b>	<b>Proposed hours as submitted</b>	<b>Proposed hours as amended by officers and agreed by applicants</b>
Opening Hours	Mon to Fri – 9am to 9:30pm Sat – 9am to 8pm  Sun – 9am to 6pm Public Hols – 9am-6pm	Mon to Sat – 6am-9:30pm  Sun – 7am-6pm* Public Hols – 6am-6pm*	Mon to Sat – 6am-9:30pm  Sun – 9am to 6pm Public Hols – 9am-6pm
Servicing	Mon to Sun – 7am-9pm  Excludes: Mon to Fri - 8am-9am & 4pm-5pm Sat – 1:30pm-2:30pm	Mon to Sun – 7am-9pm  No Exclusions	Mon to Sun – 7am-9pm  No Exclusions

\*The initial Sunday & Public Holidays request was not supported by officers and the applicants have agreed to keep those hours as approved.

**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 Saved policy SDP16 of the Local Plan Review indicates that proposals for noise-generating development will not be permitted if it would cause an unacceptable level of noise impact. This application is supported by a noise impact report which seeks to demonstrate that the earlier opening times and deliveries between 07:00-21:00 will not lead to adverse noise disturbance to nearby residents having regard to existing background noise levels and the acoustic screen which has been installed. Paragraph 109 of the National Planning Policy Framework (NPPF) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### **4. Relevant Planning History**

- 4.1 On 31.01.2019 planning permission was granted for the Petrol Filling Station at Costco (LPA Ref 17/02525/FUL).
- 4.2 On 21.09.2011 planning permission was granted for redevelopment of the site to provide a warehouse club (13,006 square metres gross external floorspace) including tyre installation, sales and associated facilities with vehicular access from Regents Park Road (LPA Ref 10/01449/FUL).

The reason for granting planning permission was as follows:

*“The site is safeguarded for light industry and research and development uses under Saved Policy RE19 (i) of the Local Plan Review. Whilst a warehouse club does not strictly accord with the site specific designation, it is unlikely the site will come forward for single occupancy industrial use on the same scale as BAT, and leading Retail Estate Advisors ‘Vail Williams’ have indicated that demand from smaller industrial units on this back land site would be limited. Overall the principal scheme is acceptable, particularly as it will regenerate the site and will bring it back into employment use, whilst ensuring that existing residential amenities are protected. The Local Planning Authority is satisfied that the proposal will not undermine the vitality and viability of existing retail centres within the City. Furthermore the travel demands of the development can be met without compromising the city transport network, subject to the securing of site specific highway improvements through the S106 legal agreement. Other material considerations do not have sufficient weight to justify a refusal of the application.”*

#### **5 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (posted 11.09.2020). At the time of writing the report **5 representations** have been received from surrounding residents (4 against and 1 in support) and, in addition, there’s a Panel referral request from Ward Cllr S Galton. No further consultation has been undertaken following the reduced hours now proposed.

The following is a summary of the points raised:

## 5.2 Against

### **Increased noise**

*Officer Response - No objection has been raised by the Council's Environmental Health Team. The application is supported by a specialist consultant noise report (updated 6 November 2020) which demonstrates that earlier opening hours of 6am (Mon-Sat) and 1 tanker delivery per day between 7am-9pm will not have an adverse noise and accords with recognised WHO and British standards in terms of acceptable day time and night time noise tolerances. It is considered reasonable to maintain the existing opening time of 9am on Sundays and Bank Holiday given there is existing lower background noise levels from road traffic prior to 9am on these days and so officers are recommending a slight change, with the agreement of the applicant, to the requested hours as originally submitted.*

## 5.3 **Traffic and pollution at the extended times of day**

*Officer Response - The following table extrapolated from the submitted noise report sets out the anticipated worst-case scenario in terms of vehicle numbers of the forecourt per hour. You will see that a low number of vehicles are anticipated during the hours of 6am and 7am and remain relatively low at 8am. As such the proposed earlier hours of use are not considered to have an adversely harmful traffic and pollution impact.*

Hour Commencing	06:00	7:00	08:00	09:00
Friday	25	36	40	67
Saturday	1	23	43	74

Table 1

## 5.5 **Longer delivery times will mean more HGV's negotiating residential streets during early morning and late evening/ nights causing noise.**

*Officer Response - The PFS is served by 1 tanker delivery per day and this limited number of deliveries during the proposed servicing hours of 7am-9pm will not lead to adversely harmful noise nuisance nor would it harm capacity on the highway network.*

### In Favour

As a local resident who regularly uses Costco I cannot see any impact on traffic to open for fuel only at 06.00 and it would be a great asset to have access earlier than 09.00.

