

Planning and Rights of Way Panel

Tuesday, 12th December,
2023
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Windle (Vice-Chair)
Councillor J Baillie
Councillor Beaurain
Councillor Cox
Councillor A Frampton
Councillor Greenhalgh

Contacts

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Head of Transport and Planning
Pete Boustred
Email: pete.boustred@southampton.gov.uk

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

Southampton: Corporate Plan 2022-2030

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.

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

MOBILE TELEPHONES:- Please switch your mobile telephones or other IT to silent whilst in the meeting.

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

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

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

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

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

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

Dates of Meetings: Municipal Year 2022/2023

2023	
6 June	19 September
27 June	10 October
11 July	31 October
1 August	21 November
22 August	12 December

2024	
23 January	16 April
20 February	
12 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 - 12)

To approve and sign as a correct record the Minutes of the meetings held on 31 October 2023 and 21 November 2023 and to deal with any matters arising.

TREE PRESERVATION ORDERS

5 THE SOUTHAMPTON (112 BOTANY BAY ROAD) TREE PRESERVATION ORDER 2023 (Pages 13 - 32)

Report of Head of Service detailing an objection received to the making of a tree preservation order.

6 THE SOUTHAMPTON (102 BOTANY BAY ROAD) TREE PRESERVATION ORDER 2023 (Pages 33 - 50)

Report of the Head of Service detailing an objection received in the making and serving of a tree preservation order.

CONSIDERATION OF PLANNING APPLICATIONS

7 PLANNING APPLICATION - 23/01247/FUL - 65 & 67 PORTSMOUTH ROAD (Pages 51 - 90)

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

This page is intentionally left blank

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 31 OCTOBER 2023

Present: Councillors Savage (Chair), Windle (Vice-Chair), Beaurain, Mrs Blatchford, Cox and A Frampton

Apologies: Councillor J Baillie

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

RESOLVED: that the minutes for the Panel meeting on 22 August 2023 be approved and signed as a correct record.

29. **PLANNING APPLICATION - 23/01158/FUL - FIREHOUSE, VINCENTS WALK**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Redevelopment of the site. Erection of a purpose-built student accommodation, up to 13 storeys in height, including 139 studios, a gym, study area, laundry room, communal space, staff room, reception office and associated bin storage and cycle parking, following demolition of the existing buildings.

Simon Reynier, Graham Linecar, David Burke, Lynne Hughes, Ally Yates and Eamon O'Donoghue (local residents/ objecting), Matthew Roe(agent), Joshua Reay (architect) and Councillor Noon (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that a statement had been received, circulated, read and posted online from Clemency Hazel.

The presenting officer reported that officers were still awaiting confirmation from the Health and Safety Executive of no objection to the amended fire safety arrangements and therefore wished to add to the delegation the grant of permission being subject to the receipt of no objection.

During discussion on the item, Members raised the issues relating to waste management and cycle storage provision and officers agreed to amend the recommendation by the variation to the Conditions 10 and 11 as set out in full below.

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

The Panel then considered recommendation (2) that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report as amended and recommendation (3). Upon being put to the vote the recommendations as amended were carried.

RECORDED VOTE

FOR: Councillors Savage, Windle and Cox
AGAINST: Councillors Beaurain, Mrs Blatchford and A Frampton

NOTE: That the recommendation was passed using the Chair's second and casting vote.

RESOLVED

1. To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and any additional or amended conditions set out below, and subject to receipt from the Health and Safety Executive of no objection to the amended fire safety arrangements which result in the repositioning of the dry risers and introduction of a protected lobby to the communal lounge on level 09 and the completion of a S.106 Legal Agreement to secure :
 - a. Financial contributions towards site specific transport highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - c. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
 - d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - e. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
 - f. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones;
 - g. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;
 - h. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners (if required);
 - i. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European

designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and

3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Head of Transport and Planning will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
4. That the Head of Transport and Planning be granted delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Changes to conditions

10. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles and platform lift access to the basement shall be provided and made available for use in accordance with the plans hereby approved with storage for a minimum of 80 bicycles. **A power supply for e-battery charging shall also be provided within the basement bike storage area prior to first occupation.** The storage, **power supply** and platform lift shall thereafter be retained as approved.

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

11. Delivery and Servicing Management Plan (Pre occupation)

Prior to first occupation of the development hereby approved a Delivery and Servicing Management Plan shall be submitted and agreed in writing with the Local Planning Authority, **to include a review mechanism to allow for any future changes in waste collection demands.** The plan shall include details of bin management and private bin collection arrangements to ensure bins are not stored on the public highway. Furthermore the plan shall set out delivery and servicing arrangements for the retail units to prevent harmful obstruction to the footway and carriageway. The development shall be retained in accordance with the agreed Delivery and Servicing Management Plan.

REASON: In the interests of highway safety and the visual amenities of the area

30. **PLANNING APPLICATION - 23/01111/FUL - REAR OF 174 MANOR ROAD NORTH**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing garage.

During discussions officers agreed that the waste condition should be amended as set out below.

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

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

The Panel then considered recommendation (2) that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report and recommendation (3). Upon being put to the vote the recommendations were carried unanimously.

RESOLVED

1. To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. To delegate authority to the Head of Transport and Planning to grant planning permission subject to the planning conditions as set out in the report or amended as below and 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 and Planning be delegated authority to add, vary and/or delete relevant parts of conditions as necessary.
as necessary.

Amended Condition

Condition 7: Refuse and Recycling

The storage for refuse and recyclable materials shown on the submitted plans (M.R.01.) shall be made available prior to the first occupation of the residential units hereby permitted. The doors to the refuse store for the first floor flat shall be inward opening at all times and an additional access gate shall be provided along the eastern boundary to ensure that access to the refuse store for the ground floor flat is possible when both car parking spaces are occupied. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved for the lifetime of the development. Refuse and Recycling bins shall be stored in the designated storage areas at all times except during times of collection.

REASON:

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

31. **PLANNING APPLICATION - 23/01099/FUL - 39 MEADOWMEAD AVENUE**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved subject to the criteria listed in the report.

Erection of a part two-storey, part single storey side/rear extension, single-storey front extension, and a hip to gable roof enlargement and provision of rear dormer facilitating loft conversion.

Peter Donovan (local residents/ objecting), and Councillor Moulton (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that a statement had been received, circulated, read and posted online from Mr Coady.

The Panel then considered the recommendation that the application be conditionally approved subject to the criteria listed in the report. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Windle, A Frampton and Mrs Blatchford
AGAINST: Councillors Savage and Cox
ABSTAINED: Councillor Beaurain

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

32. **PLANNING APPLICATION - 22/01503/FUL - 9A-10A SHIRLEY HIGH STREET**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved subject to the criteria listed in the report.

Retention of a single storey rear extension to restaurant for storage purposes.

Angela Stansbridge and James Greenwood (local residents/ objecting) and Councillor Shields(ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statements had been received, circulated, read and posted online from Jeyatharan Visuvanathi, Mr Greenwood and a local resident who requested their details be withheld.

During discussion on the item, members raised the issue of waste management and fire safety and officers agreed to amend their recommendation by the inclusion of an additional condition. Officers also advised that they would add an informative for the applicant detailing the need to ensure that building regulation and fire safety had been reviewed, as set out below.

Upon being put to the vote the recommendation to grant conditional planning approval subject to the additional condition and informative was carried unanimously.

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

Additional Condition

Condition 2: Waste Storage (within one month)

Within one month from the date of this permission, details of bin and waste storage and ongoing management for the associated restaurant (and any ancillary residential uses on the upper floors) shall be submitted to in writing to the Local Planning Authority. The bin and waste storage shall not be located in area that would impede or block access to and from the rear extension. The bin and waste storage shall be stored within the application site at all times, except during times of collection, unless otherwise agreed as part of the approval process for this planning condition. Once approved the approved refuse storage shall be managed in accordance with the agreed details for the lifetime of the development.

Reason: In the interests of visual amenity, the amenities of neighbouring landowners and to ensure adequate waste storage and management is provided.

Informative

Note to applicant – Fire Safety and Building Regulations:

The applicant is required to apply for a Building Regulations approval for the works carried out. This will include complying with Fire Safety requirements. The matter has been passed to the Council's Building Control team, and you are advised to contact them directly by email: Building.Control@Southampton.gov.uk or by phoning 023 8083 3006 (Option 4)

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2023

Present: Councillors Savage (Chair), Windle (Vice-Chair), J Baillie, Beaurain, Cox (From Agenda item 6), A Frampton and Greenhalgh.

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

The Committee noted the resignation of Councillor Mrs Blatchford, and the appointment of Councillor Greenhalgh in place thereof in accordance with the provisions of Council Procedure Rule 4.3.

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

RESOLVED: that the minutes for the Panel meeting on 12 September 2023 be approved and signed as a correct record.

35. **THE MAKING OF THE SOUTHAMPTON (WOOLSTON INFANT SCHOOL) TREE PRESERVATION ORDER**

The Panel considered the report of the Head of City Services in respect of The Southampton (Woolston Infant School) Tree Preservation Order 2023.

Mr Bradley Smith, External Consultant Representative, Woolston School (objector) and Councillor W Payne (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the officer recommendation to confirm the TPO. Upon being put to the vote the recommendation was carried.

RECORDED VOTE:

FOR Councillors Frampton, Greenhalgh, Savage, Windle

ABSTAINED: Councillors J Bailey, Beaurain

RESOLVED that the TPO be confirmed as set out in the recommendation.

36. **23/01255/FUL 382 WINCHESTER ROAD**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Redevelopment of the site. Erection of a part two, part three storey Apart Hotel (Class C1) comprising 20 serviced rooms with staff office, cafe/meeting space, car parking (10 spaces), secure cycle storage and e-scooter docking station at ground floor, following demolition of existing offices (Revised application to 23/00079/FUL) (amended description).

Mr Johnson, on behalf of Old Bassett Residents' Association and local residents, and Simon Reynier, City of Southampton Society (objecting), David Jobbins, Director, Lukenbeck (agent), and Councillor Blackford (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting. In addition, the Panel noted that statements had been received, circulated, read, to be posted online from Karen Becheley-Price, David Crampton-Barden, and Josie Sengers Gray (local residents/objecting).

The presenting officer reported that a separate SDMP heading would be added within the S.106 and that three conditions had been amended in respect of (14) onsite vehicular parking, (16) Cycle storage, and (34) the Green Roof as set out in full below.

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

The Panel then considered recommendation (2) that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report as amended and recommendation (3) and (4). Upon being put to the vote the recommendations were carried.

RECORDED VOTE

FOR: Councillors J Bailey, Beaurain, Cox, Frampton, Savage, Windle
ABSTAINED: Councillor Greenhalgh

RESOLVED

1. To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and the amended conditions set out below, and the completion of the amended S.106 Legal Agreement.
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement.

Amended conditions in full:

14. On site vehicular parking; 10 spaces [Pre-Occupation]
The 10 approved vehicular parking spaces (measuring at least 5m x 2.4m) and adjacent vehicular manoeuvring space (measuring at least 6m wide) shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the hereby approved development. Throughout the lifetime of the development hereby approved the parking spaces and manoeuvring space adjacent shall not be used for any other purpose other than for the parking of vehicles associated with hotel customers and staff and shall be retained for that purpose only.

