

# PLANNING AND RIGHTS OF WAY PANEL

Tuesday, 24th August, 2021  
at 4.00 pm

**PLEASE NOTE TIME OF MEETING**

## GUILDHALL

This meeting is open to the public

### **Members**

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

### **Contacts**

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## **PUBLIC INFORMATION**

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

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

### **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>2021</b>	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 December

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

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

**USE OF SOCIAL MEDIA:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

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

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

**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>2022</b>	
25 January	29 March
15 February	26 April
8 March	

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### BUSINESS TO BE DISCUSSED

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

### RULES OF PROCEDURE

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

### QUORUM

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

## DISCLOSURE OF INTERESTS

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

### DISCLOSABLE PECUNIARY INTERESTS

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

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

## **OTHER INTERESTS**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **PRINCIPLES OF DECISION MAKING**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

### PLEASE NOTE

This meeting is being held in the Guildhall out of necessity to comply with Covid social distancing requirements.

As many people will know it is a large space and unfortunately the acoustics for live streaming are not ideal. Every effort will be taken to ensure that members of public can view the meeting online. However, given the necessary precautions set out to try and combat the spread of Covid it is acknowledged that the sound quality may need to be compromised in order for online viewers to follow the meeting; we apologise if this causes any difficulties.

A recording of the meeting will be uploaded to the web after the meeting. Officers will continue to refine the streaming arrangements

Should you wish to attend the meeting to address the Panel please register with Democratic Services in advance of the meeting by emailing [democratic.services@southampton.gov.uk](mailto:democratic.services@southampton.gov.uk) thank you for you corporation.

#### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

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

#### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

#### **3 STATEMENT FROM THE CHAIR**

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

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 13 July 2021 and to deal with any matters arising.

## **CONSIDERATION OF TREE PRESERVATION ORDERS**

#### **5 OBJECTION TO THE SOUTHAMPTON (158 ATHELSTAN ROAD) TREE PRESERVATION ORDER 2021** (Pages 5 - 26)

Report of the Head of City Services outlining details in support of decision to make a Tree Perseveration Order on an Oak tree at 158 Athelstan Road.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **6 PLANNING APPLICATION - 21/00827/FUL - 1 GOVER ROAD**

(Pages 31 - 44)

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

### **7 PLANNING APPLICATION - 21/00909/FUL - 152 MILTON ROAD**

(Pages 45 - 80)

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

### **8 PLANNING APPLICATION - 21/00920/FUL - REAR OF 5-7 ROSE ROAD**

(Pages 81 - 104)

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.

### **9 ANNUAL DEVELOPMENT MANAGEMENT FIGURES**

(Pages 105 - 108)

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

Monday, 16 August 2021

Service Director – Legal and Business Operations

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 13 JULY 2021

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Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Magee and Windle

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

**RESOLVED:** that the minutes for the Panel meeting on 22 June 2021 be approved and signed as a correct record.

15. **PLANNING APPLICATION - 21/00412/FUL -182-184 BITTERNE RD WEST**

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

Erection of a part 3 part 4 storey building with roof terrace, for use as specialist supported accommodation comprising 5 no.1-bed flats within use class C3, with associated communal accommodation and staff office at ground floor level, bin store and parking, following demolition of the existing building.

Gareth Jenkins (architect), Kate Dench (supporter) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a required change the wording of the recommendation of the S106 wording in order to clearly define the C3(b) class of property, as set out below. It was also explained that there was an amendment to the green wall condition required. During the debate the Panel sought the assurances of a management plan and these changes and amendments to the conditions and recommendation are set below

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

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED** that the Panel:

1. That the Planning Panel confirm the Habits Regulations Assessment set out at Appendix 8; and
2. Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of

Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);

- ii. An undertaking by the developer that limits the occupation of the building for use as specialist supported accommodation to class C3 (b). Residents will be supervised by staff 24 hours a day, 7 days a week; and on-site staff will be employed by registered care providers with the accommodation managed by Southampton City Council's adult social care team.
  - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iv. 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 and Economic Development be delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be granted authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

### **Additional and Amended Conditions**

#### 27. Green wall implementation, specification and maintenance [Pre-Occupation Condition].

Prior to the occupation of the development hereby approved the green wall shall be implemented and installed in accordance with the specification detailed within the approved 'Living Wall Proposal' document referenced below. The green wall shall be maintained in full accordance with approved 'Living Wall Proposal' document throughout the lifetime of the development.

- Living Wall Proposal, 04/06/2021, biotecture, received 08.06.2021

REASON: In the interests of the visual amenities of the area, air quality, biodiversity and in order to safeguard a critical aspect of the developments overall design.

#### 30. APPROVAL CONDITION - Nitrates (pre-commencement condition)

No occupation of the development hereby approved shall take place until the Council has received and agreed written evidence that the applicant has purchased sufficient credits from Eastleigh Borough Council to offset the [2.8 kg nitrates] identified in the budget and the HRA from the development.

REASON: To secure mitigation against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and in order to address the refusal reason as set out in the appeal decision with reference APP/D1780/W/19/3220123.



31. APPROVAL CONDITION - Residential Accommodation Management Plan [Pre-Occupation Condition]

Prior to the occupation of the development hereby approved a Residential Accommodation Management Plan, to include details of safety and security measures, practices and procedures that serve the hereby approved residential accommodation in specialist use [class C3(b)] and which includes details of the following shall be submitted to and approved in writing. Once approved the development shall be implemented in accordance with the approved details:

- Management arrangements for access and use of the roof top terrace including hours of use and supervision;
- Security measures preventing residents from leaving the building without supervision (if their care packages/risk assessments deem it unsafe to do so) including at night;
- Confirmation of on-site staffing by registered care providers on a 24 hour/7 days a week basis; and,
- Emergency procedures.

REASON: To safeguard the residential amenities of neighbouring properties, in the interests of highways safety and in the interest of the safety and security of all residents within the development hereby approved.

16. **PLANNING APPLICATION - 19/01773/FUL - UNIT 1D, QUAYSIDE PARK**

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.

Change of use to gym (class D2) (retrospective)

A statement from Graham George was circulated to Panel Members and presented to the meeting.

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

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

17. **PLANNING APPLICATION - 20/01317/FUL - 230 - 234 WINCHESTER ROAD**

The Panel noted that this item had been withdrawn from consideration at this meeting.

18. **PLANNING APPLICATION - 21/00619/FUL - 11 MONKS WAY**

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.

Erection of a single storey side extension

Michelle Bezant (local residents/ objecting), Eric Stone (applicant) and Councillor Fielker (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

RECORDED VOTE to grant planning permission  
FOR: Councillors L Harris, Prior, Magee and Coombs  
AGAINST: Councillor Windle

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

<b>DECISION-MAKER:</b>	PLANNING RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	OBJECTION TO THE SOUTHAMPTON (158 ATHELSTAN ROAD) TREE PRESERVATION ORDER 2021
<b>DATE OF DECISION:</b>	AUGUST 24 2021
<b>REPORT OF:</b>	HEAD OF CITY SERVICES

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Place	
	<b>Name:</b>	Kate Martin	Tel: 023 8083 3005
	<b>E-mail</b>	Kate.martin@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	Assistant Tree Officer	
	<b>Name:</b>	Maria Mushens	Tel: 023 8083 3005
	<b>E-mail</b>	Maria.mushens@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>
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None
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<b>BRIEF SUMMARY</b>
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Oak tree to the rear of 158 Athelstan Road:  
 A Tree Preservation Order (TPO) has been placed on this tree as a precautionary measure following requests from the resident to pollard the tree and later to crown reduce and thin the tree.  
 At that time ownership of the tree was uncertain as it sits on land which adjoins our allotment land but it has since been established as belonging to 158 Athelstan Road.  
 An assessment of the tree's suitability for protection was completed and can be seen in Appendix 2 (TEMPO Form). This assessment indicated that the tree was suitable for protection and long-term retention.  
 A letter was received from the tree owners objecting to the TPO on the basis that it provides no visual amenity to the public and that neighbours have access to other trees in the area.

<b>RECOMMENDATIONS:</b>
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	(i)	To confirm The Southampton (158 Athelstan Road) Tree Preservation Order 2021
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<b>REASONS FOR REPORT RECOMMENDATIONS</b>
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1.	The trees size, condition and location mean it contributes to the overall amenity of the area and its protection under a TPO will ensure the long-term retention of these features. It is acknowledged that the visual amenity to the public highway of Athelstan road is somewhat limited and this is reflected in the conservative score given on the TEMPO form. The tree is visible when viewed from between the two neighbouring properties and over the garage
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	roof. The tree also provides amenity to the members of the public who have allotments.
2.	The term amenity has not been defined in TPO legislation and the officer has considered all aspects of amenity including the impact to the local environment, which also forms part of the amenity value of the tree.
3.	It also provides a visual link with the adjacent woodland. It is the Tree Officers opinion that as the tree grows it shall provide more visual amenity from the roadside and the amenity value will increase.
4.	The officer is not opposed to work being carried out to the tree and has informed the tree owners that the TPO does not prevent them from carrying out work to the tree, moreover just that any work must be applied for and consented to prior to being carried out. The officer has informed the tree owners that a reduction of 1.5 to 2meters, as suggested by their agent would more than likely be accepted.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
5.	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable management of the trees.
<b>DETAIL (Including consultation carried out)</b>	
6.	3.07.20 Enquires received regarding TPO status of tree, ownership of tree, how to form a fence around the tree,, asking for reduction of the tree and then a pollard to reduce encroachment over garden.
7.	10.03.2021 TPO Made and served
8.	08.04.21 Letter received from the tree owners objecting to the TPO together with an email from Talisman Tree Care and photos showing alleged honey fungus rhizomorphs. Talisman Tree Care recommend that if the tree is infected then a reduction and thin of the tree may be appropriate.  The owner's main objections appears to be; <ul style="list-style-type: none"> <li>• that the tree cannot be seen from a public place.</li> <li>• that it can be seen by neighbours but there are other trees visible to the neighbours.</li> <li>• that a TPO is not confirmed in order that they be allowed to carry out crown reduction and thinning as recommended by Talisman Tree Care due to alleged honey fungus.</li> <li>• The tree significantly overhangs and overshadows the garden by a third preventing grass and plants from growing.</li> </ul>
9.	Response to objection the main points being: <ul style="list-style-type: none"> <li>• It is acknowledged that the visual amenity of the tree is limited from the front of the property. There is significant visual amenity from the allotments and a fair amount of visual amenity from the side of the property when viewed between numbers 158 and 156.</li> <li>• Although it is accepted that there are other trees in the area which can be seen by neighbours, the assessment of this tree indicates it is suitable for protection.</li> </ul>

	<ul style="list-style-type: none"> <li>• A TPO would not prevent work being carried out to the tree, only that permission is obtained from the council prior to any work being carried out. Works have been recommended by the Tree surgeon which appear to be reasonable under application.</li> <li>• Our assessment of the canopy overhang and overshadowing of the garden can be reasonable managed with the suggested works.</li> <li>• .In response to the alleged honey fungus the Tree Officer agrees with the recommendations from Talisman Tree care hence the indication that reduction works would be agreeable if applied for.</li> </ul>
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
10.	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<b><u>Property/Other</u></b>	
11.	If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
12.	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.
<b><u>Other Legal Implications:</u></b>	
13.	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law
<b>RISK MANAGEMENT IMPLICATIONS</b>	
14.	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
15.	None

<b>KEY DECISION?</b>	<b>No</b>	
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>Peartree Ward</b>	
<u>SUPPORTING DOCUMENTATION</u>		
<b>Appendices</b>		
1.	The Order: The Southampton (158 Athelstan Road ) Tree Preservation Order 2020	
2.	Tree Evaluation Method for Preservation Orders (TEMPO)	
3	Photos	
<b>Documents In Members' Rooms</b>		
1.	None	
<b>Equality Impact Assessment</b>		
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>		No
<b>Data Protection Impact Assessment</b>		
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>		No
<b>Other Background Documents</b>		
<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>		<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None	
2.		

# APPENDIX 1



## Form of Tree Preservation Order

Town and Country Planning Act 1990

### The Southampton (158 Athelstan Road) Tree Preservation Order 2021

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

#### Citation

1. This Order may be cited as The Southampton (158 Athelstan Road) Tree Preservation Order 2021

#### Interpretation

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

#### Effect

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

**23, and, where such consent is given subject to conditions, in accordance with those conditions.**

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

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

**Dated this 10th March 2021**

**Signed on behalf of the SOUTHAMPTON CITY COUNCIL**

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

**Authorised by the Council to sign in that behalf**



**SCHEDULE 1**

**The Southampton (158 Athelstan Road) Tree Preservation Order 2021**

**Individual Trees**

**(encircled black on the map)**

<b>No on Map</b>	<b>Description</b>	<b>Situation</b>
T1	Oak	On rear boundary of 158 Athelstan Road.

**Groups of trees**

**(within a broken black line on the map)**

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

**Woodlands**

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

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

**Trees Specified by Reference to an Area**

**(within a dotted black line on the map)**

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








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Jon Dyer-Slade  
 Head of City Services  
 Place Directorate  
 Southampton City Council  
 3rd Floor One Guildhall Square  
 Southampton SO14 7FP

The Southampton (158 Athelstan Road) Tree Preservation Order 2012	
<b>TPO Ref: T2-738</b>	<b>Department: Trees team</b>
<b>Drawn: GCB</b>	<b>Scale: not to scale</b>

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

# APPENDIX 2- Tempo Form



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

<b>Date:</b> 3 <sup>rd</sup> March 2021	<b>Surveyor:</b> GCB & MM
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<b>Tree details</b>		
<b>TPO Ref:</b> T2-	<b>Tree/Group No:</b>	<b>Species:</b> Common Oak
<b>Location:</b> Rear garden of 158 Athelston Road		
<b>The Southampton ( ) Tree Preservation Order 201</b>		

### Part 1: Amenity assessment

a) Condition & suitability for TPO:

**Refer to Guidance Note for definitions**

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

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

<b>Score &amp; Notes 3</b>
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b) Remaining longevity (in years) & suitability for TPO:

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

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

<b>Score &amp; Notes 5</b>
<b>4 Conservative Score</b>

c) Relative public visibility & suitability for TPO:

*Consider realistic potential for future visibility with changed land use.*

- |   |                 |   |                 |          |
|---|-----------------|---|-----------------|----------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable | <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">Score &amp; Notes 2</td> </tr> <tr> <td style="text-align: center; font-size: 2em;"><b>2</b></td> </tr> </table> | Score & Notes 2 | <b>2</b> |
| Score & Notes 2   |                 |   |                 |          |
| <b>2</b>  |                 |   |                 |          |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable        |   |                 |          |
| 3) Medium trees, or large trees with limited view only              | Just suitable   |   |                 |          |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |   |                 |          |
| 1) Trees not visible to the public, regardless of size              | Probably unsuit |   |                 |          |

d) Other factors

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

5) Principal components of arboricultural features, or veteran trees

<p><b>Score &amp; Notes 1, but could be deemed to link with adjacent woodland.</b></p> <p style="font-size: 2em;"><b>1</b></p>
--

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

**Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify.

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

<p><b>Score &amp; Notes 2</b></p> <p style="text-align: center;"><b>3</b></p>
---

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**Part 3: Decision guide**

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

<p><b>Add Scores for Total:13</b></p>
---

<p><b>Decision: Make TPO</b></p>
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**Appendix 3 -Photo1 From front- Athelstan Road  
Winter**



**Photo 2 from side - Winter**



**Photo 3: View from Allotments at rear of 158 Athelstan Road- Summer**



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### APPENDIX 4

08 April 2021

Letter received by post and email objecting to the making of the TPO , enclosing an e-mail from Tailsman Tree care and photos.

