

# Planning and Rights of Way Panel

Tuesday, 13th December,  
2022

at 4.00 pm

**PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

## **Members**

Councillor Coombs (Chair)  
Councillor Savage (Vice-Chair)  
Councillor Blatchford  
Councillor Magee  
Councillor J Payne  
Councillor Prior  
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 2022/2023**

<b>2022</b>	
24 May	20 September
21 June	11 October
12 July	1 November
2 August	22 November
23 August	13 December

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<b>2023</b>	
24 January	18 April 29
21 February	
14 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 you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
  - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
  - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **OTHER INTERESTS**

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

- Any body to which they have been appointed or nominated by Southampton City Council
- Any public authority or body exercising functions of a public nature
- Any body directed to charitable purposes
- Any body whose principal purpose includes the influence of public opinion or policy

## **PRINCIPLES OF DECISION MAKING**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

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

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

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

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

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

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

To approve and sign as a correct record the Minutes of the meetings held on 1 November 2022, and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### PLEASE NOTE

Please note: Agenda timings are indicative only and may be subject to change on the day of the meeting. Anyone with an interest in an agenda item is advised to join the meeting from the start.

### 5 **22/01063/FUL FORMER TENNIS COURTS, PORTSMOUTH RD** (Pages 9 - 56)

Report of the Head of Transport and Planning recommending to delegate authority to grant planning permission subject to criteria listed in the report for the proposed development at the above address.

### 6 **21/01805/FUL 3 VOSPER ROAD, SOUTHAMPTON** (Pages 57 - 72)

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

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 1 NOVEMBER 2022

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Present: Councillors Coombs (Chair), Savage (Vice-Chair), Blatchford and Windle

Apologies: Councillor Magee

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

It was noted that apologies had been received from Councillor Magee.

33. **PLANNING APPLICATION - 22/00737/FUL - 382 WINCHESTER ROAD**

The Panel considered the report of the Head of Green City and Infrastructure recommending that conditional planning permission be refused in respect of an application for a proposed development at the above address.

Re-development of the site to provide a four-storey 34 bedroom apart hotel including flexible cafe/function space, private gym/studio, secure cycle parking, eight associated on site car parking spaces, landscaping and space for public e-scooter/e-bike docking station (amended description).

Andy Hetherington, June Vear, (Local residents/objecting), Simon Reynier (City of Southampton Society), David Johnson (Old Bassett Residents' Association) (OBRA) (objecting), David Jobbins, Director, Luken Beck (architect) and Councillor Cllr Richard Blackman, Liberal Democrat Councillor for Bassett (ward councillor) were present and with the consent of the Chair, addressed the meeting.

Statements received from local residents Susan and David Crampton-Barden, Gill Escott, and Anthony L Rice, had been circulated to the Panel and published prior to the meeting.

The presenting officer apologised to OBRA for not having informed them of the amended ground floor plan. The officer reported the following amendments to the Panel: (i) paragraph 2.2 Staffing - 1 full time on site managing building and café, 1 full time working remotely and 2 part time cleaners. (ii) paragraph 6.3.2 Parking Standards - included a better understanding of the café offer (applicant confirmed café will be publicly accessible); and finally (iii) the addition of 5 parking spaces to the meet maximum, should have read 31 (previously stated 26).

A motion to refuse the application for the additional reason set out below was then proposed by Councillor Mrs Blatchford and seconded by Councillor Savage. This was carried unanimously.

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

**RESOLVED** that the Panel refuse Planning permission for the reasons in the report recommendations and the additional reason outlined by the Panel at the meeting, delegated to officers to draft as set out below.

Additional reason for refusal:

Electric Vehicle and low emission vehicle charging.

The applicant has failed to provide adequate supporting information to sufficiently demonstrate that the charging of plug-in and other ultra-low emission vehicles can be achieved on site in a safe, accessible and convenient location. The development would therefore fail to take the opportunity to help improve air quality and would be contrary to the provisions of paragraphs 112 (e) and 186 of the National Planning Policy Framework (2021).

34. **PLANNING APPLICATION - 22/00939/FUL - LAND TO THE REAR OF 14 ROTHER DALE**

The Panel considered the report of the Head of Green City & Infrastructure recommending delegated authority be granted in respect of an application for a proposed development at the above address, subject to criteria listed in report.

Erection of a detached 3 bedroom dwelling.

A statement was received from Mr A Sutherland, which was circulated to the Panel prior to the meeting.

The presenting officer reported on additional correspondence received and the subsequent update to paragraph 6.4.4 which should have stated 10sqm deficient garden space for the proposed dwelling.

The Panel unanimously voted to confirm the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Head of Green City & Infrastructure to grant planning permission. Upon being put to the vote the recommendation was carried.

**RECORDED VOTE**

FOR: Councillors Coombs, J Payne, Prior, Savage, Windle.  
AGAINST: Councillor Mrs Blatchford

**RESOLVED** that the Panel:

1. confirm the Habitats Regulation Assessment in Appendix 1 of the report.
2. Delegate to the Head of Green City & Infrastructure 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 Green City & Infrastructure be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the



application in the event that item 2 above is not completed within a reasonable timescale.

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## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 13<sup>th</sup> December 2022

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<b>Indicative Start time: 4:05PM</b>				
5	AL	DEL	5	22/01063/FUL Former Tennis Courts, Portsmouth Rd
<b>Indicative Start time: 4:30PM</b>				
6	CM	CAP	5	21/01805/FUL 3 Vosper Rd

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

Case Officers:

AL – Anna Lee

CM – Craig Morrison

## **Southampton City Council - Planning and Rights of Way Panel**

### **Report of Head of Transport & Planning**

#### **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) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
  - (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 (2013)
- (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 13<sup>th</sup> December 2022 Planning Application Report of the Head of Transport & Planning

<b>Application address:</b> former Tennis Courts (Oasis Mayfield), Portsmouth Road Southampton			
<b>Proposed development:</b> Erection of 4x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Departure from Local Plan).			
<b>Application number:</b>	22/01063/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>	20.12. 2022 (ETA)	<b>Ward:</b>	Woolston
<b>Reason for Panel Referral:</b>	Departure from the Development Plan and more than 3 letters of objection have been received	<b>Ward Councillors:</b>	Cllr Blatchford Cllr Stead Cllr Payne
<b>Applicant:</b> Dorrington Homes (UK) Ltd		<b>Agent:</b> Vivid Design Studio Ltd	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The departure from the Development Plan is, therefore, considered to be acceptable and the scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. Policies – CS4, CS6, CS13, CS16, CS18, CS19, CS20 and CS22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, CLT3, H1, H2, H6 and H7 of the City of Southampton Local Plan Review (Amended 2015)

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Appeal Decisions x2
5	Panel Meeting Minutes 06.10.2020		

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport & Planning 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. Public open space obligation to secure the submission of a management plan and retention of the open space proposed in line with Policy CS21 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. 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 Transport & Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport & Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

- 1.1 The application site is a 'backland site' of some 0.25 hectares in area situated to the rear of bungalows on the south side of Portsmouth Road (A3205) near the junction with St Anne's Road. The site is vacant, recently cleared and work has commenced on a previous planning permission for 3 dwellings (18/01227/FUL refers). Previously the site was very overgrown and was last used as four hard-surfaced tennis courts. Pedestrian and vehicular access to the site is from Portsmouth Road at the side of 114 Portsmouth Road. There is a change of levels affecting the site, with the land rising from the access point with Portsmouth Road and sloping up significantly to the west, supported by retaining walls on the western site boundary.
- 1.2 There are a group of trees along the western boundary of the site which are covered by a Tree Preservation Order (Group 1 of Land to Rear of 114-116 Portsmouth Road) TPO 2012. Adjoining to the east are two-storey properties in Temple Gardens. To the south is a bowling green and clubhouse accessed from Temple Road. Adjoining to the west is a 3 and 4-storey residential care home accessed from St Anne's Road with a private club to the rear. This adjoining land is at a higher level than the application site and there is a high retaining wall on the boundary.

### **2. Proposal and Background**



2.1 A previous scheme for 3 x 3-bedroom dwellings was approved by the Planning Panel on 6<sup>th</sup> October 2020 (planning permission reference 18/01227/FUL). The current application is very similar to that previously considered, however proposals an additional dwelling to provide 4 x 3-bedroom dwellings overall. The consented scheme comprised a detached bungalow and pair of semi-detached dwellings, whereas two pairs of semi-detached dwellings are now proposed. The houses are located to the rear of the site to enable the front part of the site to be provided as public open space. The access to the site is proposed to be altered to provide passing points at both ends of the route. Each dwelling would be served by 2 car-parking spaces as well as a visitor space and 4 further spaces would serve the public open space.

2.2 The materials chosen for construction are brick with lintel and porch detailing. The semi-detached houses provide a lounge, kitchen/diner and w.c on the ground floor and at first floor, 3 bedrooms (one with an en-suite) and a bathroom would be provided. Refuse and cycle storage is located in the rear/side garden areas. All the units have the main entrance on the front elevation and separate entrance to the rear is also provided.

2.3 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Prescribed Space Standards (NDSS) (3 bed with 4 people 84 sq.m and with 5 people as shown on the plan 93 sq.m) and the minimum garden sizes of 10 metre garden depth and 70sq.m area set out in the Council’s Residential Design Guide (para 2.3.14 and section 4.4). A comparison with the standards is set out as follows:

Plot	Proposed Floor Size & Garden size (sq.m)	National Standard & Minimum Garden (sq.m)	Compliance
1	96/90	93/70	Y & Y
2	96/78	93/70	Y & Y
3	96/65	93/70	Y & N (5sq.m short)
4	96/106	93/70	Y & Y

2.4 The proposed garden depth for two of the plots is over 10 metres in line with the guidance although plots 3 and 4 fall half a metre short. In terms of garden area (set out in the table above) only plot 3 does not meet the guidance as it falls 5 sq.metres short. This under-provision is assessed as part of the planning balance in section 6 below.

**3. Relevant Planning Policy**

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

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

3.3 The National Planning Policy Framework (NPPF) was revised in 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 3** of this report.

4.2 The site was used for recreation purposes for many years in the form of tennis courts for Woolston Secondary School, which has now been redeveloped under planning permission 16/01605/FUL. Planning permission was granted in November 2004 for resurfacing of the tennis courts and replacement of the boundary fence (Council reference 04/01519/R3CFL).

