

# Planning and Rights of Way Panel

Thursday, 21st May, 2020  
at 6.00 pm

**PLEASE NOTE** 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

This meeting is open to the public

## Members

Members of Panel will be appointed on Wednesday 20<sup>th</sup> May 2020 at the Council's AGM

## Contacts

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## **PUBLIC INFORMATION**

### **ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL**

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

### **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	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.

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

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

<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 ELECTION OF CHAIR AND VICE-CHAIR**

To elect the Chair and Vice Chair for the Municipal Year 2020/ 2021.

### **3 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.

### **4 STATEMENT FROM THE CHAIR**

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 5 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 10<sup>th</sup> March 2020 and to deal with any matters arising.

### **6 PLANNING APPLICATION - 20/00128/FUL - 52 PEARTREE AVENUE**

(Pages 9 - 30)

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 - 20/00044/FUL - 291 SHIRLEY ROAD**

(Pages 31 - 48)

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.

Wednesday, 13 May 2020

Service Director – Legal and Business Operations

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## INDEX OF PLANNING APPLICATIONS FOR DECISION

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	AC/RS	DEL	5	20/00128/FUL 52 Peartree Avenue
7	MT/RS	DEL	5	20/00044/FUL 291 Shirley 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:

AC – Anna Coombes

MT – Mark Taylor

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)

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 10 MARCH 2020

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

62. **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 Prior to replace them for the purposes of this meeting.

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

**RESOLVED:** that the minutes for the Panel meeting on 11 February 2020 be approved and signed as a correct record.

64. **PLANNING APPLICATION - 144 BUTTS 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.

Proposed change of use from retail (Class A1) to hot food takeaway (Class A5) with installation of rear extraction flue

Jill Wilcox, Pete Gosden (local residents/ objecting) and Richard Goodall (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition would be required should the recommendation be approved that would restrict parking on the forecourt.

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

A further motion to refuse planning permission, for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor G Galton.

**RECORDED VOTE:** to refuse planning permission

**FOR:** Councillors L Harris, G Galton, Savage and Windle

**AGAINST:** Councillors Coombs, Mitchell and Prior

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

**Reasons for Refusal**

1. Reason for Refusal - Loss of amenities

Having regard to the predominantly residential location of the site, which is not within an identified Local or District Centre where the Council would normally encourage food and drink uses to be located, the provision of an additional hot

food takeaway use (Use Class A5) would exacerbate the existing impacts in the immediate surroundings and materially harm the amenities of the neighbouring and nearby residential occupiers. In particular, the noise and disturbance arising from the intensity and nature of the comings and goings associated with the proposed uses would result in a level of activity which would be discordant within a residential area. Furthermore, the additional evening and late night activity resulting from multiple takeaway uses would result in disturbance in late evening when residents would expect to enjoy the peace and quiet of their homes in the evenings. As such, the proposal would be contrary to saved policy SDP1(i), SDP16 and REI7 of the Local Plan Review (amended March 2015).

2. Reason for Refusal - Highway and Parking

The proposed development, by reason of the level and nature of traffic movements to and from the site, would have a detrimental impact on the safety of other highway users, having regard to the existing congestion and vehicle movements resulting from vehicle parking and on-street parking restrictions. Furthermore, the application proposes significantly less parking than permitted by the Council's adopted Car Parking Standards Supplementary Planning Document and it has not been adequately demonstrated that the parking demands generated by the development could be accommodated by the application site without further exacerbating existing parking issues in the surrounding area. As such, the proposal would adversely affect the safety and convenience

65. **PLANNING APPLICATION - 19/01973/FUL - REDBRIDGE BUSINESS PARK**

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

Change of use of units 7, 8, 9 and 10 from B8 (Storage and Distribution) to mixed B8 / B1(c) to allow storage, washing and valeting of vehicles (amended description).

Eugene McManus (local residents' association objecting), Gary Bradford (agent) and Councillor Whitbread (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the applicant had presented officers both a business statement and a revised location plan, identifying 25 locations in which vehicles could be kept within the site.

The presenting officer explained that a parking survey had also been presented but, noted that there had been insufficient time for analysis of this survey. However, it was noted that parking was an issue in the area. It was noted that the recommendation would be amended and that conditions 5 and 6 would also be amended.

The Panel were informed that the delegation was still required to enable the Councils flood team time to analyse the flood measures. Following representation from local residents the presenting officer added an additional refuse and recycling condition. Changes to the recommendation and conditions are set out below.

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

**RESOLVED** that the Panel:

- (i) Delegated authority to the Head of Planning and Economic Development to grant planning permission: subject to the planning conditions recommended at the end of the report; any amended or additional conditions set out below; and the submission of a: Flood Risk Assessment which demonstrates that the development is safe without increasing risk elsewhere.
- (ii) Delegated authority to the Head of Planning and Economic Development to refuse planning permission in the event that the Flood Risk Assessment recommendations are not acceptable on flood risk grounds and lack of information.
- (iii) The Head of Planning and Economic Development be delegated powers to add, vary and/or delete planning conditions as necessary.

#### Amended Conditions

5. On site vehicular parking (25 vehicles) [Performance Condition]  
In accordance with the approved plans the business operation on site (Pit Stop Service) to which this application relates shall at no time accommodate more than 25 customer vehicles as shown on plan ref: 300.14 Rev B  
REASON: To avoid congestion of the adjoining highway which might otherwise occur because of overspill parking caused by the business operation.
6. On site vehicular parking (location) [Performance Condition]  
Vehicles associated with the use hereby approved, including those belonging to staff and those awaiting collection and/or servicing, shall only park within the red line as shown on plan ref: 300.14 Rev B. Throughout the occupation the development hereby approved the parking areas defined by the approved plans shall not be used for any other purpose.  
REASON: In the interests of neighbouring residential amenity and to avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed.

#### Additional Condition

- 9 Refuse & Recycling (Pre-Commencement)  
Within 1 month from the date of this permission details of storage for refuse and recycling, together with the access to it and the daily management and collection regime, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details for the lifetime for the development. 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.