29<sup>th</sup> March 2021

### OBJECTION LETTER FROM TREE OWNER

TREES TEAM

Southampton City Council

Civic Centre

Southampton

SO14 7LY

**Jacqui Turner & Giles Brotherton**

158 Athelstan Road

Bitterne

Southampton

SO19 4DJ

Dear Sir /Madam

**Your ref: T2-738**

We are writing to object to the Tree Preservation Order placed on an Oak tree at the bottom of our garden, at 158 Athelstan Road, Bitterne, SO19 4DJ.

We purchased this property in January 2020 knowing the house and garden needed a full renovation. In July 2020 we began making enquiries with the Southampton City Council Tree Team. Our concerns were, and still are, that the Oak tree significantly overhangs and overshadows our garden by approximately a third which prevents grass/plants growing underneath. It also has a predominant lean northwest. However, as there is no boundary fence, we were unsure who the tree belonged to. Other than a chain link fence between us and the allotments, there is no real fence on our rear boundary and we need to rectify this to make the garden safe and accessible for our toddler and two dogs. All along, we have wanted to do right by the tree and this can be clearly seen by our correspondence with the tree team.

During our enquiries with the tree team, it was confirmed on a number of occasions that the tree was not subject to a TPO and we should seek advice from a tree surgeon. We have now spoken with three tree surgeons. The last person to see the tree, David Patterson of Talisman Tree Care, inspected it after we dug out the rubble and compost at the bottom of

the garden, some of which surrounded the trunk. Mr Patterson has stated that the tree is afflicted with honey fungus and has been previously pollarded and maintained (not by us). We also now believe the tree predominantly sits on our land, which would make sense as the previous owner planted it. The Oak tree can not be seen from a public place, but can be seen by our neighbours. However it is one of many tree visible to the neighbours. Based on these findings we would ask that the tree was not subject to a TPO and that we be allowed to do the recommended crown reduction which would reduce the weight loads on the trunk and reduce the wind sail, which would hopefully prolong the life of the tree.

I have attached photographs of the tree, the overhang and the honey fungus, along with the email from Mr Patterson.

Yours sincerely

Jacqui Turner & Giles Brotherton

### **ENCLOSED E-MAIL FROM TALISMAN TREE CARE TO TREE OWNER**

Hi Giles, sorry it's taken ages to get back to you. Was a manic weekend!

The Oak tree in question looks to have been pollarded early on in its life and also reduced more recently. Looks to be signs of Armillaria (Honey Fungus) rhizomorphs (bootlaces) around and on the trunk at ground level so this may be something to keep an eye on. Normally in the Autumn you'll find the fruiting bodies (mushrooms) showing nearby as they'll be on the root system.

If it is as i suspect, infected then given the predominant lean, wind sail and exposed location to the prevailing wind a crown reduction and thin might help to retain the tree as long as possible. Would be a case of reducing the crown to remove a bit of weight/mechanical loading and wind sail whilst retaining enough leaf for the tree to sustain a healthy energy source.

Any questions please feel free to call or email

Ta,

Dave

### **ENCLOSED PHOTOS FROM TALISMAN TREECARE**







See next page

**LETTER SENT IN RESPONSE TO OBJECTION BY POST AND EMAIL TO THE TREE OWNERS AT 158  
ATHELSTAN ROAD**

Southampton City Council Civic Centre Southampton SO14 7LY

Southampton City Council Civic Centre Southampton SO14 7LY

**Trees Team** Southampton City Council Civic Centre Southampton SO14 7LY

Ms J Turner and Mr G Brotherton  
158 Athelstan Road  
Bitterne  
Southampton  
SO19 4DJ  
22 April 2021

Dear Ms Turner and Mr Brotherton

Many thanks for contacting tree team in relation to the newly made Tree Preservation Order (TPO) that has been applied to an Oak tree that sits on the rear boundary of your property of 158 Athelstan Road. I note that you have raised several points in relation to the making of the order and wish to make an objection in relation to this.

I have considered the points of your objection and can offer you a response to each. I hope that I am able to give you enough information that will show why the order was made and also to allay any concerns that you have with the tree being protected.

The reason why the decision was made to place a TPO on this tree was due to the uncertainty of its long term retention. It is not unusual for the tree team to receive requests from members of the public to ask if a tree is protected. If the tree has no order at the time of the request, then this information is given as long as it is entirely clear and that the tree didn't form part of an adjoining TPO, which I believe was the case in this instance as the Oak may have been included in the adjoining TPO on the neighbouring land. Even if a resident states that they only wish to carry out minor work to the tree, if not protected then this allows for greater work or even felling to occur, to which the local authority had the opportunity to protect the tree for the long term amenity to the local area.

A site visit was undertaken and a TEMPO (Tree Evaluation Method for Protection Orders) assessment was undertaken. This is an industry accepted method of assessing the suitability of a protection order. You will see from the attached TEMPO that some of my scores are conservative assessments. This has been done to give the lowest score to the assessing officer and at the end of the assessment, if the required figures support the making of the order, then this can give confidence that it is appropriate. I note that you say that the tree cannot be seen from the public area, however it is visible when viewed between the properties and over the garage roof. I am in agreement that not all of the tree can be seen, however you will see from the assessment on the TEMPO, this has been accounted for. I feel that it is important to understand that the term 'amenity' has not been defined in the TPO legislation, therefore one must consider all aspects of amenity, which along with visual amenity, the impact to the ecology and environment, of which the tree is contributing to, form part of its amenity. Amenity is described as 'anything that makes life more pleasant', therefore I only see it fair to consider the benefits to the environment that the tree provides and certainly making life more pleasant.

The oak tree sits on the western boundary of your property. From an initial estimation of the canopy coverage of the garden, it equates to somewhere in the region of 50 square metres of a 225 square metre garden being beneath the canopy, which equates to approximately 22% of the garden surface. I have undertaken an assessment of the loss of garden and light to the garden and I am of the opinion that it is not excessive. In addition to the calculation of garden beneath the tree, I have assessed the impact to sunlight that the garden would receive on the 21<sup>st</sup> of July and at 12:40pm the shadow would run along the rear boundary and based on a 7 metre high tree, the shadow length would be 4.24 metres.

The shadow would then move around to the east, which is toward the rear of the property and at 17:00, the shadow caused by the tree would be 9.6 metres. At 18:00 the shadow would be directly East and toward the rear of the property and at this time of day it would be 13.81 metres, which still allows sun light to reach the rear of the property.

As the garden rises from the tree, in effect this would adjust the shadow length as the calculations above are based on the land being flat and not rising or falling. Any change in the topography will naturally alter the shadow length.

In your objection you mention that a tree surgeon has alleged that the tree is infected with Honey Fungus, however this is not proven and the presence of rhizomorphs in the leaf litter and soil around trees is not a positive sign that the tree has been colonised. Unless it can be demonstrated that the tree is colonised with with Honey fungus, then the presence of Rhizomorphs should not be taken to indicate that the tree is infected. It is worth noting that Quercus (oak) are noted to have a useful degree of resistance. This is not to say that oak will not be infected, just that the tree has some degree of resistance to infection.

I note that the tree surgeon has suggested carrying out a crown reduction, which is something that the city council can consider and grant consent under the TPO, however it should not be extensive and cause the significant loss of leaf bearing structure, therefore a crown reduction of 1.5 to 2 metres should be suited to this tree. Part of the reason for making the TPO was the uncertainty of the level of work that may happen to the tree as it was suggested to re-pollard the tree, which is highly unsuitable and highly detrimental to the tree's health, therefore to prevent significant harm being caused or the loss of the tree, a TPO was deemed suitable.

The next steps that are available to you are to either remove your objection and the TPO will be confirmed and an application can be submitted for the crown reduction, or to uphold your objection and present your objection to a planning & rights of way panel. This meeting is a public meeting and it gives you the opportunity to present your case to the panel of elected members and after a tree officer has given their justification for making the order, the members will vote on the validity of the TPO. If the members agree with the tree officer, the order is then confirmed, however if the members do not agree with the tree officer's assessment, then the order will be lifted and you are free to carry out any work to the tree that you wish without the need for the council's permission.

I hope that I have been able to give you a satisfactory explanation as to why it was deemed necessary to place the order on the tree and that it is not to be considered to be restrictive to the point that no work can ever be taken on this tree. The council understand that the tree is private and that the tree owners may wish to manage their tree, and for a number of reasons. Therefore if the work is considered to be appropriate, then it would be approved. As mentioned above, if a crown reduction of up to 2 metres from the branch tips will remove your concerns and achieve your desired effect, then this can be applied for and approval given. If, however, you deem this not to be enough then you can either apply for the work you wish and appeal to the planning inspector about the decision. It is worth mentioning and this juncture that both the application and appeal process is free of charge and can be submitted via the post or electronically.

Please let me know your thoughts on his matter and how you wish to process. If you wish to uphold the objection, this will be booked on to a forthcoming panel meeting around July-August time. If you wish to apply for the crown reduction, please let me know if you need a paper copy of the application form and I can have this sent to you.

I look forward to hearing from you in due course.

Kind regards

*M Mushens*

Maria Mushens

Assistant Tree Officer

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## INDEX OF PLANNING APPLICATIONS FOR DECISION

24<sup>th</sup> August 2021 – 4:00 pm

**Please note:**

That the numbers of seats have been limited within the Guildhall in line with Public Health guidelines and that timings are estimated Members of public are advised to attend in advance of these estimated timings. Members of public are advised to arrive in good time allowing for potential variation to the timings.

Members of public wishing to speak must register in advance with the Panel clerk by emailing [democratic.services@southampton.gov.uk](mailto:democratic.services@southampton.gov.uk)

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<b>4:30pm – 5:00pm (approximately)</b>				
6	AG	CAP	5	21/00827/FUL 1 Gover Road
<b>5:00pm – 5:30pm (approximately)</b>				
7	SB	DEL	5	21/00909/FUL 152 Milton Road
<b>5:30pm – 6:00pm (approximately)</b>				
8	AL	DEL	5	21/00920/FUL Rear of 5-7 Rose Road

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

Case Officers:

AG – Andrew Gregory

SB – Stuart Brooks

AL – Anna Lee

## **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)

**Planning and Rights of Way Panel 24 August 2021  
Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 1 Gover Road			
<b>Proposed development:</b> Change of use of land for staff car parking associated with the adjacent commercial vehicle garage and installation of associated surfacing treatment and landscaping.			
<b>Application number:</b>	21/00827/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Andrew Gregory	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	Extension of time agreement	<b>Ward:</b>	Redbridge
<b>Reason for Panel Referral:</b>	More than 5 letters of objection have been received, including objections from 3 Ward Councillors	<b>Ward Councillors:</b>	Cllr Guest Cllr McEwing Cllr Spicer
<b>Applicant:</b> Adams Morey Ltd		<b>Agent:</b> Schofield Sweeney LLP	

<b>Recommendation Summary</b>	Conditional Approval
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<b>Community Infrastructure Levy Liable</b>	Not applicable
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – SDP1, SDP5, SDP10, SDP15 and SDP16 of the Local Plan Review (amended 2015), CS6, CS7, CS13, CS19 and CS20 of the Core Strategy (amended 2015)

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

Conditionally Approve

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

- 1.1 The application site comprises a cleared residential plot following the recent demolition of a vacant bungalow. The site is located at the southern end of Gover Road, situated adjacent to the Adams Morey commercial vehicle garage which bounds the site to the south and west.
- 1.2 The adjoining plot to the north at 3 Gover Road comprises a bungalow. Site access is taken from Gover Road over a highway verge which has recently been made good following damage arising from the recent demolition works. A street tree is located on the highway verge adjacent to the site access. Gover Road is predominantly residential in character comprising bungalows and two-storey housing. The site is located within close proximity to the Redbridge roundabout, which joins the M271 and A33 Redbridge flyover.

## **2. Proposal**

- 2.1 The application seeks change of use of this cleared residential plot for staff car parking associated with the adjacent commercial vehicle garage. The submitted plans show the car park laid out to accommodate 12 spaces with 10 spaces parked adjacent to the southern boundary with the garage and 2 parallel parking spaces adjacent to the boundary with 3 Gover Road.
- 2.2 The proposals indicate that the car park surface will be permeable with a cellular confinement system with granular fill. The proposed site boundary treatment comprises 2m height fencing and hedgerow planting to the boundary with 3 Gover Road and 1m fencing and hedgerow along the front boundary to Gover Road with gated access. The existing driveway arrangement across the highway verge will remain unchanged.
- 2.3 The applicants have indicated that the proposed parking spaces will reduce staff parking on the street with insufficient existing staff parking provision within the adjacent garage site. A temporary arrangement is in place whereby some staff park at the nearby public house. A further 24 new staff are shortly to start working at the garage in addition to the 60 people currently employed. The car park is proposed to be in use between the hours of 8am-6pm Monday- Friday and the gates access can be closed outside of these hours.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 Sustainable Drainage Systems (SUDS) to reduce surface water run should be incorporated into all development in accordance with Core Strategy Policy CS20
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 48 confirms that, where existing local policies are consistent with the NPPF, they

can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

- 3.4 The Adams Morey Commercial Vehicle Garage is safeguarded for light industrial use under policy REI 11 viii of the Local Plan Review. The application site is situated adjacent but on the outside of this allocation and does not have a site-specific policy allocation.

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

- 4.1 There are a number of planning application relating to garage use on the Adams Morey site dating back to the 1950s.
- 4.2 Demolition prior approval (Ref 20/01731/DPA) for demolition of the bungalow at 1 Gover Road was granted on 27.01.2021. Please note that under the provisions of the Town and Country Planning General Permitted Development Order (2015), demolition of a dwelling house is permitted development. However, prior approval is required from the Local Authority in relation to the method of demolition and site restoration.

#### **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 (25.06.2021). At the time of writing the report 17 objections have been received, plus 3 objections from each of the Local Ward Councillors. The following is a summary of the points raised:
- 5.1.2 ***It is not appropriate to be building a car park in a residential area.***  
*Officer Response – The site is situated between a residential area to the north and the Adams Morey garage to the south. The National Planning Policy Framework requires the three economic, social and environmental objectives of sustainable development to be balanced. In this instance, the provision of additional land for staff parking will support the viability of Adams Morey allowing expansion and to remain on this existing site within Southampton. Evidence in the form of an acoustic report, has been provided to demonstrate that the car park will not adversely harm the amenities of neighbours. Furthermore, appropriate boundary treatments can be installed to respond to the street scene.*
- 5.1.3 **The application states there are no trees on the plot or adjacent.**  
*Officer Response – 1 Gover Road is a cleared site and contains no trees. The adjacent trees to the west are on land within the control of the applicant, Adams Morey. None of the trees within adjacent plots are subject to a Tree Preservation. The landowner of 1 Gover Road has a common law right to cut back any overhanging branches from a neighbouring site. The installation of the proposed geoweb system will not involve significant excavation and will not adversely harm neighbouring trees.*

**5.1.4 There are no plans for drainage**

*Officer Response* - The proposal comprises cellular confinement system with granular fill which is a permeable surface and will not lead to surface water run-off. The compacted hard core currently in situ is not considered significantly greater than the height of the neighbouring bungalow ground level and the hard core has been set away from the boundary with 3 Gover Road.