Reason: To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed; and to remove confusion of occupants in the interests of discouraging car ownership by a large proportion of residents by not providing car parking spaces free for any occupant to use.

16. Cycle storage facilities [Performance]

Before the development hereby approved is first occupied, secure and covered storage for a minimum of 12 bicycles shall be provided in accordance with the plans hereby approved. At all times the spaces shall be made available for customers and staff; and shall be retained for that purpose thereafter throughout the lifetime of the development.

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

34. Green Roof Implementation (Pre-commencement)

Prior to the commencement of the development hereby approved, a specification and management plan for the green roof shall be submitted to and agreed in writing by the Local Planning Authority. The green roof must be installed to the approved specification before the building hereby approved first comes into use or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for the lifetime of the development. If the green roof dies, fails to establish or becomes damaged or diseased, it shall be replaced by the Owner in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

37. **23/01174/FUL REAR OF 92 MERRYOAK ROAD**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the criteria listed in the report.

Erection of 2x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Resubmission ref 22/01104/FUL).

No representers addressed the meeting.

The presenting officer reported that additional correspondence had been received from the Council's Archaeologist, which confirmed that no Archaeology conditions were required. The presenting officer also reported some amendments to the conditions, as set out below, and one additional condition, also set out below.

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

The Panel then considered recommendation (2) that the application be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report, as amended, and recommendation (3). Upon being put to the vote the recommendations as amended were carried unanimously.

RESOLVED

1. To confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and any additional or amended conditions or planning obligations set out below.
3. That the Head of Transport and 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 and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Changes to conditions

Amended Conditions (By Officer)

Added a section to prevent the provision of fencing above one metre to the front of the properties without consent;

3. Residential Permitted Development Restriction (Performance)

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 and Part 2, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Part 1:

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

Class B (roof alteration),

Class C (other alteration to the roof),

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

Class F (hard surface area)

Part 2:

Class A (gates, fences, walls 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 with regard to the amenities of the surrounding area.

Changed the refuse condition to enable details of separate refuse storage to the frontage as per the standard pre-commencement condition.

Altered the refuse storage condition to seek details to provide refuse storage to the front of the properties;

5. Refuse & Recycling (Pre-Commencement) (amended to provide separate cycle and refuse facilities).

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

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

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

Added an additional section added to conditions 12 and 13 to secure energy reduction.

12. Water & Energy (Pre-Construction)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a 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. Written documentary evidence shall be submitted demonstrating that the development will achieve at minimum 15% improvement over 2021 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) in the form of a design stage SAP calculations. 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).

13. Water & Energy (Performance)

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. Written documentary evidence shall be submitted demonstrating that the development will achieve at minimum 15% improvement over 2021 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) in the form of a final SAP calculations. 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).

4. Additional condition by officer:

Sustainable Drainage Systems (Pre-Commencement)

Prior to the commencement of the development hereby approved, a scheme for surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be informed, and accompanied, by an assessment of the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

The agreed means for disposing of surface water shall be fully implemented in accordance with the agreed details before the development first comes into use and thereafter retained as agreed.

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

38. **23/00882/FUL 48 SEAFIELD ROAD**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved subject to the criteria listed in the report.

Change of use of residential outbuilding to a beauty salon -use class Sui Generis (Submitted in conjunction with 23/00883/ADV) (Retrospective)

Mr Sanjeev Sharma (applicant) was present and with the consent of the Chair, addressed the meeting. In addition, it was noted that a statement and photograph had been received from Councillor Goodfellow (ward councillor), which had been circulated and read by the Panel in advance of the meeting.

The presenting officer confirmed that there were no updates to the report.

The Panel then considered recommendation that the application be conditionally approved subject to criteria listed in the report. Upon being put to the vote the recommendation was carried unanimously.

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

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	Objection received regarding the making of The Southampton (112 Botany Bay Road) Tree Preservation Order 2023.
DATE OF DECISION:	12 th December 2023
REPORT OF:	David Tyrie – Head of City Services

<u>CONTACT DETAILS</u>			
Executive Director	Title	Executive Director Place	
	Name:	Adam Wilkinson	Tel: 023 8083 3005
	E-mail	Adam.Wilkinson@southampton.gov.uk	
Author:	Title	City Tree Officer	
	Name:	Gary Claydon-Bone	Tel: 023 8083 3005
	E-mail	Gary.Claydon-Bone@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

NONE

BRIEF SUMMARY

To consider the objection received in relation to the making of the Tree Preservation Order.
--

RECOMMENDATIONS:

- | | | |
|--|-----|--|
| | (i) | To confirm The Southampton (112 Botany Bay Road) Tree Preservation Order 2023. |
|--|-----|--|

REASONS FOR REPORT RECOMMENDATIONS

- | | |
|----|---|
| 1. | The council received a telephone call giving information that the tree owners are planning on having the tree felled. |
|----|---|

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED
--

- | | |
|----|---|
| 2. | Not protecting the trees. With no formal protection of these trees, the landowner can fell the trees and can do so with no notification or any formal notice or permission. This would not only have a negative impact to the local street scene. It would also negatively impact the environmental and ecological benefits that the trees provide to the wider location. |
|----|---|

DETAIL (Including consultation carried out)
--

- | | |
|----|---|
| 3. | July 2023 – A telephone call was put through to the tree team and information was given that there is a significant concern that a prominent tree at the front of 112 Botany Bay Road is going to be felled. The caller requested that a tree officer visit the site to look at the tree to see if it is suitable to be protected by a tree preservation order. |
| 4. | 10 th July 2023 – A tree officer visited the site to view the tree from a public area to make an assessment. The Robinia tree is situated on the front boundary of |

	the property and abuts Botany Bay Road. The tree has very high public visual amenity and can clearly be seen as a feature to the local street scene. The tree also provides amenity to the environment and to the local ecology. (Appendix 1)
5.	Part of the assessment made to ascertain the suitability of a tree for a preservation order can include the completion of a Tree Evaluation Method for Protection Orders (TEMPO) This is an industry accepted tool for the assessment of the suitability of placing a Tree Preservation Order on a tree. (Appendix 2)
6.	The officer completed the form and chose to give a conservative score on some of the elements. This has been done intentionally as it would be easier to demonstrate that the tree attained a higher score if the evaluation was put to test.
7.	Due to the prominence of the tree and the threat of it being felled, a tree preservation order was deemed suitable, and this was supported by the score of the TEMPO evaluation.
8.	12 th July 2023. The Southampton (112 Botany Bay) Tree Preservation Order 2023 was made and served on to the required properties. This order protected a Robinia in the front garden of the property. (Appendix 3)
9.	<p>7th August 2023. An objection was received from owner of the property. In the letter, the resident outlined the reasons for their objection, the main points of which are as follows: -</p> <p>The tree owner has suffered verbal complaints regarding their tree.</p> <p>The tree is blocking light to the properties, and this has caused an increase in energy bills.</p> <p>Due to the numerous complaints received from members of the public regarding this tree, it is causing mental health issues to the tree owners.</p> <p>The tree could cause damage if it were to fall, due to its large size. It is also too large for the plot of land.</p> <p>Branches have broken and have either fallen or hang in the canopy. This has occurred in moderate to high wind events.</p> <p>The tree has large spikes, and this has caused damage to vehicles.</p> <p>The trees canopy overhangs the road and this, combined with the trees opposite, causes a reduction in the width of the road, which results in a hazard. It also overhangs cables and a streetlight which reduces visibility during darkness which increases the risk of harm. (Appendix 4)</p>
10.	I have considered the main points of the objection and reviewed each point to see if any raised are sufficient grounds to remove the order, which I believe this test had not been met.

11.	The council cannot take negative verbal comments made to the tree owner as a legitimate reason for not protecting tree. If the council were to accept this as a justified reason not to protect a tree, it would find it impossible ever to protect any tree within the city.
12.	A shade calculation was undertaken, and it demonstrated that there would be very limited impact to the property and that any shadow would be transient and would amount a minimal percentage of the day.
13.	There appears to be a significant concern regarding the safety of the tree, be it form branches breaking in windy conditions or fear of it failing and causing harm to residents or users of the highway. The tree owners are responsible for the trees condition and if it were proven to be in poor health and to present an actual risk, then the council would not refuse the felling of the tree. However, at the date of the writing of this report, the officer has not seen sight of any report or received an application to fell in relation to the trees condition.
14.	There is also a concern over the canopy extending over the highway which has the potential to cause a restriction in the carriageway use and the potential to block light from the public streetlamp, both of which are alleged to potentially cause harm.
15.	The Council has working partnerships with companies who undertake inspections of the highway and public streetlamps. Should an issue be identified relating to the tree blocking the streetlamp or if it causes an obstruction to the highway, then the tree owner may be served a notice under section 154 of The Highways Act 1980.
16.	Under this notice, the details of the defect will be identified along with instructions of what action is to be taken and a timescale given as to when it should be completed by.
17.	3 rd November 2023. An email was sent to the objector and the main points of their objection were covered. In this email, the option to withdraw their objection was given, however the council have not received a response and therefore must take the objection to be still outstanding. (Appendix 5)
18.	The officer invites the members to consider the value that the tree provides to the local amenity and to weigh this against the reasons that have been put forward to support the removal of the tree preservation order.
20.	Given the high visual amenity that the tree provides and that the tree is at risk of being felled, the officer requests that the members approve the confirmation of the order.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<u>Property/Other</u>	
	If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of

	development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke, and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received, then the Planning and Rights of Way Panel are the appropriate decision-making panel to decide whether to confirm the order or not.
<u>Other Legal Implications:</u>	
	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law
RISK MANAGEMENT IMPLICATIONS	
	NONE
POLICY FRAMEWORK IMPLICATIONS	
	NONE

KEY DECISION?	Yes/No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Photographs of tree
2.	Tree Evaluation Method for Protection Orders
3.	The Southampton (112 Botany Bay) Tree Preservation Order 2023
4.	Letter from resident objecting to tree preservation order
5.	Email response to resident regarding objection

Documents In Members' Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
---	-----------

Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.		
2.		