4.3 In January 2013, outline planning permission was refused for erection of 4 x part 2-storey, part single-storey detached houses (comprising 3 x 4 bed and 1 x 3 bed) with associated parking and cycle/refuse storage (outline application seeking approval for principle of development and means of access). The Council reference for this application was 12/01129/OUT and the scheme was refused for loss of open space and highway safety (full reasons are found in **Appendix 3**). This scheme was appealed (reference APP/D1780/A/13/2199299) and was dismissed in January 2014. A copy of the appeal decision can be found in **Appendix 4** of this report.

4.4 A similar scheme planning reference 15/00147/OUT for the erection of 4 detached houses (comprising of 3 x four bed and 1 x three bed) with associated parking and cycle/refuse storage (Outline application seeking approval for principle of development and means of access) was appealed against for non-determination. The appeal was dismissed in March 2016 and a copy of the appeal decision can also be found in **Appendix 4** of this report.

4.5 Most recently, as set out in section 2 above, a similar scheme for three three-bed units was approved by Panel in 2020 (reference 18/01227/FUL). Panel meeting minutes can be found at **Appendix 5** 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, placing a press advertisement 12.08.2022 and erecting a site notice 19.08.2022. At the time of writing the report **4 representations** (including

comments from a ward Cllr) have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Concerned about the proximity of the site to the traffic lights, and the width of the access and lack of parking.***

**Response**

The Planning Inspectorate assessed this in 2014 and advised the following; *Whilst the A road is busy and the nearby junction is traffic controlled, on the evidence before me other than the loss of trees, there is nothing to suggest that any harm would result from a widened access. Satisfactory sightlines onto Portsmouth Road vehicles would be obtained and two vehicles could access and egress simultaneously at the entrance.*

The submitted plans provide passing areas at both ends of the access way in line with the Inspector's comments above. Two parking spaces are proposed per unit together with one visitor space and this meets the maximum parking standards in this location. As the scheme complies with the Council's parking standards for this location there is no justifiable reason for refusal on these grounds.

5.3 ***Work has commenced without permission and has taken place outside the permitted hours and cleared landscaping within the nesting season***

**Response**

The Council's Planning Enforcement team have investigated the matter and the applicant was advised to cease work until the conditions imposed under permission 18/01227/FUL had been approved. The conditions have now been formally discharged.

5.4 ***The proposal reduces the amount of open space and it will likely be developed on in the future***

**Response**

The current application proposes the same quantum and quality of open space provided as the previous permission 18/01227/FUL. The maintenance and its retention of the area, in perpetuity, is to be secured by the S106 legal agreement.

5.5 ***Over development of the site.***

**Response**

The development would result in a density of 16 dwellings per hectare (dph), which is lower than the policy requirement for the area of 30 – 50 dph. This is not indicative of an over-development. The lesser density is considered to be acceptable since it provides a good balance of open space/garden area versus buildings and hardstanding.

5.6 ***Concerned it will result in further congestion on Portsmouth Road and query whether there will be sufficient space for large vehicles to turn into and leave the site without impacting on-coming traffic.***

**Response**

Tracking information has been provided to demonstrate that a refuse vehicle can turn within the site preventing larger vehicles needing to turn and reverse into and out of the site.

5.7 ***Queries the ownership of the access road and bank.***

**Response**

The area of the bank next to the Hawthorns will be managed and maintained by the applicant as they will retain ownership of the road, open space, bank and the trees as part of the management company.

5.8 ***The development will overlook neighbouring occupiers and there will be and the increase in units will result in further noise and disturbance***

**Response**

Sufficient separation distances are provided to the properties on Temple Road as the nearest distance is 24 metres between the side elevation of the proposed dwelling and the rear of 21 and 23 Temple Road when 12.5 metres is the required privacy distance. A separation distance between the flats at The Hawthorns and the side elevation of the houses is required and 14 metres is provided in line with guidance set out within the Residential Design Guide (RDG). The distance between the properties on Portsmouth Road and the proposed dwellings is at least 54 metres when 21 metres is required. The separation distances required to comply with the adopted RDG are met resulting in a development that will not result in detrimental overlooking. Environmental Health have been notified of this application and no objection has been received on these grounds. There is no evidence to suggest that this residential scheme will exhibit unusually harmful noise levels, and if it did there are other enforcement powers that can be called upon to deal with this unreasonable behaviour.

5.9 ***The access to the site does not make any safe provision for pedestrians and cyclists when vehicles use the access.***

**Response**

The Highway Development Management team has assessed the application in line with policy SDP4, which provides a hierarchy for development and priority is given to pedestrians and cyclists when determining applications, and raises no objection on these grounds.

5.10 ***Additional vehicles accessing the site will further compromise the structural integrity and safety of the drive and its adjacent supporting walls. (including those of neighbouring properties.)***

**Response**

Structural calculations have been provided to address the concerns raised above.

5.11 ***The applicant is encroaching and damaging third party land.***

**Response**

This is a civil matter that the Council cannot comment on. No evidence has been provided to contradict the ownership certificate or the red line location plan submitted as part of this application.

**Consultation Responses**

5.12	<b><u>Consultee</u></b>	<b><u>Comments</u></b>
	Cllr Warwick Payne	<b><u>Objection raised</u></b> I would like to object regarding the application, 22/01063/FUL. Four houses would be an overdevelopment of this site and exacerbate the

		<p>already less-than-ideal vehicular access onto Portsmouth Road.</p>
	<p>SCC Highways Development Management</p>	<p><b>No objection raised</b>  The plans are nearly identical to the approved scheme except for one more house.</p> <p>These changes are acceptable subject to securing all the relevant level of detail which has already been discharged. There are no objections to the new proposal.</p> <ul style="list-style-type: none"> <li>• Access. Plans to be submitted and agreed in writing to include the following: <ul style="list-style-type: none"> <li>○ Main access to be widened and constructed to the dimensions shown within the site plan.</li> <li>○ Construction would need to ensure that the retaining wall's integrity will not be affected.</li> <li>○ The access way will need to be designed to improve the pedestrian environment.</li> <li>○ The gradient of the access way should be suitable for wheelchair users.</li> <li>○ Drainage to be provided to avoid surface water runoff onto the highway.</li> <li>○ Secure pedestrians sightlines</li> </ul> </li> <li>• Parking Management Plan.</li> <li>• Visitor cycle parking for Open Space users</li> <li>• Refuse management plan..</li> <li>• Construction management plan</li> </ul> <p><b>Officer comment:</b> These details have been supplied and the Highway Development Management Team are happy with the details submitted subject to them being secured via condition.</p>
	<p>SCC Community Infrastructure Levy (CIL)</p>	<p><b>No objection raised</b>  The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is currently £103.75 per sq. m, to be measured on the Gross Internal Area floorspace of the building.</p> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will</p>

	need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.
SCC Environmental Health (Contaminated Land)	<b>No objection raised</b> No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.
SCC Sustainability Team	<b>No objection raised</b> Conditions are recommended in order to ensure compliance with Policy CS20 which relate to energy and water restrictions.
Southern Water	<b>No objection raised</b> Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
City of Southampton Society	<b>Objection raised</b> We have concerns about increasing the number of residential units on this site. In particular:  1) The impact of additional traffic entering and leaving the site. Portsmouth Road is already congested and the site entrance is worryingly close to the traffic lights. A further Traffic study is required.  2) The previous application, for a pair of semi-detached houses and a detached bungalow, provided 2 parking spaces per dwelling and 2 visitor spaces together with 4 spaces allocated to users of the new 'open space'. When a Tracking Plan for refuse vehicles was submitted the number of spaces allocated to visitors to the dwelling houses was reduced to one. The present application allocates 2 parking spaces to each of the four dwellings, one visitor space, but only 3 parking spaces for users of the new 'open space'. No justification has been given for this reduction in parking spaces to users of the open space  3) The increase in dwellings from 3 to 4 has resulted in a reduction in garden sizes. Do the new garden sizes comply with regulations?  We recommend REFUSAL of this application on

the grounds of overdevelopment.

However should permission be granted then all the Conditions applied to the earlier application (updated if necessary) need to be re-applied, with particular reference to the Parking Management Plan

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

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

- Background & the Loss of Open Space;
- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Impact on protected trees and landscaping;
- Air quality and the green charter and;
- Mitigation of direct local impacts and likely effect on designated habitats.

### **6.2 Background & Loss of Open Space**

6.2.1 As the site was last used as tennis courts, the land falls within the definition of open space provided by the Core Strategy. Policy CS21 of the Core Strategy requires the retention of the quantity and the improvement of the quality of all open spaces within the city. This is irrespective of whether the land in question is within public or private ownership. As such, since the application proposes a net loss of open space it is a departure from Policy CS21.

6.2.2 This departure from the Local plan was assessed during the previous application stage and, given the planning application provided an appreciable open space area of 500sq.m, the proposals were considered to have addressed the previous Planning Inspector's concerns. On balance, the departure from the Development Plan was accepted and it would be unreasonable to reach a different conclusion with this revised scheme. In the same way as currently recommended, the previous scheme secured the public use of this land in perpetuity, via the section 106 legal agreement, and a condition to secure a positive and useable landscape design for the area and its ongoing management. Overall, whilst the previous scheme resulted in a net loss of open space, the development secured publicly accessible and useable space and the site would be brought back into active use.

6.2.3 The current proposal incorporates the same quantum and quality of open space as the earlier consented scheme together with the retention and management of this space in perpetuity. As such, the departure from the Development Plan is still considered acceptable in this instance. The main difference between the current proposal and the approved scheme is the provision of an additional house and a re-design to replace a detached bungalow with a two-storey semi-detached house.

### 6.3 Principle of Development

6.3.1 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. [the so-called “tilted balance”]

6.3.2 There are no policies in the Framework protecting areas or assets of particular importance in this case, in light of the above discussion around Policy CS21, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council’s five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.

6.3.3 Whilst the site is not identified for development purposes, the Council’s policies promote the efficient use of previously developed land to provide housing. Policy CS1 of the Core Strategy supports residential growth to assist in addressing the city’s housing need.

6.3.4 The delivery of 4 new genuine family houses is also welcome. The proposed density (of 16 dwelling per hectare - dph) is lower than the range of 35-50 dph for the site which Policy CS5 of the Core Strategy indicates is appropriate for this area. However, the policy confirms that density should be considered in the round along with other issues including the need to preserve open space. As such, given the benefit of securing publicly accessible open space, the density is considered to be appropriate for this location.

### 6.4 Design and effect on character

6.4.1 The design approach is similar to the approved scheme. The proposed dwellings have a relatively traditional design appearance, with brick elevations, hipped roofs and porches that will complement the prevailing character of the area. The proposed layout will sit comfortably within its immediate context by providing semi-detached dwellings, similar to the adjacent neighbouring development. Each dwelling would be served by private gardens with all but one of the dwellings having in excess of the 70sq.m garden area, recommended by the RDG for dwellings of this nature. Parking and hard-surfacing is integrated to ensure the site has a more verdant character. The footprint of buildings and hard-surfacing equates to less than 50% of the site area, as suggested by paragraph 3.9.2 of the RDG.