**5.1.5 The proposed 2m height boundary fence is not sufficient, it needs to be of brick or block structure to suppress the noise impact through to the neighbouring property. Also, there is no statement of hours of use. This needs to be set for office hours only, and it needs to be gated and secure outside of these hours to stop the ability for others to use it and possibly gain very easy access to the property next door.**

*Officer Response* - The application is supported by evidence in the form of a noise report which demonstrates that the car park, with the provision of a 2m boundary fence, would not lead to harmful noise nuisance having regard to existing background noise levels in this area. The findings of the noise report are accepted by the Council's Environmental Health Team. The car park is to be gated and a planning condition is recommended to ensure the gates are locked between the hours of 6pm-8am

**5.1.6 It is unclear what vehicles are to be parked on the site, there is no precedent present in the plans. Adams Morey business as a truck dealer is known to all, what's to stop them parking HGV tractor units on the site or large vans?**

*Officer Response* - A planning condition is recommended to ensure this area is used for staff car parking only and shall not be used for HGV parking or repairs, in the interests of the amenities of neighbouring occupiers.

**5.1.7 Out of keeping with residential area, and the extra movement of vehicles will have a detrimental effect on the area and more importantly on the value of the adjacent property and the occupants of that property's quality of life as it backs onto their garden.**

*Officer Response* - This is a modest sized staff car park and the traffic movements associated with these 12 spaces will have a negligible impact in terms of noise and disturbance having regard to existing background noise levels in this area, as demonstrated in the submitted acoustic report. The proposed 2m height fence and hedge planting will screen the car park from the neighbour and will offer noise mitigation. In addition, the control over the hours of use will ensure activity only between working hours during the week. There is likely to be grouped car movements at the start and end of the working day but there is unlikely to be frequent in/out vehicle movement throughout the day. Impact on property value is not a material planning consideration.

**5.1.8 Adams Morey already have a very large site and another new one in Nursling with more than ample space to park cars.**

*Officer Response* – It is understood the off-site car park in Nursling is a temporary solution. The proposed staff car park is seen as a permanent solution by Adams Morey.



- 5.1.9 **The public footpath along Gover Road (in front of 1 Gover) to the Bus Stop at Redbridge and the walkway to Totton is the main access for many elderly residents and dog walkers of Old Redbridge. The application states that between 9-10 am and 5-6pm Mon to Friday the footpath will be used by "Most" staff entering/leaving the proposed new car park. This will create direct conflict between pedestrians and car park users especially as they state "the car park will be operational Monday to Friday only from 08:00 to 18:00 hrs"**

*Officer Response – No objection has been raised by Highways Development Management. A condition is recommended to ensure that vehicles do not reverse out of the access and on this basis, there would be no adverse safety impact on pedestrians*

- 5.1.10 **The ground level has already been raised by the company who demolished the bungalow at 1 Gover Road. The proposed layout enables people to look directly into the side windows at 3 Gover Road.**

*Officer Response – There is now a modest level difference between the current site level and the ground level of 3 Gover Road. The proposed 2m height boundary fence shall be installed at the higher ground level of the application site to ensure there is no overlooking/loss of privacy.*

- 5.1.11 **1 Gover Road should never have been demolished, it was left to go to ruin by Adams Morey as part of their "expansion masterplan". Adams Morey chose to allow a perfectly good bungalow to fall into disrepair so they could build a car park.**

*Officer Response – The previous bungalow was not safeguarded from demolition because the bungalow was not listed and therefore had no statutory protection. As such could be demolished under permitted development rights.*

- 5.1.12 **Adams Morey want to remove the existing trees to the west of the site, these are established trees which help to dilute air & noise pollution from the Adams Morey site and Redbridge Roundabout.**

*Officer Response – Trees on Adams Morey land to the west of this application site do not form part of this planning application and are therefore not under consideration.*

- 5.1.13 **Adams Morey appear to have enough space on their existing footprint to provide staff car parking at the rear of their property, next to the Causeway, away from residential property, they should be considerate neighbours and rearrange their layout.**

*Officer Response – Adams Morey are proposing this permanent staff parking solution to replace the existing temporary off-site solution. Formation of staff parking within their existing garage site may compromise their operation given the space needed for HGV parking and repairs.*

- 5.1.14 **This proposed car park, which will create air & noise pollution in a row of residential bungalows, is not in keeping with the area and should not be allowed.**

*Officer Response - The proposed modest staff car park will have a negligible air quality impact and no objection has been raised by the Council's Air Quality Team. A condition is recommended to secure the offer from Adams Morey to provide an electric vehicle charging point within their site for staff use.*

- 5.1.15 **The Noise report was conducted early morning to midday and the consultant, working for Adams Morey, states "noise from car parking including door slams are unlikely to be discernible within the garden of the neighbouring properties". This is so wrong, the fact that he states "door slams" shows they expect this to be a regular occurrence, even if it is "only" between 9-10 am and 5-6pm Mon to Friday, this will severely affect the occupier of 3 Gover Road.**

*Officer Response – The Council's Environmental Health Team support the approach and findings of the acoustic report and are satisfied there will not be an adverse noise impact on neighbouring occupiers.*

## 5.2 **Consultation Responses**

### 5.3 **SCC Highways – No objection**

The planning application can be supported subject to the following conditions:

- 1) Car Park Layout and Turning Space. All car parking spaces to be fully marked out (minimum size of 2.4mx5m) and should have at least 6m aisle width to allow for on site turning. The turning space will thereafter need to be kept clear at all times.
- 2) Car Park Management Plan. The proposed car park should be only used as staff parking and for domestic sized vehicles only. No HGV's are permitted to access the car park (for clarity purposes, no vehicles over 3.5tonnes)
- 3) Front Boundary Treatment. The front boundary treatment should be maintained to a maximum height of 1m to ensure visibility for any vehicles about to enter or leave the site.

N.B to secure the 6m aisle width, the number of car parking spaces within the car park will reduce by 2 spaces (see condition 4).

### 5.4 **SCC Environmental Health – No objection**

The Environmental Health Team concur with the findings of the acoustic report and as such we have no objections to the proposed development.

### 5.5 **SCC Air Quality – No objection**

The Council's Air Quality Officer recognise that the development involves the construction of 12 parking spaces only and supports the applicants offer of 1 electric vehicle charging point within the Adams Morey site and this can be secured by condition.

## **6. Planning Consideration Key Issues**

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

- The principle of development;
- Impact on the appearance of the area;
- Residential amenity;
- Highways;
- Drainage and;
- Air Quality and the Green Charter.

### **6.2 Principle of Development**

6.2.1 The application site does not have a site-specific policy allocation but bounds the Adams Morey garage which has an employment allocation under policy REI 11 viii of the Local Plan Review. The demolition of the former bungalow was carried out under permitted development rights, with the method of demolition and site restoration agreed with the Local Planning Authority under prior approval (application ref 20/01731/DPA). As such, since the house no longer exists, policies H6 of the Local Plan and CS16 of the Core Strategy which require the retention of dwellings and family homes, do not apply to this application.

6.2.2 The Council currently has a 5-year housing land supply and therefore conversion of this single residential plot into car parking would not significantly impact on the city's short-term housing land supply. Furthermore, the application site sits between the Adams Morey garage site and the residential street of Gover Road. The incorporation of this plot with the Adams Morey site would align with the existing northern boundary of the garage. The provision of additional land to provide staff parking would support the viability of this existing employment use within Southampton, which currently employs 60 members of staff and is looking at taking on an additional 24 members of staff. In addition to this, the application also has the benefits of reducing the likelihood of overspill car parking onto surrounding streets. When considered in the planning balance, the loss of a residential plot is, therefore, considered to be acceptable and the use of the site for commercial car parking is acceptable.

### **6.3 Impact on the appearance of the area**

The car park would be set back from the road frontage and would not be harmful in the street scene having regard to the depth of the highway verge, existing street tree and the proposed boundary treatment. The properties in Gover Road are enclosed by a mix of dwarf wall, fencing and hedgerow. As such, the proposed means of site enclosure of hedgerow and 1m height fencing would be in keeping with the existing street scene. As such, the proposal would not be harmful to the character and appearance of the area.

### **6.4 Impact on the residential amenities of neighbouring occupiers**

The noise impacts from a staff car park would be different to those associated with residential use. The car park has been laid out to show 12 spaces but this is likely to be reduced to 10 spaces to meet the vehicle manoeuvring requirements of the Council's Highways Team. The car park would be in usage between the hours of 8am-6pm and this can be controlled by planning condition with the use of lockable gates to prevent access outside of these hours.

- 6.4.1 The majority of trips into the site would be at the beginning of the day 8am-9am and the majority of trips out of the site would be during the hours of 5pm-6pm. The application is supported by a noise assessment which indicates that noise associated with vehicles using the car parking area would only be 2db greater than the background noise level from road traffic and employment uses in this area.
- 6.4.2 The submitted noise report follows the basic principles of British Standard 4142:2014 'Method for rating and assessing industrial and commercial sound' and concludes:  
*"An impact of 2 dB would not be noticeable in the context of the area where the ambient noise levels are relatively high and vary due to high volume of road traffic and various other sources of impact noise.  
In terms of peak noise levels, the measurement in the garden shows many peaks of high noise levels outside the period when cars were manoeuvred in the new car park. These could be caused by existing sources as mention above.  
Therefore, noise from car parking including door slams is unlikely to be discernible within the garden of the neighbouring properties. A 2m high timber fence is proposed along the boundary to dwelling at No. 3 Gover Road and this will provide screening and mitigate further the noise in the garden from impacts within the new car park."*
- 6.4.3 The findings of the acoustic report have been agreed by the Council's Environmental Health Team and therefore the proposal is not considered to have a demonstrably harmful noise impact. A planning condition is recommended to install the proposed boundary fence is installed prior to commencement of use of the car park. The 2m height fence shall be installed at the height of the car park level to ensure there is not harmful overlooking or loss of privacy to the occupiers of 3 Gover Road. As such, the proposal will not adversely harm the residential amenities of neighbouring occupiers.
- 6.5 Highways  
The Council's Highways Team have raised no objection to the proposal. The provision of additional on-site car parking to replace the existing off-site temporary solution and will assist in limiting any overspill parking into surrounding streets. The proposed car park is modest in size accommodating approximately 10 spaces. The trips associated with 10 spaces will have a negligible impact on the highway network. Subject to conditions to secure adequate manoeuvrability to allow cars to exit the site in a forward gear and the front boundary treatment restricted to 1m in height, then the proposal is considered to have no adverse highway safety impacts.
- 6.6 Drainage  
The proposed car park surface will comprise a cellular confinement system with granular fill. This type of surface is porous and will guard against surface water run-off. As such, the proposal will not lead to surface water runoff into the neighbouring garden or onto the highway
- 6.7 Air Quality and the Green Charter
- 6.7.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport

to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

6.7.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

6.7.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

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

6.7.4 The application has addressed the Green Charter and the air quality impact of the development by providing one electric vehicle charging point which can be secured by condition.

## **7. Summary**

7.1 The previous bungalow on the site was demolished under permitted development rights and the plot is not safeguarded for housing. The proposed car park is modest in size and will support an existing employment use. Evidence in the form of an acoustic report has been provided to demonstrate the car park would have no adverse noise impact and the proposed means of site enclosure will further mitigate against noise impact and will guard against loss of privacy. Furthermore, the proposed frontage boundary treatment is appropriate for the Gover Road and will incorporate a secure gated access to prevent usage and anti-social behaviour out of hours. The proposal is also acceptable in terms of highways, drainage and air quality impacts

## **8. Conclusion**

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

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

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

**AG for 24/08/2021 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. Landscaping & means of enclosure (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:

- ii. Native hedgerow planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iv. details of any proposed boundary fencing and;
- v. a landscape management scheme.

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

If any of the native hedgerow dies, fails to establish, is removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The front boundary fence, gated access and hedgerow shall be maintained to a maximum height of 1m from ground level. The side boundary fence to 3 Gover Road shall be a maximum of 2m in height measured from the ground level of the car park hereby approved.

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

#### 04. Parking Layout (Pre-Occupation)

Notwithstanding the submitted drawings, the parking and access shall be provided in accordance with revised plans to be submitted and approved in writing to the Local Planning Authority before the car park is first brought into use. The plans shall demonstrate that all car parking spaces will be fully marked out to have a minimum size of 2.4m x 5m with at least a 6m aisle width to allow for on site turning. For the avoidance of doubt, in order to achieve the 6m aisle width, car parking spaces no. 11 and 12, as shown on the plans hereby submitted will need to be omitted. The parking layout and turning space will thereafter be retained, as approved, and the turning space kept clear at all times.

#### 05. Use of the Car Park (Performance)

The proposed car park shall only be only used as staff parking and for domestic sized vehicles only. No HGV's are permitted to access the car park (for clarity purposes, no vehicles over 3.5tonnes)

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

#### 06. Hours of Use (Performance)

The car park hereby approved shall be closed and access gates locked between the hours of 7pm-7.30am Monday-Friday and all times at weekends.

Reason: In the interests of the amenities of neighbouring occupiers and in the interests of site security.

#### 07. Electric Vehicle Charging Point (Performance)

Prior to the car park hereby approved coming into use, an electric vehicle charging point for staff vehicles shall be provided within the red or blue line site boundary (Adams Morey site). The electric charging point shall thereafter be retained for staff use.