66. **PLANNING APPLICATION - 19/00545/FUL - REDBRIDGE BUSINESS PARK (TEMPORARY CONSENT)**

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.

Temporary retention of structure for a period of 3 years

Eugene McManus (local residents' association objecting), Gary Bradford (agent) and Councillor Whitbread (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported no further updates or proposed amendments.

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

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Mitchell, Coombs, Prior and Windle

AGAINST: Councillors G Galton and L Harris

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

# Agenda Item 6

## Planning and Rights of Way Panel 21<sup>st</sup> May 2020 Planning Application Report of the Head of Planning & Economic Development

<b>Application address:</b> 52 Peartree Avenue, Southampton			
<b>Proposed development:</b> Erection of a two bedroom chalet bungalow, with bicycle and bin storage.			
<b>Application number:</b>	20/00128/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Coombes	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	04.03.2020	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Ward Councillor referral and five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Eamonn Keogh Cllr Alex Houghton Cllr Thomas Bell
<b>Referred to Panel by:</b>	Cllr Eamonn Keogh	<b>Reason:</b>	Parking and access to the backland site
<b>Applicant:</b> Mr Joe Hopkins		<b>Agent:</b> Mrs Alison Davanzo Harriton Homes Ltd	

<b>Recommendation Summary</b>	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	Yes
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS4, CS5, CS13, CS16, CS19, CS20 and CS22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, H1, H7 of the City of Southampton Local Plan Review (Amended 2015), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

<b>Appendix attached</b>			
1.	Habitats Regulation Assessment	2.	2011 Census Car Ownership Data
3.	Development Plan Policies		

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

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

- 1.1 The application site comprises the garden area of a two-storey, detached family dwelling, which has a paved front driveway providing parking for 3 cars.
- 1.2 Local ground levels slope gently down from the front of the property to the rear, meaning the development site is approximately 1m lower than the host dwelling.
- 1.3 There is a neighbouring development of 3 x 2 bedroom chalet bungalows, which were granted consent in 2008 under permission ref: 07/01584/FUL (No's 48-50 Peartree Avenue). The access road serving this neighbouring development adjoins the side boundary of the application site, and is proposed as the access route for the currently proposed development.

### **2. Proposal**

- 2.1 The application site occupies the rear garden of No.52 Peartree Avenue. The proposals would provide a 2 bedroom chalet bungalow served by two rear dormer windows. The design is taken from the neighbouring 3x chalet bungalow development to the rear of 48-50 Peartree Avenue. The proposed dwelling would also share its access from this neighbouring development located between 48-50 Peartree Avenue.
- 2.2 The proposal dwelling would be provided with one parking space to the front of the dwelling, as well as bin and cycle storage areas. The dwelling would be provided with a rear garden which would align and be of a similar size to the neighbouring bungalows at No's 48b-48d.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies are set out at **Appendix 3**.



3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

4.1 A previous application for a similar new dwelling was submitted under ref: 19/00203/FUL, however this was withdrawn due to various concerns regarding design, parking access and amenity space provision. The current application has sought to address these concerns with an amended design, reduced building footprint and further assessment of traffic impacts.

4.2 The neighbouring development within the gardens of No's 48-50 Peartree Avenue was granted permission in 2008 under permission ref: 07/01584/FUL. This application granted consent for 3x 2 bedroom chalet bungalows with small rear gardens and 1 parking space each within the access road.

#### **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. A total of **9 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 **The access road is private land and no access permission has been given by the owner.**

**Response:**

Noted and the applicant has completed Certificate B and notified all affected landowners of their intention to apply and, if successful, develop. The Panel will recognise that you do not need to own the land on which you wish to develop. The proposal is to be assessed on the merits of the design itself and how it complies with local planning policies. Issues of land ownership and access rights are to be negotiated outside of this planning application and are not material considerations for this assessment. If permission is granted the applicant will then have to negotiate further with the affected landowners.

5.1.2 **The proposal will exacerbate existing parking issues. Increase in parking on Peartree Avenue will cause issues for visibility.**

**Response:**

The impact on local parking availability is discussed further below.

5.1.3 **The development is over an area used for parking and a play area by the existing bungalows.**

**Response:**

The proposed access point is not a designated parking area, and conditions on the original planning consent prevented parking on this area in order to provide a turning space. The current proposal supports this by proposing to paint the missing hatching markings over the turning / access space. The number of movements of

a single car crossing this turning area will be minimal and there are no highway safety concerns raised.

**5.1.4 Loss of light, outlook and privacy to No's 50 and 54 Peartree Avenue. Loss of privacy to bungalow No.48b due to removal of boundary wall.**

**Response:**

This is discussed in more detail further below. The proposed new dwelling will not result in overshadowing to neighbouring properties on Peartree Avenue. The proposed separation distances between habitable rooms meet our minimum standards, and the ground level changes involved, and chalet nature of the design will reduce the visual impact of the proposal. Loss of outlook / view across a neighbouring property is not a material planning consideration. The removal of the existing boundary between No.48b and the development site will be to the front of this dwelling, which is already open to the neighbouring bungalows, and only gives views from the proposed parking area, not from the proposed new dwelling itself.

**5.1.5 The proposal results in overdevelopment.**

**Response:**

The proposed building footprint covers much less than 50% of the site area and the proposed residential density of 40dph (dwellings per hectare) is an appropriate level for this location as defined by Policy CS5 of the LDF Core Strategy. As such, the proposal is not considered to present an overdevelopment of the site. This is discussed further below.

**5.1.6 Noise and disturbance caused during construction.**

**Response:**

All construction sites bring a degree of disturbance to existing neighbours. A planning condition is recommended to secure restricted hours of construction and a construction method statement to manage these impacts.