6.4.2 Core Strategy Policy CS13 requires development to *'respond positively and integrate with its local surroundings'* and *'impact positively on health, safety and amenity of the city and its citizens'*. Local Plan Policies SDP1, SDP7 (iii) (iv) and SDP9 (ii) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness. The proposal which would result in the subdivision of the site into two elements, open space to the front and four dwellings to the rear. This subdivision has already been agreed in principle with the approval of the previous scheme. This is further supported by paragraph 124 of the NPPF states in that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including *'d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.'*

6.4.3 The proposal will not result in the loss of protected trees and 13 new trees are secured via the proposed landscaping condition. Whilst the proposal is back-land development, its low-density nature and the resultant verdant and well-spaced character, would ensure that it would successfully integrate into the area.

#### 6.5 Residential amenity

6.5.1 In terms of the quality of the accommodation proposed, overall, the development provides good outlook and access to daylight and sunlight for proposed residents together with good access to external amenity space and sufficiently spacious dwellings. It is noted that one dwelling would be served than less than the RDG recommended minimum standard of 70sq.m of external space. However, this deficit is marginal (5 sq.m) and overall, the garden provides a useable area that would be south facing with good access to sunlight throughout the day. Furthermore, it is noted that smaller gardens can be found in the local area (e.g. nos. 2, 4 and 6 Temple Gardens). As such, a pleasant residential environment will be achieved without compromising local context or proposed residential amenity.

6.5.2 As set out above in section 5.8, the separation distances between the proposed dwellings and existing neighbours meet and, in some cases, exceed the standards set out in the RDG. The introduction of an additional unit given its two-storey scale will alter the view from the properties within Temple Gardens as previously a single storey unit was approved. However, given that the scale is in line with the scale of the existing neighbouring occupiers, the height increase will still result in an acceptable relationship. There will potentially be indirect views into the rear gardens of the neighbouring properties but this relationship is usual in suburban areas and does not result in a harmful loss of privacy for existing residents. A degree of mutual overlooking already occurs. The development is, therefore, considered to be acceptable in this respect.

6.5.3 Overall, it is considered that the development is designed to provide a high-quality environment for future residents whilst ensuring a harmonious relationship with adjacent residential properties. Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, loss

of light and/or privacy and accords with Local Plan Review Policy SDP1(i).

## 6.6 Parking highways and transport

- 6.6.1 The access has been approved for the provision of the public open space and the three dwellings currently approved. The revised scheme provides one additional unit and two further parking spaces. As set out above, the existing access serving the site will be widened where it adjoins Portsmouth Road, to enable two cars to pass one another and to secure a paved pedestrian route into the site. Further widening will take place along the access to provide an additional passing point towards the end point. The existing public footway on Portsmouth Road is of a good width to provide sufficient vehicular visibility from the access. As such, the Council's Highway Officer once again raises no objection to this element of the application. The Council's Highway officer is content that the addition of the further unit would not result in an unacceptable level of increased traffic nor concerns regarding highway safety.
- 6.6.2 It is important to note that application 12/01129/OUT was refused planning permission partly on highway safety grounds however, this was not supported by the independent Inspector at appeal. The 2012 application is similar to the current proposal in terms of access arrangements and the number and size of units. With regards to the access to the site, the Planning Inspector set out in the decision notice (see para. 11) that the access width was sufficient to allow two cars to pass. Paragraph 12 leads on to say *'Whilst the A road is busy and the nearby junction is traffic controlled, on the evidence before me other than the loss of trees, there is nothing to suggest that any harm would result from a widened access. Satisfactory sightlines onto Portsmouth Road vehicles would be obtained and two vehicles could access and egress simultaneously at the entrance.'* In paragraph 15, the Inspector concludes the *'proposal would not result in undue harm to highway or pedestrian safety'*. As such, the scheme is again acceptable in highway terms and has the support of the Council's Highways Officer.
- 6.6.3 In terms of car parking provision, as set out above, the level of car parking proposed is the maximum number of spaces permitted by the Council's adopted Parking Standards Supplementary Planning Document. Furthermore, the application site is a 5-minute walk to bus stops either on Portsmouth Road or St Anne's Road. The 2011 Census suggested that for the Ward of Woolston, 29.5% of households do not have access to a private car, 45.2% had access to one car and 25.4% had access to two cars. As such, the provision of two spaces per unit should be sufficient to serve the development. There is no policy requirement to provide visitor car parking but one space is proposed as well as four spaces to serve the open space. This is considered reasonable for the size of the open space. Furthermore, in line with the Highway Officer's comments, a robust parking management plan has been provided to ensure that the site is managed to prevent over-spill car parking on the site access.
- 6.6.4 The site layout has been amended to enable a standard refuse collection to be accommodated and turn within the site. The previous scheme did not provide this and sought to be serviced by a private waste collection. Each dwelling has a secure store in the garden for bikes and an area for the provision of bins in line with our standards.

6.7 Impact on protected trees and landscaping

The proposal will not result in the loss of trees and shrubs that are protected or considered significant in terms of size and amenity, and neither has an objection been raised by the Council's Tree Officer. A landscaping plan has been provided and provides sufficient replacement trees in line with the Council policy of trees to be replaced on a two for one basis. The character of the area has been altered by the loss of the vegetation and the Council's Tree officer has assessed works already taken place and has raised no concerns. The provision of strong landscaping to the front and at the boundaries of the units is key for a development where parking is going to dominate the frontage. Therefore, subject securing the replacement landscaping and safeguarding to prevent harm to the protected trees the proposal is considered to be acceptable.

6.8 Air Quality and the Green Charter

6.8.1 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.

6.8.2 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.

6.8.3 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.

6.8.4 The application site is not within an Air Quality Management Area and, as such, an Assessment is not required as part of the planning application. However, the application has introduced measures to respond to the Green Charter and the air quality impact of the development including:

- Making better use of the site;
- Bringing the site back into use;
- Being designed to meet water requirements; and
- Securing a detailed landscaping scheme which results in the introduction

of further soft landscaping;

The application has addressed the effect of the development on air quality and the requirements of the Green Charter by redeveloping an existing developed site to provide housing units in a sustainable area with garden areas for occupiers. A construction management plan has been secured and as the scheme complies with the above requirement no objection to the scheme is raised on these grounds.

## 6.9 Mitigation of direct local impacts and likely effect on designated habitats

6.9.1 As with all new development, the application needs to address and mitigate the additional pressure on the environmental, social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). A Section 106 legal agreement is not normally triggered by schemes of less than 5 or more dwellings. However, one is required to secure the management and retention of the public open space and to address its impact on European designated sites for nature conservation.

6.9.2 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

## 7. Summary

7.1 The principle of new residential development is once again considered acceptable. It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising from the conflict with the policies in the development plan as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

7.2 Overall the scheme is acceptable and despite the increase in one unit the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers nor the character and appearance of the area. The continued retention of part of the site to enable fully accessible public open space addresses the previous reasons for refusal and Planning Inspector's

decision. The proposed layout and density provide an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

- 7.3 A suitable balance has been achieved between securing additional housing, retention of public open space, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The increase in development will not lead to harmful levels of traffic, congestion or overspill parking having regard to the Council's maximum car parking standards. Furthermore, significant weight is given to the merits of (family) housing delivery on this site.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

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

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

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

**Case Officer Anna Lee for 13.12.2022 PROW Panel**

### **PLANNING CONDITIONS**

1. Full Permission Timing Condition (Performance)

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

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

2. Materials in accordance with submission (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall be in accordance with the submitted plans and information hereby approved.

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

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

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

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

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

5. Refuse & Recycling (Performance Condition)  
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.

6. Refuse management plan (Performance Condition)  
The development hereby approved shall be carried out in accordance with the following;

- Swept path tracking (small vehicle) Drawing number NJC-001 received 07.11.2022;
- Swept path tracking Drawing number NJC-001 received 07.11.2022; and
- Proposed Refuse Management Site Plan Drawing number 27 received 07.11.2022

Reason: In the interests of highway safety, having regard to the fact the access cannot safely accommodate a standard refuse collection vehicle or larger servicing vehicles.

7. Cycle parking for dwellings (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

8. Cycle parking for users of the open space (Performance Condition)  
Before the development hereby approved first comes into occupation, the storage for cycle parking shall be provided in accordance with the plans hereby approved and thereafter

retained as approved.

Reason: To encourage cycling as an alternative form of transport

9. Parking Management Plan (Performance Condition)

No more than two parking spaces shall be allocated to each dwelling, and the residential visitor space shall remain for visitors for all the units and the open space parking shall not be used by the occupiers of the residential units at any time. Parking shall not take place outside of the designated parking bays. The Proposed Parking Management Site Plan Drawing number 29 received 07.11.2022 shall be implemented and adhered to at all times when the open space is in use.

Reason: In the interests of highway safety, visual amenity and to ensure that access to the open space is convenient and access for the refuse servicing (as approved) is maintained.

10. Vehicular Sightlines specification (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600 mm above carriageway level within the sight line splays as shown on the plans hereby approved.

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

11. Accessway and sightline details (Performance Condition)

The works shall be implemented in accordance with the following plan and statement before the development first comes into occupation or the open space is first used and the measures thereafter retained as approved.

- Proposed Access Site Plan (Open Space) Drawing number 31 received 07.11.2022
- Ecourban Aboricultural letter dated 12.09.2022 Ref: 221463 - Let 2 received 07.11.2022

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

12. Parking and access (Pre-Occupation Condition)

The parking spaces and access hereby approved shall be provided prior to the development first coming into occupation or the open space first coming into use. The parking spaces shall be 2.4m wide by 5m deep. The access shall be constructed to the dimensions shown within the approved site plan and thereafter retained as approved, unless agreed in writing by the Local Planning Authority.

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

13. Structural calculations ((Performance Condition)

The development hereby approved shall be implemented in accordance with the following details and adhered to at all times when the development is in residential use.

Retaining wall details Drawing number 445689/310P dated Aug 22 received 07.11.2022

Reason: In the interest of land stability.

14. Water & Energy (Pre-Construction Condition)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum 100 Litres/Person/Day internal water use. 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. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

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).

15. Energy & Water (Performance Condition)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 Litres/Person/Day internal water use in the form of a final 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. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

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).

16. Site Levels (Performance Condition)

The development shall be completed in accordance with following details.