Reason: In the interests of air quality.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS13	Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP10	Safety & Security
SDP15	Air Quality
SDP16	Noise
REI 11 viii	Light Industrial Use

Supplementary Planning Guidance

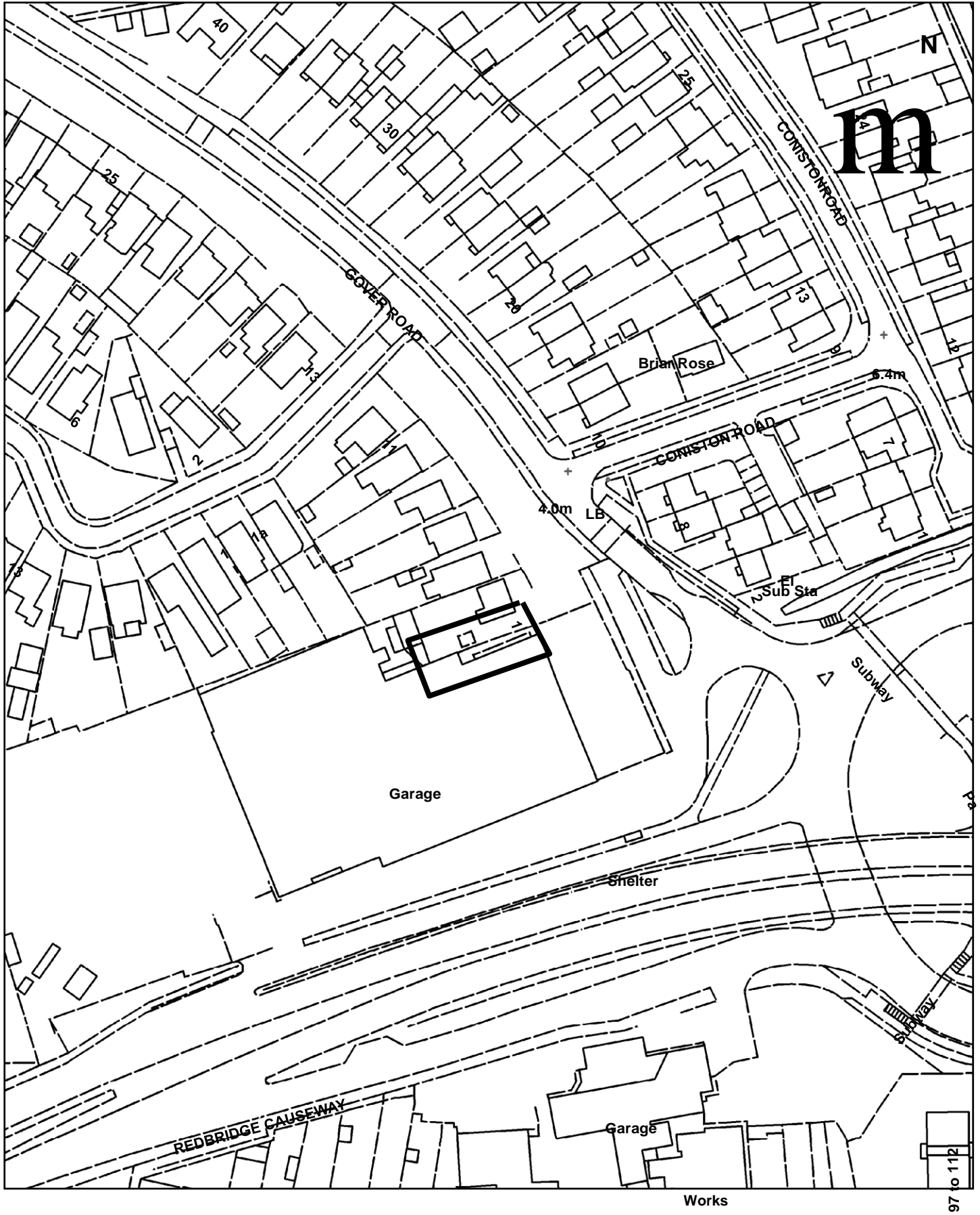
Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)





Scale: 1:1,250

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**Planning and Rights of Way Panel 24<sup>th</sup> August 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 152 Milton Road			
<b>Proposed development:</b> Erection of a 2-bed, detached house to rear of existing house, with access from Wilton Avenue (Resubmission of ref 20/01456/FUL)			
<b>Application number:</b>	21/00909/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	19.08.2021	<b>Ward:</b>	Bargate
<b>Reason for Panel Referral:</b>	More than 5 letters of objection have been received	<b>Ward Councillors:</b>	Cllr Bogle Cllr Noon Cllr Paffey
<b>Applicant:</b> Mr D Singh		<b>Agent:</b> Rushworth Architecture Ltd	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Planning &amp; Economic Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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 (2021). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, SDP23, H1, H2, H7, HE6 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Details of previously refused scheme		

**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 or S.111 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 (2) above is not completed within a reasonable timescale

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

- 1.1 The site comprises of a subdivided plot (147sqm in area) formed from garden land to the rear of the existing dwelling at no. 152 Milton Road (existing overall area = 320sqm) and benefits from its own street frontage to Wilton Avenue. In subdividing the plot, the garden of the existing house has been reduced to 50sqm (from 65-70sqm originally). The land is currently fenced off from the main garden of no. 152 and positioned at a lower level as the land falls way towards Wilton Avenue.
- 1.2 There is a predominantly 2-storey, semi-detached suburban street scene on Wilton Avenue. This is broken by the gap between no. 103 and 101 (the application site) and a tall wall/fence along the back edge of the pavement, which encloses a residential parking area belonging to no.101. The rear elevations of the Milton Road properties, located on the top of the slope, are visible from Wilton Avenue. The city centre is within close walking distance to the south, whilst the surrounding streets are mostly controlled by parking restrictions.

### **2. Proposal**

- 2.1 It is proposed to erect a 2-bedroom detached bungalow with access from Wilton Avenue for a 1 off-road parking space. The dwelling will include accommodation within the roof-space, served by roof-lights. Overall, the dwelling would provide 50sq.m of floor area.
- 2.2 The property has a relatively traditional design approach with brick elevations and front bay window together with a pitched and tiled roof. The site would be excavated and a new retaining wall would be constructed along the boundary with the garden with nos. 150 Milton Road and 152 Milton Road. The rear garden of the property is terraced with a raised section adjacent to the rear boundary with No 152. In total, 44.sq.m of rear garden space would be provided. Purpose built refuse and cycle storage would be provided within the front curtilage of the property, screened by a boundary wall.

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

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

3.2 The National Planning Policy Framework (NPPF) was revised on the 20<sup>th</sup> July 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

4.1 The application is a resubmission of the previously refused application (LPA ref no. 20/01456/FUL – ***see Appendix 3*** for details) for a 2-storey, detached flatted block (2 x 1 bed flats). The previous application was refused under delegated powers, last year, for the following reason:

##### **Harm to Residential Amenity**

The proposed two-storey flatted building by reason of its scale, layout and proximity to the north-eastern boundary would appear unduly dominant, overbearing and would result in sense of enclosure when viewed from 150 Milton Road. Furthermore, the first-floor rear lounge window in the proposed flatted block would lead to oblique overlooking and loss of privacy to 150 Milton Road. As such, the proposal would be harmful to the residential amenities of neighbouring occupiers, contrary to saved policies SDP1(i), SDP9(v) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in section of 2 of the Residential Design Guide SPD (September 2006).

4.2 The current application seeks to address the previous reason for refusal by reducing the scale and massing of the proposed building to improve the relationship with the neighbouring properties.

#### **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 (02.07.2021). At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Over-intensive use and over-development of residential garden land. Out of keeping with 2 storey housing. Would set an unwelcome precedent for garden grabbing. A back garden house was refused at 1 Wilton Avenue a few years ago. There is not a housing need for further 2 bedroom properties as there are enough newly built in Southampton. Milton Road is already overpopulated,***

***there are about 143 houses and at least 111 are HMOs, housing between 4 and 6 people. The property could become a House in Multiple Occupation (HMO) causing further imbalance of the community. The local doctors and dentists are over subscribed. Not enough facilities i.e. bin collection to accommodate for even more people's rubbish and more pressure on doctors surgery's, dentist, school places. Bins will be kept on the street further worsen the local environment.***

**Response**

The size and layout of the proposed dwelling is considered to respond well with the local character and context. The principle of developing garden land to provide further housing is not prevented by the current adopted policy framework, subject to the specific merits of the proposal and the character of the area. In this instance, the use of garden land is not judged to be harmful to either local character or amenity. The surrounding area typically comprises back-to-back dwellings, whereas the application site is unusual in that it has a frontage to a street. As such, it is unlikely to set a precedent for further garden land development.

There is an identified need for further housing within the city and the Core Strategy recognises the need for smaller accommodation. Furthermore, the location of the site, within close proximity to sustainable transport opportunities, employment opportunities and shops and services means the location is appropriate. The adopted Core Strategy recognises that homes will generally need to be built higher densities and the level of density that would be achieved (68 dwellings per hectare) is slightly less than the range policy CS5 indicates is acceptable for this location (in excess of 100 d.p.h).

The application proposes a Use Class C3 family dwelling which would require further planning permission to change to a HMO (where the 40m radius test can be applied). The addition of a small sized family home will improve mix and balance of the community and help meet a housing need in the city.

The development would be liable for the Community Infrastructure Levy which would provide contributions towards local infrastructure in the city.

Bespoke storage would be provided for refuse and recycling which is of sufficient size and suitable design to minimise the potential for refuse management problems.

There is a clear and distinct difference in the impact on local character between the refused back-land development at no. 1 Wilton Avenue (LPA ref no. 09/00907/FUL) and the current application proposal. The refused property at 1 Wilton Avenue did not benefit from its own street frontage unlike the current application.

5.3 ***Loss of residential amenity to neighbouring occupiers in terms of light, outlook due to proximity of the proposed development. Increased noise and disturbance. This will impact on the ability of no. 150 to foster children as a private/safe/quiet space in garden is required for those children and particularly autistic children.***

**Response**

The layout and massing of the dwelling responds well to the difference in levels across the neighbouring land and so will not adversely affect the residential amenity

of neighbouring occupiers. Moreover, the significant reduction in the scale and massing of the property when compared with the refused planning application on this site has significantly improved the relationship of the proposed dwelling with the neighbouring properties. The incidental residential activities and additional comings and goings associated with a small sized family home is not considered to cause adverse noise and disturbance.

5.4 ***Inadequate garden space.***

**Response**

The smaller garden size is suitable and fit for purpose for a small sized family household and in keeping with the smaller garden sizes typical of the local area.

5.5 ***The area is at risk from flooding. The underground stream next to houses 111 and 113 Wilton Avenue was one of the reasons that a small block of flats was refused at the car wash site next to 113. There is a flooding problem in this area, especially as we are at the end of the street property 152 drains often overflow and caused the drain of no. 150 to also overflow and thus sewerage was dispersed into the neighbouring garden. Unclear whether the calculations for surface water discharge take account of increasing strength and frequency of very heavy rainfall in the coming years.***

**Response**

The site does not lie within an area of identified flood risk. The site is far enough away from the culverted Rollesbrook river to not affect the maintenance and access to the culvert, as was the case at 111-113 Wilton Avenue, through which the culvert runs.

There will be consents required from the local water authority and building regulations for the control of drainage and surface water separate to any planning permission granted. The applicant will be required to provide a permeable surface on the front driveway to minimise surface run off impact on the adjoining highway.

5.6 ***Increased traffic and parking demand – lack of assessment carried out. Further pressure on limited street parking available where there are already parking permit controls. Not good access to public transport and bus routes. The entrance/exit to house in Wilton Avenue is near to a bend that slopes sharply eastwards.***

**Response**

The application proposes the provision of 1 off-road car parking space. The adopted Car Parking Standards Supplementary Planning Document permits a maximum of 2 car parking spaces in this location. That said, the site is just 400m from the Shirley High Accessibility Bus Corridor (20+ buses per hour) and 400m from the City Centre High Accessibility zone, and in walking distance to the central train station. Furthermore, the parking controls that exist within the area limit the potential for over-spill car parking. As such, the level of car parking provision is considered to be acceptable.

The Council's highways officer is satisfied that highways safety will not be adversely

affected by the parking, traffic and access, whilst the recommended changes to the boundary treatments adjacent to the site entrance are secured by condition to improve safety of the existing vehicle access in terms of pedestrian visibility.

- 5.7 **The boundary of the proposed development is incorrect and encroaches upon the garden of no. 150. No access to maintain side wall and gutter adjacent to shared boundary and the neighbour will be unable to repair their garden wall.**

**Response**

The applicant has confirmed that the ownership of land is shown correctly by the plans. Land ownership and maintenance access is a private matter to be settled between the adjoining landowners outside the planning process, whilst the applicant will need to adhere to the requirements of the party wall act.

The applicant states that - *The boundary line has been taken from the centreline of the existing boundary wall for the purposes of the application (reasonably expected to be the legal boundary line), and the proposed fence to be erected when the works are completed is to be erected on the same line, along the centreline of the existing (to be removed) damaged wall. In fact, the objection makes note of a secondary fence that they have erected as a means of child safety (due to the damaged boundary wall) – this fence line is indicated on the existing site survey plan, and again on all the proposed site plans. This fence was accurately measured by a topographical surveyor, and the plans clearly indicate that we have no intention of land “grabbing”.*

- 5.8 **The applicant is motivated by profit not supporting the community.**

**Response**

This is not a material planning consideration. The planning assessment gives weight to delivery of housing as a material consideration.

- 5.9 **Decrease in property value.**

**Response**

This is not a material planning consideration.

**Consultation Responses**

5.10 <b>Consultee</b>	<b>Comments</b>
Archaeology	No archaeological conditions are required.
Environmental Health	No objection subject to conditions.
Sustainability	No objection subject to conditions.
Southern Water	The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.  Case Officer Response



	The Southern Water shows the sewer line running long the back wall of the existing house at 152 Milton Road and therefore the construction of the proposed dwelling is unlikely to interfere. The protection of the sewer is primarily covered by consent under Building Regulations and Southern Water's powers.
Cllr Sarah Bogle	I object to this planning application on the grounds of over-development, loss of light/overlooking neighbouring properties and potential road safety turning into and out of Wilton Avenue. This is the creation of an additional dwelling in a garden in a densely populated area with some houses of character and close to a conservation area.  <u>Case Officer Response</u> These issues are discussed in section 6 of this report.
Highways	No objection to impact on highways safety subject to lowering of the boundary treatment adjacent to the existing access to improve pedestrian visibility.  <u>Case Officer Response</u> The plans have been amended to show this accordingly.
SCC Building Control Manager	A contiguous pile wall would be an effective retaining wall structure. The final design calculations and detailed drawing of the retaining structure can be agreed by condition.

## 6. Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Effect on neighbouring residential amenity;
- Quality of the residential environment;
- Parking highways and transport and;
- Likely effect on designated habitats.

### 6.2 Principle of development

6.2.1 The site is not allocated for additional housing and the proposed dwelling would represent windfall housing development. The land forms part of the residential garden of no. 152 Milton Road. As set out above, the Council's adopted policies do not prevent the development of garden land per se, subject to the effects on the character of the area and residential amenity. The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting

its targets for housing delivery. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. As such, the principle of development, to make more efficient use of the land for housing can be supported subject to effect of the use of garden land on the character of the area (NPPF paragraph 124(d) refers).

6.2.3 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that locations such as this, density levels should generally be above 100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 68 d.p.h which, falls below the range set out above, however, this more modest density is appropriate for the suburban like character in this part of Wilton Avenue whilst still reflecting compact urban grain of the area.

### 6.3 Design and effect on character

6.3.1 With reference to the previously refused scheme (**see Appendix 3**), officers did not raise any reasons regarding the loss of the garden land or back-land site being out of character with the local area. In recent times, the landowner has fenced off the top half of garden to improve security for the existing dwelling at no. 152 and used the lower half for storage purposes, until a timber garage was recently demolished. Although the land is fenced off, its established use is still part of the residential garden of no. 152. The land has an existing dropped kerb vehicle access from Wilton Avenue. The design guidance in section 3 of the Residential Design Guide supports reinforcing and complementing the existing character and appearance of the street. In particular, whilst the application proposes back-land development of a residential garden, the guidance is supportive of new infill development situated part way along streets providing it complements the pattern of development in the rest of the street (refer to paragraph 3.7.7 of the Residential Design Guide). As set out, the proposal would close an existing gap within the Wilton Avenue street scene and address this street.

6.3.2 Whilst the application proposal is less than the 100d.p.h density guideline set out in policy CS5 of the Core Strategy, the policy density guideline is more suited to the higher density city centre flatted blocks. The level of development proposed is, however, more appropriate for this typically compact suburban housing location. As a starting point for judging the appropriate level of development, paragraph 3.9.1 of the Residential Design Guide states that the '*footprint to plot ratio of a new dwellings should be similar to that of existing nearby dwellings*', whilst paragraph 3.9.2 states '*if the plot is much bigger than adjacent plots there is a strong case for subdivision of the plot to create new houses of a similar footprint to plot ratio as existing adjacent houses*'. Both of these tests are met for the application proposal. The existing 320sqm plot of 152 Milton Road is broadly between double and triple the size of other surrounding plots to the east of the site, so in this urban context there is a strong case to subdivide the larger plot to make more efficient use of the land. The proposed 61% ratio of footprint and hardstanding coverage of the plot is slightly above the general 50% guideline for residential plots as stated in the Residential Design Guide (paragraph 3.9.2), albeit this would be betterment over the lower half of the existing garden which is mostly covered by hardstanding.