**5.1.7 Loss of green spaces which contribute to natural drainage, air quality and vegetation for natural cooling.**

**Response:**

The existing rear portion of this garden land to be developed, has very little existing vegetation and is used mainly for storage and outbuildings. This is an opportunity to tidy the site. The current proposal provides a rear garden area and small area of amenity space to the front of the new dwelling, which will result in a net gain in the amount of green space and vegetation on site. Further details of the proposed landscaping can be secured by condition.

**5.1.8 Loss of boundary wall to No.50 Peartree Avenue. Safety of pedestrians using the side garden access to No.50, which opens into the access road**

**Response:**

The proposal does not remove any part of the boundary wall to No.50. The proposal will help to increase the safety of pedestrians using this side gate, due to the inclusion of the demarcated pedestrian footpath to be painted onto the access road, as was originally required under the original planning consent.

## 5.2 **Consultation Responses**

### 5.3 **Cllr Keogh:**

Objection. The proposed access is restricted and needs investigation. The proposal will increase traffic on the access road and may increase risk of on-street parking. Request referral to PROW panel.

**Officer Response:** *These issues are discussed further below.*

### 5.4 **SCC Highways Development Management:**

No objection subject to conditions. The parking layout is non-standard, but as long as the turning area is kept clear, the provision of one parking space less than our maximum standard in this particular case is acceptable, given the census data results, and the quiet residential area in the access road. The existing access is acceptable with a minimum width of 3.2m, and the proposed improvements to demarcate the pedestrian walkway and turning area hatchings, in accordance with the original 2008 consent, should be secured by condition.

Ideally, a communal bin collection point would be provided within the entrance to the site, if land ownership allows, however given the existing collection arrangements for the 3 neighbouring bungalows, one additional dwelling is not considered to create a significant impact. Request waste management plan to ensure bins are not left on the footway permanently.

The proposed cycle store is acceptable. A horizontal cycle stand should be secured by condition.

### 5.5 **SCC Sustainability:** No objection. Request conditions:

Energy & Water (Pre-commencement) - *“With the exception of site clearance, demolition and preparation works...”*

K090 - Energy & Water (Performance)

### 5.6 **SCC Ecology:**

No objection. The sheds and greenhouse have negligible biodiversity value. The shrubs have low value for breeding birds. The loss of shrubs has the potential to adversely impact breeding birds protected under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should take place either outside nesting season (March to August inclusive) or at other times after being checked by a suitably qualified ecologist. If active nests are found, vegetation clearance must be delayed until after the chicks have fledged.

Also recommend replacement planting of native or ornamental species with recognised wildlife value (RHS Perfect for Pollinators), and simple biodiversity enhancements e.g. bird and bat boxes, bee hotels etc. Recommend the following conditions:

J015 - Ecological Mitigation Statement (Pre-Commencement).

J025 - Protection of nesting birds [Performance Condition]

### 5.7 **SCC Environmental Health:**

No objection. Recommend conditions:

S030 - Working hours

S025 - No bonfires

**Officer Response:** *Nuisance from bonfires is controlled under separate legislation, so this is not considered a reasonable condition.*

## 5.8 **Southern Water:**

No objection in principle. Request informative note: Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. Preference for surface water to be disposed of by way of an on-site soakaway. Any sewer found during construction works will require further investigation.

## 5.8 **SCC Design:**

No objection, but the design would have been better to follow that of the existing neighbouring bungalows, i.e. including the projecting porch. The angle of roof pitch and ridge height should be confirmed as being the same as those existing bungalows.

**Officer Response:** *The roof pitch is the same 45 degree angle, and the ridge height is shown on the plans as being the same as the adjoining bungalows.*

## 5.9 **SCC CIL:**

The development is CIL liable as the proposal creates a new residential dwelling. The current indexed residential CIL rate is £104.38 per sq m, which would be measured on the Gross Internal Area of the building.

## 6.0 **Planning Consideration Key Issues**

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

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

### 6.2 **Principle of development**

6.2.1 The City has an existing housing need as set out in the Development Plan and the Council has a duty to secure more housing in appropriate circumstances. Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of land to provide housing. Policies H1 and CS4 acknowledge that new homes will generally need to be built at higher densities, and that new dwellings will contribute towards delivering the Council's strategic target for housing supply, however policy CS5 seeks development of an appropriate density for its context.

6.2.2 This proposal would result in a residential density of 40 dwellings per hectare (dph) on site, meeting the level set by policy CS5, which seeks a density of 35 - 50 dph in this low accessibility area. This is only one indicator of the acceptability of a scheme, however, and the overall quality of development must still be tested in terms of the merits of the scheme as a whole. This is discussed further below.

6.2.3 Policy CS16 of the Core Strategy resists the loss of family homes, defined as properties with 3 or more bedrooms with access to private garden area that meets our minimum standard as given in Section 2 of the Residential Design Guide (90sq.m for a detached property). It is noted that the existing host dwelling, No.52, would retain ample garden area of at least 136sq.m, and so complies with policy CS16.

6.2.4 The application site lies within an urban area where the basic principle of development is considered to be acceptable. The planning assessment must now consider whether the nature, design and impact of the proposal are appropriate and in accordance with relevant Local Plan policies and supplementary guidance.

### 6.3 Design and effect on character

6.3.1 The principle of backland development here has already been established through the neighbouring site which granted permission under 07/01584/FUL for three detached chalet bungalows. This scheme would have been approved under a different planning framework was in place and the UK planning system regarding garden land as 'previously developed', where new housing was to be directed. Garden land is no longer regarded as previously developed but the character of the area is defined, in part, by backland development and this is a material consideration to which significant weight should be afforded. The proposal seeks to replicate the scale and design of the existing bungalows and effectively represents an addition to the existing layout. It is not considered that the addition of an additional dwelling in this regard would be an incongruous addition to the development or be at odds with the prevailing pattern of development locally.