- Proposed Site Levels Plan (Part 1) Drawing number 37 received 07.11.2022
- Proposed Site Levels Plan (Part 2) Drawing number 38 received 07.11.2022

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

17. Landscaping & means of enclosure detailed plan (Performance Condition)

The development hereby approved shall be carried out in accordance with the following details.

- Proposed Landscaping Plan (Part 1) Drawing number 32 received 07.11.2022
- Proposed Landscaping Plan (Part 2) Drawing number 33 received 07.11.2022
- Landscape Management Plan Rev A dated July 2022 received 07.11.2022
- Special General Purpose Meadow Mixture EM3 details received 07.11.2022

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained and 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, 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 the lifetime of the development.

Reason: To improve the appearance of the site, screen the development, and enhance the character of the development and the proposed open space 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

18. Arboricultural Method Statement (Performance Condition)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement (Reference 221463 - AMS 4 dated 2 November 2022) including the tree protection measures, throughout the duration of the site clearance, demolition and development works on site.

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

19. No storage under tree canopy (Performance Condition)

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

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

20. External Lighting Scheme (Performance Condition)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with and shall be thereafter retained in line with the following details.

- Proposed External Lighting Plan Drawing number 36 received 07.11.2022
- ASD Half Lantern and LEDlite details received 07.11.2022

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

21. Unsuspected Contamination (Performance Condition)

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.

22. Surface / foul water drainage ((Performance Condition))

The development hereby approved shall be undertaken in line with the submitted drainage plan, drawing number 35 received 07.11.2022.

Reason: To ensure satisfactory drainage provision for the area.

23 Hours of work for Demolition / Clearance / Construction (performance condition)

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.

24. Construction Management Plan (Performance Condition)

The approved Construction Management Plans set out below shall be adhered to throughout the development process.

- Proposed Access Construction Plan Drawing number 34 received 07.11.2022
- Construction Environmental Management Plan Rev A received 18.10.2022

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.

25. Approved Plans (Performance Condition)

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

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

## NOTES TO APPLICANT

### 1. Pruning of trees

Please note that the siting of the visitor parking space under the tree canopy will result in the trees naturally shedding debris, such as deadwood and leaves and some species have aphids during the summer months which cover anything beneath in a sticky substance and given their location potential for bird mess. Requests for work can be directed to [trees@southampton.gov.uk](mailto:trees@southampton.gov.uk) in the first instance, but given their protection status, the Council will not consider the above as valid reason given the temporary nature of the visitor space and that works could be detrimental to the trees health and the amenity they provide.

## 2. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

## 3. Community Infrastructure Liability

Please note that the development is liable to pay the Community Infrastructure Levy (CIL) under The Community Infrastructure Levy Regulations (2010) (as amended), a Liability Notice will be sent to you separately providing further information. Please ensure that you assume CIL liability and submit a Commencement Notice to the Council prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at:

<https://www.southampton.gov.uk/planning/community-infrastructure-levy/community-infrast-structure-levy-process> or contact the CIL Officer: [cil@southampton.gov.uk](mailto:cil@southampton.gov.uk)

Habitats Regulations Assessment (HRA)	
<b>Application reference:</b>	22/01063/FUL
<b>Application address:</b>	Tennis Courts Oasis Mayfield Portsmouth Road Southampton
<b>Application description:</b>	Erection of 4x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Departure from local Plan).
<b>HRA completion date:</b>	23rd November 2022

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</b></p>

Section 1 - details of the plan or project	
<b>European sites potentially impacted by plan or</b>	<ul style="list-style-type: none"> <li>▪ Solent and Dorset Coast Special Protection Area (SPA)</li> </ul>

<p><b>project: European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website</b></p>	<ul style="list-style-type: none"> <li>▪ Solent and Southampton Water SPA</li> <li>▪ Solent and Southampton Water Ramsar Site</li> <li>▪ Solent Maritime Special Area of Conservation (SAC)</li> <li>▪ River Itchen SAC</li> <li>▪ New Forest SAC</li> <li>▪ New Forest SPA</li> <li>▪ New Forest Ramsar site</li> </ul>
<p><b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b></p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p><b>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b></p>	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south-hampshire-strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south-hampshire-strategy.htm</a>)</li> </ul> <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under

Regulation 63 of the Habitats Regulations.

## **Section 2 - Assessment of implications for European sites**

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

- **This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and Ramsar site.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- Deterioration in water quality caused by nitrates from wastewater

### **Conclusions regarding the likelihood of a significant effect**

**This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 63(1)(a) of the Habitats Regulations.**

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

**Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives**  
**The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations**

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

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

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

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

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

## **TEMPORARY, CONSTRUCTION PHASE EFFECTS**

### *Mobilisation of contaminants*

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as ‘moderate’ while its chemical status classified as ‘fail’. In addition, demolition and construction works would result in the emission of **coarse and fine dust and** exhaust emissions – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

### *Disturbance*

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

### *Collision risk*

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

## **PERMANENT, OPERATIONAL EFFECTS**

### ***Recreational disturbance***

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

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

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

### **Nightjar**

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access



to the eggs.

### **Woodlark**

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

### **Dartford warbler**

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

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

### **Visitor levels in the New Forest**

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

## Mitigation

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be

implemented within the next twelve months, ahead of occupation of this development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

#### Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

*“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”*

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be

released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

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

The Council has adopted the Solent Recreation Mitigation Partnership's Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city's population and there is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. A contribution to the Solent Recreation Mitigation Partnership's mitigation scheme will enable the recreational impacts to be addressed. The developer has committed to make a payment prior to the commencement of development in line with current Bird Aware requirements and these will be secured ahead of occupation – and most likely ahead of planning permission being implemented.

### *Water quality*

### **Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site**

Natural England highlighted concerns regarding, *“high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”*

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

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

inter-tidal mud and seagrass.

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

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

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings have been provided by the applicant as part of the planning application submission. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development. This is based on the additional population from the residential units using 100litres of wastewater per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount of nitrogen is made.

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

#### Conclusions

The following conclusions can be drawn from the evidence provided:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.
- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

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

#### Demolition and Construction phase

- Provision of a Construction Environmental Management Plan, where appropriate.
- Use of quiet construction methods where feasible;
- Further site investigations and a remediation strategy for any soil and groundwater contamination present on the site.

#### Operational

- Contribution towards the Solent Recreation Mitigation Partnership scheme. The precise contribution level will be determined based on the known mix of

development;

- 4% of the CIL contribution will be ring fenced for footpath improvements in Southampton's Greenways network. The precise contribution level will be determined based on the known mix of development;
- Provision of a welcome pack to new residents highlighting local greenspaces and including walking and cycling maps illustrating local routes and public transport information.
- 1% of the CIL contribution will be allocated to the New Forest National Park Authority (NFNPA) Habitat Mitigation Scheme. A Memorandum of Understanding (MoU), setting out proposals to develop a Service Level Agreement (SLA) between SCC and the NFNPA, has been agreed. The precise contribution level will be determined based on the known mix of development with payments made to ensure targeted mitigation can be delivered by NFNPA ahead of occupation of this development.
- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

As a result of the mitigation measures detailed above, when secured through planning obligations and conditions, officers are able to conclude that there will be no adverse impacts upon the integrity of European and other protected sites in the Solent and New Forest arising from this development.

## References

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

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

Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
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
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
CLT3	Protection of Open Spaces
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (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>
1193/53	Two new tennis courts, new drive, gates and Toilets	Conditionally Approved	14.02.1961
04/01519/R3CFL	Resurface tennis court and replace existing boundary fence to the tennis court	Conditionally Approved	18.11.2004
18/01227/FUL	Erection of 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage (Departure from local Plan).	Conditionally Approved	14.01.2021
22/01007/DIS	Application for approval of details reserved by conditions 2 (materials), 6 (refuse), 8 (cycle parking), 9 (parking), 11 (access), 13 (structural calculations), 16 (site levels), 17 (landscaping), 18 (arboricultural method statement), 19 (tree survey plan), 20 (tree retention), 23 (external lighting scheme), 25 (drainage) and 27 (construction management plan) of planning permission ref 18/01227/FUL for 3 houses	No Objection	19.10.2022
12/01129/OUT	Erection of 4 x part 2-storey part single storey detached houses (comprising 3 x 4-bed and 1 x 3-bed) with associated parking and cycle/refuse storage (outline application seeking approval for principle of development and means of access)	Application Refused (reasons for refusal set out below)	25.01.2013 Appeal dismissed 06.01.2014
15/00147/OUT	Erection of 4 detached houses (comprising of 3 x four bed and 1 x three bed) with associated parking and cycle/refuse storage (Outline application seeking approval for principle of development and means of access).		Appealed for non-determination, appeal dismissed 03.03.2016
18/01227/FUL	Erection of 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage (Departure from local Plan).	Conditionally Approved	14.01.2021
22/01007/DIS	Application for approval of details reserved by conditions 2 (materials), 6 (refuse), 8 (cycle parking), 9 (parking), 11 (access), 13 (structural calculations), 16 (site levels), 17 (landscaping), 18 (arboricultural method statement), 19 (tree survey plan), 20 (tree retention), 23	No Objection	19.10.2022



	(external lighting scheme), 25 (drainage) and 27 (construction management plan) of planning permission ref 18/01227/FUL for 3 houses		
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12/01129/OUT - Erection of 4 x part 2-storey part single storey detached houses (comprising 3 x 4-bed and 1 x 3-bed) with associated parking and cycle/refuse storage (outline application seeking approval for principle of development and means of access). Refused 25.01.2013. Appeal dismissed 06.01.2014.

**01. REFUSAL REASON - Loss of open space**

The proposed development would result in the loss of an open space/recreational facility for which there is a need in this area. The site could be used for a variety of open space or recreational facilities. The proposed development is therefore contrary to Policy CS 21 of the Council's Local Development Framework Core Strategy Document (January 2010), the Council's Green Space Strategy (2008) and Paragraphs 73 and 74 of the National Planning Policy Framework March 2012.

**02. REFUSAL REASON - Highway Safety**

The Council is not satisfied, on the basis of the information submitted with the application, that the development would operate satisfactorily in highway safety terms due to the width and position of the vehicular access, close to a busy traffic controlled junction. on a classified road and with limited visibility for drivers of other highway users. Consequently the proposal would be contrary to Policy TI 2 of the City of Southampton Local Plan (March 2006) as supported by Parts 5 and 9 of the Council's approved Residential Design Guide SPD (2006).

**RELEVANT APPEAL DECISIONS**

12/01129/OUT - Erection of 4 x part 2-storey part single storey detached houses (comprising 3 x 4-bed and 1 x 3-bed) with associated parking and cycle/refuse storage (outline application seeking approval for principle of development and means of access)

15/00147/OUT Erection of 4 detached houses (comprising of 3 x four bed and 1 x three bed) with associated parking and cycle/refuse storage (Outline application seeking approval for principle of development and means of access).