This page is intentionally left blank







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

Date: 10 th July 2023	Surveyor: GCB	
Tree details		
TPO Ref: T2-772	Tree/Group No:	Species: Robinia
Location: 112 Botany Bay Road The Southampton (112 Botany Bay Road) Tree Preservation Order 2023		

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

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

Score & Notes
3 – Conservative Score

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

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

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

Score & Notes
4

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

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

Score & Notes
4

d) Other factors

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

- | | |
|--|----------|
| 5) Principal components of arboricultural features, or veteran trees | 1 |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habit importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

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

Score & Notes
3

Part 3: Decision guide

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

Add Scores for Total:
15

Decision:
Make TPO

This page is intentionally left blank



**Form of Tree Preservation Order
Town and Country Planning Act 1990
The Southampton (112 Botany Bay Road) Tree Preservation Order
2023**

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

Citation

1. This Order may be cited as The Southampton (112 Botany Bay Road) Tree Preservation Order 2023

Interpretation

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

Effect

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

Application to trees to be planted pursuant to a condition

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

Dated this 12th July 2023

Signed on behalf of Southampton City Council

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

Authorised by the Council to sign in that behalf

SCHEDULE 1
The Southampton (112 Botany Bay Road) Tree Preservation Order
2023

Individual Trees
(encircled black on the map)

No. on Map	Description	Situation
T1	Robinia	Robinia on front boundary of 112 Botany Bay Road

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

No. on Map	Description	Situation
	None	

Woodlands
(within a continuous black line on the map)

No. on Map	Description	Situation
	None	

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

No. on Map	Description	Situation
	None	



© Crown copyright and database rights 2020 Ordnance Survey 100019679
 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.



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

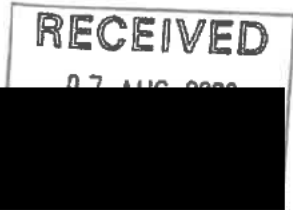
The Southampton (112 Botany Bay Road) Tree Preservation Order 2023	
TPO Ref: T2-772	Department: Trees team
Drawn: GCB Page 26	Scale: Not to scale

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



112 Botany Bay Rd
Sholing
Southampton
Hants
SO19 8FB

24th July 2023



REF: T2-772 TPO (ROBINIA) APPEAL / OBJECTION ON BEHALF OF THE RESIDENTS OF 108, 110, 112 & 114 BOTANY BAY RD, SHOLING, SOUTHAMPTON, HANTS SO19 8FB

Dear Sir(s) / Madam(s),

I contacted the tree department a few years ago after seeking my neighbours' opinions on if they were adamant that they along with us and wanted the tree to be removed. At the time this was met with a resounding agreement to remove the tree, unfortunately it has taken us a while to be able to save the money we need to pay for its removal. You may have a record of this on your files but I unfortunately no longer have this as I made my enquiry by phone and was informed by phone that there was no TPO on the said tree at that time.

As a result of this we are shocked to receive the referenced TPO as we were constantly under the impression that those that lived under the affects of the tree only had one focus, that was to see it gone.

While we understand the need for there to be an environment that encourages and supports the growth and splendour of vegetation, we question the sustainability of this with regards to the tree that has the TPO placed on it on the grounds of 112 Botany Bay Rd.

In accordance with the appeals process as mentioned in your letter we therefore submit this letter as a formal appeal/objection against the placement of the above TPO on 112 Botany Bay Rd on behalf of the residents of the above properties for the following reasons:

1. The tree has for many, many years been the subject of verbal complaints to the residents of 112 Botany Bay Rd by the other residents of the properties that are listed above as it greatly reduces and can totally block any natural light (depending on the time of year) from entering their properties.
2. With fuel bills already at a massive height for the vast majority of the UK population, the tree is causing mental distress to all of the residents of the properties listed as they are having to use more electricity due to the sheer size of the tree and the quantity of natural light it completely blocks, placing an increased financial burden on them than what they would be if the tree was no longer there.
3. The mental health of the residents of 112 Botany Bay Rd has been affected over the years by the quantity of complaints where it had been arranged for the tree to be removed to bring to an end the quantity of issues this tree has caused.
4. The tree is extremely large in size for the plot it is on and if it was to fall in the direction of any of the properties it would cause severe damage to property and potentially to human health/life and affect the health/lives of pets within or kept on the grounds of them.
5. High and low level branches have become detached from the tree during moderate and high winds, hung precariously and fallen to the ground narrowly missing passersby where connection with one of these branches could prove fatal, the risk to human health is too great and as there is no pavement people generally do walk on the side of the road that the tree is positioned because of the abundance of nettles that grow wildly on the opposite side of the road which are seldom tended as that is council owned land so people avoid that side of the road.
6. It is a tree comprising of multiple stems that due to its size is expected to become too great and potentially fall onto the road endangering the health/lives of anyone walking or travelling in vehicles and a potential threat to damaging vehicles travelling or parked either on the road or using the properties off-road parking.
7. During moderate/high winds it is extremely common for branches to fall onto parked cars and onto the surrounding properties land giving rise to the potential for damaging property and potentially endangering human health/life of the residents, anyone visiting or anyone delivering to these properties.
8. The tree grows extremely long spikes on it's branches far larger and longer than any seen on any other plants, it has been known for these to cause damage to vehicle tyres if they are driven into or over.
9. There is an overhang of growth from trees directly opposite 112 Botany Bay Rd (and further) where this, together with the additional branches that are growing from the tree that has a TPO placed on it reducing the width of the road and these together increase the hazards of the road to an unacceptable level. Both sides are causing the problem, it isn't one side or the other alone.

10. The tree overhangs cables and street lighting which adds to the hazards of the roads usage making visibility during darkness or inclement weather much harder to see through increasing the risk of injury/harm and possibly prove fatal.
11. Arrangements by the residents of 112 Botany Bay Rd on 14th July 2023 were to be made, where a date was to be scheduled for the removal of the said tree (Robinia) by a fully qualified tree surgeon where the residents of the above addresses were and remain in full support of, where receiving the TPO has completely dismayed all residents adding to their mental anxieties.
12. With all of the issues that have been presented as part of this objection, we question how when the previous points have been considered, by keeping this tree as a TPO it shall have a detrimental impact on the amenity of the area and the suggestion of enjoyment by the public.

[REDACTED]

As responsible owners (at 112 Botany Bay Rd), we have periodically paid to have elements of the tree removed that if left would have caused imminent risk to peoples' health/lives and potential damage to property or vehicles. From almost 20 years of experience where things can deteriorate quite rapidly with this tree and branches become precariously hazardous and to be told that we must wait until we have approval from the council serves as something of an insult to us and a time delay in increasing these risks if this objection is not accepted. Has this tree been risk assessed against any of the points that we have mentioned here, if so, can we please have a copy of this.

We look forward to hearing from you in due course.

Can you please provide me with your reasons in response to all of my points I have detailed above, if you do not consider the health and wellbeing of all those this tree could harm and is affecting to be at sufficient risk, as the joint owner of the property that the said tree is positioned on I would like to have your understanding of what it is that you are prioritising so that I can circulate to my neighbours who are living this dreadful experience along with us.

Kind Regards

[REDACTED]

(On behalf of all those named as residents at the addresses referenced in this appeal/objection)

Dear ****

With regards to your letter of the 24th of July 2023 relating to the making of The Southampton (112 Botany Bay Road) Tree Preservation Order 2023, I am contacting you to respond to the issues and concerns you have raised.

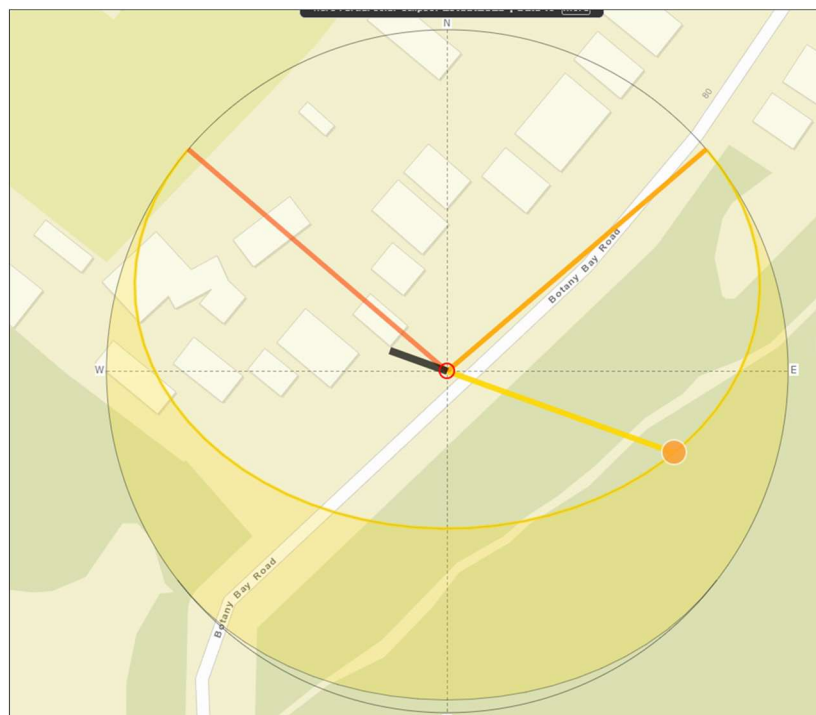
There appears to be a concern over the tree's safety and further concerns over potential damage, should the tree fall. I do understand your concerns, however, there has been no information supplied to support that the tree is in poor condition and that there is a genuine risk of failure. It would not be appropriate for the council to remove a tree preservation order from a tree on the basis that it might fail. If you have any information from an appropriate expert that gives details over the trees condition which leads to it being an identifiable risk, I request that you either forward it on to me or submit it along with an application for work. If the tree was in such a condition that presents an identifiable risk, it may support the removal of the order.

Another issue raised is the loss of light to the property. This alone would not be a valid reason for lifting of a tree preservation order, however I have undertaken some calculations of the shade that the tree produces.

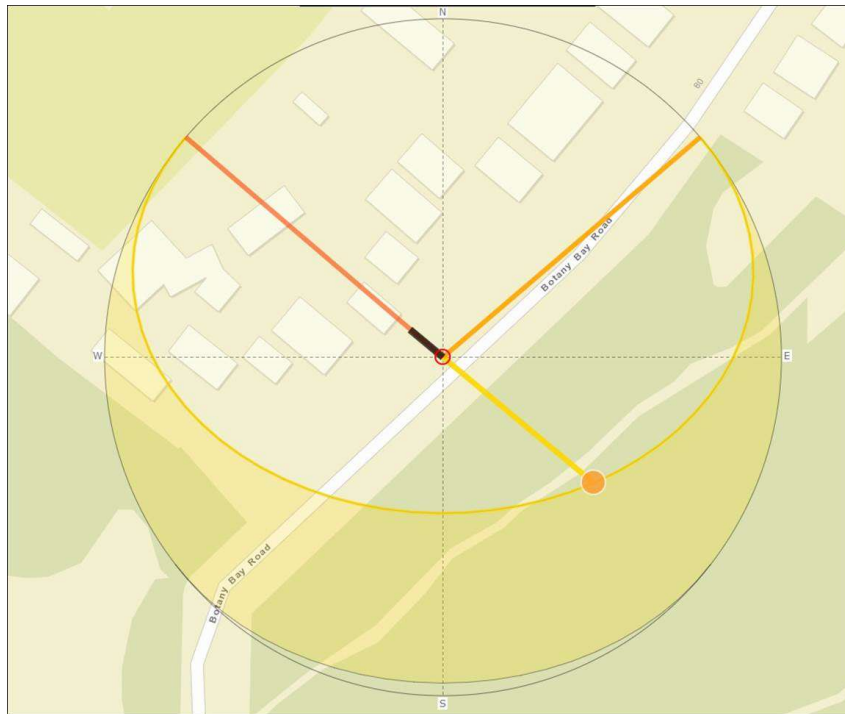
The tree is approximately 14 metres in height, and therefore the calculation below was undertaken based on the tree being this height.