6.3.2 The proposed dwelling would effectively provide an addition and continuation of the existing row of 3 chalet bungalows. There are minor differences in design whereby the proposed dwelling would incorporate a small crown roof and omits a front porch. The footprint of the proposed dwelling would also be slightly deeper than the neighbouring dwelling. These different size and design features are not considered to result in a dwelling that would be out of place or harmful to the visual amenities or character of the immediate area. On this basis the size, scale and design of the proposed dwelling is considered to be acceptable.

6.3.3 It is also noted that the built footprint of the dwelling will fill less than a third of the plot, with opportunities to secure significant enhancements to the surrounding garden landscaping. In addition, the host dwelling retains a large rear garden area, so that the site does not appear cramped. As such, the proposal would not appear as an overdevelopment of the plot. Details of the proposed materials for the new dwelling and hard and soft landscaping scheme will be secured through a condition.

### 6.4 Residential amenity

6.4.1 The proposal would introduce a new dwelling within the rear garden of No. 52 Peartree Avenue. It is considered that the proposed size, scale, siting and design of the proposed dwelling, and its separation distances from neighbouring dwellings, would not result any adverse overbearing or overshadowing impacts on neighbouring properties. It repeats similar arrangements that exist already.

6.4.2 During the course of the application, the proposal has been amended to remove one of the front velux windows, leaving only two small windows facing towards the rear of properties on Peartree Avenue, which replicates the relationship between the existing bungalows approved under 07/01584/FUL and the rear windows of the properties located along Peartree Avenue.

6.4.3 Indeed the relationship between the proposed dwelling and No.50 Peartree Avenue would be better than that between No. 50 and the existing bungalow

No.48b which is located directly to the rear. The distance between the front of No.48b and the rear of No.50 is 20.7m whereas the distance between the front of the proposed dwelling and the rear of No.50 would be 21m and would also be at an oblique angle. This distance complies with the guidance contained within Section 2 of the Residential Design Guidance, which sets out a minimum distance of 21m between habitable rooms. Therefore, the relationship between the proposed dwelling and No. 50 would be acceptable and would not result in any significant loss of amenity to this property.

- 6.4.4 In terms of the relationship between the proposed dwelling and the host dwelling at No. 52 would also be acceptable whereby separation distances of 20.9m and 23.7m to the rear windows of the host dwelling would be retained. These distances would also comply with the minimum requirement of 21m within the Residential Design Guidance. Furthermore, these distances would be a betterment on the existing relationship between neighbouring 3 chalet bungalows and No. 52 whereby there is 20.7m between No. 48b and No. 52 and 19.2m between 48d and No. 52. Through the proposals the existing dwelling would retain approximately 136sq.m of garden amenity space, which far exceeds our minimum standard of 90sq.m for a detached dwelling. On this basis the proposal would not result in any adverse harm to the amenity of existing occupiers.
- 6.4.5 In terms of the relationship between the proposed dwelling and No. 54, the habitable room windows of the proposed new dwelling would be positioned approximately 21m from the rear Dining Room French doors of No.54 and at an oblique angle, which complies with the distances outlined within the Residential Design Guidance.
- 6.4.6 With regards to the impact of the rear dormers, the proposed dormer windows serving bedroom 2 would be located approximately 37.7m from the rear windows of No.26 Merridale Road to the rear, which significantly exceeds the minimum separation distance as set out within the Residential Design Guidance. On this basis the proposals would provide an acceptable and compliant relationship with neighbouring properties and demonstrates that there would be no loss of privacy or overlooking to neighbouring properties.
- 6.4.7 The potential impact of construction noise and disturbance on neighbouring residents can be mitigated by way of a condition which would restrict the permitted working hours and require the submission and agreement of a construction management plan prior to works commencing on site.
- 6.4.8 On the above basis, it is not considered that the proposal would result in significant harm to the occupiers of neighbouring properties, subject to compliance with recommended conditions.
- 6.4.9 The proposal provides good levels of light, outlook and privacy to all habitable rooms within the new dwelling, which are each served with appropriately sized windows and light. The dwelling would be provided with a private rear garden area of approximately 74sq.m. Whilst this is below the minimum standard of 90sq.m for a detached dwelling (as set out within the Residential Design Guidance), its size and shape is commensurate with the gardens of the neighbouring bungalows whereby No.48c has a garden measuring approximately 75sq.m. Therefore the proposed garden area is considered to be acceptable.

6.4.10 The proposed internal layout provides a total floor area of 89sq.m, which exceeds the Nationally Described Space Standard (NDSS) for a 2bed, 4 person dwelling (79sq.m). The bedroom sizes of 15.6sq.m and 12sq.m also exceed the NDSS minimum size of 11.5sq.m for double bedrooms. In addition, there is sufficient bin and cycle storage and 1 car parking space provided to the front of the dwelling. As such, the proposal is considered to provide an appropriate standard of living accommodation and environment for future occupiers of the new dwelling.

## 6.5 Access and Parking

6.5.1 The proposed dwelling would be accessed from the existing shared access that serves the neighbouring bungalows. Concerns have been raised that the applicant does not have appropriate rights to utilise this access, however this is a private matter between the applicant and the land owners. The existing access point at Peartree Avenue is approximately 3.2m wide, which is considered by the Highways Officer to be an acceptable width to serve the additional dwelling.

6.5.2 The proposal would provide car parking for one vehicle on the new driveway to the front of the new dwelling. This represents the same level of provision as that previously approved for the adjoining bungalows (approved under 07/01584/FUL). Comments from neighbours indicate that the proposed turning space is currently used as a visitor parking space, however this is technically a breach of condition under the original planning consent, which required the turning space to be demarcated with hatched lines and kept clear at all times. As part of the proposal improvements to demarcate the pedestrian walkway and turning area hatchings would be secured in accordance with the original 2008 consent and are acknowledged by the Highway Officer as being an improvement to the whole site. These improvements would be secured by condition.