**PLANNING AND RIGHTS OF WAY PANEL – MEETING MINUTES 06.10.2020.**

**PLANNING APPLICATION - 18/01227/FUL - PORTSMOUTH ROAD TENNIS COURTS**

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 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage (Departure from Local Plan).

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

The presenting officer reported that requirement to amend the condition relating to access to the site, as set out below. In addition the Panel requested that signage is installed to highlight and direct the public to the approved public open space. Officers amended the condition as set out below to undertake this requirement.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment in Appendix 1 of this report.
- (ii) Delegated authority to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - a. Public open space obligation to secure the submission of a management plan and retention of the open space proposed in line with Policy CS21 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - b. 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.
- (iii) Authority be delegated to the Head of Planning & Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended condition

**1. Accessway and sightline details (Pre-Commencement)**

Prior to the commencement of the development hereby approved a detailed specification which incorporates the following revisions shall be submitted to and approved:

- The design of the pedestrian environment to incorporate either the use of surfacing to create a high-quality shared space and/or the use of a dedicated pedestrian route;
- Details of signage to be provided to highlight and direct public to the approved public open space;
- The provision of a gradient within the access that is suitable for wheelchair users;
- Secure sufficient pedestrians sightlines and;
- Details of drainage to avoid surface water runoff onto the highway.

The works shall be implemented in accordance with the agreed details before the development first comes into occupation or the open space is first used and the measures thereafter retained as approved.

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

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## Appeal Decision

Site visit made on 12 December 2013

**by Megan Thomas BA Hons in Law, Barrister**

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

**Decision date: 6 January 2014**

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**Appeal Ref: APP/D1780/A/13/2199299**

**Land at 114 Portsmouth Road, Southampton, Hampshire SO19 9AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Portsmouth Road LLP against the decision of Southampton City Council.
  - The application Ref 12/01129/OUT/1811, dated 16 August 2012, was refused by notice dated 25 January 2013.
  - The development proposed is the construction of 4 dwellings with access to Portsmouth Road.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The planning application is an outline application. Landscaping, layout, scale and external appearance are matters reserved for later approval. Means of access is to be determined at this stage.

### Main Issues

3. There are two main issues, the effect of the proposal on open space & recreational facilities and the effect of the proposal on highway and pedestrian safety.

### Reasons

#### *Open space & recreational facilities*

4. The appeal site is situated to the rear of bungalows on the south side of Portsmouth Road (A3025) near the junction with St Anne's Road. The site is vacant and was last used as four hard-surfaced tennis courts in connection with Woolston Secondary School.
  5. Access to the main part of the site is from Portsmouth Road via an accessway (about 36m in length) which runs to the side of no.114 Portsmouth Road. The access has a gradient sloping upwards away from Portsmouth Road. This leads to an embankment on the western side of the site on higher ground than no.114. There are overgrown steps descending onto the tennis courts from the
-

western embankment. There are trees protected by Tree Preservation Order 'TPO' to the west of the entrance to the site and a group on the site protected by TPO. To the east of the site there are two storey houses in Temple Gardens, to the south there is a bowling club and clubhouse. To the west on higher ground there is a large residential care home of 3 and 4 storeys. There is a retaining wall along much of the western boundary. The appeal site is privately owned with security gates and there is no public access to it.

6. Paragraph 74 of the National Planning Policy Framework 'the Framework' indicates that existing open space, sports and recreational land should not be built on unless the space is demonstrably surplus to requirements; or the lost open space would be replaced elsewhere; or the development is for alternative sports and recreational provision. Open space is defined as all open space of public value. In this case, whilst views of the site tend to be enjoyed from the bowling club and from private property, the openness of the site gives the land a collective public value. In my view, it functions as passive open space and, whilst the site has become somewhat overgrown, some of the vegetation on it contributes to visual amenity, particularly the group of TPO'd trees. Policy CS21 of the LDF Southampton Core Strategy (2008) 'CS' entitled Protecting and enhancing open space states, amongst other things, that the Council will retain the quantity of the city's diverse and multi-functional open spaces. The justification for the policy refers to Southampton's Green Space Strategy (2008) which defines green space as any area that provides "green" features such as grass or trees or shrubs. The CS also refers to the Open Space Audit 2005 which identified an existing shortfall in provision of all types of open space (except allotments) as compared with key national, Structure Plan and Local Plan Review standards. The Council acknowledge that the tennis courts have not been in use for several years but they point to the Audit as showing the southern sector of Southampton as having a comparatively low provision of outdoor sports facilities and point out that the Green Space Strategy indicates that the amount of outdoor sports facilities is under the minimum standard. Given these factors I am persuaded that, even though the land is private and not available for public use and is not classified as "key" open space in the CS or elsewhere, policy CS21 should nevertheless be given substantial weight.
7. Whilst I acknowledge that the site was sold by the Education Authority around 2011, I am not persuaded that the site has been shown by assessment to be surplus to requirements in terms of the Framework. The proposed scheme does not involve replacement of the facility/open space elsewhere or provision of alternative sports or recreational facilities. The appellant has indicated that the embankment and trees could be given over later in time as public open space and could add to the publically accessible stock and thereby help meet the aims of the Green Space Strategy. However, that would not adequately overcome the harm from the loss of the open space or loss of a potential sporting facility. I conclude that the development would conflict with the aim of paragraph 74 of the Framework to resist existing open space being built upon.
8. I have borne in mind that the City of Southampton Local Plan Review (2006) indicates that residential development will be permitted on windfall sites and that saved policy H2 generally requires maximum use to be made of vacant

and previously-developed land 'PDL'. The appellants consider the appeal site to be previously developed land in terms of the Framework. However, land in built-up areas such as recreation grounds is excluded from that definition. The land is in a built-up area and its former use was sporting and recreational and therefore I consider that it should not be treated as PDL. Even if it was PDL in terms of the Framework and even if saved policy H2 was given substantial weight, its location and vegetation allow it to function as a green lung of important local value to the environment. The site benefits from being in the urban area and has good sustainability credentials in terms of public transport connections and easy walking and cycling distances to day-to-day facilities. However, for it to be sustainable development in terms of the Framework it would have to meet all three dimensions and the environmental role of protecting the natural and built environment would not be met nor the social role derived from sporting facilities supporting health and social well-being.

9. Turning to housing land supply, the Council have published a review of its Strategic Housing Land Availability Assessment (March 2013). Against the CS housing requirement, (2006-2026) the Council estimate that they would be above the target by about 647 dwellings including the 5% buffer for the 5 year supply target (2012-2017). Some small windfall sites are projected as making up part of the supply but from 2015 onwards. On the basis of this evidence, I consider that the Council can show a 5 year supply of deliverable housing sites but I have borne in mind the contribution that the scheme would make to the housing stock and to the need for family dwellings.
10. On the first issue, I conclude that the proposal would result in undue harm from the loss of open space and potential sporting facilities and would be contrary to paragraph 74 of the Framework and policy CS21 of the CS.

#### *Highway and pedestrian safety*

11. Access to the site would be taken from Portsmouth Road. The levels of the accessway would be engineered across the site such that the access would not exceed a 1:15 gradient. There would be a need to ensure sufficient width for two vehicles to enter and egress the site simultaneously to avoid reversing manoeuvres into Portsmouth Road. Drawing 2012/1509/001 RevA dated August 2012 entitled *Proposed Access and Visibility* indicates that the access road would be widened to 5m at the entrance. At the site visit a measurement was taken of the width of the access from the inner flank of each of the two walls/gatepost lining the access at the entrance. This measurement was about 4.37m. The 5m width at the entrance would be facilitated by amendments to the retaining wall to the west of the access and the access width would be between 5m and 4.7m for a length of 6m into the site.
12. Whilst the A road is busy and the nearby junction is traffic controlled, on the evidence before me other than the loss of trees, there is nothing to suggest that any harm would result from a widened access. Satisfactory sightlines onto Portsmouth Road vehicles would be obtained and two vehicles could access and egress simultaneously at the entrance.
13. The Arboricultural Development Statement indicates that the widening of the access road would result in part of "group 1" trees and all of "group 2" being lost. Those groups of trees appear to fall within the Southampton (Portsmouth

Road) TPO 1975 and the Southampton (Land to rear of 114/116 Portsmouth road) Tree Preservation Order 2012. (The latter TPO being referred to expressly in the Officer Report.) In my view, the loss of those trees would be regrettable and would harm the character and appearance of the area but on the evidence available to me their loss would not on its own warrant refusal of the planning permission.

14. Turning to vehicle and pedestrian intervisibility, the wall to the south east of the access would be reduced in height to about 1m for a depth of about 3m back into the site to improve sightlines. No.114 has a brick pillar which is about 920mm in height so any reduction of the appeal site wall below 920mm would be negated by the existence of this gatepost. The Council are particularly concerned that small children would not be seen by emerging motorists and seek a further reduction in height. However, there is a telephone booth to the west of the access and it would have the effect of pushing pedestrians into a more central position on the footway. This would be the case for pedestrians walking in both directions on the footpath. Moreover, I consider that the absence of a wide visibility splay onto the footpath would automatically encourage drivers to emerge more cautiously. *Manual for Streets* acknowledges this. There are a number of vehicle crossovers on this stretch of Portsmouth Road and pedestrians would be likely to be aware of this. Moreover, given that the road is a busy A road and has a number of crossovers, very small ambulant children are unlikely to be unrestrained on this stretch of footpath. Additional bollards on the footpath are not necessary in my view.
15. For those reasons I conclude that the proposal would not result in undue harm to highway or pedestrian safety and would not conflict with saved policy T1 2 of the City of Southampton Local Plan Review (2006) or with parts 5 and 9 of Council's Residential Design Guide Supplementary Planning Document (2006).

### **Conclusion**

16. Having taken into account all representations made and in balancing the benefits of the proposed scheme against the disbenefits I conclude that the disbenefits outweigh the benefits. Therefore, the appeal should be dismissed.