### **Consultation Responses**

## 5.6 **SCC Highways – No objection**

The proposed forecast levels which is less than 1 vehicle per minute on average will not have an adverse impact on safety or capacity on the network. In addition, the fact that the use of the petrol station is for members only and it is not directly accessed off Regents Park Road does make this site slightly less attractive for any trips relating to commuters (i.e. trips associated with network peak hours).

The weekend levels are further reduced and is outside the standard network peaks.

## 5.7 **Environmental Health – No objection**

**Cllr S Galton – Objection**

- 5.8 the petrol station opening hours should remain as they currently are. The planning panel recently considered the original application, and nothing has changed in terms of protecting residential amenity.

There is great logic to deliveries being outside of peak hours; especially as the Council's plans for Millbrook Road bus lanes - if enacted - will lead to increased journey time on Millbrook Road and increased delay/congestion in Regents Park Road.

**6. Planning Consideration Key Issues**

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

- Noise impact on the amenities of nearby residents; and
- Transport impacts.

- 6.2 The proposed increased operating hours is policy compliant from an economic development perspective, however the earlier opening times for needs to be carefully considered in relation to noise impact to neighbours and impact on congestion on the highway network.

- 6.3 The original planning application for the PFS (ref 17/02525/FUL) was submitted on the basis of a 6am opening time and was supported by technical evidence to demonstrate no adverse highways, odour, air quality impact and lighting impacts. The original application was also supported by a noise assessment by Sharps Redmore Dated 17th April 2018 which indicated no adverse noise effect on nearby residents based on opening time of 6am and the Council's Environmental Health Team had no objection to these hours based on the evidence submitted. However officers took a precautionous approach based on the lower background noise levels from road traffic during the early morning and potential for noise events associated with the PFS (customer fuelling and tanker delivery activity ranging from 64-78db) and took the view that a later opening of time of 7am would reduce the risk of adverse disturbance to neighbours. The officer recommendation of a 7am start time was further varied by the Planning and Rights of Way Panel to 9am in the interests of the residential amenities of neighbouring occupiers. A copy of the minutes from the Planning and Rights of Way Panel meeting on 31.7.2018 are attached as **Appendix 2**.

- 6.4 This current application seeks to vary the consented opening time of 9am (as restricted under condition) and seeks an earlier 6am opening time Monday to Saturday as originally proposed. The applicants have now agreed to maintain Sundays and public holidays to 9am. Based on the evidence within the submitted noise assessment by Sharps Redmore Dated 6<sup>th</sup> November 2020 there would be no adverse noise impact on neighbouring residents, based on recognised noise standards as set out by British Standard (BS) 8233:2014 and World Health Organisation (WHO) "Guidelines for Community Noise". The extended hours of trading for Saturday evenings (from 8pm to 9:30pm) reflects the trading hours for Monday to Friday and are acceptable.

- 6.5 The noise evidence indicates that bedrooms within the nearest residential properties would not be subject to noise levels that would disrupt sleep during the early morning (6am-7am) on weekdays and Saturday having regard to existing background noise

levels from road traffic during these times, separation distance of houses from the access road and petrol filling station and also noise barriers such as boundary treatments, building facades (allowances made for open bedroom windows) and the existing acoustic fence on the southern side of the PFS. Please note the PFS is located circa 50m from the nearest house and the access road is circa 20m from the rear elevation of properties within Langley Road.

- 6.6 However the submitted noise report is not supported by evidence relating to existing background noise levels on a Sunday and it is therefore considered reasonable to maintain the existing opening time of 9am on Sundays and Public holiday, given the level of background noise from road traffic is likely to be quieter at these times and because the submission has not demonstrated that the 35db LAeqT indoor noise limit to neighbouring properties would not be breached from noise associated with the PFS before 9am on a Sunday and Public Holidays. The applicants are agreeable to maintaining Sundays and public holidays as approved (9am) with no change now proposed.
- 6.7 Condition 08 of planning permission ref 17/02525/FUL also includes an existing restriction to prevent servicing of the PFS at peak times on the highway network with no deliveries between Monday - Friday 08:00am to 0900am and 4.00pm to 5.00pm Saturday 1.30pm-2.30pm. The level of servicing for this self-service PFS (with no kiosk/shop) is limited to one tanker delivery per day and It is considered that one tanker delivery per day delivery anytime between 7am-9pm will not have a demonstrably harmful impact on highway safety or capacity on the highway network and access from Regents Park Road. The proposed delivery hours will also align with the authorised servicing hours for the Costco warehouse which are not restricted during peak times on the network.