The calculations are based on the longest day with the sun at its highest. The diagrams below show the shadow lengths at different times of the day on the 21st of June 2023.

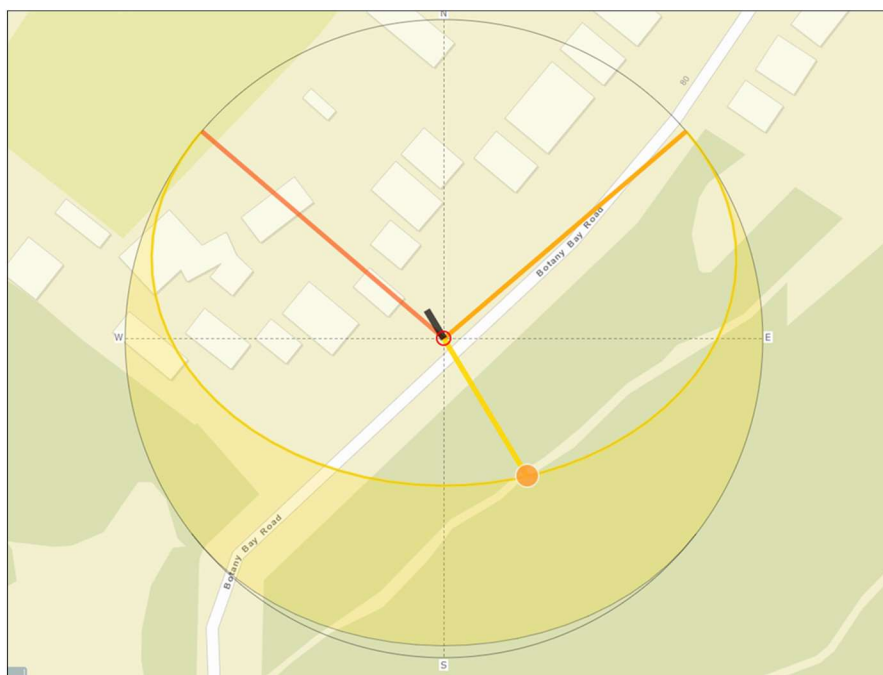
The shadow is represented by the black line would start to point toward the front left of the property by around 10:00am.



By 11:10, the shadow is pointing directly toward the property, but does not cause shade within.



By midday, the shadow has cleared the property and does not impact any neighbour.



I hope that I have been able to demonstrate that the tree does not cause a shade issue to your or your neighbour's property. The shadow length will be far longer on the winter months and will reach the property, however this is transitory, and the tree will not be in leaf during the winter months.

With regards to your concerns over the tree's canopy extending over the highway and causing it to be narrowed. I can see that the tree has been maintained in the past and the highway has been kept clear. The placing of a tree preservation order on this tree does not remove the requirement for management to keep the highway clear. If the canopy became too low, you may receive a notice from the highway authority asking for you to prune the tree to a specification suitable for the road. If this occurs, you can contact the tree team regarding this notice, and we can give you further advice on what to do. Alternatively, you can apply to carry out work to the tree. This application is a free process and if work is refused, you also have a free right of appeal to the planning inspectorate. I hope that I have been able to demonstrate that having a protected tree is not onerous or that it prevents any work being undertaken.

If you are satisfied that my response has resolved your concerns, you can remove your objection and the tree preservation order can be confirmed. However, if you are not satisfied and wish to uphold your objection, please let me know.

If you wish to uphold your objection, the next step will be to present your objection to the members of the Planning & Right of Way panel. This is a public meeting, of which you will be invited to attend, where you will have the opportunity to put your objection forward to the panel.

As part of the process, I submit a report that details why I feel it correct to protect the tree and why this should remain. The case is then voted on by the members of the panel. If the vote falls in your favour, then the TPO will be lifted, and you will be free to carry out any work to the tree. If the members agree that the tree provides amenity to the local area and should remain, then the tree preservation order can be confirmed.

I have attached the assessment form that demonstrates that the tree is suitable for protection. This form, known by the acronym of TEMPO (Tree Evaluation Method for Protection Orders) is an industry accepted form of assessment to aid with the decision as to whether a TPO is defensible and can be made.

If you have any questions regarding this assessment, or any of the points above, please do not hesitate to contact me.

I look forward to hearing from you.

Kind regards,

Gary Claydon-Bone
City Tree Officer

This page is intentionally left blank

Agenda Item 6

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	Objection received regarding the making of The Southampton (102 Botany Bay Road) Tree Preservation Order 2023.
DATE OF DECISION:	12 th December 2023
REPORT OF:	David Tyrie – Head of City Services

<u>CONTACT DETAILS</u>			
Executive Director	Title	Executive Director Place	
	Name:	Adam Wilkinson	Tel: 023 8083 3005
	E-mail	Adam.Wilkinson@southampton.gov.uk	
Author:	Title	City Tree Officer	
	Name:	Gary Claydon-Bone	Tel: 023 8083 3005
	E-mail	Gary.Claydon-Bone@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
NONE	
BRIEF SUMMARY	
To consider the objection received in relation to the making of The Southampton (102 Botany Bay Road) Tree Preservation Order 2023.	
RECOMMENDATIONS:	
	(i) To confirm The Southampton (102 Botany Bay Road) Tree Preservation Order 2023.
REASONS FOR REPORT RECOMMENDATIONS	
1.	A precautionary tree preservation order was made as another order was served on a nearby address
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	Not protecting the trees. With no formal protection of these trees, the landowner can fell the trees and can do so with no notification or any formal notice or permission. This would not only have a negative impact to the local street scene. It would also negatively impact the environmental and ecological benefits that the trees provide to the wider location.
DETAIL (Including consultation carried out)	
3.	10 th of July 2023 – A site visit was carried out to assess a tree in a nearby neighbouring property for suitability of a tree preservation order. In some instances, if an officer notices a tree of high value at another nearby property, they may decide to apply a tree preservation order as a precaution.
4.	The assessing officer noted the prominent Chilean Pine tree in the front garden of 102 Botany Bay Road. In addition to this was a maturing Silver Birch with both trees offering amenity to the local street scene. (Appendix 1)

5.	A TEMPO form was completed (Tree Evaluation Method for Protection Orders) which is an industry accepted form of evaluating the suitability of protecting trees. The score attained on this assessment demonstrated that making and serving a tree preservation order would be appropriate and supported. (Appendix 2)
6.	12 th July 2023 – The Southampton (102 Botany Bay Road) Tree Preservation Order 2023 was served on the appropriate properties. (Appendix 3)
7.	13 th July 2023 – An email was received which outlined the reasons put forward by the tree owner regarding the protection status of the trees.
8.	The objection originated from a Southampton City Council email account; however, the objection is being considered to have been made from the property owner and is not the opinion of Southampton City Council
9.	The objection put forward was due to the desire of the property owners to remove a section of the soil bank at the front of the property to create off road parking, which is alleged to require the trees to be felled. (Appendix 4)
10.	13 th July 2023 – The officer emailed the objector and highlighted that as their objection related to the requirement to fell trees to be able to excavate to create additional parking, the officer felt that there is little that can be said to remove the objection, therefore advised that the objection would be best placed to be reviewed at a Planning & Rights of way panel. (Appendix 5)
11.	If the resident of the property wished to remove the soil bank and install a retaining wall to create off road parking, then this would require approval via a planning application.
12.	If the trees had not been felled prior to the submission of a planning application, it would have been at this point that the requirement to fell the tree would have been highlighted, and a tree preservation order would have been applied at this stage.
13.	The dimensions of the off-road parking area are not known, therefore the impact on the trees is also an unknown.
14.	During a construction where trees are implicated, there is a theoretical minimum area of roots that a tree needs to maintain healthy growth. This is known as a root protection area, or sometimes referred to as a construction exclusion zone.
15.	This is calculated by taking a diameter measurement of the main stem of a single stemmed tree, which is taken at 1.5 metres above ground level, and then multiplying this figure by 12. Therefore, a diameter of 400cm would equate to a 4.8 metre RPA / CEZ. This is measured out from the stem of the tree and creates a circle around the entire tree. This is a simplified version of calculating a root protection area as there are factors that should be considered which may alter the tree's root morphology and result in a modified RPA. Therefore, the above information is given as general guidance and is not applied to this, or any future case involving these trees.
16.	It may be that the calculated root protection area falls outside of the extent of the excavations required to create the parking and therefore the trees can easily be retained.
17.	As planning permission is required for this work, the assessment of the possible harm can be reviewed during the application process.

18.	The officer invites the members to consider the value that the trees provide to the local amenity and to weigh this against the reason that has been put forward to support the removal of the tree preservation order.
19.	Given the relative scarcity and unusual nature of the Chilean Pine, with the addition of the maturing Silver Birch, the officer requests that the members approve the confirmation of the order to retain the trees for current and future amenity.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<u>Property/Other</u>	
	If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke, and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received, then the Planning and Rights of Way Panel are the appropriate decision-making panel to decide whether to confirm the order or not.
<u>Other Legal Implications:</u>	
	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law
RISK MANAGEMENT IMPLICATIONS	
	NONE
POLICY FRAMEWORK IMPLICATIONS	
	NONE

KEY DECISION?	Yes/No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Site Photos
2.	TEMPO
3.	Tree Preservation Order
4.	Objection Received
5.	Officers' response to objection
Documents In Members' Rooms	
1.	
2.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes/No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	Yes/No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	

Agenda Item 6

Appendix 1

2020 Streetview Image

Image courtesy of Google





Image taken July 2023



This page is intentionally left blank



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

Date: 10th July 2023	Surveyor: GCB
Tree details	
TPO Ref:	Tree/Group No:
Location: 102 Botany Bay Road	
Species: Birch & Chilean Pine	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

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

Score & Notes
3 - Conservative score

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

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

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

Score & Notes
4 (5 for Chilean Pine)

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

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

Score & Notes
4

d) Other factors

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

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

2 for Chilean Pine 1 for Silver Birch
--

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

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

Score & Notes
1

Part 3: Decision guide

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

Add Scores for Total:
13 & 14

Decision:
Make TPO

This page is intentionally left blank



Form of Tree Preservation Order Town and Country Planning Act 1990 The Southampton (102 Botany Bay Road) Tree Preservation Order 2023

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

Citation

1. This Order may be cited as The Southampton (102 Botany Bay Road) Tree Preservation Order 2023

Interpretation

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

Effect

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

Application to trees to be planted pursuant to a condition

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

Dated this 12th July 2023

Signed on behalf of Southampton City Council

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

Authorised by the Council to sign in that behalf

SCHEDULE 1
The Southampton (102 Botany Bay Road) Tree Preservation Order
2023

Individual Trees
(encircled black on the map)

No. on Map	Description	Situation
T1	Silver Birch	Silver Birch on front boundary of 102 Botany Bay Road
T2	Araucaria	Monkey Puzzle tree on front boundary of 102 Botany Bay Road

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

No. on Map	Description	Situation
	NONE	

Woodlands
(within a continuous black line on the map)

No. on Map	Description	Situation
	NONE	

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

No. on Map	Description	Situation
	NONE	








© Crown copyright and database rights 2020 Ordnance Survey 100019679
 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.