*Megan Thomas*

INSPECTOR



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## Appeal Decision

Site visit made on 5 January 2016

**by David Cliff BA Hons MSc MRTPI**

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

**Decision date: 3 March 2014**

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**Appeal Ref: APP/D1780/W/15/3131682**

**Land to the rear of 114-116 Portsmouth Road, Southampton SO19 9AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr J Kemmish against Southampton City Council.
  - The application Ref 15/00147/OUT, is dated 16 January 2015.
  - The development proposed is the erection of 4 dwellings to rear of 114-116 Portsmouth Road, utilising the existing access from Portsmouth Road.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline with details of access to be considered as part of the application. Landscaping, layout, scale and external appearance are matters reserved for later approval. The submitted plans include layout drawings, elevations of a proposed cycle store and a proposed section through the site. Other than the details of the proposed access, I have treated these drawings as being only for illustrative or indicative purposes.
3. The site address I have used more accurately relates to the appeal site than that stated in the planning application form. The Council has confirmed that it does not object to the use of this address which is also used in the appellant's further comments.
4. In its appeal statement the Council has confirmed that, if it had been in a position to determine the application, it would have refused planning permission for reasons relating to the loss of an open space/recreational facility and the absence of a mechanism for securing financial contributions to mitigate the adverse impact upon protected species.

### Main Issues

5. The main issues are the effects of the proposed development on open space and recreational facilities and on the integrity of the Solent Coastline Special Protection Areas (SPAs).

## Reasons

### *Open space and recreational facilities*

6. Paragraph 74 of the National Planning Policy Framework (the Framework) states that existing open space, sports and recreational land should not be built on unless the space is demonstrably surplus to requirements; or the lost open space would be replaced elsewhere; or the development is for alternative sports and recreational provision.
7. In determining the previous appeal<sup>1</sup> the Inspector concluded that the proposal for four dwellings would result in undue harm from the loss of open space and potential sporting facilities. The Inspector found that *the openness of the site gives the land a collective public value, its location and vegetation allow it to function as a green lung of important local value to the environment and stated that I am not persuaded that the site has been shown by assessment to be surplus to requirements in terms of the Framework.*
8. The Council draws attention to the Open Space Audit carried out as part of the preparation of the Core Strategy which identified the southern sector of Southampton as having a comparatively low provision of outdoor sports facilities. It also highlights the Green Spaces Strategy which found that the amount of outdoor sports facilities is under the minimum standard and notes that there is little opportunity to increase the provision of open space in the city.
9. In terms of the public value of the open space, I concur with the findings of the previous Inspector that whilst the main views of the site are from private property and the adjacent bowling club, the openness of the land provides a collective public value and it is of benefit to the environment. Though it is not identified as open space in the Council's Core Strategy and has not been available for public use, the site has value in terms of both its openness and the possibility of its future use by either private or public sports or recreational facilities. Whilst the site does not contain any changing or storage facilities, this does not necessarily preclude its future use for sport or recreation, nor does this prejudice its collective public value as open space.
10. The appellant has drawn attention to several tennis clubs in Southampton which are understood to have vacancies for membership. However, no specific details have been provided on the demand and supply for such facilities and, in any case, it is also necessary to consider its use by other outdoor sports or recreational facilities and not just the previous sporting activity for which the land was used. Whilst there are also other areas of open space in the area, this does not outweigh the previous findings of the Council on the overall low provision of outdoor facilities in the area. Although the site was sold by the Education Authority in 2011, this does not negate the need for subsequent development proposals to demonstrate compliance with the relevant planning policies. I am not aware of the full details and terms of the Council's sale of the site. In any case, from the information before me, I am not persuaded that the open space has been shown to be surplus to requirements taking account of both paragraph 74 Framework and policy CS21 of the Core Strategy.

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<sup>1</sup> APP/D1780/A/13/2199299

11. The appellant has submitted a Unilateral Undertaking to provide for financial contributions of £10,000 each towards the provision and/or improvement of social and recreational facilities, and public open space in the locality of the site. In appropriate circumstances, financial contributions can be a way of mitigating the impact of a development. I note that the Council has not provided any comment on the acceptability or otherwise of the appellant's undertaking. Nevertheless, it falls for me to consider the acceptability of the obligation and whether it mitigates against the harm arising from the proposal.
12. In this case, no methodology has been provided showing how the contributions have been calculated or quantifiable evidence of how they would reasonably and proportionately mitigate for the loss of the open space arising from the proposal, nor are there any specific or quantifiable details of how the contributions would be spent. Therefore, whilst the contributions would no doubt provide opportunity for some benefits in terms of the quality and/or quantity of space provided elsewhere, it has not been satisfactorily demonstrated that they would fairly or reasonably relate to the loss of open space and recreational provision that would result in this case. I therefore cannot conclude that the planning obligation would pass the tests in Regulation 122 of the Community Infrastructure Level Regulations and paragraph 204 of the Framework. Therefore I cannot take it into account.
13. I have considered the supporting information provided by the applicant, including a Unilateral Undertaking, in seeking to address the reasons for the dismissal of the previous appeal. However, I conclude on this issue that the proposal would result in unacceptable harm from the loss of open space and potential recreational facilities, contrary to paragraph 74 of the Framework and policy CS21 of the Southampton Core Strategy which aims to protect and enhance open space in the city.

#### *Special Protection Areas*

14. Policy CS22 of the Core Strategy includes the aim of protecting the integrity of international designations and requires that necessary mitigation measures are provided. The Council has raised objection to there being no mechanism for a financial contribution of £174 per dwelling to be made towards the Solent Disturbance Mitigation Project (SDMP) to ensure that the development (located within 5.6km of the Solent coastline) and the additional recreational pressures arising from it, along with other developments, would not result in increasing disturbance to waders and wildfowl within the Solent Coastline SPAs. Such disturbance reduces the birds' opportunities to feed and impacts on their winter survival and completion of their migratory journey to their summer time habitats. On the basis of the evidence before me and acting in accordance with the precautionary principle, I am satisfied that the proposal in combination with other developments has the potential to result in significant adverse impacts upon the SPAs.
15. The appellant has indicated a willingness to make provision for a financial contribution to address this issue but there is no formal means of doing that, such a planning obligation, before me. As I have found harm in relation to the first main issue, and given that the resolution of the protected species issue would not outweigh that harm, I have not provided additional time for the appellant to submit a further planning obligation. To have done so would have

resulted in the likelihood of unnecessary additional cost being incurred by the appellant for no overall positive appeal outcome.

16. I am therefore unable to conclude that the proposal, in combination with other development, would not adversely affect the integrity of the Solent Coastline SPAs. In these circumstances, acting in accordance with the precautionary principle, I find the appeal scheme unacceptable in relation to this issue and contrary to Core Strategy policy CS22.

### **Other Matters**

17. The development would provide four new family dwellings in a location which has good accessibility to day to day facilities and services. However this provision would be clearly outweighed by the harm I have identified in terms of the main issues. The proposal would not therefore amount to sustainable development as defined by the National Planning Policy Framework.
18. In terms of highway impacts, the Inspector in determining the previous appeal found there to be no harm in this regard and I see no reason to disagree.

### **Conclusion**

19. For the above reasons, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

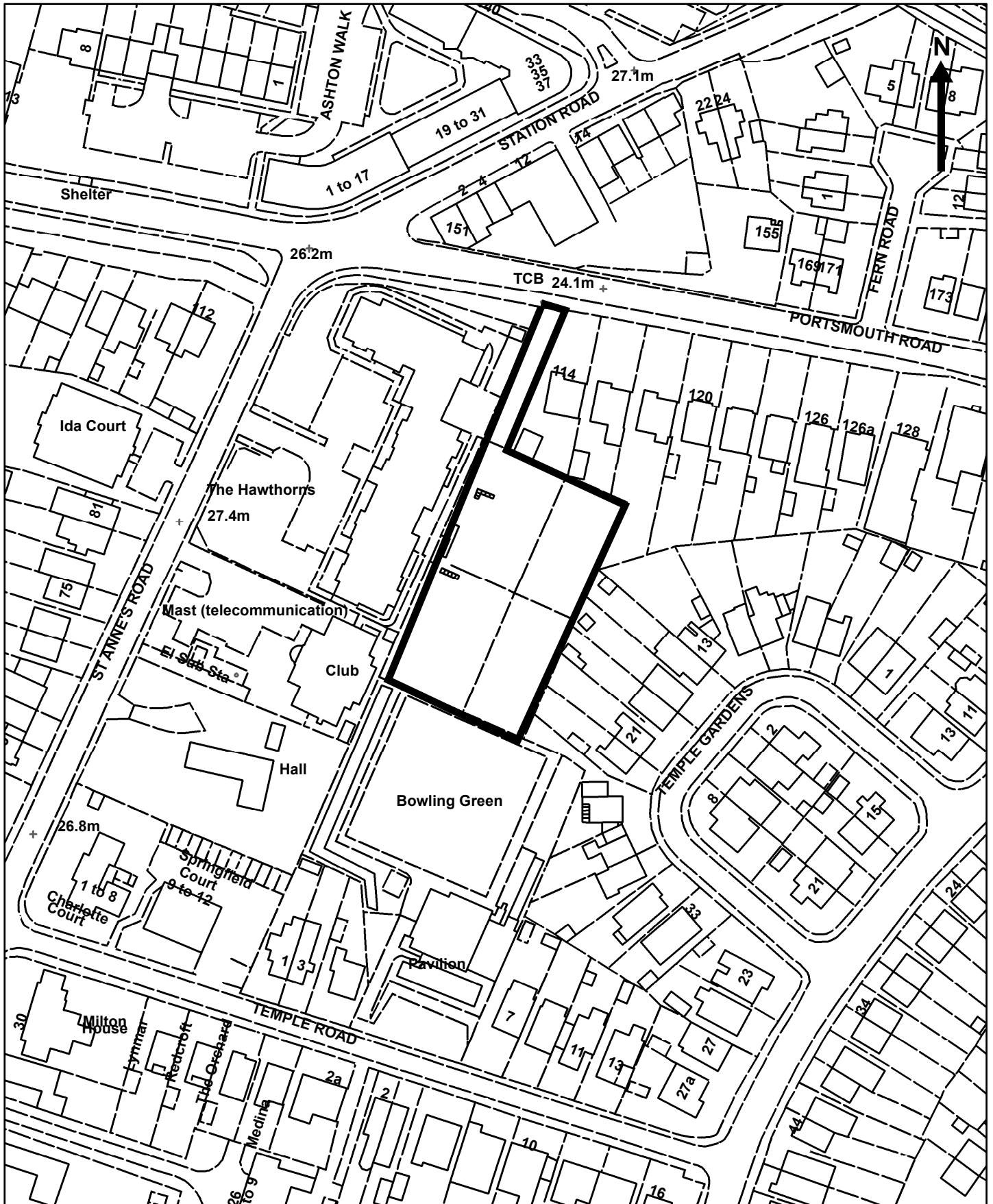
*David Cliff*

INSPECTOR

# Agenda Item 5

# 22/01063/FUL

Appendix 3



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**Planning and Rights of Way Panel 13<sup>th</sup> December 2022**  
**Planning Application Report of the Head of Transport & Planning**

<b>Application address:</b> 3 Vosper Road, Southampton			
<b>Proposed development:</b> Change of use from Dwellinghouse (C3) to House of multiple occupancy (C4) (Retrospective)			
<b>Application number:</b>	21/01805/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Craig Morrison	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	31.03.2022 Extension of Time Agreed to 18/12/2022	<b>Ward:</b>	Woolston
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Mrs Sue Blatchford Cllr Warwick Payne Cllr Robert Stead
<b>Applicant:</b> Meridian Property		<b>Agent:</b> AC Design	

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</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).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Parking Restrictions Plan	4	Properties within 40m Radius

**Recommendation in Full**

Conditionally Approve

**1. The site and its context**

1.1 The site forms part of the Centenary Quay development in Woolston, and is a modern 3 storey dwelling forming a terrace of 8 dwellings on the Southern Side of Vosper Road. The dwelling has a garage and driveway capable of accommodating one car each and a South Facing rear garden.