## **7 Summary**

- 7.1 The application, as now proposed to be amended for Sundays and Public Holidays, is acceptable taking into account the policies and proposals of the Development Plan as set out below. The amended trading and servicing hours will not adversely harm the residential amenities of neighbouring occupiers and would not have an unacceptable impact on highway safety network capacity. Other material considerations are not judged to have sufficient weight to justify a refusal of the application.

## **8 Conclusion**

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative, despite the local objections and as such the scheme is recommended for conditional approval.
- 8.2 The applicants proposed varied hours opening hours Mon-Sat and servicing hours are supported as part of this recommendation.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

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

**AG for 24/11/2020 PROW Panel**

**PLANNING CONDITIONS – reinstate those previously applied with the following change:**

**08. Hours of Use (Performance)**

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - 06:00 to 21:30

Saturday - 06:00 to 21:30

Sunday and recognised public holidays - 09:00 to 18:00

Deliveries shall only take place between the hours of 07:00 to 21:00 and shall be limited to a maximum of 1 tanker delivery per day.

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.



**20/01160/FUL**  
**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS18	Transport: Reduce-Manage-Invest
CS20	Tackling and Adapting to Climate Change

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

SDP1	Quality of Development
SDP16	Noise

Other Relevant Guidance

The National Planning Policy Framework (2019)

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## **PLANNING APPLICATION - 17/02525/FUL - COSTCO, REGENTS PARK ROAD**

Meeting of Planning and Rights of Way Panel, Tuesday, 31st July, 2018  
6.00 pm (Item 17.)

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

### **Minutes:**

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

Erection of petrol filling station, reconfiguration of car parking, landscaping and associated works (additional landscaping, lighting, air quality, odour, noise and transport information received).

Greg Barfoot, Martin Clayton (local residents, objecting), Neil Daniels (Applicant), Ian Dix (Agent), Councillor Furnell (ward councillor, objecting) and Councillor Fitzhenry (on behalf of Councillor Galton, Ward Councillor, objecting) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy. The Council's Tree officer was satisfied with the tree protection measures and tree species as shown on landscape drawing no. 1001 Rev E.

The presenting officer reported that two additional conditions would be required to be added to the application in relation to: the acoustic fence and signage as set out below.

The Panel proposed amendments to Condition 4 as set out below.

A further motion was proposed by Councillor Savage and seconded by Councillor Mitchell that the opening hour of the petrol station be amended to 9.00 am.

RECORDED VOTE to amend the opening hour of the petrol station

FOR: Councillors Savage, Mitchell and Murphy

AGAINST: Councillor Coombs

ABSTAINED: Councillors Wilkinson, Claisse and L Harris

The motion was therefore carried.

The Panel then considered the recommendation to grant conditional planning permission.

RECORDED VOTE to grant planning permission

FOR: Councillors Murphy, Mitchell, Coombs and L Harris

AGAINST: Claisse, Savage and Wilkinson

**RESOLVED** that conditional planning permission be approved subject to the conditions within the report and the amended conditions set out below.

Additional Conditions

APPROVAL CONDITION – Acoustic Fence

Details of the design and external appearance of the acoustic screen as shown on drawing no. (PA) 04 Rev B shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development. The acoustic screen shall be installed prior to commencement of use of the petrol filling station and retained as agreed.

Reason: In the interests of good design and to prevent adverse noise impact.

APPROVAL CONDITION – Signage

No Totem or other signage shall be installed on the Regents Park frontage advertising the Petrol Filling Station hereby approved.

Reason: To ensure that any increased new and pass-by trips generated by frontage signage are considered through a formal planning application in order to prevent severe congestion and obstruction to flow of traffic on Regents Park Road.

Amended conditions

Condition 04 (landscaping):

The development shall be carried out in accordance with landscape drawing no. **1001 Rev E** by Andrew Davis.

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.

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.