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

The Southampton (102 Botany Bay Road) Tree Preservation Order 2023	
TPO Ref: T2-773	Department: Trees team
Drawn: GCB Page 46	Scale: Not to Scale

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

From: **** <****@southampton.gov.uk>
Sent: Thursday, July 13, 2023 8:23 AM
To: Trees <trees@southampton.gov.uk>
Subject: Ref: T2-773

Good Morning,

Hope you are keeping well.

I received a letter from you yesterday to advise that a Tree Preservation order was now in place as of the 12th July on two trees at the front of my property.

I would like to dispute this tree preservation order as our plan is to dig out our front garden to put in a drive way.

Look forward to hearing back from you.

Kind Regards,

**** Officer

Southampton City Council

Tel: 023 8083 ****

Email: ****@southampton.gov.uk



Twitter: [@SouthamptonCC](https://twitter.com/SouthamptonCC) | Facebook: facebook.com/SotonCC

From: **** <****@southampton.gov.uk>
Sent: Thursday, July 13, 2023 9:51 AM
To: **** <****@southampton.gov.uk>
Subject: RE: Ref: T2-773

Good morning, ****,

With regards to your email regarding the recent tree preservation order placed on the Silver Birch and Monkey Puzzle tree, please can confirm that you are objecting to the protection of both trees within the order.

Kind regards,

**** Officer

Tree Team

City Services

Place Directorate

Southampton City Council

Tel: 023 8083 3005

Email: trees@southampton.gov.uk

From: ****@southampton.gov.uk>
Sent: Thursday, July 13, 2023 10:05 AM
To: <****@southampton.gov.uk>
Subject: RE: Ref: T2-773

Good Morning ****,

I can confirm I am objecting to the protection of both trees within the order.

Kind Regards,

**** Officer

Southampton City Council

Tel: 023 8083 ****

Email: ****@southampton.gov.uk



Twitter: @SouthamptonCC | Facebook: facebook.com/SotonCC

Agenda Item 6

Appendix 5

From: ****
Sent: Thursday, July 13, 2023 10:16 AM
To: *****@southampton.gov.uk>
Subject: RE: Ref: T2-773

Dear ****,

Many thanks for the confirmation.

As you may be aware, the tree preservation order is temporary in the early stages and the council cannot conform an order with an outstanding objection. Given that you are wishing to fell both trees in order to excavate to create off road parking, I do not feel that I will be able to give you any information and reassurance that will result in your removal of your objection.

In cases where an objection stands, the decision as to whether the order can be confirmed, lies with the elected members of the Planning & Rights of Way panel, therefore I feel that this matter is most likely to be heard at a PROW meeting. This is a public meeting, and you will be invited to attend to put forward you objection and as to why the order should not be approved. The council have up to the 12th of January 2024 in which to have this matter heard.

Once a date has been set and the report written, you will be informed and invited to attend.

In the meantime, if you have any further questions or comments, please do not hesitate to contact me.

Kind regards,

Tree Officer

Tree Team

City Services

Place Directorate

Southampton City Council

Tel: 023 8083 3005

Email: trees@southampton.gov.uk

This page is intentionally left blank

Planning and Rights of Way Panel 12th December 2023
Planning Application Report of the Head of Transport and Planning

Application address: 65 & 67 Portsmouth Road, Southampton			
Proposed development: Redevelopment of the site. Erection of 4 x two-storey buildings to create 11 houses (8x 3-bed and 3x 2-bed) with associated amenities, following demolition of existing buildings.			
Application number:	23/01247/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	05.01.2024	Ward:	Peartree
Reason for Panel Referral:	Five or more letters received contrary to officer recommendation.	Ward Councillors:	Cllr Houghton Cllr Keogh Cllr Letts
Applicant: Rivendale Developments Ltd		Agent: Wessex Planning Ltd	

Recommendation Summary	Refuse
-------------------------------	---------------

Community Infrastructure Levy Liable	Yes
---	------------

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Viability review by Strutt & Parker		

Recommendation in Full – Refuse for the following reasons:

Reason for refusal: Site Overdevelopment.

The proposed redevelopment comprising frontage and backland housing, by reason of its layout and level of site coverage with buildings and hardstanding (which exceeds 50% of the site) would be out of keeping with the character and appearance of the area. The siting of the development forward of the prevailing building line within Portsmouth Road combined with the chosen building design and proportions doesn't suitably reflect the neighbouring context that, when combined with the poor front boundary landscape treatment proposed, would be harmful to the Portsmouth Road street scene. Furthermore, the proposal would result in the loss of trees leading to potential harm to a group Tree Preservation Order. Whilst the promotion of high density residential schemes on previously developed land is encouraged it is considered that the proposed development represents poor design, which fails to respond to the visual characteristics and building to plot ratios of its context, is out of character for this location, and is symptomatic of a site overdevelopment contrary to "saved" policies SDP1 (i), SDP7 (i), (ii), (iii) & (iv), SDP9 (i) & (iv) and H2 (iii) of the

adopted City of Southampton Local Plan (March 2015) and policies CS5, CS13 (1, 2, 6, 7 & 11), CS19 and of the amended Local Development Framework Core Strategy Development Plan Document (2015) as supported by sections 2.3 3.2, 3.7, 3.9, 3.11, 4.4, 5.2 and 5.3. of the approved Residential Design Guide Supplementary Planning Document (2006); as supported by the National Design Guide (2021) and the relevant design sections of the National Planning Policy Framework (2023) that seeks to foster well designed, beautiful buildings and places (Chapter 12).

Reason for refusal – Insufficient information; drainage strategy

The application is not supported by a sufficient drainage strategy to clearly demonstrate how surface water will be disposed of, including an assessment of the existing (pre-developed) greenfield runoff rates and volumes compared to post development, and ground investigations supported by soakaway testing to demonstrate that use of infiltration is appropriate. As such the wider implications of the chosen drainage solutions and its impacts upon the existing site's tree coverage are currently unknown. The development proposal is thereby contrary to policy CS20 of the Amended Core Strategy Development Plan Document (2015) and paragraph 169 of the National Planning Policy Framework (2023).

Reason for refusal – Mitigation; S.106 Legal Agreement

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Southampton Amended Core Strategy Development Plan Document (2015) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:

- a) site-specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms – in accordance with policies CS18 & CS25 of the amended Core Strategy Development Plan Document (2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) – have not been secured;
- b) without a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway – caused during the construction phase – to the detriment of the visual appearance and usability of the local highway network;
- c) a financial contribution towards the Solent 'Bird Aware' Disturbance Mitigation Project (SDMP) and towards measures to reduce pressures from residents visiting the New Forest and Solent Waters SPAs - in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the Amended Local Plan Review (2015), CS22 of the Amended Core Strategy Development Plan Document (2015) and the Planning Obligations SPD (2013) as supported by the current Habitats Regulations – have not been secured;
- d) Affordable housing to meet an identified need in accordance with policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document and the adopted SPD relating to Developer

Contributions (April 2013) – including a review mechanism to ensure the scheme’s viability is properly accounted for – have not been secured; and

- e) a Carbon Management Plan, setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated, in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013) – has not been secured.

This final reason for refusal could be addressed following the submission of an acceptable scheme and the completion of an associated s.106 legal agreement

Background (Procedural)

The total number of written letters of representation received that are contrary to the recommendation is 10, but only 4 have been received from addresses within Peartree Ward (as required by the Planning Panel trigger) meaning that this application could have been refused using existing delegated authority. The application has, however, been brought to Panel for determination because a further 4 letters of support have been received from addresses close to the ward boundary. This is because the boundary of Peartree and Woolston wards runs along the centre of Portsmouth Rd.

1. The site and its context

- 1.1 The application site lies on the northern side of Portsmouth Road and comprises two vacant detached properties. Vehicular access is achieved from Portsmouth Road and informal parking is provided to the front. The buildings are in a poor state of repair and the site has been subject to antisocial behaviour and vandalism. The site has been secured with boundary hoardings, locked gates and has CCTV surveillance. A large private garden is located to the rear and the site is characterised by mature trees that are protected by the Southampton (Portsmouth Road) Tree Preservation Order 1975. There are currently, approximately, 31 protected trees on site covered by this group TPO.
- 1.2 The area is predominantly residential in character, however there are also a small number of commercial premises located on Portsmouth Road. To the west of the application site is a nursery, and to the east is a nursing home; both are former residential dwelling houses that have been extended. Opposite the site is a doctor’s surgery and pharmacy. The site is outside/adjacent to part of Old Woolston Conservation Area. Most residential buildings in the area are of two storey construction, front the streets they are accessed from and have generously sized private rear gardens.
- 1.3 The site is within a ‘low’ accessibility area for public transport. Traffic Regulation Orders and dropped kerbs limit on-street parking along Portsmouth Road.

2. Proposal

- 2.1 The proposal is seeking a redevelopment of the site with the erection of 4 x two-storey buildings to create 11 houses (8x 3-bed and 3x 2-bed) with private gardens and associated amenities, following demolition of existing buildings. Each dwelling would be allocated two parking spaces. The site arrangement includes housing and

parking to the front and an access drive serving car parking and housing within the rear of the site.

2.2 The style of the development is characterised by brick elevations, square bay windows and porch canopies under tiled pitched roofs. Two short terraces are proposed along with 2 pairs of semi-detached houses.

2.3 The scheme would involve the removal of 19 TPO trees and the indicative planting plans show 7 replacements. There remains a disagreement between the applicant and the Council's Tree Officer as to the quality of these trees as explained later in this report.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) 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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) was revised in 2023. 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. The most recent and relevant planning history for the site relates to use of the site as a rest home for elderly persons and a house of multiple occupation.

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 20/10/2023 and erecting a site notice 30/10/2023. At the time of writing the report **13 representations** (1 neutral, 2 objections, 10 support) have been received; 2 of the letters of support are from outside of the city; 4 are from Woolston Ward and include a deputation from Cllr Payne. Ward Cllrs Keogh & Letts have also made representations. The following is a summary of the points raised:

5.2 **Ward Cllr Letts**

Both myself, Cllr Payne and Cllr Keogh are supportive of development on this site. However, we accept that the officer view is that the current proposal represents over development with additional concerns about the trees on site.

5.3 **Ward Cllr Keogh**

I am supportive of this site being redeveloped for housing, but I am mindful of the potential impact on neighbouring properties in Portchester road and Portsmouth Road and it is reassuring to know that this will be given due consideration by planning officers in this decision making.

I would request that if an application is approved by Southampton City Council that any 106 contribution is given to support additional highway improvements in this area. There are a number of upgrades to the Portsmouth Road being considered by the transport team and any additional contributions would enable more to be done.