- 6.3.3 Furthermore, the locality does not have a uniform pattern of development since the size and shape of existing plots are influenced by the ridgeline of the slope separating the back gardens of Milton Road and Wilton Avenue. The ridgeline of the slope follows a path which is the surviving southern boundary of the 19<sup>th</sup> Century Bannister Estate. Historically, the street pattern between Milton Road and Wilton Avenue has been built up around this historical landmark feature. As such, the manner of the plot subdivision will be in-keeping with the local context and character. The smaller household size of the 2-bedroom bungalow will be an appropriate level of development and intensification of the plot size.
- 6.3.4 Currently, the rear elevations of the Milton Road houses are prominent on the slope between the gap of no. 101 and 103 Wilton Avenue. This is not a particularly positive view to protect from Wilton Avenue. The terraced change in levels across the site presents an opportunity to form a separate housing plot with its own street frontage onto Wilton Avenue. By infilling the gap between no. 101 and 103 Wilton Avenue, the front building line of proposed dwelling would visually continue and reinforce the existing line of perimeter-block housing along Wilton Avenue. The variation in height and scale of the single storey bungalow would not significantly detract from the 2-storey character and appearance of the street scene.
- 6.3.5 To the benefit of the neighbouring dwellings and passing pedestrians, this new house would positively add more natural surveillance to the street. Variation in building heights can introduce visual interest to the street scene. The style and proportions of the surrounding 2-storey dwellings is picked up well by the front gable feature of the bungalow. Ideally a 2-storey dwelling would have been better suited the street scene, but reduction to single storey is necessary overcome the residential amenity impact to no. 150 Milton Road. The visual contrast of a bungalow is further balanced by the opportunity to deliver suitable accommodation for smaller sized families or lower income households, whilst the loss of the residential garden would not adversely affect the prevailing character and setting of the local area.
- 6.4 Effect on neighbouring residential amenity
- 6.4.1 The principal reason for refusing the previous application was the adverse effect on the residential amenity of 150 Milton Road from: a) over-dominant sense of enclosure from the 2-storey dwelling and; b) loss of privacy from the first-floor flat lounge window (**see Appendix 3**).
- 6.4.2 In seeking to address these concerns, the scale and massing proposed building has been lowered to a bungalow with living accommodation in the roof-space (eaves 3.1m and ridge 6m). In addition, it is important to note that the site will be excavated by between 1.6m and 2.2m to ensure the levels meet the Wilton Avenue street level. The result of this will be that the highest part of the garden of no. 150 will be up to 3m higher above the excavated site levels (meaning the garden of no. 150 will be level with the eaves of the proposed dwelling). The construction of a retaining wall structure will support the higher-level garden at the rear of no. 150. The 1.8m high replacement fence along the shared boundary with no. 150 will effectively screen most of the proposed building, with only the less visually dominant hipped roof remaining visible. This would therefore not over-dominate the outlook from neighbour's garden, and neighbour's garden will maintain reasonable access to light prior to the late afternoon due to the over-shadowing impact being from the west.

6.4.3 A person standing in the lower half of the garden of no. 150 would only have limited views of the top most part of the roof of the proposed dwelling (it comes to an apex 3m to the right of the shared boundary). Similarly, when standing immediately adjacent to the rear elevation of No. 150, only the roof would be visible at a distance of 15 metres. Furthermore, due to the difference in levels and oblique angle, it would not be possible to look over the new boundary fence from the proposed dwelling. There are no rear facing windows overlooking towards no. 150 or 152. The side facing rooflight above stairway will be made obscure glazed and fixed shut.

## 6.5 Quality of the Residential Environment

6.5.1 In terms of the size of the dwelling proposed, the Nationally Described Space Standards set out a minimum floor area of 70 sq.m for the proposed dwelling. The proposed dwelling would provide 50 sq.m of floorspace. On balance, the residential living environment would be of good overall quality to serve a small sized family household and the interior would not feel unduly cramped or dark, especially in this urban context characterised by higher density development on the edge of the city centre. The minimum floor space standards are unadopted guidelines, so being flexible and pragmatic according to the constraints of tighter urban sites it is not always possible to plan by these standards to allow the delivery of smaller sized housing.

6.5.2 In terms of garden area, the Council's Residential Design Guide (para 2.3.14 and section 4.4) sets out that garden areas of 90sq.m is appropriate for detached dwellings. It should be noted the guidance in paragraph 2.3.14 states that there are some parts of the city where gardens are typically smaller than the minimum sizes indicated. In such cases, it may be demonstrable that smaller garden sites are characteristic of the local area. The smaller garden size proposed (44sqm) is not uncharacteristic of the tighter urban grain in the local area and its size and quality would be fit for purpose to serve the needs of a small sized family household. Where the existing garden of no. 152 is subdivided, it will retain 50sqm of private amenity space and therefore complies with the minimum standards.

6.5.3 Overall, accommodation within the dwelling would enjoy good outlook and access to daylight and privacy with the garden being both useable and fit for purpose. As such, the quality of accommodation is considered to be acceptable.

## 6.6 Parking highways and transport

6.6.1 The level of trips associated with the proposed dwelling would not significantly affect the local road network. The vehicular access which exists previously provided access to a garage and benefits from a dropped kerb access point protected with double yellow lines. The Highways Officer has no objection to the development, however, they have recommended that the boundary wall treatments are kept as low as possible (ideally 0.6m) on both sides (front pillar adjacent to the car park of no. 101 acknowledging that the existing boundary wall is not changeable) where the boundary walls meet the footway to ensure as clear as possible pedestrian sightlines of vehicles exiting the proposed driveway. The applicant has changed the plans accordingly.

6.6.2 The Council's parking standards requires a maximum of 2 off-road spaces for a 2-bedroom house in this area (defined as non-high accessible). Whilst a parking

survey has not been provided, it is considered that the off-road parking shortfall will not adversely affect the amenity of local residents due to a combination of the close walking distance to the city centre and the existing street parking controls in surrounding streets which will minimise the overspill impact on street parking from the additional parking demand.

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 In summary, the proposed scheme will positively contribute towards the city's housing demand by securing a windfall housing site ideal for lower income and smaller sized family households. The development better utilises an unused part of the sloping residential garden and optimises its efficient use in the context of the tight urban grain character of the local area without adversely affecting the residential amenity or highways safety of the local area. The loss of the residential garden will not negatively impact on the character of the area. Following the refusal of previous application by officers, the reason for refusals are adequately addressed in lowering the scale and height of the building.

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

**SB for 24/08/21 PROW Panel**

## **PLANNING CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

Monday to Friday                      08:00 to 18:00 hours

Saturdays                                      09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

**05. Unsuspected Contamination (Performance)**

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

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

**06. Use of uncontaminated soils and fill (Performance)**

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

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

**07. Energy & Water [Pre-Construction]**

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 a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

**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 current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use 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. Site Levels [pre-commencement]**

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

**10. Retaining Wall [pre-commencement]**

No development shall take place (excluding demolition and site set up) until further details of the retaining wall structures have been submitted to and approved in writing by the Local Planning Authority. The details of the retaining wall structures shall include construction phasing and final calculations and detailed design. The development shall be completed in accordance with these agreed details and thereafter retained for the lifetime of the development. Prior to occupation of the development hereby approved, a post-completion report to verify the installation of the retaining wall as approved shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure that the neighbouring land is structurally retained to protect the neighbour's amenity.

Note to applicant – it is recommended to take photographs to key phases of installation.

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

Notwithstanding the approved plans, 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. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

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



**12. Refuse & Recycling (Performance)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved for the lifetime of the development. With the exception of collection days, the refuse bins shall be kept in the approved storage area.

Reason: In the interest of visual and residential amenity.

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

**13. Access & Parking (Pre-occupation)**

Prior to the occupation of the dwelling hereby approved, the development shall be implemented in accordance with the approved access and parking, including the lowered boundaries treatments adjacent to the site entrance shown on the approved plans, and shall thereafter be retained for the duration of the lifetime of the development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level adjacent to the site entrance where otherwise shown on the approved plans.

Reason: In the interests of securing safe access in the interests of highways safety.

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

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

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

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

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Reason: To protect the living conditions of the future occupiers given the small size of the plot and in the interests of residential amenity and visual amenities of the area.

**15. 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 to include a non-permeable surfacing to prevent surface water run off onto the adjoining highway;
- 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. details of any proposed boundary treatment and;
- iv. 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. This is with exception to the other works approved to be carried out prior to occupation of the dwelling. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision and the other works shall be retained as approved for the lifetime of the development.

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

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

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

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

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

**17. Obscure Glazing (Performance Condition)**

The side facing rooflight above the stairs of the hereby approved development, shall be obscurely glazed and fixed shut before the development is first occupied. The windows shall be thereafter retained in this manner.

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

**18. Approved Plans**

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

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

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### Application 21/00909/FUL

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

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

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

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

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

provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<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	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

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

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

### **New Forest**

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

*Within Southampton the Council will promote biodiversity through:*

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



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

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

The proposed development will generate a CIL contribution and the City Council will ring fence 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.

### Application 21/00909/FUL

#### POLICY CONTEXT

##### Core Strategy (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP23	Unstable Land
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
HE6	Archaeology

##### 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 (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

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

Mr Owen Rushworth  
Rushworth Architecture Ltd  
84 Eastbourne Avenue  
Gosport  
PO12 4NX

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

#### FULL APPLICATION - REFUSAL

**Proposal:**                    **Erection of detached building containing 2x 1-bed flats to rear of existing house.**

**Site Address:**                **152 Milton Road, Southampton, SO15 2HW**

**Application No:**            **20/01456/FUL**

For the following reason(s):

#### 01.Harm to Residential Amenity

The proposed two-storey flatted building by reason of its scale, layout and proximity to the north-eastern boundary would appear unduly dominant, overbearing and would result in sense of enclosure when viewed from 150 Milton Road. Furthermore, the first-floor rear lounge window in the proposed flatted block would lead to oblique overlooking and loss of privacy to 150 Milton Road. As such, the proposal would be harmful to the residential amenities of neighbouring occupiers, contrary to saved policies SDP1(i), SDP9(v) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in section of 2 of the Residential Design Guide SPD (September 2006).

**Paul Barton**  
**Interim Head of Planning & Economic Development**

22 December 2020

For any further enquiries please contact:  
**Stuart Brooks**

## **PLANS AND INFORMATION CONSIDERED**

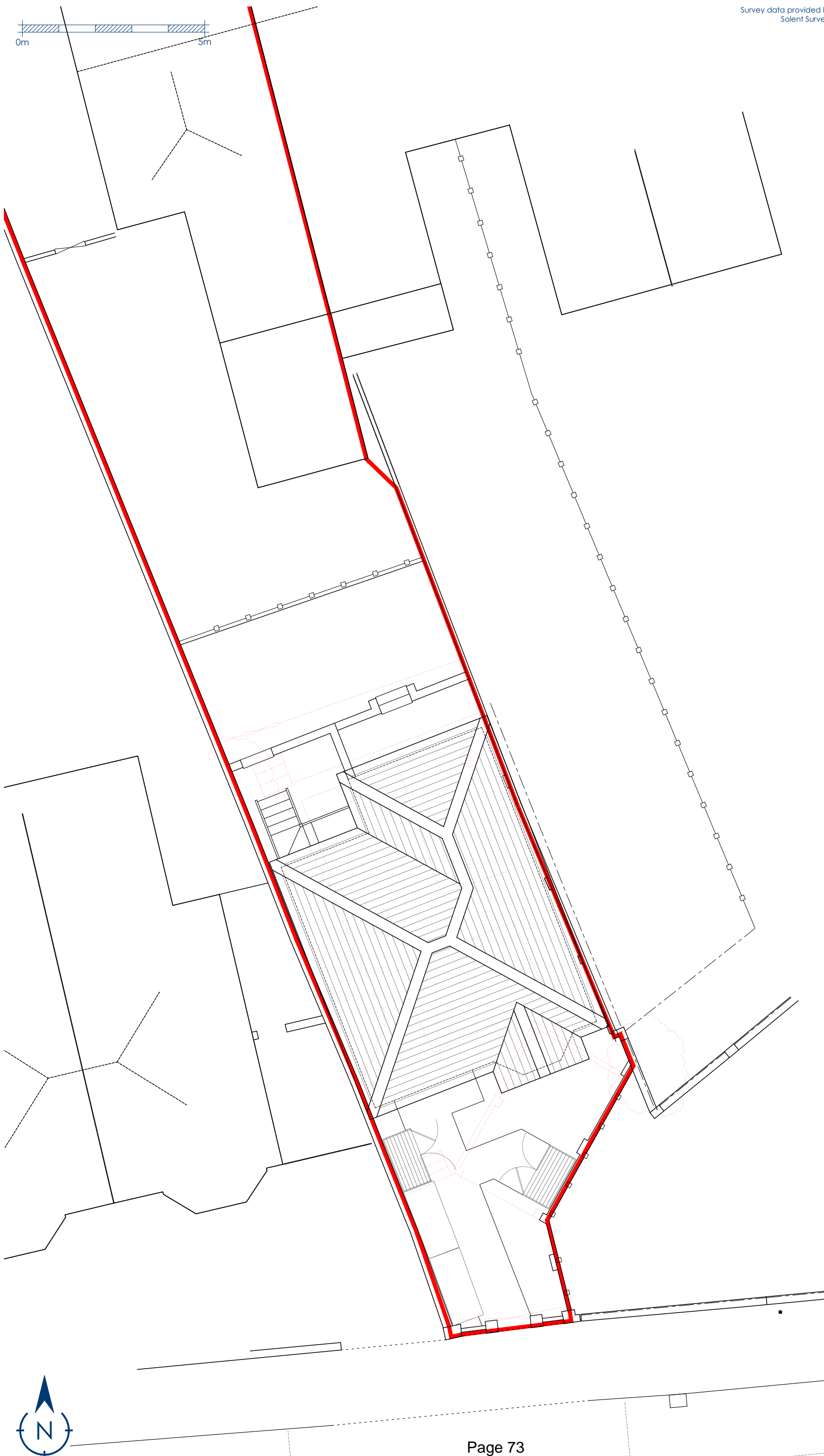
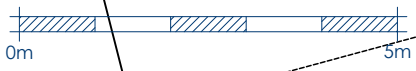
This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
SO1		Location Plan	10.11.2020	Refused
PR01	Rev A	Site Plan	10.11.2020	Refused
PR04		Floor Plan	10.11.2020	Refused
PR05		Roof Plan	10.11.2020	Refused
PR06		Elevational Plan	10.11.2020	Refused
PR07		Street scene	10.11.2020	Refused
PR08	Rev A	Sections	10.11.2020	Refused

## **NOTES**

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

1. Appeals **must be registered within six months of the date of this notice** and be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
2. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
4. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
5. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.