Condition 08 (hours of use) amended as follows:

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - **09:00** to 21:30

Saturday - **09:00** to 20:00

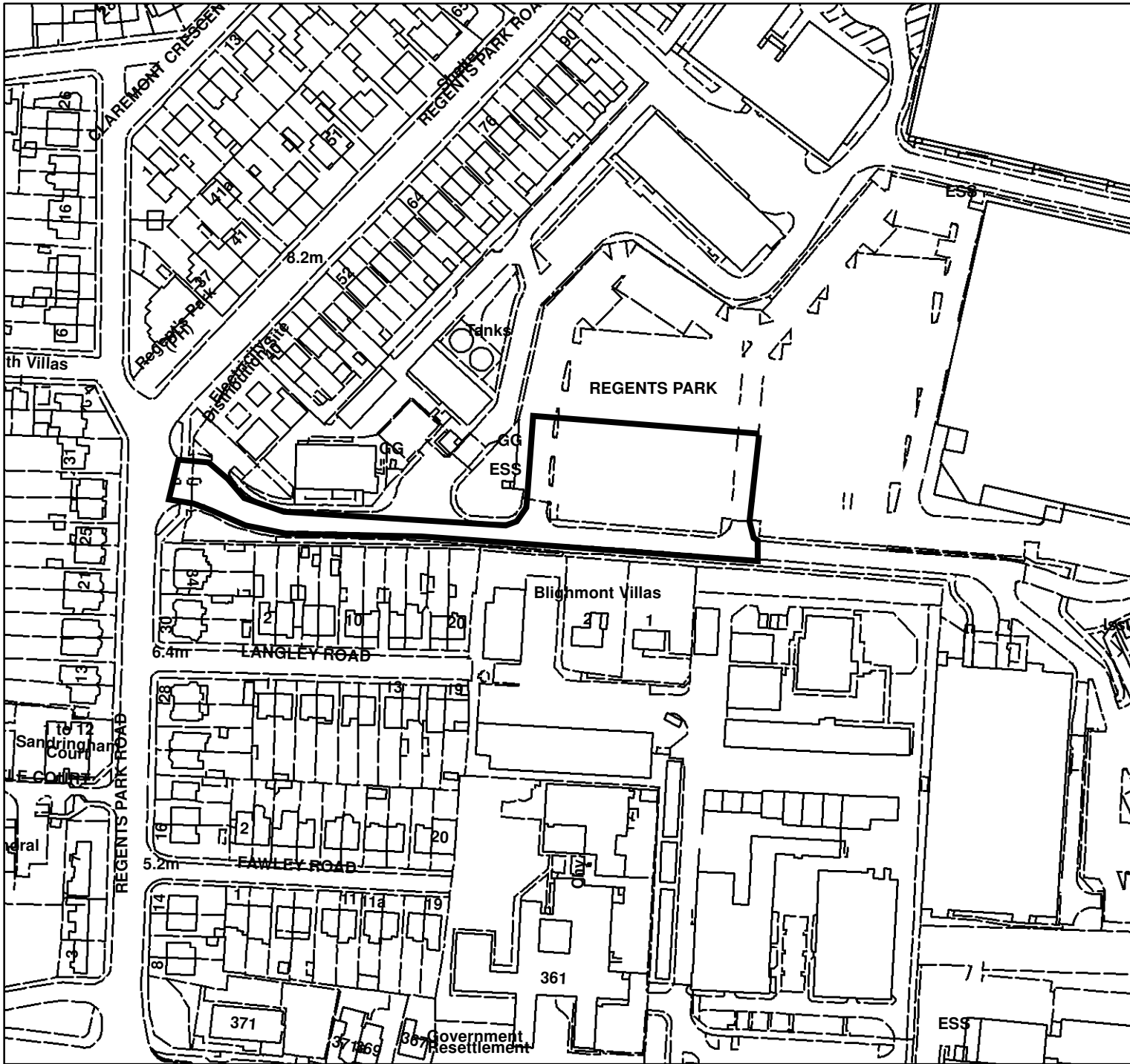
Sunday and recognised public holidays - **09:00** to 18:00

No deliveries shall take place during the following peak times on the highway network:

Monday - Friday 0800hrs to 0900hrs and 1600hrs to 1700hrs

Saturday 1330hrs to 1430hrs

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.