5.4 **Cllr Payne**

As a local councillor representing Woolston, significant concerns have been raised with me about antisocial behaviour at the site and the land being an eyesore. Police have been involved due to break-ins at the site and its redevelopment is a priority for the community. Whilst there have been some concerns raised about potential overdevelopment, on balance, finding a positive use for a site that has been plagued by problems in recent years is the most important thing and this scheme will hopefully address those issues.

5.5 **Response to Cllrs comments**

The problems associated with the existing vacant buildings in terms of their deteriorating condition and anti-social behaviour are acknowledged. Officers are keen to work with the applicant to resolve this issue through sustainable development. However, the site's current state does not negate the development plan requirements in respect of density, responding to character and good design. It is recognised that there is opportunity for replacement housing on this site to assist our identified housing need. The applicant did not undertake pre-application dialogue with the Planning Department and has not offered sufficient compromises around development quantum to address officer concerns as part of negotiations on this application and, therefore, this current proposal is recommended for refusal.

OBJECTIONS summary

5.6 ***Significant overdevelopment.***

5.7 ***Harmful to local character.***

5.8 ***The loss of 19 trees will have a significant adverse impact on the neighbourhood, and biodiversity.***

5.9 ***Impact on local overspill parking.***

Response

The proposal exceeds the maximum parking standards for 2 and 3 bedroom dwellings by providing 2 parking spaces for each dwelling and two visitor spaces.

- 5.10 ***Effect on neighbouring residential amenity by reason of overlooking, loss of privacy and overshadowing.***

Response

Based on the scale of the development, distance to neighbouring residential properties and nature of boundary treatment significant harm to neighbouring amenity will not occur.

- 5.11 ***Odour nuisance from bins.***

Response

The proposed layout can accommodate adequate bin storage provision without giving rise to harmful odour nuisance.

- 5.12 ***Noise and light pollution.***

Response

Planning decisions have to plan for reasonable behaviour. The proposed housing layout will not give rise to demonstrably harmful noise nuisance and lighting design could be controlled to prevent disturbance.

SUPPORT Summary

- 5.13 ***Loss of trees; new ones proposed will grow over time.***

Response

The proposed tree loss will not adequately be compensated by the proposed replacements. Officers feel that a site redesign that works with the site's existing constraints is possible, and mitigation tree planting (if required), normally on a 2:1 basis as per the Residential Design Guide, would be part of that discussion.

- 5.14 ***Development will reduce/prevent crime & anti-social behaviour.***

Response

This potential benefit does not outweigh the harm caused by the development. Crime and antisocial behaviour are also managed by separate legislation and could also be minimised in other ways.

- 5.15 ***Design is acceptable.***

Response

Officers consider the scheme to be harmful to local character; and an objection has been raised by the Council's Urban Design Manager.

- 5.16 ***A lesser quantum of development is not viable.***

Response

This consideration should only be afforded limited weight, and viability arguments do not outweigh harm to local character. The affordable housing viability assessment (as independently reviewed) also shows the scheme to be capable of delivering affordable housing, which the applicants contest.

- 5.17 ***The scheme would deliver family housing.***

Response

Agreed and welcomed. This benefit does not outweigh the harm in the overall Planning balance. A revised family housing scheme that is compliant with the

Development Plan is in our opinion possible.

5.18 **Consultation Responses**

5.19

Consultee	Comments
SCC Urban Design Manager	<p>Objection. The major positive elements of character along this street are the presence of large predominantly brick built semi-detached dwellings on a consistent building line, with many single or double height bay windows, combined with strongly landscaped boundaries often featuring large mature trees. The main negative impact on character is the loss of these well landscaped boundaries exposing large areas of private parking and hard-surfacing to the street.</p> <p>The current proposal doesn't address existing character by projecting forward of the building line, doesn't match the floor to ceiling heights of its neighbours and has a poor front boundary landscape treatment.</p> <p>The extent of hardstanding over the site is extensive and not a characteristic of development in the area, neither is the presence of separate housing to the rear of development to the main street frontage.</p> <p>When construction and haunching are taken into account the proposed trees shown won't be able to be delivered, and if they are they will be relatively short lived small species, whereas this site should be making an allowance for the delivery of at least one ultimately large broadleaf species. From the plan there appear to be in the region of 20 existing trees being removed to facilitate the development and clearly there is no ability to plant 40 replacement trees.</p>
SCC Tree Team	<p>Objection. Many of the trees on this site are protected by The Southampton (Portsmouth Road) TPO 1975 and therefore are a material consideration.</p> <p>The proposal would see the loss of many of the trees within the site and will negatively impact the neighbouring trees. I am not in agreement with the consultant's view over the trees classification and would not place many of them as Grade C and unworthy for retention for the development.</p> <p>A suggested tree planting location has been given on the site layout. Even though the suggested location would return trees to the frontage, there is an overall loss of trees which negatively impact the local environment and street scene and therefore is not supported.</p>

		<p>The proposal has no scope for replacement trees on a 2 for 1 basis, and fails to give sufficient space to accommodate similar large tree species as those proposed to be removed.</p> <p>I am therefore not in support of this application based on overall loss of trees that will negatively impact the street scene and environment and the conclusions set out in the Sapling Arboricultural report, dated the 16th of August 2023, are not agreed.</p>
SCC Ecology		<p>Objection. A bat emergence survey is mentioned in the Preliminary Ecological Appraisal, but no results have been provided. In addition, a Biodiversity Net Gain assessment has not been undertaken.</p> <p><u>Officer Response</u> <i>A bat survey has now been received which, at the time of writing the report, the Ecologist has not commented on. A verbal update will be provided at Panel meeting. This may result in an additional reason for refusal being added.</i></p>
SCC Sustainability (Flood Risk)		<p>Objection. In line with National Planning Policy Framework (2019 as updated), major developments (sites with 10 or more dwellings) should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Southampton Core Strategy Policy CS20 (Adapting to Climate Change) also requires the use of SuDS to manage surface water runoff.</p> <p>The application references the use of soakaways and permeable paving to manage surface water, however no Drainage Strategy has been included as part of this application submission to assess suitability of this method. At full planning, it is expected that a clear and detailed Drainage Strategy is submitted to clearly demonstrate how surface water will be disposed of, including an assessment of the existing (pre-developed) greenfield runoff rates and volumes compared to post development, and ground investigations supported by soakaway testing to demonstrate that use of infiltration is appropriate. A hand drawn sketch showing where soakaways will be located is not deemed sufficient.</p> <p>The Lead Local Flood Authority recommends that this application is refused on the grounds of insufficient information to assess how surface water is to be managed within the site, therefore not meeting key policy of the National Planning Policy Framework (revised September 2023).</p>

Natural England	<p>Objection. As submitted, we consider it will have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers.</p> <p><u>Officer Response</u> <i>The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). As the application is recommended for refusal officers have not carried out a full Appropriate Assessment and these and wider issues can be mitigated in the event that an acceptable design solution is found.</i></p>
Crime Prevention Design Advisor	<p>No objection. As alluded to within the Design and Access Statement, this is a site from which we receive regular reports of crime and anti-social behaviour.</p> <p>Some acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear of the dwelling. Rear garden access for a number of the dwellings is via a communal rear access footpath or from a rear parking area, this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder we would recommend that all external rear garden access is in curtilage. However, if the Planning Authority are minded to consent to a scheme with the proposed rear garden access arrangements, we would ask that each rear garden access gate is fitted with a key operated lock that operates from both sides of the gate. The lock should be designed for exterior use.</p> <p>Lighting is known to reduce crime and disorder and reduce the fear of crime. To reduce the opportunities for crime and disorder and reduce the fear of crime lighting throughout the development should conform to the relevant sections of British Standard (BS) 5489-1:2020.</p>
SCC Housing Management	<p>No objection provided affordable housing is delivered if viable. As the scheme comprises of 11 dwellings in total the affordable housing requirement from the proposed development is 20% (CS15 in conjunction with the NPFF). The affordable housing requirement is therefore 2 dwellings (2.2 rounded down).</p> <p>Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:</p> <ol style="list-style-type: none"> 1. On-site as part of the development and dispersed amongst the private element of the scheme.

		<p>2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice</p> <p>3. Commuted financial payment to be utilised in providing affordable housing on an alternative site</p> <p>In this case on-site provision would be sought, due to levels of housing need in the city, but subject to the findings of an independent assessment of the proposed scheme's financial viability.</p> <p>As of May 2023 there were 7,666 applicants on the housing register seeking rented affordable accommodation. When average waiting times are taken into account it becomes apparent that the greatest need is for 3 bed affordable accommodation to rent, as families with priority can wait 9 years and those without priority 11+ years. (By comparison applicants for 1 and 2 bed accommodation with priority can wait 2+ years and without priority 4+ years.</p> <p>Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.</p> <p><u>Officer Response</u> <i>The applicant submits that no affordable housing is viable for this scheme. This has been challenged by the Council's independent viability consultant and their findings are set out below and at Appendix 3 to this report. The lack of affordable housing forms part of the recommended reasons for refusal.</i></p>
SCC Archaeology		No objection , subject to conditions to secure archaeological investigation
SCC Officer	CIL	No objection. The development is CIL liable as there is a net gain of residential units.
SCC Highways		<p>No objection. It appears that the proposal is going to use an existing access which will be widened. Additional information or a condition are required to ensure design and sightlines are acceptable and that no street furniture such as utility cabinets are affected. The existing access for no.65 looks to be made redundant and therefore this would need to be reinstated to full height kerbs and associated footway works. Furthermore, the access road should be widened to be 4.5m for at least 6m from the front of the site to provide a passing point for 2 cars.</p> <p>The Council's waste team is open to collecting waste on site for</p>

	<p>the units at the rear but tracking diagrams would be needed to demonstrate that a Council's waste vehicle (minimum of 11m in length) can turn on site.</p> <p>Cycle parking and bin storage is acceptable, but a waste management plan will be needed to ensure bins are brought to the collection points and returned to the bin store outside of collection days.</p> <p>The level of trips generated by the development is considered acceptable, but contribution will be requested to promote sustainable travel and to reduce to the need for private car trips especially as Portsmouth road is a busy 'A Class' road.</p> <p>Overall, the proposed development is considered acceptable subject to conditions and legal obligations to secure site specific highway works.</p>
SCC Employment and Skills	No objection. There will be no employment and skills requirement for this development as it is currently presented.
SCC Contamination	No objection, subject to a condition to secure a full land contamination assessment and any necessary remediation measures.
SCC Environmental Health	No objection, subject to conditions including mitigation for road traffic and construction noise; and dust suppression.
SCC Sustainability	No objection. If the case officer is minded to approve the application conditions could be added to secure sustainability improvements
Southern Water	No objection, subject to conditions and informative associated with connection to the public foul sewer and water supply.
Hampshire Swifts	In the interests of promoting the conservation of the Common Swift in Hampshire request at least 1 integral Swift brick per dwelling is included as part of any ecological mitigation measures.