6.5.3 In terms of car parking provision, the maximum standard provision of car parking spaces for a new 2 bed dwelling in a low accessibility area is 2 parking spaces, according to the Parking Standards SPD. As maximum standards it is possible to approve development below the defined standard. The proposal technically results in a shortfall of 1 space for the new dwelling, however it must also be noted that these are maximum standards, and that the adjoining development of 2 bedroom chalet bungalows were approved with only 1 space per dwelling. It is also noted that there is un-restricted parking on Peartree Avenue and its surrounding roads. No parking survey has been submitted to address the shortfall of 1 parking space for the new dwelling, however evidence from the 2011 Census regarding car ownership within Peartree Ward has been submitted, which indicates that there is an average of 0.87 cars per household, which the proposed development would be consistent with. In addition, the Highways Officer has no objection to the proposed site layout, nor to the proposed level of parking provision or use of the shared access road. It is therefore considered feasible that any overspill from this small development can be accommodated locally and it is not considered that a reason for refusal based on lack of parking could be substantiated.

## 6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under

Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 10% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

- 6.6.2 As noted by the Ecology Officer, the loss of shrubs has the potential to adversely impact breeding birds protected. Vegetation clearance should take place either outside nesting season (March to August inclusive) or at other times after being checked by a suitably qualified ecologist. Also recommend replacement planting of native or ornamental species with recognised wildlife value in order to provide simple biodiversity enhancements. The views of the Ecology Officer are agreed and conditions regarding vegetation clearance and biodiversity enhancements will be secured through a condition.

## **7. Summary**

- 7.1 Given the details discussed above, the proposed development is not considered to cause significant harm to the amenity of neighbouring residents, nor to the occupiers of the existing or new dwellings. The layout and design of the proposal would not appear out of character with the host dwelling or local area. Moreover, the site is large enough to accommodate the proposal, mitigation can be secured to ensure protection of European designated sites and to enhance biodiversity on site, and the proposal is not considered to cause harm to highway safety or local parking amenity. As such, officers recommend approval of the application.

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

### **AC for 21/05/2020 PROW Panel**

#### **PLANNING CONDITIONS**

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

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

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

##### **02. Approved Plans**

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

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

##### **03. Materials as specified and to match (Performance Condition)**



The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the development hereby permitted, shall be as specified on the approved materials schedule and approved plans. Where there are no materials specified on the approved documents, the materials shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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

#### **04. Construction Management Plan (Pre-Commencement)**

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

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

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

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

#### **05. 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 ^IN; with the application] 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.

#### **06. 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

#### **07. Energy & Water (Pre-commencement)**

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence

demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

#### **08. Energy & Water (Performance)**

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

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

#### **09. 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, structures and ancillary objects (refuse bins, lighting columns etc.);
- 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;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme 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

**10. Refuse & Recycling (Pre-Commencement)**

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

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

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

**11. Cycle storage facilities (Pre-Commencement)**

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

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

**12. Parking, access and road markings (Pre-Occupation)**

The car parking space and access, together with the painted markings for the turning space and demarcated footpath in the access road, 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 and parking amenity.

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

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

Monday to Friday                      08:00 to 18:00 hours

Saturdays                                09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

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

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

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<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>

## 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	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

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 10% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

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

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

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

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

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

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

Summary of Natural England's comments:

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

**2011 CENSUS DATA TABLE – CAR OR VAN OWNERSHIP – PEARTREE WARD**

**KRONEN**

SPECIALIST DEVELOPMENT TRANSPORT PLANNING

PROJECT - P1906.4

PEARTREE AVENUE, SOUTHAMPTON, SO19 7JP

SHEET - CENSUS 2011 DATA - CAR OR VAN OWNERSHIP BY NUMBER OF ROOMS IN THE PEARTREE WARD

Page 26

	NUMBER OF DWELLINGS							
	DWELLING TYPE	DWELLING TENURE	DWELLING ROOMS	TOTAL VEHICLES	NO VEHICLES	1 VEHICLE	2 VEHICLES	3+ VEHICLES
RAW CENSUS	ALL TYPES	ALL TENURE	4 ROOMS	910	286	471	136	17
ANALYSIS	ALL TYPES	ALL TENURE	4 ROOMS	910	286	471	136	17
PROPORTION				1.00	0.31	0.52	0.15	0.02
VEHICLES					0.00	0.52	0.30	0.06
SUM								0.87