1.2 The property had an integral garage and kitchen, dining room at ground floor level, a

living room and bedroom at first floor level and two further bedrooms at 2<sup>nd</sup> floor level. Externally a garden measuring 52 square metres. The property is now arranged as a 4 bedroomed House in Multiple Occupation.

## **2. Proposal**

- 2.1 This application proposes the change of use of the property from a C3 dwelling to a C4 House in Multiple Occupation. The C4 use class allows for up to 6 people living in different households to occupy the property. The use of the property is understood to have commenced in July 2021, the application is therefore retrospective.
- 2.2 The uses of the ground floor would remain as it is currently with the current kitchen/dining room forming the main communal space for the property. On the first floor the previous living room would be occupied as a bedroom. With the existing bedrooms retained the total number would increase from 3 to 4.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 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.
- 4.2 The property was constructed as part of the Centenary Quay development (LPA ref: 08/00389/OUT). Permitted development rights were removed from the properties for enlargements to properties, outbuildings and hard surfaces.

## **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 on the 11<sup>th</sup> February 2022. At the time of writing the report **6 representations** have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***There will be impacts on traffic and car parking in the local area***

### **Response**

There are currently 2 car parking spaces at the property, 1 within the existing garage



and 1 to the front of the property to the front of the garage. It is considered that given that the proposed residents of a HMO would lead independent lives that it would be impractical to count/use the existing garage for parking. A Parking survey has been conducted which acknowledges that parking stress is high in the area. However, much of the local area is covered by controlled parking and other regulation orders (**Appendix 3** of this report). The nearest non-permitted parking is approximately 200m away which is not considered likely to be utilised by occupants of the property given the distance.

5.3 ***The use of the property as a HMO is already taking place***

**Response**

The application form states that the use has taken place since the 15<sup>th</sup> July 2021. Section 73A of the Town and Country Planning Act allows for planning permission to be applied for after development has taken place. The fact that an applicant is made retrospectively is not a material planning consideration and Paragraph: 012 Reference ID: 17b-012-20140306 of the Planning Practice Guidance confirms that retrospective planning applications should be considered in the normal way.

5.4 ***A legal covenant prevents the property being used for business purposes***

**Response**

The presence of a legal covenant does not prevent planning permission being granted. It is a civil matter between the owner of the property and the owner of the covenant and cannot influence the outcome of this planning application.

5.5 ***There are a lot of flats and not many family homes in Centenary Quay***

**Response**

Policy CS16 of the Core Strategy provides a framework for requiring balanced communities within new developments. The proposal for a HMO in this location does not involve physical alterations to the building and therefore the property would remain conducive to occupation as a single family dwelling in the future, with the exception of the addition of an en-suite bathroom. Planning permission would not be needed to convert the HMO back to a C3 family dwelling. A condition is recommended that allows interchange between C3 (single family dwelling) and C4 (HMO) use with the use on the 10 year anniversary of any permission granted being the ongoing use of the property. It should be noted that, despite the presence of the citywide Article 4 direction, changes of use from C4 to C3 (not vice versa) remain lawful by virtue of permitted development rights. For this reason it is considered that the proposal does not preclude the use of the property as a single dwelling and therefore does not remove a family dwelling from the local area.

5.6 ***The proposal would result in a reduction of house prices in the local area.***

**Response**

Property prices are not a material planning consideration this has not been considered further in this recommendation.

**Consultation Responses**

5.7

Consultee	Comments
CIL Officer	The proposal does not appear to be CIL liable.
SCC Council Tax	Council tax records show that this property has never been a multi occupancy household. Used as a family home.
Highways	<p>I agree that due to the nature of HMO living, tandem parking would not normally work.</p> <p>However, it is important to note that the proposal doesn't change the number of units or the driveway which means the number of permits would likely remain the same. Therefore any potential overspill would only occur outside the restricted times. Due to this, it would unlikely that residents would be able to rely on the permit bays as the times are quite restrictive. Therefore the only impact may result from visitors in late evening and night times.</p> <p>Having said that, the only unrestricted parking is along Church Road. This would be susceptible to overspill parking and is near capacity (14 out of 18 spaces being occupied). Having said that, this road is just beyond the 200m radius which is the normal distance used for the Lambeth methodology.</p> <p>One further point to consider is that whether the maximum standards have changed as result of development. From the plans, it appears that there are in fact currently only 3 bedrooms which results in max standards being 2 spaces. The proposed 4 bed HMO I believe would increase the max standards to 3 spaces.</p> <p>Like other schemes, the parking in the area are mostly restricted with double yellows protecting sightlines and tracking at junctions. Therefore there are no objections to the application and any impact on parking is more of an amenity issue.</p> <p>I would request that long stay cycle spaces are provided for each bedroom/bedsit for the HMO.</p>

**6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Design & effect on character;
- Residential amenity; and
- Parking highways and transport.

## 6.2 Principle of Development

- 6.2.1 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of mixed and balanced communities, whilst these policies require an assessment of how the introduction of HMOs maintain the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in section 4 of the Council's House in Multiple Occupation Supplementary Planning Document (SPD) to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a local neighbourhood.
- 6.2.2 From carrying out the 40m radius survey the up to date records for the Planning Register, Licensing Register, and Council Tax data show that there are currently no HMOs within the relevant area. The resulting concentration of HMOs would be 3% (1 HMO out of 36 eligible residential properties) and, therefore, the application does not breach the 10% threshold limit for the mix of HMOs within the local neighbourhood. The properties included and excluded from the calculation are included in **Appendix 4** of this report.
- 6.2.3 The principle of the change of use to a HMO is, therefore, considered acceptable. Policy H4 then requires detailed consideration of matters relating to the character of the area and the amenity of neighbouring properties which are considered in the following sections:

## 6.3 Design and effect on character

- 6.3.1 The use of a property as a HMO requires no changes to the exterior of the building and, therefore, the proposal would not affect the visual character of the area. There could be an increase in comings and goings associated with the increase in numbers of people residing in the property.
- 6.3.2 3 Vosper Road is located on a road open to through traffic and on two reasonably frequent bus routes that begin around 5am and run through to past midnight. There is, therefore, a reasonable level of activity in the area already and it is not considered that the additional comings and goings would significantly alter the character of the area.
- 6.3.3 Were the house to be occupied by the maximum number of 6 people that the C4 use class allows there would be a requirement for 2 x 360l wheeled bins rather than the 2 x 240l bins for properties with 5 persons or under. The existing bin store is capable of accommodating the larger bins if needed and therefore the proposal would not result in proliferation of bins within the frontage of properties.

## 6.4 Residential amenity

- 6.4.1 For the reasons listed above in paragraph 6.3.2 it is not considered that the additional comings and goings would result in an adverse impact on the nearby residents.
- 6.4.2 Issues associated with noise and disturbance within the property would be covered by the Environmental Protection Act, however there is a risk of increased noise

associated with the intensification of residential use. The layout of the property would not change the location of communal areas, where more residents may be likely to congregate and would not position these areas next to neighbouring bedrooms where the occupants may be more sensitive to noise. Notwithstanding this given the increase in residential occupancy it is considered reasonable and necessary to implement a condition requiring additional noise insulation to be provided to both party walls to protect neighbouring amenity

- 6.4.3 In terms of living conditions for occupiers. The Council's 'Guidance on Standards for Houses in Multiple Occupation' requires bedrooms to meet the following size standards. For rooms occupied by two persons this is 14m<sup>2</sup> except where a separate communal living room is provided in which case the bedroom may be 10.22 m<sup>2</sup>. The bedroom sizes are as follows

Bedroom 1 - 15.5m<sup>2</sup>

Bedroom 2 – 15m<sup>2</sup>

Bedroom 3 – 15m<sup>2</sup>

Bedroom 4 – 12.5m<sup>2</sup>

All bedrooms therefore meet the requirements for dual occupancy (given the provision of a shared kitchen and living area of 15.5 m<sup>2</sup> which meets the minimum (13m<sup>2</sup>) outlined by the above Guidance.

- 6.4.4 The bedrooms on the first floor share a bathroom between 2 rooms and on the second floor both bedrooms have en-suite bathrooms. Taken into account with the provision of a garden to the rear of the property the HMO is considered to have an adequate level of shared space and facilities. In order to ensure that the garden remains a sufficient size and the facilities within the property remain adequate it is necessary to re-impose the permitted development removal condition that applies to the remainder of the development.

## 6.5 Parking highways and transport

- 6.5.1 The access and parking arrangement would remain unchanged by the proposal, however it is considered that the garage is unlikely to remain usable for vehicle parking as the tenants would not be related and parking in a tandem arrangement would not be feasible as a result. The garage could however be used to store cycles for residents. The maximum parking standard (as set out in Houses in Multiple Occupation SPD) for a 4 bedroom HMO is 3 car parking spaces outside of the high accessibility area and therefore the property would be 2 spaces under the maximum standard. Departures from the maximum standard are allowed for as set out in paragraph 5.4 of the HMO SPD, as well as guidance contained in the Residential Parking Standards SPD provided that it is demonstrated that the level of parking provision is suitable. These standards are also implemented as 'maximums' meaning that sites in sustainable locations (such as this one within walking distance of Woolston District Centre) can be considered with less on-site parking than the standard.

- 6.5.2 The applicant has submitted a parking survey, which was undertaken between 22.30 and 23.30 on Wednesday 5<sup>th</sup> October. The survey assessed the availability of on-street parking in surrounding roads and recorded between 71% (In Surrey Road) and

100% parking stress (Vosper Road and Church Road (South)). The Council's Parking Service has confirmed that as the property is a post 2001 development that the property is not entitled to parking permits.