6. Planning Consideration Key Issues

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

- Principle of development;
- Crime and antisocial behaviour;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Air Quality and the Green Charter;

- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

Principle of Development

- 6.2 The principle of additional housing is fully supported. The site can accommodate a more intensive form of residential development (in principle). The site is not allocated for additional housing but the proposed dwellings would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our saved policies, seeks to maximise previously developed land potential in accessible locations.
- 6.3 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"]
- 6.4 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 dwelling(s), 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.
- 6.5 Whilst the site is not identified for development purposes the NPPF requires planning decisions to promote an effective use of available land, and the Council's policies promote the efficient use of previously developed land to provide housing.
- 6.6 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 8 family homes with acceptable private garden space and, as such, accords with this policy.
- 6.7 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and

quantity of open space provided. The proposal would achieve a residential density of 41 d.p.h (based on an estimated site area of 2680sq.m) which, whilst accords with the range set out above, needs to be tested in terms of the merits of the scheme as a whole and the wider character of the area. This is discussed in more detail below.

Crime and antisocial behaviour

- 6.8 The National Planning Policy Framework identifies that planning has a role in preventing crime and fear of crime and it is acknowledged that the site has been subject to crime and anti-social behaviour in the recent past. Therefore, as the development would potentially help to alleviate this existing problem, this potentially positive outcome will need to be considered in the Planning balance against all material considerations and the Development Plan as a whole.

Design and effect on character

- 6.9 The NPPF states in paragraph 130 that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including, but not limited to: functioning well for the lifetime of the development, being visually attractive, being sympathetic to local character and landscape setting, maintain a strong sense of place, using the arrangement of streets, spaces, building types to create, welcoming and distinctive places, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green space); and create spaces that are safe and which have a high standard of amenity. The National Design Guide provides further detail on how to achieve this. Both national documents ultimately seek to maintain an area's prevailing character and setting (including residential gardens) and emphasize the importance of securing well-designed, attractive places which include space for landscape features and biodiversity.
- 6.10 The run of plots on the northern side of Portsmouth Road comprises detached and semi-detached buildings in residential use. It is, however, noted that there is a nursery at number 63 which has been converted from a former residential property. These dwellings are attractive period properties which are likely to date from the turn of the century and have fairly generous proportions. There is also a strong continuous building line and frontages are characterised by mature planting including protected TPO'd trees. The properties also enjoy large rear gardens with mature landscaping, again including protected trees. Some of the properties have large extensions to the rear along with small ancillary outbuildings.
- 6.11 The proposal does not respect the positive characteristics of the area and this identified character due to the layout and quantum of development. The Council's Residential Design Guide recommends that no more than 50% of any site is hard surfaced. The proposal is however, for approximately 64% of the site to be hard surfaced which is both a significant increase over the existing hard surfaced area (50%) and the recommendation set out in the RDG. Consequently, a large area of the existing garden would be built upon and 19 trees, out of a total of 31, would be removed. This is another significant problem with the scheme as trees are proposed to be removed from all parts of the site meaning that there would be a significant

loss to local visual amenity when viewed from the public realm and nearby private gardens and buildings. Replacement planting, which is limited by the proposal to the street frontage, would not successfully mitigate the harmful impact caused.

- 6.12 As a result of the quantum of development and need to meet internal space standards and garden sizes, the two buildings proposed to the front of the plot would project past the established front building line of Portsmouth Road by more than 4m. The scheme, therefore, fails to recognise the regularity of building positions on the northern side of Portsmouth Road. This lack of parity is further exacerbated by the failure of the proposed development to reflect the proportions of other plots and buildings fronting Portsmouth Road. The standardised house type proposed also fails to reflect local architectural quality and interest. The addition of the vehicular access route between the two buildings leading to the rear would also be a visual anomaly when viewed from Portsmouth Road. For these reasons the proposed design has been assessed as

Residential amenity (Existing & Proposed)

- 6.13 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Described Space Standards (NDSS) (2 bed, 4 bedspaces = 79sqm & 3 bedrooms, 5 bedspaces = 93sqm) and the minimum garden sizes of 50sqm per terraced house and 70sqm for each semi-detached house, set out in the Council's Residential Design Guide (RDG) (para 2.3.14 and section 4.4). N-SS - [Title \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

Plot	House type	Bedrooms	Bedspaces	Floor area sqm & compliance*	Garden area sqm and compliance *
1	3B, end of terrace, double gable/bay window	3	5	95 Yes	66 Yes
2	2B, mid terrace	2	4	79 Yes	48 No
3	3B, end of terrace, double gable/bay window	3	5	95 Yes	55 Yes
4	3B, semi detached double gable/bay window	3	5	95 Yes	67 No
5	3B, semi detached double gable/bay window	3	5	95 Yes	85 Yes
6	3B, end of terrace	3	5	93 Yes	72 Yes
7	2B, mid terrace	2	4	81 Yes	50 Yes
8	3B, end of terrace	3	5	93 Yes	52 Yes
9	3B, end of terrace	3	5	93 Yes	76 Yes
10	2B, mid terrace	2	4	81 Yes	80 Yes
11	3B, end of terrace	3	5	93 Yes	105 Yes

*Compliance with national space standards and RDG.

- 6.14 Of the proposed 11 dwellings 2 do not achieve the minimum recommended garden sizes set out in the RDG; this deficiency is however only marginal and overall the quantum of garden area proposed is not judged to be significantly at odds with the standards. The RDG also recommends a rear garden depth of 10m and this is achieved for all but 4 of the gardens. Notwithstanding the minor discretions discussed above, all of the proposed gardens are deemed to be fit for their intended purpose and are thus considered to be acceptable.
- 6.15 Direct access to all private rear gardens would also be achieved and all units will have access to two parking spaces along with suitable refuse and cycle parking facilities.
- 6.16 All houses achieve the minimum floor space required by the nationally described space standards and occupiers of all habitable rooms would enjoy good outlook, ventilation and access to both daylight and sunlight.
- 6.17 At approximately 30m the separation distance to neighbouring houses meets the 21m separation distance required by the RDG. If minded to approve side facing first floor windows, serving bathrooms, can be obscurely glazed to prevent overlooking. The scale of the buildings and juxtaposition with neighbouring gardens and buildings also means that significant overshadowing will not occur.

Parking highways and transport

- 6.18 The scheme proposes to alter an existing access, which is not been opposed by the Council's highways team provided that site specific highways works are secured to deliver the works at the correct specification. If minded to approve sightlines would also need to be secured by planning condition.
- 6.19 Two parking spaces have been provided for each dwelling, which meets the council's maximum parking standards. As such there is no need for a parking survey to support this application. Two visitor spaces have also been provided resulting in the scheme exceeding the maximum parking standards; if minded to approve this would be easily resolved by removing the visitor spaces (if deemed necessary).
- 6.20 The plans show suitable locations for refuse storage and collection. Refuse collection can be achieved and a waste management plan condition could be added if necessary. Similarly cycle parking could be secured by a planning condition had officers been ready to recommend an approval.

Air Quality and the Green Charter

- 6.21 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.

- 6.22 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.
- 6.23 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive-up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
 - Minimise the impact of climate change
 - Reduce health inequalities and;
 - Create a more sustainable approach to economic growth.
- 6.24 The application has failed to address the effect of the development on air quality and the requirements of the Green Charter due to the significant number of trees that are proposed to be felled without adequate compensation.

Mitigation of direct local impacts

- 6.25 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Developer Contributions Supplementary Planning Document. Given the impacts associated with a development of this scale, the package of contributions and obligations required would be limited to the following:
- i. financial contributions towards site specific transport improvements in the vicinity of the site.
 - ii. a highways condition survey to make good any possible damage to the public highway in the course of construction.
 - iii. Solent Disturbance Mitigation Project (SDMP) and New Forest Mitigation.
 - iv. contributions towards affordable housing
 - v. A carbon management plan.
- Had the proposed design be acceptable further negotiation on these matters to inform a s.106 legal agreement would have taken place. The development also triggers the Community Infrastructure Levy (CIL).

Affordable Housing and Viability

- 6.26 Policy CS15 sets out that *'the proportion of affordable housing to be provided by a*

particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model). The application is accompanied by a viability assessment which sets out that, in the opinion of the applicant, the development would not be viable or able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the applicant's assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case Strutt & Parker. A copy of their report is appended to this report at **Appendix 3**.

- 6.27 The Strutt & Parker report did not find the applicants viability assessment to be fundamentally wrong in terms of Gross Development Value, Benchmark Land Value and the general methodology utilised. However, Strutt & Parker consider that the build costs provided by the applicants appear excessive.
- 6.28 Strutt & Parker have appraised the scheme with a policy level of affordable housing (2 on site units) which shows a Residual Land Value of some £472,000 which is in excess of the Benchmark Land Value at £140,000 and suggests, therefore, that the proposed development could support either 2 onsite affordable dwellings or an offsite contribution. Officers have no reason to reach a different conclusion, and the lack of affordable housing proposed also forms a reason for refusal in this case.

7. Summary

- 7.1 The principle of new residential development is considered acceptable. It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply, and that currently there is a shortfall in Southampton meaning that the tilted balance is engaged. Whilst the delivery of housing, and the associated social and economic benefits resulting from the construction of the new dwellings, including the potential to alleviate crime and anti-social behaviour, is material, the adverse impacts of the development when assessed against the policies in the Framework taken as a whole and as set out in the report, would significantly and demonstrably outweigh the benefits.
- 7.2 The Council's housing land supply shortfall is relatively small. The Council is also progressing a Local Plan review and a full update to its Strategic Land Availability Assessment (which is identifying a significant increase in supply) and working with other local authorities across Hampshire to meet unmet needs through the Partnership for South Hampshire Strategy. These factors can be taken into account when deciding what weight can be given to the tilted balance and, in this instance, it is considered that this assessment alongside the stated harm of the proposal suggest that the proposals are unacceptable. 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 refusal for the reasons given above.

8. Conclusion

- 8.1 The positive aspects of the scheme, including housing delivery & potential to help alleviate crime and anti-social behaviour are judged to be outweighed by the

negative impacts, namely harm to local character by a design that doesn't respond positively to its context and results in significant tree loss, failure to demonstrate how surface water will be disposed of, and failure to secure planning obligations; and as such the scheme is recommended for refusal.