SOURCE: ONS



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

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

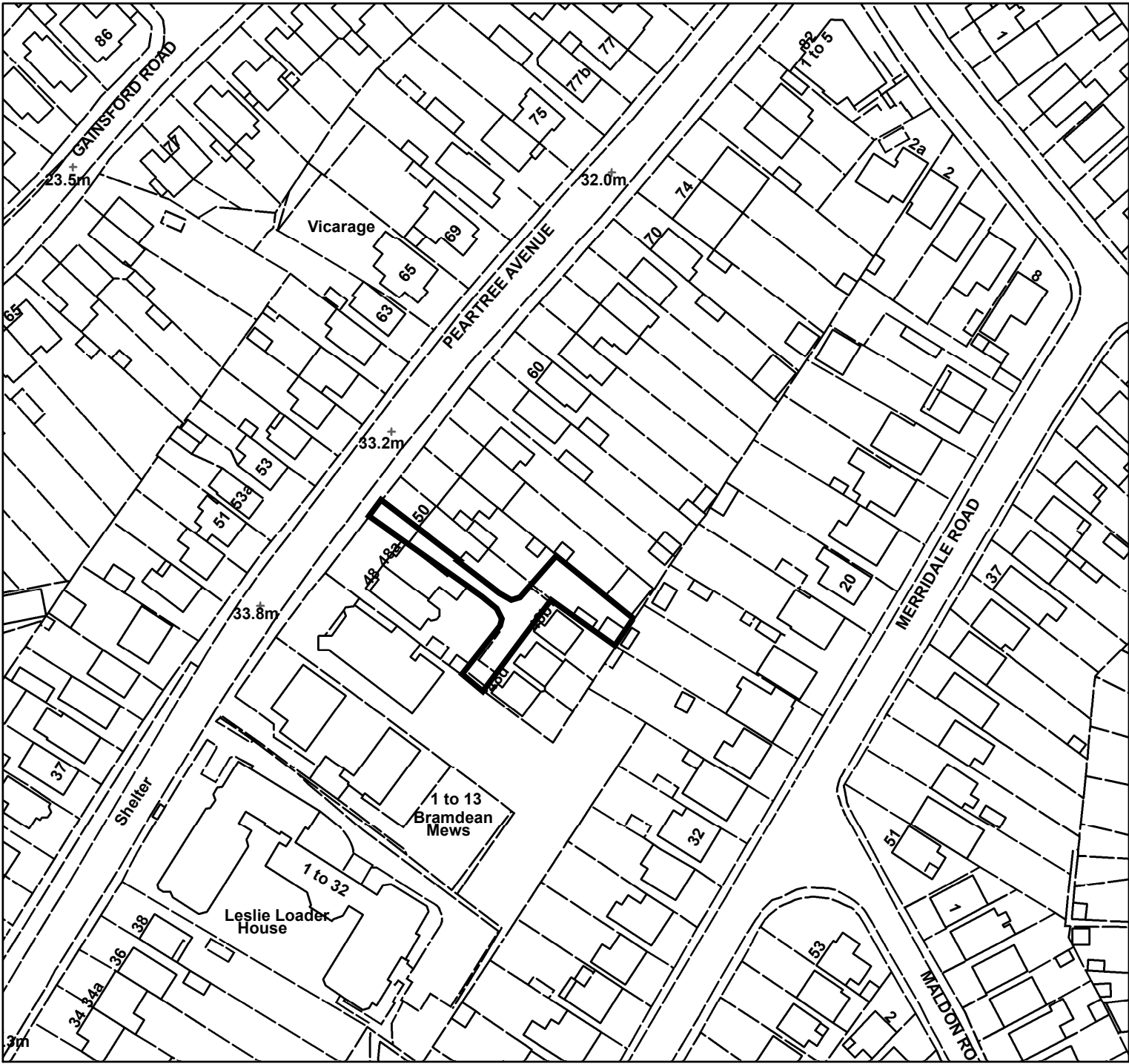
Supplementary Planning Guidance

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

Other Relevant Guidance

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

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# Agenda Item 7

## Planning and Rights of Way Panel 21<sup>st</sup> May 2020 Planning Application Report of the Head of Planning & Economic Development

<b>Application address:</b> 291 Shirley Road, Southampton			
<b>Proposed development:</b> First floor extension to facilitate conversion of first floor from 1 x 3 bed flat to 2 x 1 bed flats. Change of use of part of the ground floor to 1 bed flat and retention of existing shop			
<b>Application number:</b>	20/00044/FUL	<b>Application type:</b>	Full
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	9 March 2020	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Windle Cllr Shields Cllr Leggett
<b>Referred to Panel by:</b>	Cllr David Shields	<b>Reason:</b>	Lack of Parking
<b>Applicant:</b> H.J Holt Ltd		<b>Agent:</b> Hop Architects Ltd	

<b>Recommendation Summary</b>	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	Yes
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). CS4 (Housing Delivery), CS13 (Fundamentals of Design), CS16 (Housing Mix and Type), CS19 (Car and Cycle Parking), CS20 (Tackling and Adapting to Climate Change), CS22 (Promoting Biodiversity and Habitats) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). SDP1 (Quality of Development), SDP4 Development Access, SDP5 Parking, SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, SDP10 (Safety & Security), SDP16 (Noise), H1 (Housing Supply), H7 (The Residential Environment), REI4 (Secondary Retail Frontages), REI5 (District Centres), REI8 (Shopfronts), of the City of Southampton Local Plan Review (Amended 2015) as supported by the NPPF (2019)

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History		

## **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

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

- 1.1 The application premises is located on a prominent corner between Shirley Road and Lumsden Avenue and comprises a vacant retail unit on the ground floor and residential accommodation (in the form of a 3 bed flat) above. The building is brick built with retail frontages facing both Shirley road and the junction of Lumsden Avenue, with a separate access to the residential accommodation (291a) from Lumsden Avenue. There is also a single storey flat roof building to the rear of the site.

### **2. Proposal**

- 2.1 The application seeks to retain part of the existing retail use on the ground floor (approximately 46sq.m) and its associated frontages onto Shirley Road and Lumsden Avenue. In order to facilitate the severance of the commercial unit from the residential units, the internal access to the residential units would be removed.
- 2.2 The proposed conversion and first floor extension would provide additional residential accommodation in the form of 3 x 1 bedroom flats (a net gain of 2 flats with no additional bedrooms following the conversion of the existing 3 bed flat). Access to the flats would be separate to that of the retail unit and would use the existing access on the south east elevation onto Lumsden Avenue. Each residential unit would contain an open plan lounge/kitchen, a bath or shower room and a separate double bedroom.
- 2.4 The ground floor unit would have direct access to a private rear amenity space, measuring approximately 78sq.m. This would also provide covered and secure cycle parking spaces for the ground floor unit.
- 2.5 The proposal seeks to increase the level of accommodation available at first floor with a first floor extension on the south east elevation. The extension measures

approximately 2.2m x4.4m. Further cycle storage would be provided on the south east elevation for the first floor flats. This covered and secure cycle parking would provide 2 x secure cycle parking spaces each for the additional two dwellings.

- 2.6 Currently the Commercial waste is located on the forecourt of the property. In order to reduce this visual impact it is proposed to provide a dedicated bin storage facility. Bin storage for the residential uses would be located on the south east boundary with Lumsden Avenue adjacent to the proposed 1.2m high fence on that boundary.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 2***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

- 4.1 A schedule of the relevant planning history for the site is set out in ***Appendix 3*** of this report.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (24 January 2020). At the time of writing the report no representations have been received from surrounding residents. A letter of representation has been received from Ward Councillor Shields requesting a Panel determination. The following is a summary of the points raised:

- 5.2 The proposal presents a lack of off-street parking in a busy area.