- 6.5.3 The site is located in an accessible location within easy reach of the facilities in Woolston and two frequent bus routes providing access to the city centre and general hospital. The local roads are also primarily subject to controlled parking with the nearest unrestricted parking spaces being approximately 200 metres away such that this is unlikely to be desirable to future residents. Given the limited unrestricted off-road parking available in the area and available of quality public transport it is considered that the 1 car parking space is sufficient in this instance and would not result in an unacceptable impact on the function or safety of the local highway network.

## **7. Summary**

- 7.1 The proposal for a retrospective C4 HMO does not breach the Council's adopted 10% threshold for HMOs within 40 metres of the site, and is not considered to have a significant impact on the character of the area or amenity of neighbouring properties. Given the available public transport and limited uncontrolled parking availability it is considered that the proposal would not have an adverse impact on the local highway network.
- 7.2 The proposal therefore complies with the relevant saved policies of the City of Southampton Local Plan Review and Core Strategy.

## **8. Conclusion**

- 8.1 It is recommended that retrospective 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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Craig Morrison** PROW Panel 13.12.2022

### **PLANNING CONDITIONS (to include):**

- 1. Retention of communal spaces & number of occupiers (Performance Condition)** The rooms labelled kitchen, dining room, garage and living room on the ground floor plan, together with the external amenity areas, shall be made available for use by all of the occupants of the property as a C4 HMO (House in Multiple Occupation) use, as hereby approved, and thereafter shall be retained and available for communal purposes when in use as a HMO.

Reason: To ensure that suitable communal facilities are provided for the residents, and in the interests of protecting the amenities of local residents.

### **2. Approved Plans (Performance)**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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

### **3. Dwelling House and House in Multiple Occupation Dual Use (Performance)**

The dual Use Class C3 (dwelling house) and/or Use Class C4 (House in Multiple Occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice. The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

*Note: Before the building can be occupied as a single dwelling any HMO license may need to be revoked and reissued.*

### **4. Cycle Storage**

Unless within 1 month of the date of this decision a scheme for cycle storage is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 1 month of the local planning authority's approval, the use of the site as a house of multiple occupation shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house of multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained in perpetuity. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To encourage non-car based modes of transport in accordance with Policy CS18 of the City of Southampton Core Strategy (2015).

### **5. Noise Insulation**

Unless within 3 months of the date of this decision a scheme for the insulation from floor to ceiling height of both party walls, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site as a house of multiple occupation shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house of multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: to protect the amenities of neighbouring properties in accordance with saved Policy SDP16 of the City of Southampton Local Plan Review (2015).

## **6. Permitted Development Conditions**

### **APPROVAL CONDITION - PD Restriction (Residential)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), 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);
- Class B (roof alteration);
- Class C (other alteration to the roof);
- Class D (porch);
- Class E (curtilage structures), including a garage, shed and greenhouse;
- Class F (hard surface area);
- Class G (heating fuel store); and
- Class H (satellite antenna or dish).

### **REASON:**

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area in line with Local Plan Policy SDP1

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP16	Noise
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)  
Houses in Multiple Occupation (May 2016)

Other Relevant Guidance

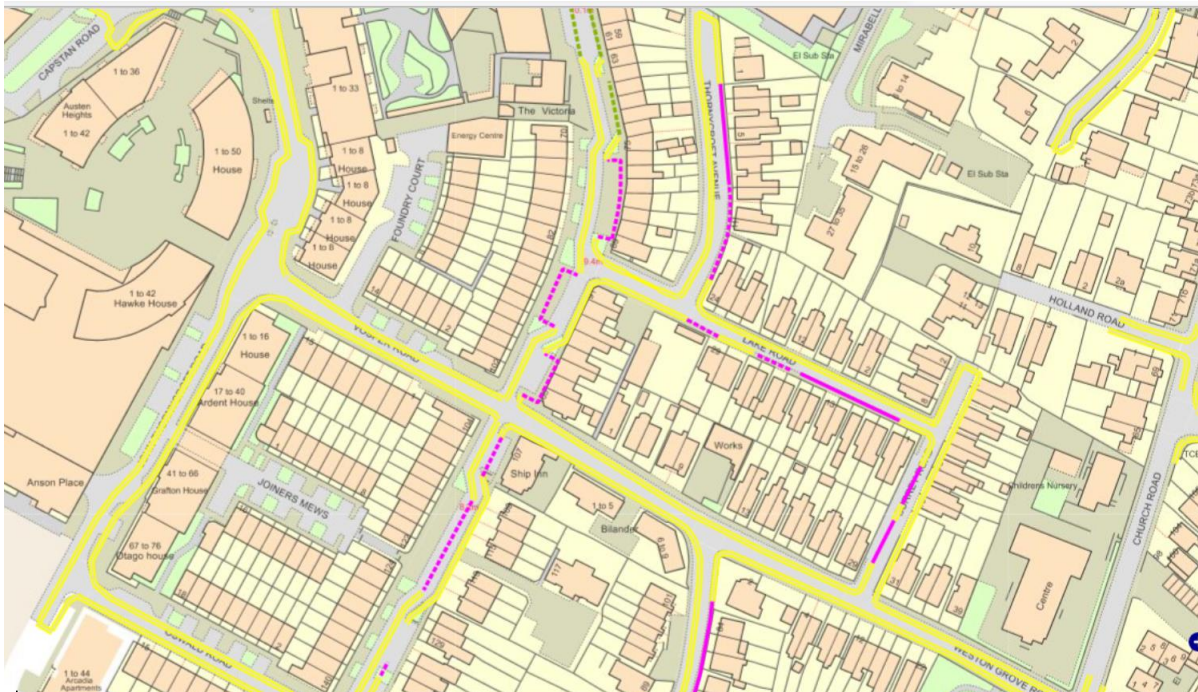
The National Planning Policy Framework (2019)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
08/00389/OUT	<p>Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted). Description amended following submission following the removal of 33 residential units from the scheme and the introduction of a temporary car park.</p>	Approve with Conditions	31.12.2009

Local Parking Restrictions Plan



**Legend**

- Car Club
- Motorcycle Parking
- Taxi Rank
- Bus/Coach Stand Parking
- Limited Waiting
- Limited Waiting (except Permit Holder Parking)
- Permit Holder Parking only
- No Waiting
- No Waiting At Any Time
- Inner Tariff
- Outer Green Tariff
- Outer Grey Tariff
- Yellow Tariff

**40m Property Radius And Properties Included**



**Properties Included with Search**

1-15 Vosper Road

1-8 Joiners Mews

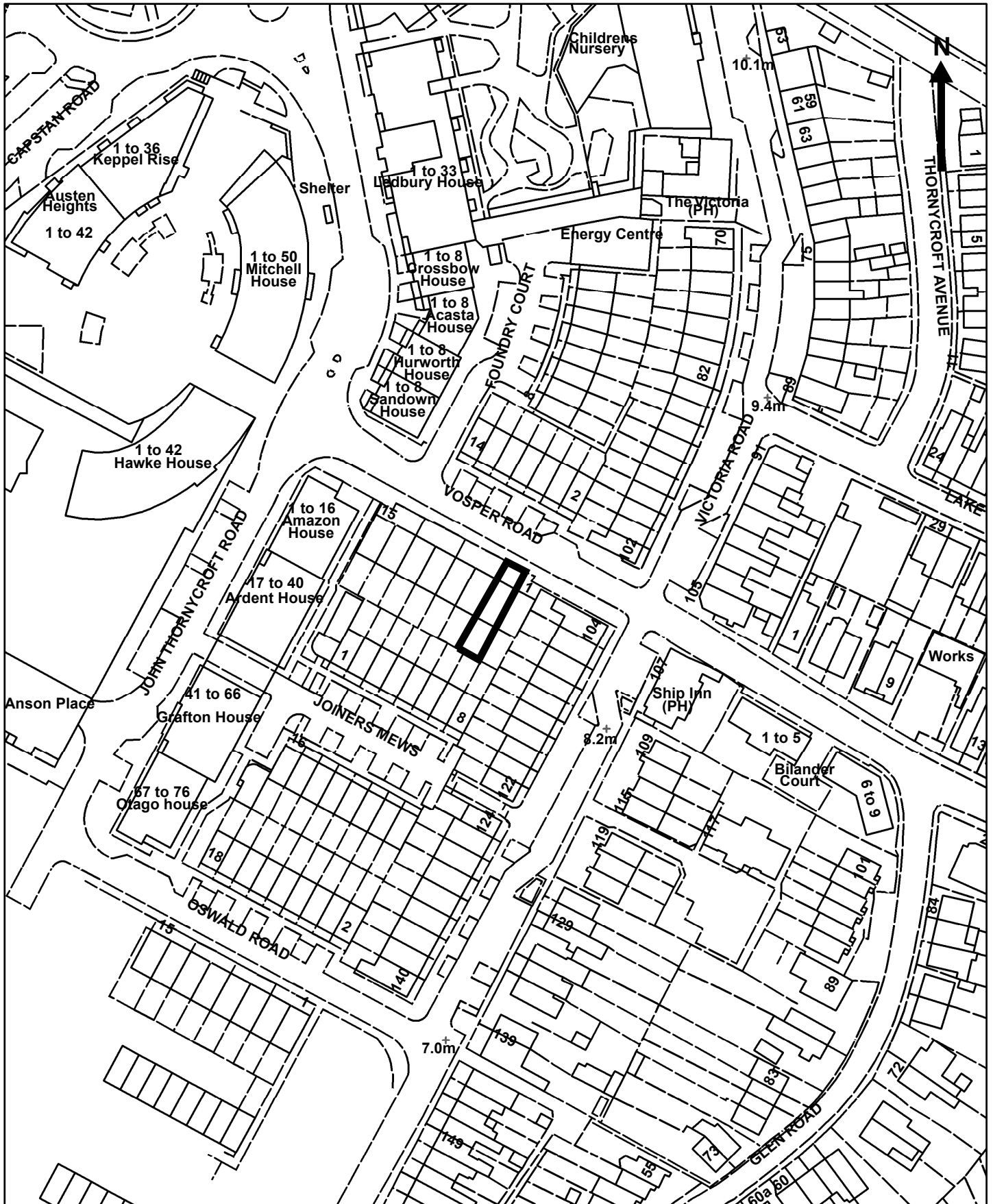
94-122 (Evens) Victoria Road

1-16 Amazon House – Excluded from assessment as per HMO SPD methodology as properties are 1 and 2 bedroomed flats.

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# Agenda Item 6 21/01805/FUL

Appendix 1



Scale: 1:1,250

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