Client  
Mr D Singh

Project  
152 Milton Road  
Southampton  
SO15 2HW

Drawing  
Proposed Site Plan  
Roof

Project No.  
20027

Status  
Planning

Scale  
1:100

Size  
A3

Drawn by  
OR-RWA

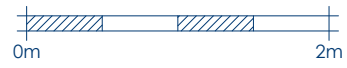
Date  
Oct 2020

Drawing No.  
PR03

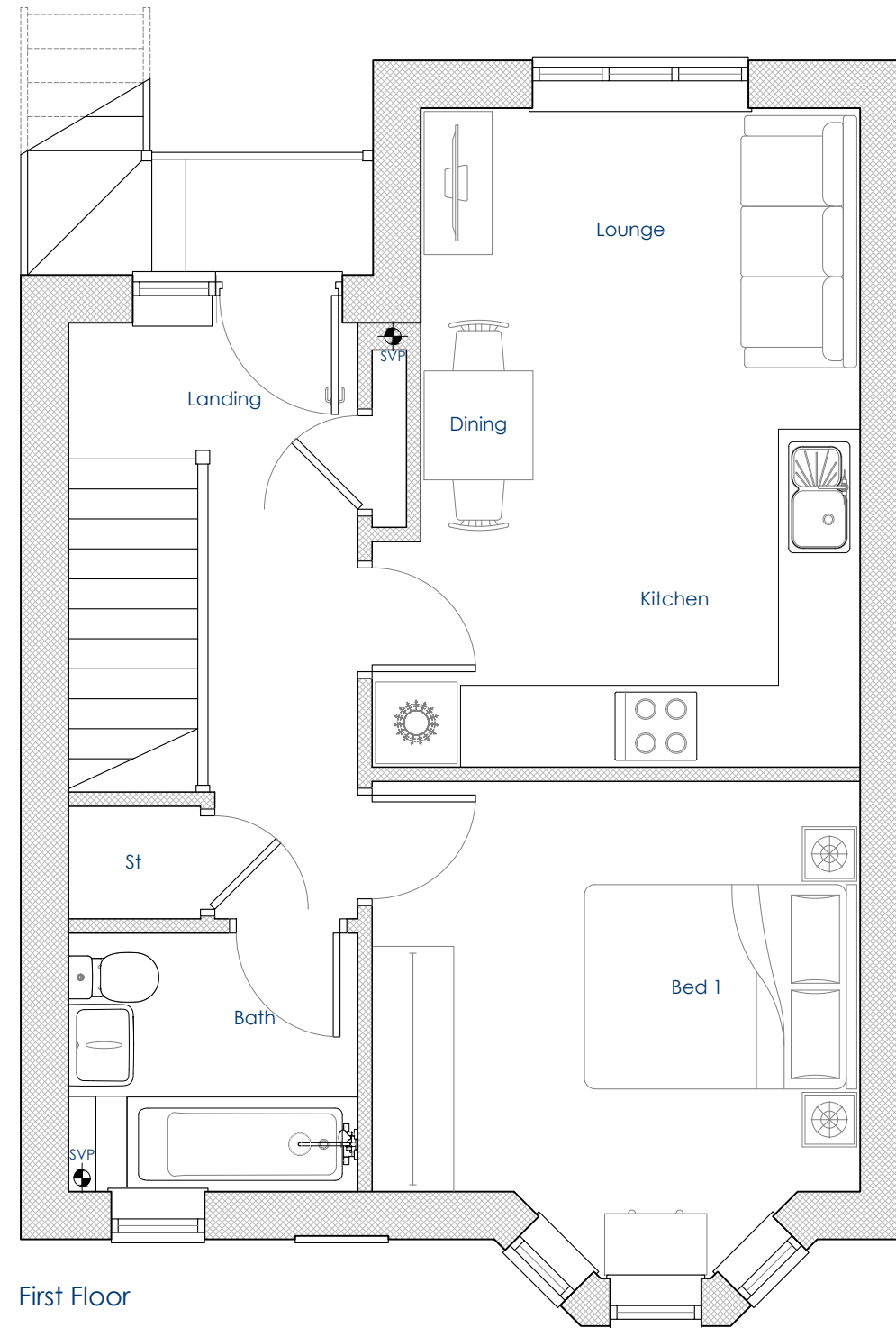
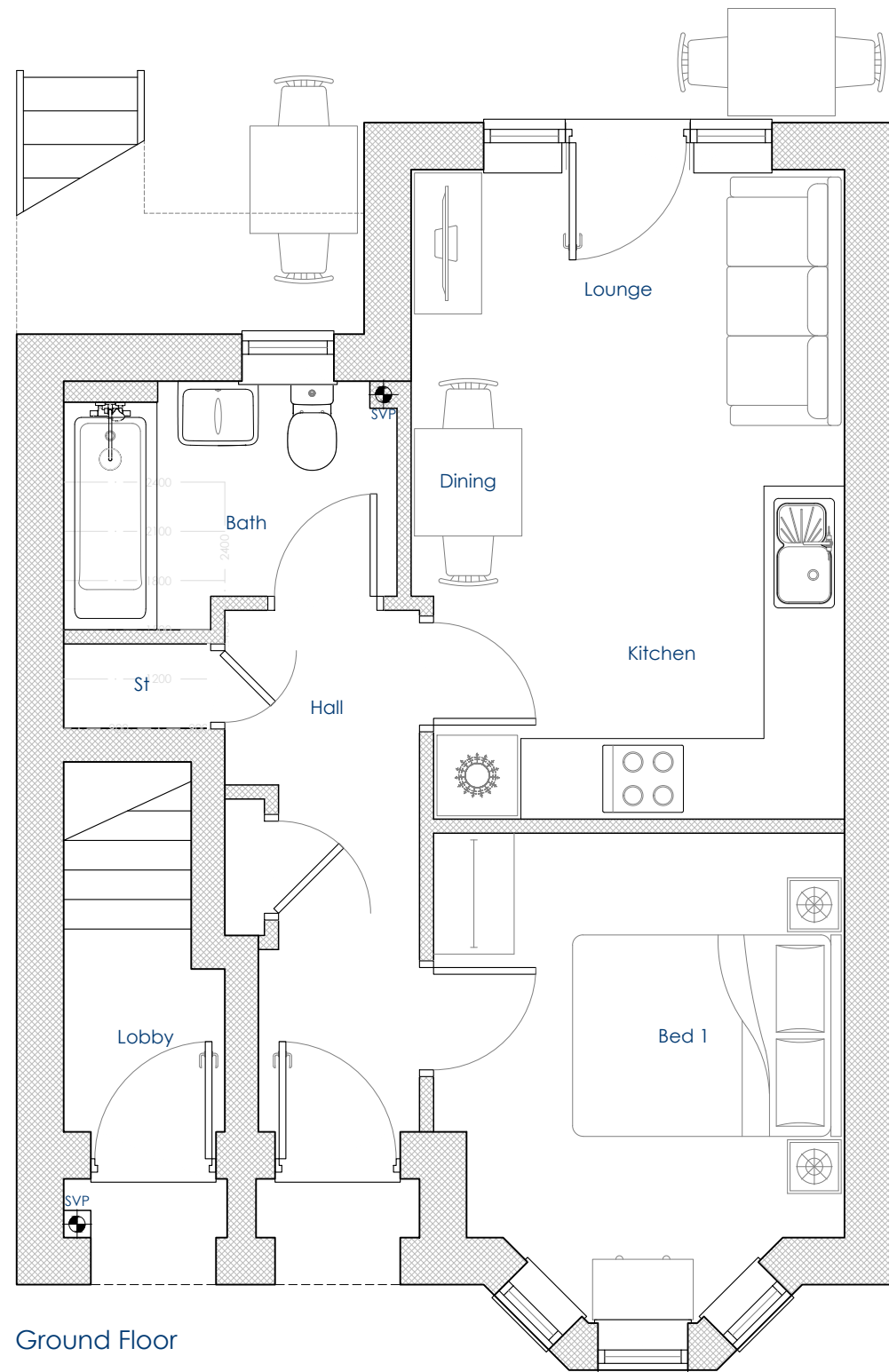
Revision  
A

Do not scale from this drawing except for planning application purposes only. All measurements stated are believed to be correct and should be checked on-site. Any discrepancies or errors should be reported to the designer before work commences. Copyright exists on the information and designs shown in this drawing. OS License: 100061777

Rev	By	Notes



Page 74



RUSHWORTH  
ARCHITECTURE

info@r-w-a.co.uk  
0777 288 0171

Client  
Mr D Singh

Project  
152 Milton Road  
Southampton  
SO15 2HW

Drawing  
Proposed Floor Plans

Project No.  
20027

Status  
Planning

Scale  
1:50

Size  
A3

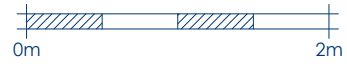
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OR-RWA

Date  
Oct 2020

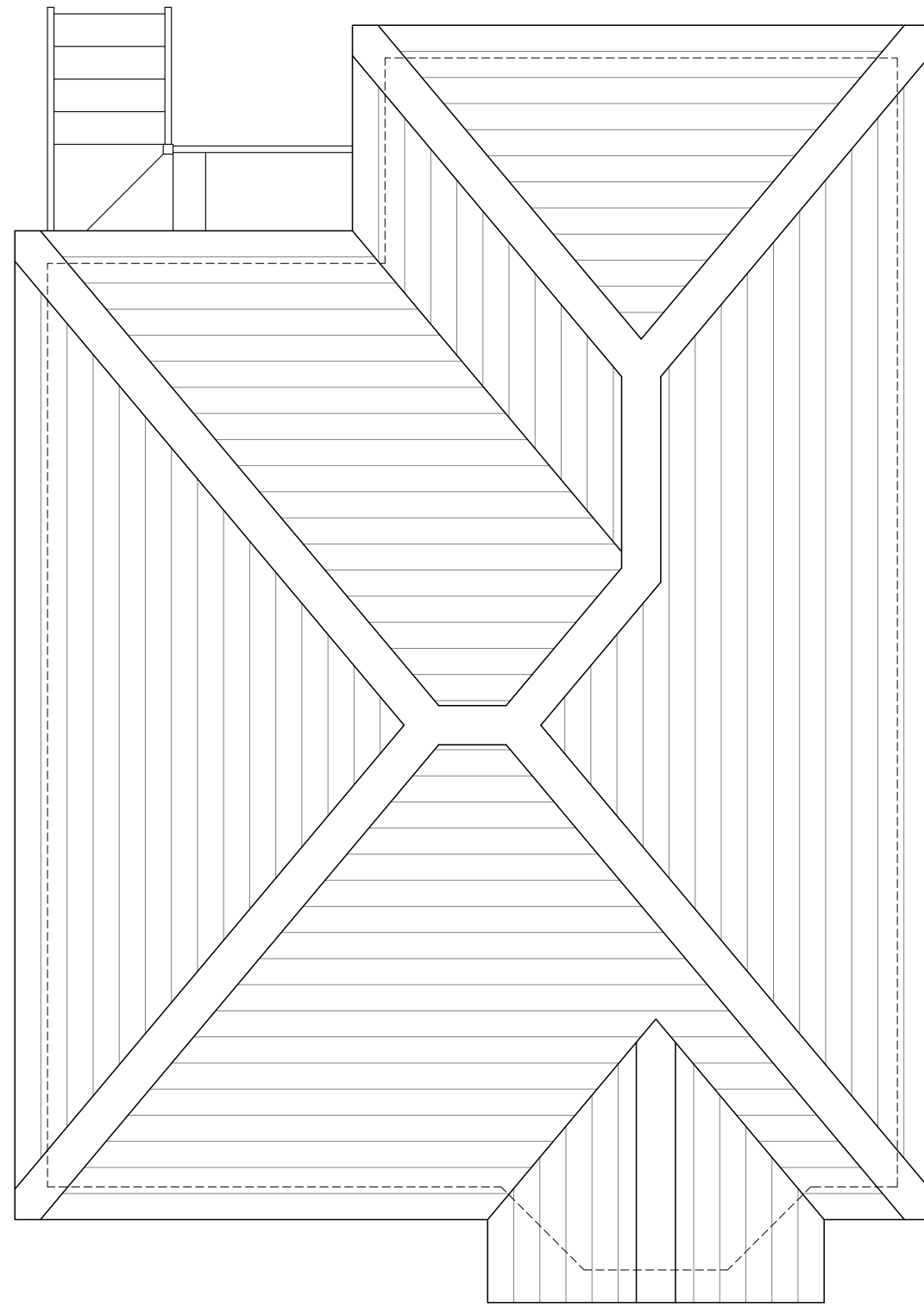
Drawing No.  
PR04

Revision  
-





Rev	By	Notes



**RWA**  
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 ARCHITECTURE  
 info@r-w-a.co.uk  
 0777 288 0171

Client  
**Mr D Singh**

Project  
 152 Milton Road  
 Southampton  
 SO15 2HW

Drawing  
**Proposed Roof Plan**

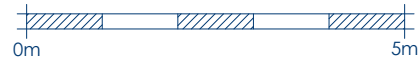
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**20027**

Status  
**Planning**

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Drawn by <b>OR-RWA</b>	Date <b>Oct 2020</b>
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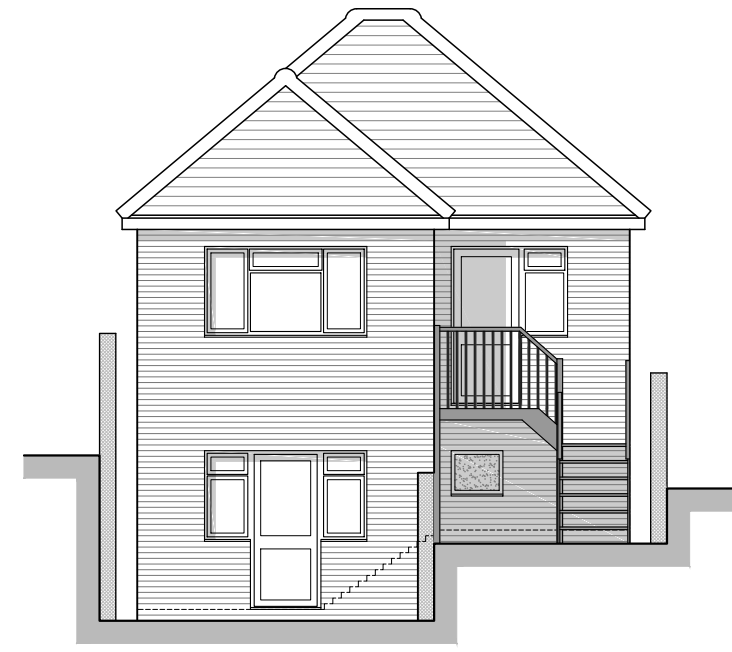
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Rev	By	Notes



Front Elevation

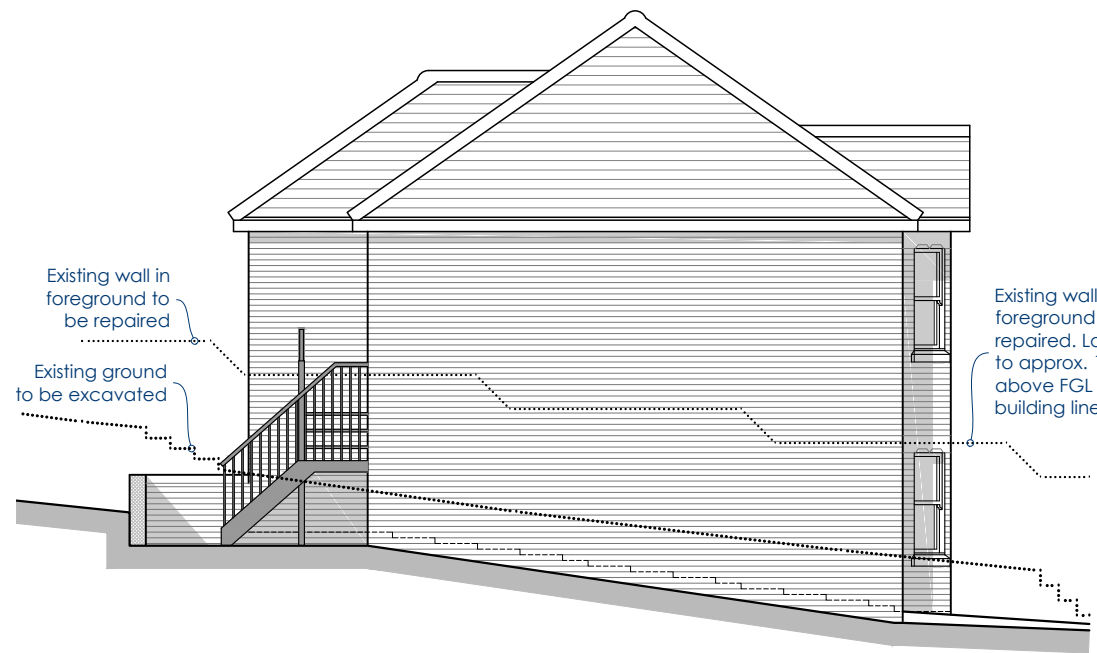


Rear Elevation  
(through patios)