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**Planning and Rights of Way Panel 24<sup>th</sup> November 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Shirley Junior School Bellemoor Road			
<b>Proposed development:</b> Erection of play equipment in school playing ground and Installation of 3.7m High Wire Mesh Fence.			
<b>Application number:</b>	20/00862/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Killian Whyte	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	11.11.2020	<b>Ward:</b>	Shirley
<b>Reason for Panel Referral:</b>	Referral from Neighbours	<b>Ward Councillors:</b>	Cllr Coombes Cllr Kaur Cllr Chaloner
<b>Referred to Panel by:</b>	5 or More required Objections	<b>Reason:</b>	Overlooking Noise Disturbance
<b>Applicant:</b> Stefan Bleeck		<b>Agent:</b> N/A	

<b>Recommendation Summary</b>	Conditionally approve
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<b>Community Infrastructure Levy Liable</b>	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 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). Policy – CS13 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, SDP21 and SDP23 of the City of Southampton Local Plan Review (Amended 2015). Policies – BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

<b>Appendix attached</b>		
1	Development plan policies	

## Recommendation in Full

### Conditionally approve

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

1.1 The application site comprises of Shirley Junior School which is located on the corner of Bellemoor Road and Wilton Road amongst two storey semi-detached and detached residential properties and three storey apartments.

1.2 The application proposals would be located within the western part of the school playing ground. The western boundary is shared with the rear boundary of properties located within Morland Road, which are two storey terraced dwellings. The existing boundary comprises of a brick wall and the Morland Road properties are on lower ground to the school playground.

#### 2. Proposal

2.1 The proposal is for the installation of various pieces of school play equipment. These comprise of:

- Overhead ladder – approximately 2.0m high
- Scramble net - approximately 2.21m high
- Pull up bars - approximately 1.8 high
- Climbing net

The closest apparatus to the western boundary would be the overhead ladder and this would be positioned approximately 2.5m from the wall.

2.2 Following concerns from neighbouring properties (detailed in section 5 below), the applicant has amended the plans to create a 3.7m high boundary treatment comprising of the existing wall (1.7m high) and an additional 2.0m of wire mesh fencing incorporating artificial ivy planting to help mitigate the impact to the neighbouring properties.

#### 3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). Also of relevance to this application are policies within the Bassett Neighbourhood Development Plan (adopted 2016). The most relevant policies are set out at **Appendix 1**.

3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context), SDP9

(Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.

- 3.3 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. Furthermore paragraphs 91 and 92 discuss the afforded benefits of recreational and sporting facilities in helping achieve a healthier place. 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 As this is a large site, there is a lot of planning history associated with this site. The most relevant planning history for this site is under planning application 880946/WH which is for the Erection of a 3.05m high and a 3.66m high chain link fence to the front and side boundary of school play area which was approved in July 1988. This is relevant as it covers the west facing area where the proposed equipment would be installed.

#### **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 **6 representations**.

The following is a summary of the points raised:

- 5.1.1 *'The proposed climbing frame/hanging bars/monkey bars and cargo net is 2.21m (7.25 ft). The wall separating the school from our gardens is only approx. 1.82m (6 ft). Therefore, the apparatus being so high and so close to our rear gardens will allow the children to look over into our properties'*.

**Response:** Overlooking impacts and loss of privacy to neighbouring properties is considered below

- 5.1.2 *'The suggested location is far too close / near to our gardens (which are very small and short) and will affect our privacy, create even more noise and restrict our own and our pets privacy relaxation, reflection and any social activities we care to participate in in our gardens and properties, even more than the ever growing school building projects do already'*.

**Response:** Noise impacts and loss of privacy are discussed in the Planning Considerations below.

- 5.1.3 *'There are concerns over the height of equipment as 2 parts will be a lot higher than our garden wall (2.0m) as a estimate without going into the playground. This in turn will causes issues such as a lack of both Privacy and respect to neighbours'.*

**Response:** Loss of privacy are discussed in the Planning Considerations below.

- 5.1.4 *'Whilst I agree that the wire fencing needs to be replaced to stop balls and stuff being thrown over, however the plastic screening will stop my light and it's horrible and thrashy looking'.*

**Response:** Visual impacts of the proposed fence will be discussed below.

- 5.1.5 *'The equipment is higher than our garden wall which is not suitable'.*

**Response:** Visual impacts and loss of amenity are discussed below

- 5.1.6 *'The height of the equipment means the children can over look my tenants garden which gives her and her family no private space. Some months ago the wire fence was removed and not replaced, replacing the fence will not solve the issue of the playground equipment but will save the children climbing over and school play equipment ending up in the garden'.*

**Response:** Concerns regarding children looking over into neighbouring gardens have sought to be mitigated through the provision of addition fencing. Impacts in terms of loss of light and outlook for neighbouring properties will be considered below.