#### **Officer Response**

The existing 3 bedroom flat has nil parking. The proposal seeks to convert the building into 3 no.1 bed flats, again with no parking as the site physically cannot provide any. The Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standard may be permissible subject to justification. It suggests a maximum of 2 spaces for a 3 bed flat in this location, and a maximum of 3 spaces for 3 no.1 bed flats. The proposal has been reviewed by the Council’s Highway Officer and they have raised no objection to the proposal. The Highways Officer advises that the site is located within a very sustainable location where ample local amenities are within walking distance. The

location is also accessible by public transport and in in very close proximity to a regular bus network. The proposal also over provides cycle parking. As such, given the sustainable location of the proposed development and the availability of more sustainable forms of transport than the motor car, the shortfall in parking provision is considered to be justified in this instance. Whilst no parking survey has been provided to support the application this is not a mandatory requirement and officers suggest some flexibility given the current site constraints and lack of space available for parking, the provision of additional housing being provided and the highly sustainable location along Shirley Road.

### 5.3 **SCC Highways – No Objection**

The proposed development is situated within a very sustainable location and is bordering Shirley Road where ample local amenities are within walking distance. Bus service along here is also very good in terms of frequency and areas it serves. The proposal will reduce the size of the current 3 bedroom unit (and commercial floor space) but will generate an additional 2 residential units. In terms of traffic and highway impact, the change in units and floor space is not considered to be significant.

The additional units may generate additional parking demand and will fall short of the parking standards. There are no parking restrictions on Lumsden Avenue and most of the nearby streets which means any overspill parking may impact the local residents. A parking survey would assist in assessing the current on-street parking capacity and whether it can accommodate any potential overspill parking. However, as this is more of an amenity issue rather than highway safety, this will hold limited weight on this recommendation. The bins and cycle arrangements are considered acceptable (cycle parking is overprovided as the residential units do not need to provide short stay spaces). In summary, there will be no highway objections subject to conditions securing the bins and cycle provisions.

### 5.4 **SCC Environmental Health (Pollution & Safety)**

No Objection subject to conditions relating to the hours of construction and demolition, and a scheme of sound insulation against internally generated noise (noise includes vibration) from the shop to be submitted to the local planning authority for approval.

### 5.5 **SCC Community Infrastructure Levy – The development is CIL liable**

If the floor area of the existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

## 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 & retail impacts;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport
- Mitigation of direct local impacts.



## 6.2 Principle of Development & retail impacts

- 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. A need for 16,300 homes is identified in the plan period to 2026.
- 6.2.2 Policy CS16 of the Core Strategy defines 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 current arrangement does not allow direct and private access to the yard and so is not a family dwelling. On this basis the principle of conversion and intensification is supported.
- 6.2.3 The application site is located within the Shirley Town Centre, as such Policies REI4 and REI5 apply. These policies seek to maintain and enhance the vitality and viability of these Centres. At ground floor the policy encourages A1, A2, A3, A5 and D2 uses. At first floor office and residential uses are considered appropriate. Active retail frontages must also be maintained on the ground floor.
- 6.2.4 The proposed development would not prevent the commercial use of the ground floor. It would maintain an active frontage on both Shirley Road and Lumsden Avenue. The smaller size of the retail unit may make the currently vacant unit more attractive to potential occupants. Policy REI 8 of the City of Southampton Local Plan relates to shopfronts and requires that proposals 'respect the proportions of the building and surrounding shopfronts. The shopfront proposed is slightly reduced in length on the south east elevation. This would not represent a harmful change to the building and would remain in keeping with the commercial nature of the area.

## 6.3 Design and the impact on the character and appearance of the area

- 6.3.1 This proposal would convert and extend the existing two storey property into a slightly larger building containing three one bedroom flats and a retail unit on the ground floor.
- 6.3.2 The proposed works would only be readily visible from Shirley Road when travelling north. The extensions and alterations are largely contained to the south east elevation in the Lumsden Avenue street scene. They would comprise of a first floor extension matching the footprint of the ground floor projection below. The design of the extension would also be of an appropriate size, scale and design that replicates the architectural features of the character of the existing building and would represent a sympathetic addition.
- 6.3.3 Currently the site is in an unkempt state and the building is in a state of decline. The proposal offers the opportunity to reverse this situation and enhance the appearance of this corner plot with an efficient use of land. To ensure the extension remains sympathetic to the existing building and the wider street scene, a condition will be imposed to ensure that external facing materials that match those used in the existing property.

- 6.3.4 It is also proposed to extend the existing 1.8m boundary treatment along Lumsden Avenue, and replace the boundary treatment that extends towards the junction with Shirley Road with a 1.2m high picket fence. This picket fence will also provide screening of the 1.1m high wheelie bins. This alteration would also represent a sympathetic addition to the existing building and is therefore considered to be an enhancement.
- 6.3.5 On this basis the size, scale and design of the proposed extensions and alterations are considered to be acceptable and appropriate.
- 6.4 Residential amenity
- 6.4.1 The proposed additions to the building would be located to the rear of the property, towards Lumsden Avenue side of the site which projects away from the neighbouring residential properties. The proposed extension would only contain upper floor windows to serve a lounge area, however these windows would overlook areas already within the public realm, and provide greater surveillance of the area and as such would not result in any loss of privacy or amenity to neighbouring properties.
- 6.4.2 As such due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of privacy, light or outlook.
- 6.5 Occupier amenity
- 6.5.1 Paragraph 2.3.14 of the Residential Design Guide advises that the minimum garden size for a flat is 20 square metres. The proposed ground floor flat would be directly served by a 78sq.m private garden area which is considered acceptable. The provision and retention of the amenity area can be secured by condition.
- 6.5.2 The flats at first floor would not benefit from any private amenity space. However, the guidance contained within the Residential Design Guidance allows for flexibility for flats if small gardens or no gardens are characteristic of the area. The application site is located off the busy High Street Shirley Road one of the Council's Town/District Centres. As such first floor residential accommodation without any amenity space is not unusual for the area. On this basis the lack of amenity space for the proposed first floor flats is considered to be acceptable in this instance.
- 6.5.3 With regard to the level of accommodation provided in each unit the National Technical Housing Standards provide requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy. This is guidance and has not been adopted as yet by the Council. As Southampton City Council has not formally adopted the minimum living space standards the Council cannot apply the standards on a mandatory basis, but could decide that the accommodation provides a poor standard of living accommodation for future residents.
- 6.5.4 The Technical Housing Standards advise that a single bedroom flat served by a shower should have a minimum floor area of 37m<sup>2</sup> to 50m<sup>2</sup>. In this instance the proposed dwellings exceed this minimum requirement whereby Flat 1 (ground floor) would have floor area of 38sq.m; Flat 2 – 39sq.m; and Flat 3 – 46sq.m.