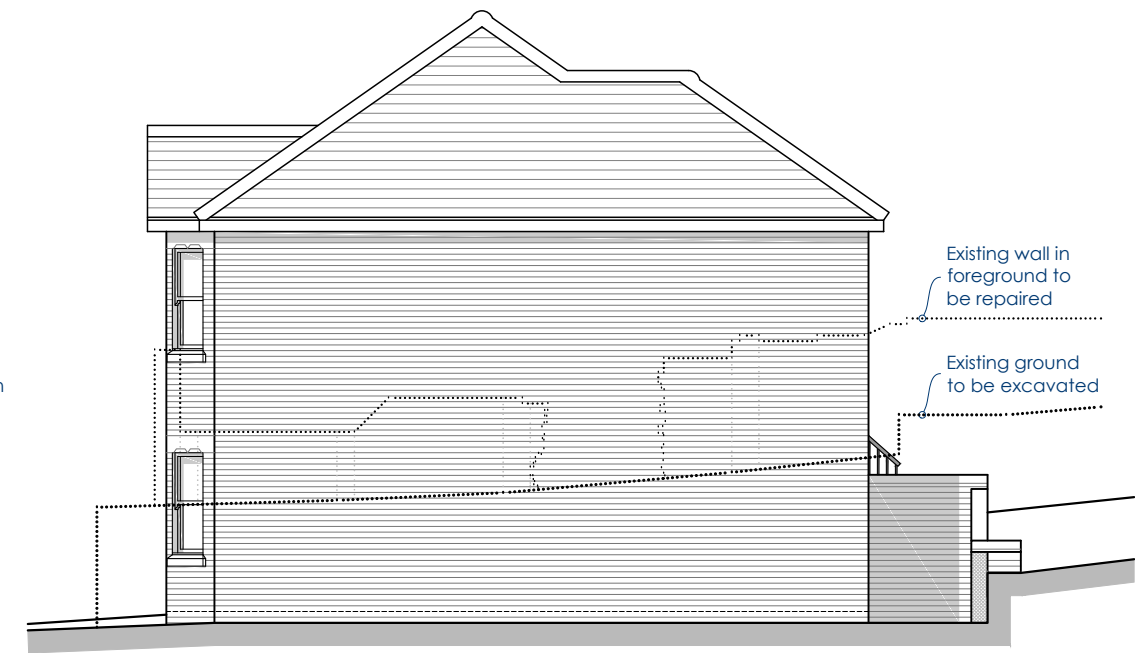


Rear Elevation  
(through garden)

Page 76



West Elevation



East Elevation

**RWA**  
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ARCHITECTURE  
info@r-w-a.co.uk  
0777 288 0171

Client  
**Mr D Singh**

Project  
**152 Milton Road  
Southampton  
SO15 2HW**

Drawing  
**Proposed Elevations**

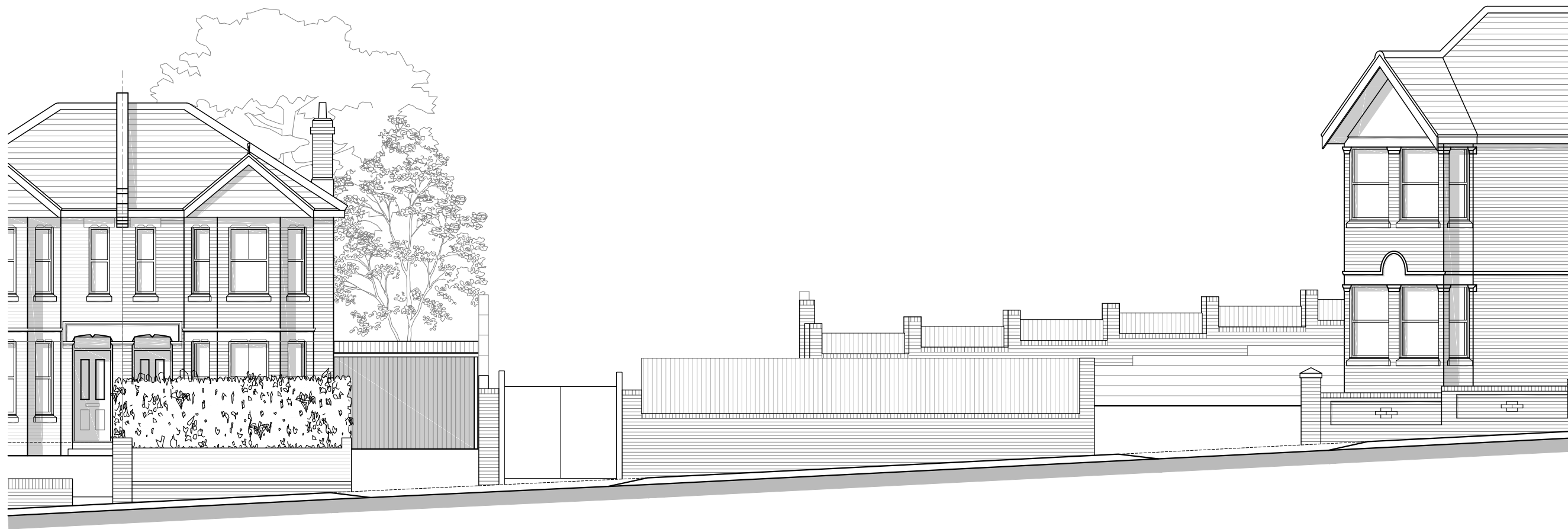
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Status  
**Planning**

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Drawn by <b>OR-RWA</b>	Date <b>Oct 2020</b>
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Drawing No. <b>PR06</b>	Revision <b>-</b>
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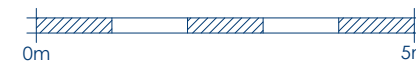
Existing Street Scene

Page 77  
10.00m



Proposed Street Scene

10.00m



RUSHWORTH  
ARCHITECTURE

info@r-w-a.co.uk  
0777 288 0171

Client  
Mr D Singh

Project  
152 Milton Road  
Southampton  
SO15 2HW

Drawing  
Existing & Proposed  
Street Scenes

Project No.  
20027

Status  
Planning

Scale  
1:100

Size  
A3

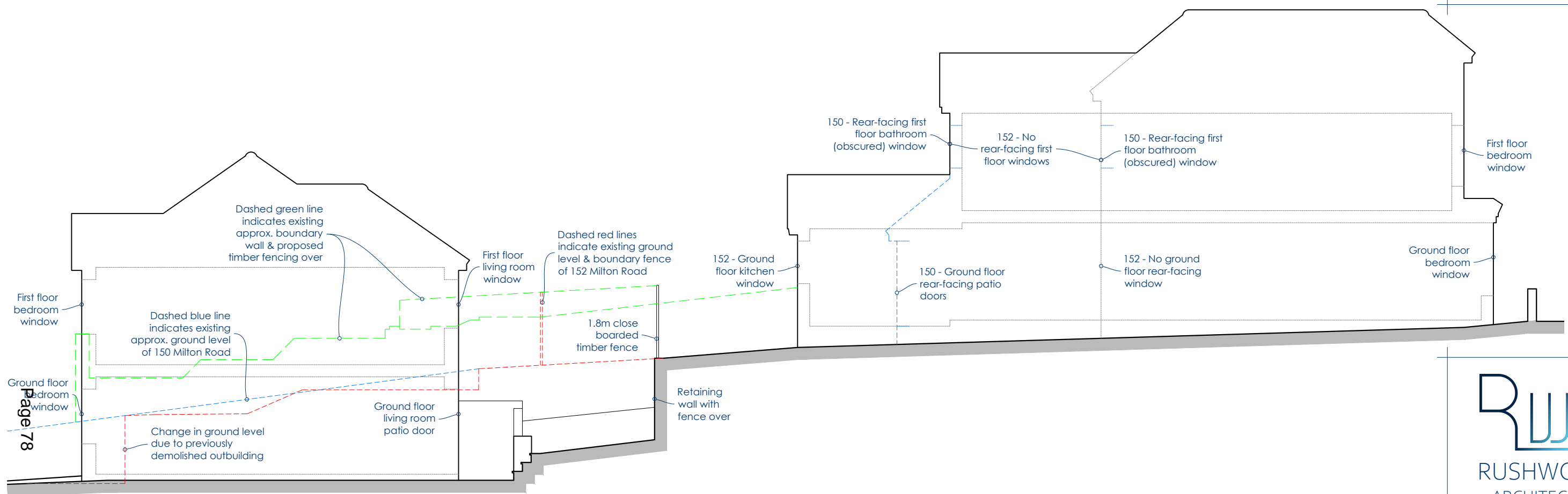
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OR-RWA

Date  
Oct 2020

Drawing No.  
PR07

Revision  
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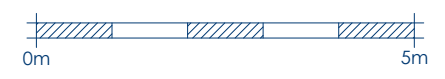
Rev	By	Notes
A	OR	10/11/2020 Additional levels information added



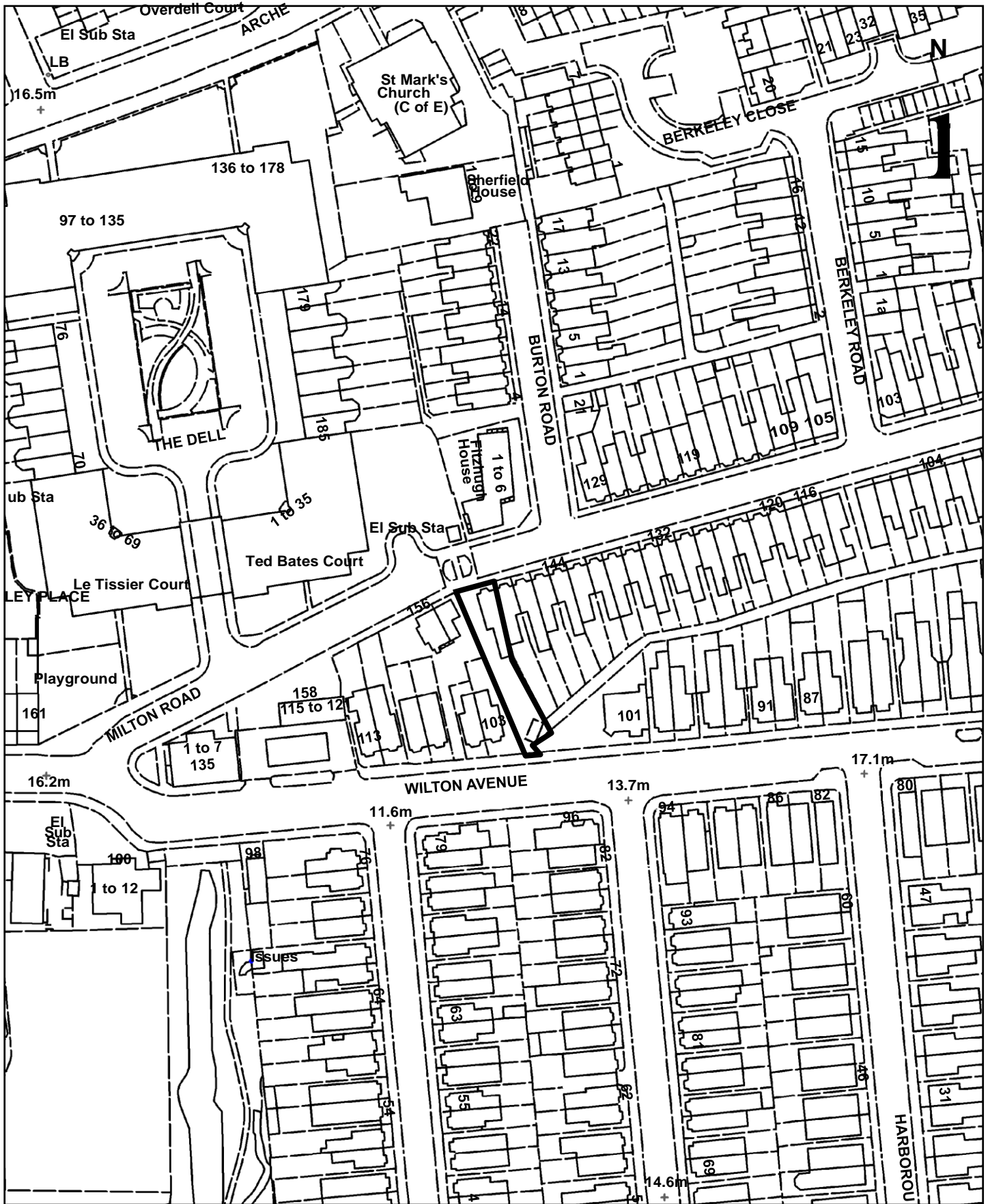
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Proposed Site Section

**RWA**  
RUSHWORTH  
ARCHITECTURE  
info@r-w-a.co.uk  
0777 288 0171

Client	Mr D Singh
Project	152 Milton Road Southampton SO15 2HW
Drawing	Proposed Site Section
Project No.	20027
Status	Planning
Scale	1:100
Size	A3
Drawn by	OR-RWA
Date	Nov 2020
Drawing No.	PR08
Revision	A



# Agenda Item 7 21/00909/FUL



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**Planning and Rights of Way Panel 24<sup>th</sup> August 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Rear of 5-7 Rose Road			
<b>Proposed development:</b> Erection of a single storey detached 5-bed residential block to provide supported living			
<b>Application number:</b>	21/00920/FUL	<b>Application type:</b>	FULL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	19.08.2021 (ETA)	<b>Ward:</b>	Bevois
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Denness Cllr Kataria Cllr Rayment
<b>Referred to Panel by:</b>	Cllr Denness	<b>Reason:</b>	Concerns from local residents
<b>Applicant:</b> The Society of St James		<b>Agent:</b> Studio B.a.d - Architects	

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

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

**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 (2021). Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, H1, H2, H7 and HE6 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS13, CS16, CS18, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	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 and 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 or S.111 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 granted 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 a reasonable timescale.

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

- 1.1 The properties at 5 and 7 Rose Road two-storey, semi-detached, Victorian era buildings that are currently managed by the Society of St James and provide accommodation for approximately 9 previously homeless tenants. This application relates to the rear curtilage of these properties which currently contains a garden area, two car parking spaces and an office building associated with the specialist accommodation on site.
- 1.2 The site is located in an area that is residential in nature and is neighboured by a two-storey residential property at 3 Rose Road and to the south, a community centre that is separated from the site by a vehicular access. To the rear of the site, along Cambridge Road, are also residential properties. The site is located close to Lodge Road where there are various amenities that provide day-to-day services within walking distance.