### **Consultation Responses**

- 5.2 **Sport England:** *'Thank you for consulting Sport England on the above application.*

*The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.*

*If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.*

*If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy*

*that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>*

*In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.*

5.3 **Environmental Health:** *'I can confirm that I have now looked at the attached pdf and revised plans.*

*The proposal will be of little benefit in terms of acoustical screening and as such we are maintaining our objection to this planning application.*

*My recommendation is that the applicant looks at other location sites within the school grounds to minimise noise disturbance to neighbours'.*

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in determining this planning application are:  
i) How the proposal will affect neighbouring residents and;  
ii) How the proposal will affect the character and appearance of the area.  
iii) Other Considerations

6.2 i) How the proposal will affect neighbouring residents

6.2.1 The proposed play equipment would be located towards the western boundary of the site, which borders the rear gardens of No.s 1-5 Morland road. The existing boundary comprises of a brick wall measuring approximately 1.7m high. The rear gardens of 1-5 Morland Road are located on lower ground than the playground. The proposed site plan shows that an overhead ladder would be positioned closest to the boundary approximately 2.5m away. The height of the top of the ladder would be 2.0m. Although located slightly further away from the boundary, the 'scramble net' would have a height of 2.21m.

6.2.2 Six objections have been raised from or on behalf of the residents at Morland Road to the development. For the initial proposals (which excluded the increase to the boundary treatment), concern was raised that children could directly overlook the rear gardens of these neighbouring properties when at the top of the play equipment. Concerns were also raised that

children had previously climbed on top of the wall and the shed in the school which has resulted in some noise and disturbance to residents.

- 6.2.3 To respond to these concerns regarding overlooking and loss of privacy, the applicant (the school) has amended the proposals to now include an additional 2.0m of mesh fencing that would sit on top of the existing brick wall. It is understood from the applicant and aerial images (photographs have been sought but are not available) that this treatment of the brick wall and mesh fencing at a height of 3.7m would reflect the boundary treatment approved and installed under application 880946/WH, which stood in situ until February/March this year when it came down in a storm. In addition to re-erecting that previous boundary treatment, the applicant has sought to address the neighbours concerns that the new play equipment could result in increased overlooking through the additional mesh fencing. The proposals have therefore been amended to include an 'artificial ivy' screen within the mesh fencing, which would block views in and out of the playground. It is considered that this amended proposal satisfactorily addresses neighbours concerns that the installation of the play equipment results in overlooking and loss of privacy to the neighbouring properties at Morland Road.
- 6.2.4 However, concerns have also been raised in respond to these amended proposals that the erection of a 3.7m high boundary treatment results in loss of light to the neighbouring gardens, and that the use of artificial ivy would result in a visual eyesore and loss of outlook. Whilst it is acknowledged that the presence of a 3.7m high boundary may result in some loss of light to these gardens, the fact that the boundary is located to east means that any reduction in light would be experienced during the morning period and would not significantly impede sunlight for the whole day. On this basis it is considered that these properties will continue to receive an adequate level of sunlight at key peak times during the day and in the evening as well as sufficient levels during the summertime.
- 6.2.5 There is clearly a balance to be achieved between preventing overlooking and loss of privacy versus the loss of light and outlook to neighbouring gardens. Given the overlooking concerns from neighbouring properties it is considered that a higher boundary treatment is necessary in this instance, especially as there was previously a boundary treatment at 3.7m in height on this same boundary. In order a protect residents from overlooking and loss of privacy it is considered that the artificial ivy proposal is a suitable solution to prevent direct views from the apparatus and vice versa (which would also protect the children from privacy). In addition the use of artificial ivy achieves a softer visual barrier than a more solid form of boundary treatment and represents a suitable compromise and solution in this instance. The benefits of this boundary treatment solution in terms of mitigating loss of privacy and overlooking is considered to outweigh the concerns regarding the loss of outlook and light, especially given that the loss of light would be limited to the morning period and therefore would not be considered as significant or warrant a refusal of planning permission.

6.3 ii) How the proposal will affect the character and appearance of the area

6.3.1 In terms of amenity, the proposed play equipment would not be visible to public views as it is set back from the main Bellemoor Road by approx. 40 m. Glimpses of the boundary treatment within the site maybe visible however it is not considered that it would significantly detract from the visual amenity of the street scene or character of the surrounding locality. The applicant has provided details of the artificial ivy and of the play equipment and a condition will be imposed to ensure the development is carried out in accordance with these details. In addition the proposals would not be out of character within the school and its context.