6.5.5 All habitable rooms in the property, (with the obvious exception) of the bathrooms, are served by appropriately sized windows. All habitable rooms have access to sources of natural light, reducing the reliance on artificial light.

6.5.6 It is noted that the proposed accommodation is close (but fully compliant) to the minimum requirements of the Technical Housing Standards, and the upper floor flats do not benefit from a private amenity area. However, the proposed flats provide a contribution to the housing of the area that includes two storey dwellings, flats and HMOs. Therefore the proposed flats would provide an appropriate level standards of living accommodation for future occupiers.

## 6.6 Parking highways and transport

6.6.1 The site has limited external space to provide any on-site parking and currently supports a 3 bedroom flat. The proposal seeks to convert and extend the existing building into 3 no.1 bed flats. No net gain in bedrooms is proposed, although our maximum standards would seek an additional parking space to support this change. The standards also support developments without any private parking in sustainable locations such as this. The Council's Highways Officer has advised that the development is acceptable in principle and raises no highway safety concerns.

6.6.2 The site is located within the high accessibility area of the Parking SPD, however as no parking provision would be provided, the provision would fall below the maximum standards. The potential for parking to overspill onto neighbouring streets is an amenity issue rather than a highway safety issue in this regard

6.6.3 The proposal is located in a highly sustainable location, within a Twon Centre. As such the proposal is located in close proximity to a number of local shops and supermarkets. There is a sheltered bus stop with links to all main routes located directly opposite the site on Shirley Road. The site is approximately 1.3km (0.8miles) from Southampton Central Railway Station. As such the location of the site would encourage the use of public transport and mitigates the need for future occupiers to use car.

6.6.4 Furthermore the proposal would provide 2 dedicated cycle stores, proving 6 cycle parking spaces to serve the three flats which is in excess of the SPD requirements. On this basis the provision of 3 one bedroom dwellings can be supported.

## 6.7 Likely Effect on Designated Habitats

6.7.1 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 The conversion and extension of the existing building to reduce the size of the retail unit and form 3 flats (inc. 2 additional) would comply with the Council's adopted standards and relevant Local Plan Policies. The proposal would not result in harm to the amenities of the neighbouring properties. The increase in activity associated with 3 no.1 bed flats rather than a single dwelling is not considered to be likely to generate a significantly greater level of activity, parking overspill or disturbance to neighbours.
- 7.2 Whilst the proposal would not any provide any off road parking provision, the site is located within a highly sustainable, high accessibility area with strong links to local public transport. Furthermore the proposal incorporates an over provision of cycle storage promoting more sustainable forms of transport than the motor car.
- 7.3 The scheme is compliant with the relevant policies and delivers an additional two dwellings thereby assisting the Council in meeting its housing need.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to Habitats Mitigation Contribution Agreement and conditions set out below.

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

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

**Case Officer MT for 21/05/20 PROW Panel**

**PLANNING CONDITIONS**

**1.Full Permission Timing Condition (Performance)**

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

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

**2. Approved Plans**

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

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

**3. Materials**

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

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

**4. Cycle storage facilities**

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

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

**5. Refuse Storage**

Before the development hereby approved first comes into occupation, details of storage for refuse and recycling, together with the access to it and boundary screening, shall be submitted to and approved in writing by the Local Planning Authority. The storage and screening 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 outside of these storage facilities 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.

**6. Sound Insulation**

The uses hereby approved shall not commence until sound insulation measures against internally generated noise and vibration have been provided in accordance with a scheme

to be first submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter retained as approved.

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

### **7. Hours of Work**

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

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

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

and at no time on Sundays and recognised public holidays.

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

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

### **9. Provision of Amenity Space**

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

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

### **10. Energy & Water**

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

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework

### **11. Energy & Water [performance condition]**

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

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

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.	

<b>Stage 1 - details of the plan or project</b>	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<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>

## 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	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

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 10% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

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

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

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

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

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

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

Summary of Natural England's comments:

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
H1	Housing Supply
H7	The Residential Environment
REI4	Secondary Retail Frontages
REI5	District Centres
REI8	Shopfronts

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)  
National Technical Housing Standards

**Relevant Planning History**

A schedule of the relevant planning history for the site is set out below

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
06/01450/FUL	Alterations to building at the rear of the property involving replacement single storey extension to form office and addition of first floor extension to form additional storage area	Approve with Conditions	2006
06/01197/FUL	Retrospective application for roller shutters to be retained untreated (resubmission of 05/00976/FUL).	Application Refused	2006
05/00976/FUL	Installation of roller security shutter to shopfront. (Retrospective)	Appeal Allowed	2006
1604/W12	Installation of shopfronts.	Approve with Conditions	1981
1365/P17	Change of use from retail to distribution store (temporary until 31-03-72)	Temporary Consent	1969
1312/P12	Ground floor side extension	Conditionally Approved	1966
1259/P12	use of 1st floor and part ground floor for storage, single storey rear extension	Application Refused	1964
1153/36	Erection of a refrigeration unit building.	Approve with Conditions	1959
967/5	Sausage making room	Conditionally Approved	1951



Scale: 1:1,250



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