### **2. Proposal**

- 2.1 The application seeks to provide accommodation for 5 homeless persons that will be managed by the Society of St James, in conjunction with the existing accommodation at 5-7 Rose Road. The Society of St James is a Southampton-based homelessness charity which provides a range of supported living services within the local area.
- 2.2 The proposal seeks to provide a single-storey building to the rear of 5 and 7 Rose Road which will be 3.3 metres in height, 24m in length and 5 metres in width, widening to 8 metres adjacent to the rear site boundary. The existing office will be demolished to accommodate the new building. The layout of the building comprises a shared kitchen and lounge and five bedrooms each served by an en-suite. When taking into account the existing accommodation within nos. 5-7, the proposal will result in 14 occupants across the whole site. The building spans full depth of the garden adjacent to no 3 Rose Road.



2.3 In terms of design, the proposed would take the appearance of a light-weight, timber structure, with a flat sedum roof and large elements of glazing. The layout of the development is designed to create a courtyard style development to complement the Victoria era properties to the front of the site.

2.4 The proposal seeks to retain the existing two car parking spaces at the rear of the site and provides a more formalised communal rear garden which includes an area for growing fruit and vegetables.

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

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

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

3.3 The National Planning Policy Framework (NPPF) was revised in July 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners and erecting a site notice (02.07.2021). At the time of writing the report **4** representations have been received from surrounding residents and a request from the local Ward Councillor for the application to be determined at Panel. The following is a summary of the points raised:

5.2 ***Concerned about further anti-social behaviour, additional rubbish being left within neighbouring gardens, additional noise spillage from further accommodation and overall security issues given the increase in occupiers and the existing problems with the current number of occupier and the management.***

#### **Response**

Noted and a condition securing a management plan is suggested and further information regarding the management of the site will be provided verbally at Panel

following a request for further information on this aspect.

5.3 ***A number of large mature trees have been removed from site recently resulting a loss of habitat.***

**Response**

The trees on site that were not protected and so did not require consent to be removed. That said, a condition is suggested to secure a detailed landscaping scheme, to include new tree planting and bird nesting boxes.

5.4 ***Increase in House in Multiple Occupation (HMO)***

**Response**

The use of the site is not altering but intensifying. The use is not an HMO but a specialised housing facility.

5.5 ***Contradictions regarding the proposed materials for the outdoor areas and linkages with the living areas. Concern over construction materials and potential noise emanation during the lifetime of the development and during construction.***

**Response**

Conditions are suggested to require further details of materials, compliance with energy standards and a standard hours of construction condition is imposed.

5.6 **Consultation Responses**

<b>Consultee</b>	<b>Comments</b>
<b>Housing Needs and Welfare Support Manager</b>	At pre-application stage advised that the Housing Needs Team support the efforts by the Society of St James to increase the amount of accommodation for this vulnerable group and particularly at the moment as we are under extra pressure to provide for this client group due to the pandemic and to find longer term accommodation to prevent them from going back to the street. SSJ have a long history of this type of work and experience of working with these clients so they are very well placed to understand how the change in property proposed will work best.
<b>Highways development management</b>	No objection. Supports the use of a condition to ensure the use remains as homeless accommodation. A condition to secure cycle storage is required. The level of development does not trigger the requirement for off-site highway mitigation.

<b>Archaeology</b>	No objection subject to conditions. Development here threatens to damage potential archaeological deposits, and an archaeological investigation will be needed to mitigate this. In this case, the appropriate form of archaeological investigation is a watching brief on the groundworks with provision to excavate if archaeological deposits are uncovered.
<b>CIL Officer</b>	The development is CIL liable.
<b>Environmental Health</b>	No objection subject to the following conditions: <ul style="list-style-type: none"> <li>• Demolition plan required to ensure that nuisance from dust, noise and odour is minimised;</li> <li>• Construction working hours condition standard;</li> <li>• No fires (not included as can be dealt with under separate legislation);</li> <li>• Glazing condition as need to consider the potential for glare to the occupants of existing properties;</li> <li>• Refuse storage details; and</li> <li>• Details required of plant and equipment including any extraction flues - although it is noted that there will be no air conditioning.</li> </ul>
<b>Sustainability</b>	No objection subject to conditions to ensure compliance with Policy CS20 which relate to energy and water efficiency measures.

## 6. Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Effect on neighbouring residential amenity;
- Quality of residential environment and;
- Likely effect on designated habitats.

### 6.2 Principle of Development

6.2.1 The Council's Homelessness Prevention Strategy 2018-2023 sets out that, in Southampton, 2.5 people per 1000 households are homeless (compared with 2.4 people per 1000 households nationally). Furthermore, there are 9,800 applicants in housing need requiring social housing currently on the Southampton Housing Register. A key aim of the Homelessness Prevention Strategy is to maximise access to affordable and appropriate homes in the city. Core Strategy policy CS4

sets out the overall need for additional homes within the city and CS16 confirms the importance of providing a range of accommodation types to meet this need.

6.2.2 As set out, the existing properties on site are already in use as accommodation for the homeless, managed by the Society of St James. The provision of additional accommodation on this site would meet an identified need for longer-term accommodation for the homeless whilst enabling a managed approach by the charity from a single site.

6.2.3 The principle of development is, therefore, considered to be acceptable and the delivery of accommodation to fulfil a specialist housing need is welcome.

### 6.3 Design and effect on character

6.3.1 Notwithstanding that the existing parking and office building on site, it is accepted that the application would result in a relatively intensive form of development. In particular, the amount of built form and hardstanding be greater than 50% of the site area, contrary to the guidance set out in the Residential Design Guide (RDG). That said, the surrounding area does have a relatively dense and built-up character. The neighbouring community centre is a 100% developed site, as are many of the properties that front Lodge Road. As such, the loss of space to the rear of the existing building is not considered to be unduly out-of-keeping with the site context.

6.3.2 Furthermore, a considered approach has been taken to the design of the development and the indicative landscaping information demonstrates that a high-quality and functional garden space can be provided for occupants. Currently, the garden area, whilst larger, does not provide a positive recreational space for occupants and whilst the proposed garden area will be smaller, securing a high-quality landscape design and management plan for this space can provide improvements in the visual quality of the space. In addition, there is great potential to improve the biodiversity value of the site. As such, overall the erosion of space to the rear of the site is considered to be acceptable.

6.3.2 The proposed building itself would be low-rise with a sedum roof and timber walls to enable it to assimilate into its context and not appear intrusive when viewed from the surroundings. It's position to the rear, means that there would be limited views on the structure from public vantage points. The large window openings assist in providing the impression of a light-weight garden structure. The appearance of the structure would be modern but would complement the Victorian properties to the front of the site with its subordinate appearance and courtyard layout. Overall, the submitted drawings provide the impression of a high-quality development and conditions will be used to secure design details to deliver the quality of finish indicated in the submission.

### 6.4 Effect on neighbouring residential amenity

6.4.1 The proposed height of the building is 3.3 metres, which will be 1.5 metres taller than the existing boundary treatment on site. Having regard to the scale of the structure the key consideration is the effect on the garden and ground floor accommodation at no. 3 Rose Road. A single storey extension at no 3 Rose Road

is located within close proximity to the proposed siting of the building. The outlook from the window would be impacted by the proposal and in addition the amount of light being received would reduce too. However, due to the low height of the proposal, separation distance and the orientation of the proposed building the impact would not be detrimentally harmful to the amenities of the neighbouring occupiers.

6.4.2 To the rear of the site, the properties at Cambridge Road are approximately 10 metres away so although their outlook and light received to their gardens will alter the impact would not be sufficient to cause detrimental harm to the occupiers. The siting of the building adjacent to the boundaries would provide a barrier from the proposed amenity space and the neighbours. A sound proofing condition is proposed to limit the impact of the proposed occupiers in terms of noise.

6.4.3 The building is designed with windows facing the internal courtyard to ensure the privacy of neighbouring residents is not adversely affected.

#### 6.5 Quality of residential environment

6.5.1 In terms of the external amenity space, the Council has no specific amenity space standards for specialist housing accommodation. In total, a garden of 110 sq.m is provided. With respect to the existing occupiers of the site, it is noted the amount of area provided for the occupiers to sit out and socialise has reduced but, as set out, the design of the space would provide a positive external environment for both existing and future occupants of the site.

6.5.2 The building is positioned to enable habitable room windows within nos. 5-7 to still enjoy a good level of outlook and daylight, with no habitable room windows being directly obscured by the new structure.

6.5.3 In terms of the new accommodation, the five occupants would share a communal living space of 20sq.m and each en-suite bedroom would enjoy a good level of outlook and daylight through the large fenestration, over the garden area. All but one of the bedrooms would benefit from a southerly aspect. Overall, the quality of the residential environment for both existing and future occupants is considered to be acceptable.

6.5.4 Crucial to the acceptability of the scheme is the nature of the accommodation and the manner in which it will be linked to the existing use at nos. 5-7. As such, a condition is suggested to retain the use proposed and the management link with the existing property.

#### 6.6 Parking highways and transport

6.6.1 The site is situated in a sustainable location, just beyond the city centre boundary, and there are numerous residential uses in the area as well as local amenities for day to day living. The nearby streets are subject to Traffic Regulation Order which manages on-street car parking and the residents/employees of the development would not be eligible for car parking permits, as such it is not considered that the development would lead to harmful overspill car parking. In addition to the above, it

is understood the occupiers are unlikely to have access to a car.

6.6.2 No objection has been raised to the proposal from the Highways Development Management Team. Refuse and cycle storage, as well as parking on site, can be achieved. Therefore, on this basis the proposal is considered to address the concerns relating to parking and highway safety.

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 Whilst the proposal results in the loss of garden space the proposal provides longer term accommodation for a vulnerable group of people which is welcome. The proposal has been well-designed to balance the need to maximise the use of the site whilst appearing as an attractive and subordinate addition within the surrounding area.

## 8. Conclusion

8.1 Subject to the conditions laid out further below, the application is recommended for approval.

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

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

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

**ARL for 24/08/2021 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. Restricted Use (Performance)**

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only in connection with the use of the host buildings at 5 and 7 Rose Road to house previously homeless tenants and not for any other purpose, including any other use within Use Class C3. Furthermore, no more than 5 occupiers shall reside in the approved building unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interest of the amenities of neighbouring occupiers.

### **03. Residents Management Plan (Pre-Occupation)**

Prior to occupation of the development hereby approved, details of on-site management of the accommodation shall be submitted to and be approved by the Local Planning Authority. The use of the building hereby approved shall operate in accordance with the approved management plan, unless otherwise agreed in writing by the Local Planning Authority. The operation of the residential use hereby approved shall adhere to this management plan for the duration of the use on site.

Reason: In order to protect the amenity of neighbouring residents, and the character of the area.

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

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

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

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

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

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

**06. 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, hard surfacing materials, structures and ancillary objects (raised beds etc);
- ii. planting plans; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of two-for one replacement for the removed trees unless circumstances dictate otherwise and agreed in advance;
- iv. details and location of bat and bird boxes
- v. details of any proposed boundary treatment, including retaining walls and;
- vi. a landscape management scheme.

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

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

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



**07. Archaeological watching brief investigation (Pre-Commencement Condition)**

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

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

**08. Archaeological watching brief work programme (Performance Condition)**

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

Reason: To ensure that the archaeological investigation is completed.

**09. Energy & Water (Pre-Construction)**

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 a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

**10. 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 current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use 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).

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

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

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

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

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

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

**13. Unsuspected Contamination (Performance)**

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

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

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

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

Reason: In order to safeguard the public sewer.

**15. Demolition Statement (Pre-Commencement)**

Precise details of the method and programming of the demolition of the existing office building shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjacent residential properties.

**16. Noise & Vibration (external noise sources) (Pre-Commencement)**

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

**17. Noise - plant and machinery (Pre-Commencement)**

The use hereby approved shall not commence until details of measures to minimise noise from plant and machinery associated with the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

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

**18. Refuse & Recycling (Performance)**

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

Reason: In the interest of visual and residential amenity.

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

**19. Cycle parking (Performance Condition)**

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

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

**20. 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.

**21. 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.

**22. 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.

**Application 21/00920/FUL  
APPENDIX 1**

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

Applicant should have provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<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	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

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

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

### **New Forest**

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



Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

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

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

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

The proposed development will generate a CIL contribution and the City Council will ring fence 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
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
HE6	Archaeological Remains

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2021)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
<b>7 Rose Road</b>			
07/01942/FU L	Single storey portakabin building to provide temporary office accommodation for 5 years.	Application Refused	04.02.2008
06/00444/FU L	Change of use of existing detached outbuilding to plant cultivation laboratory/greenhouse (Use Class B1b) (Retrospective).	Conditionally Approved	04.08.2006
<b>5 Rose Road</b>			
1534/M15	Use as group house for ex-psychiatric patients (personal use)	Conditionally Approved	08.02.1978
1520/M7	Change of use to rest home for people with learning difficulties (personal use)	Conditionally Approved	15.03.1977

# Agenda Item 8 21/00920/FUL

Appendix 1



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<b>DECISION-MAKER:</b>	<b>PLANNING AND RIGHTS OF WAY PANEL</b>		
<b>SUBJECT:</b>	<b>ANNUAL DEVELOPMENT MANAGEMENT FIGURES</b>		
<b>DATE OF DECISION:</b>	<b>24 AUGUST 2021</b>		
<b>REPORT OF:</b>	<b>SERVICE MANAGER - DEVELOPMENT</b>		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Stephen Harrison</b>	<b>Tel:</b> 023 8083 4330
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<b>Service Lead</b>	<b>Name:</b>	<b>Paul Barton</b>	<b>Tel:</b> 023 8083 2044
	<b>E-mail:</b>	<a href="mailto:paul.barton@southampton.gov.uk">paul.barton@southampton.gov.uk</a>	

<b>STATEMENT OF CONFIDENTIALITY</b>	
None	
<b>BRIEF SUMMARY</b>	
The Council's Overview and Scrutiny Committee requested that key planning metrics are provided to the Planning Panel on a regular basis. The following information is therefore provided to the Panel in response to this request. The report covers the last financial year.	
<b>RECOMMENDATIONS:</b>	
	(i) That the Panel considers and notes the Development Management key metrics as set out in the paper and provides feedback (if necessary).
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	To ensure that the Panel has a greater understanding of the performance of Development Management. The nationally set target for performance is as follows: <ul style="list-style-type: none"> <li>• 60% of Majors determined within 13/16 weeks</li> <li>• 70% of Non-Majors determined within 8 weeks</li> </ul>
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	None.
<b>DETAIL (Including consultation carried out)</b>	
3.	The following table sets out the performance against the key planning metrics.

<b>MINORS AND OTHERS</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>TOTAL</b>
Total Minors/Others Decisions	<b>200</b>	<b>207</b>	<b>189</b>	<b>218</b>	<b>814</b>
<b>TOTAL RESULT</b>	<b>93%</b>	<b>94.2%</b>	<b>94.71%</b>	<b>92.66%</b>	<b>93.61%</b>
Out of time	<b>14</b>	<b>12</b>	<b>10</b>	<b>16</b>	<b>52</b>
<b>MAJORS</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>TOTAL</b>
Total Majors Decisions	<b>1</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>19</b>
<b>TOTAL RESULT</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Out of time	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
4.	None.
<b><u>Property/Other</u></b>	
5.	None.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
6.	Not applicable.
<b><u>Other Legal Implications:</u></b>	
7.	Not applicable.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
8.	Not applicable.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
9.	Not applicable.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>All</b>
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	<b>None</b>
<b>Documents In Members' Rooms</b>	
1.	<b>None.</b>
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Data Protection Impact Assessment</b>	



<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>		<b>No</b>
<b>Other Background Documents</b> <b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
<b>1.</b>	<b>None</b>	

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