6.4 Other Considerations

6.4.1 Neighbouring properties have raised the point that there is existing play equipment on the grassed area within the school and why cannot the new apparatus be located within the same location. Notwithstanding that each application should be considered on its own merits, the existing play equipment is understood to be in a poor condition and can only be used during dry periods. The location of the equipment within a corner of the playground is not unreasonable, nor uncommon for a school and its activities. This location would allow for all year round use and its not considered to be excessively high or visually intrusive within its setting.

6.4.2 Paragraphs 91 and 92 of the NPPF states that planning decisions should be made that take into account supporting healthy lifestyles, especially where this would address identified local health and well-being needs such as the provision of safe and accessible infrastructure and sports facilities as well as improving the health and wellbeing of the community. It is considered that the proposed equipment meets this criteria as it is providing an extra exercise facility in this open yard space as well as a recreational facility during break times.

7. Summary

7.1 In summary, there is no objection to the provision of additional school play equipment within the confines of the school. The equipment necessitates the provision of additional boundary screening to prevent overlooking and loss of privacy to neighbouring properties and to safeguard the children of the school. Whilst concerns relating to loss of light to the neighbouring gardens are acknowledged, it is considered that the benefits of this boundary treatment in mitigating overlooking and loss of privacy outweigh those other amenity concerns. On this basis it is considered that the proposals would comply with the relevant Development Plan policies.

## **8 Conclusion**

- 8.1 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)

### **KW for 11/11/2020 PROW Panel**

#### **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 as proposed (Performance Condition)

The materials and finishes to be used for the equipment and fence hereby permitted shall be as specified and detailed in the application form and on the approved plans, unless otherwise agreed by the Local Planning Authority.

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.



<b>DECISION-MAKER:</b>	<b>PLANNING AND RIGHTS OF WAY PANEL</b>		
<b>SUBJECT:</b>	<b>QUARTERLY DEVELOPMENT MANAGEMENT FIGURES</b>		
<b>DATE OF DECISION:</b>	<b>24 NOVEMBER 2020</b>		
<b>REPORT OF:</b>	<b>SERVICE MANAGER - DEVELOPMENT</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>Service Lead</b>	<b>Name:</b>	<b>Paul Barton</b>	<b>Tel:</b> 023 8083 2044
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<b>STATEMENT OF CONFIDENTIALITY</b>	
None	
<b>BRIEF SUMMARY</b>	
The Council's Overview and Scrutiny Committee requested that key planning metrics are provided to the Planning Panel on a regular basis. The following information is therefore provided to the Panel in response to this request. The report covers the last quarter.	
<b>RECOMMENDATIONS:</b>	
	(i) That the Panel considers and notes the Development Management key metrics as set out in the paper and provides feedback (if necessary).
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	To ensure that the Panel has a greater understanding of the performance of Development Management. The nationally set target for performance is as follows: <ul style="list-style-type: none"> <li>• 60% of Majors determined within 13/16 weeks</li> <li>• 70% of Non-Majors determined within 8 weeks</li> </ul>
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	None.
<b>DETAIL (Including consultation carried out)</b>	
3.	The following table sets out the performance against the key planning metrics.

<b>MINORS AND OTHERS</b>	<b>Jul-20</b>	<b>Aug-20</b>	<b>Sep-20</b>	<b>QTR 2</b>
Total Minors/Others Decisions	66	5253	88	207
<b>TOTAL RESULT</b>	<b>92.42%</b>	<b>92.45%</b>	<b>96.59%</b>	<b>94.20%</b>
Out of time	5	4	3	12
<b>MAJORS</b>				
Total Majors Decisions	4	1	1	6
<b>TOTAL RESULT</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Out of time	0	0	0	0

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
4.	None.
<b><u>Property/Other</u></b>	
5.	None.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
6.	Not applicable.
<b><u>Other Legal Implications:</u></b>	
7.	Not applicable.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
8.	Not applicable.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
9.	Not applicable.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>All</b>
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	None
<b>Documents In Members' Rooms</b>	
1.	None.
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Data Protection Impact Assessment</b>	

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>		<b>No</b>
<b>Other Background Documents</b> <b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
<b>1.</b>	<b>None</b>	

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