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)

Mathew Pidgeon for 12/12/2023 PROW Panel

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

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

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 (revised 2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

The National Design Guide (2021)

Relevant Planning History

Case Ref	Proposal	Decision	Date
1105/CC	USE AS GUEST HOUSE	Conditionally Approved	19.03.1957
1459/P10	SIX FLATS AND GARAGES NO DATE OF DECISION NOTICE - ON CONDITIONS	Conditionally Approved	31.07.1973
E05/1652	CHANGE OF USE TO REST HOME	Conditionally Approved	06.11.1984
861386/E	PART SINGLE STOREY AND PART TWO STOREY REAR EXTENSION TO REST HOME FOR 16 ELDERLY PERSONS	Conditionally Approved	01.04.1987
901148/E	SINGLE STOREY SIDE/REAR EXTENSION TO PROVIDE OWNERS ACCOMMODATION	Conditionally Approved	03.01.1991
911535/E	RELIEF FROM CONDITION 5 OF PLANNING CONSENT 861386/5275/E (TO INCREASE NUMBER OF RESIDENTS FROM 16 TO 17)	Conditionally Approved	30.01.1992
920166/E	RELIEF FROM CONDITION 4 OF PLANNING CONSENT 911535/5275/E (1ST FLOOR BEDROOM WINDOW ON WESTERN ELEVATION NOT TO BE OBSCURE GLASS).	Conditionally Approved	11.03.1992
921230/E	RELIEF FROM CONDITION 3 OF PLANNING CONSENT 911535/5275/E - TO INCREASE NUMBER OF ELDERLY PERSONS FROM 17 TO 18.	Conditionally Approved	25.11.1992
941247/E	ERECTION OF A SINGLE STOREY REAR EXTENSION TO LOUNGE.	Conditionally Approved	16.02.1995
980968/E	CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION TO PROVIDE LIFT AND ELEVATIONAL ALTERATIONS.	Conditionally Approved	20.11.1998
03/01186/VC	Variation of condition 3 of planning consent no. 921230/5275/E to increase number of elderly persons from 18-20.	Conditionally Approved	07.10.2003
04/00480/VC	Variation of condition 2 of planning permission 03/01186/VC to increase the number of residents from 20 to 21	Conditionally Approved	14.05.2004

**Review of 'Financial Viability Assessment in
support of the Planning Application reference
23/01247/FUL'**

**65 & 67 Portsmouth Road, Southampton
SO19 9BE**



Prepared for
Southampton City Council

November 2023

Contents

1	Introduction	3
2	Description of the Development	5
3	Methodology	7
4	Review of Assumptions	8
5	Analysis	10
6	Conclusions	18

Appendices

Appendix 1 - Residual Appraisal Offsite Affordable contribution

Appendix 2 - Residual Appraisal Onsite Affordable

Steve Pozerskis MRICS

Director

BNP Paribas Real Estate

215 High Street

Guildford GU1 3BJ

07785 646479

01483 302916

steven.pozerskis@bnpparibas.com

realestate.bnpparibas.co.uk

1 Introduction

Southampton City Council ('the Council') has commissioned BNP Paribas Real Estate to advise on a 'Financial Viability Assessment in support of the Planning Application reference 23/01247/FUL validated October 2023 prepared by *S106 Affordable Housing* ('the Applicant') in relation to its development proposals ('the Development') at 65 & 67 Portsmouth Road, Southampton SO19 9BE ('the Site').

The application is for the "*Demolition of No 65 and No 67 Portsmouth Road, and construction of 8 x 3-bedroom dwellings and 3 x 2-bedroom dwellings*".

The current status of this application is "awaiting decision".

1.1 BNP Paribas Real Estate

BNP Paribas Real Estate is a leading firm of chartered surveyors, town planning and international property consultants. The practice offers an integrated service from nine offices in eight cities within the United Kingdom and over 180 offices, across 34 countries in Europe, Middle East, India and the United States of America, including 18 wholly owned and 16 alliances.

BNP Paribas Real Estate has a wide ranging client base, acting for international companies and individuals, banks and financial institutions, private companies, public sector corporations, government departments, local authorities and registered providers ('RPs').

The full range of property services includes:

- Planning and development consultancy;
- Affordable housing consultancy;
- Valuation and real estate appraisal;
- Property investment;
- Agency and Brokerage;
- Property management;
- Building and project consultancy; and
- Corporate real estate consultancy.

This report has been prepared by Steve Pozerskis MRICS, RICS Registered Valuer.

The Development Viability and Affordable Housing Consultancy of BNP Paribas Real Estate advises landowners, developers, local authorities and RPs on the provision of affordable housing.

The firm has extensive experience of advising landowners, developers, local authorities and RPs on the value of affordable housing and economically and socially sustainable residential developments.

1.2 Report Structure

This report is structured as follows:

Section two provides a brief description of the Development;

Section three describes the methodology that has been adopted;

Section four reviews the assumptions adopted by the Applicant, and where necessary, explains why alternative assumptions have been adopted in our appraisals;

Section five sets out the results of the appraisals;

Section six sets out the conclusions from the analysis.

1.3 Disclaimer

This report is not a valuation and should not be relied upon as such. In accordance with PS1 (5.2) of the RICS Valuation – Professional Standards – Global Standards 2020 (the 'Red Book'), the provision of VPS1 to VPS5 are not of mandatory application and accordingly this report should not be relied upon as a Red Book valuation.

In carrying out this assessment, we have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.

We are not aware of any conflicts of interest in relation to this assessment.

In preparing this report, no 'performance-related' or 'contingent' fees have been agreed.

This report is addressed to Southampton City Council only. No liability to any other party is accepted.

For the avoidance of doubt, this document is a review of the Applicant's Financial Viability Submission. None of the residual valuations contained in this report represent an expression of our opinion of the market value of the Site.

2 Description of the Development

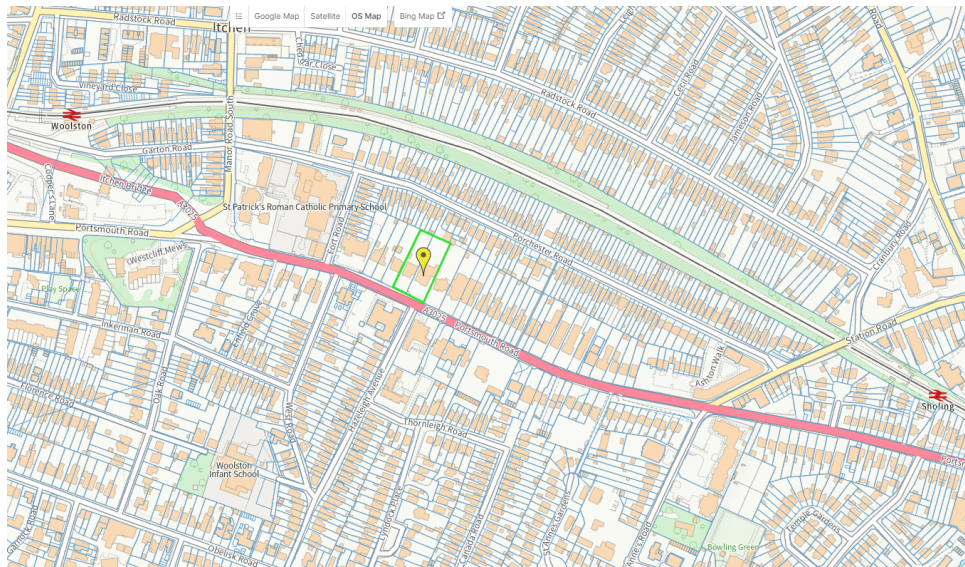
2.1 Site Location and Description

We have not accessed the property internally thus have relied upon an external inspection.

The site currently consists of two vacant properties being a former 21 bedroom care home and a former dentist surgery.

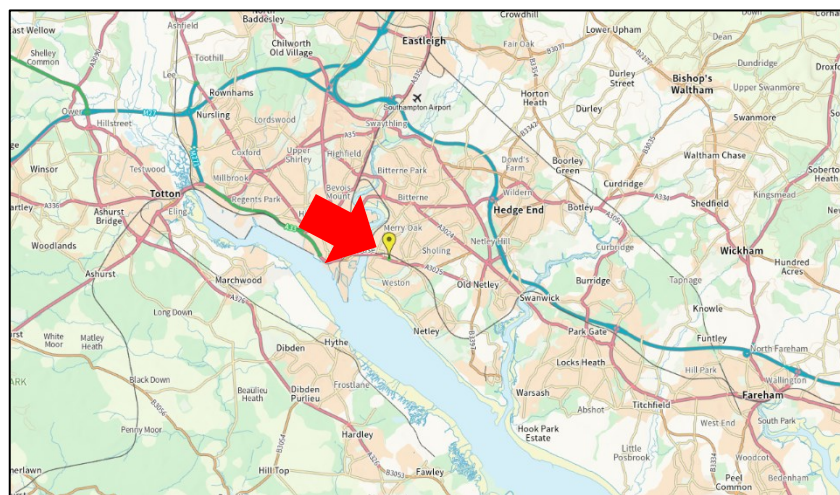
Both properties are understood to be in poor condition and beyond economical repair.

Figure 2.1.1: Site Plan



Source: LandInsight

Figure 2.1.2: Location Plan



Source: LandInsight

2.2 Planning History

The subject site has been the subject of the following application:

- 23/01247/FUL – Redevelopment of the site. Erection of 4 x two-storey buildings to create 11 houses (8x 3-bed and 3x 2-bed) with associated amenities, following demolition of existing buildings.

There have been no other relevant applications that we are aware of.

2.3 The Proposed Development

In October 2023, the Applicant submitted an application for the “*Demolition of No 65 and No 67 Portsmouth Road, and construction of 8 x 3-bedroom dwellings and 3 x 2-bedroom dwellings*”.

It is this application which is the subject of S106 Affordable Housing’s financial viability statement.

The proposals, if granted, would create 11 residential dwellings as follows:

Table 2.3.1: Residential units and floorspace

Type	Units		
	Number	Av.Sq ft	Total Sq ft
2B4P	3	851	2,554
3B5P (Terrace)	6	1,025	6,148
3B5P (Semi)	2	1,025	2,049
Total	11		10,752

3 Methodology

S106 Affordable Housing (S106) have undertaken their appraisal using the HCA DAT model which is a standard development appraisal tool widely used for the purposes of appraising development proposals, including for the purposes of secured lending valuations.

We have used Argus for the purposes of undertaking our own appraisals of the Applicant's proposals.

Argus is essentially a cash-flow backed model which allows the finance charges to be accurately calculated over the development/sales period. The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value. The model is normally set up to run over a development period from the date of the commencement of the project and is allowed to run until the project completion, when the development has been constructed and is occupied.

Essentially, such models all work on a similar basis:

- Firstly, the value of the completed development is assessed;
- Secondly, the development costs are calculated, using either the profit margin required or land costs (if, indeed, the land has already been purchased).

The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value.

In order to determine whether a scheme is viable with a given percentage of affordable housing, the key question is whether the residual land value is sufficient to incentivise the landowner to bring the site forward for development. The Planning Practice Guidance ('PPG') indicates that a 'benchmark land value' should be established on the basis of the existing use value of a site plus a premium for the landowner. The premium should "*provide a reasonable incentive, in comparison with other options available, for the landowner to sell the land for development while allowing a sufficient contribution to fully comply with policy requirements*" (paragraph 013).

The PPG recognises that landowners may also be able to develop their land for an alternative type of development to that proposed in their application. As an alternative to existing use value, paragraph 017 of the PPG indicates that benchmark land value may be established through a valuation of an alternative use, providing that the alternative scheme would "*fully comply with up to date development plan policies... and... it can be demonstrated there is market demand for that use*". Furthermore, if an alternative use value approach is adopted, the PPG indicates that "*AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted*".

The PPG is explicitly clear that prices paid for sites are to be excluded from Financial Viability in planning and this report reflects this guidance.

4 Review of Assumptions

A review of the assumptions made by S106 has been undertaken as follows:

4.1 Benchmark Land Value

S106 have utilised the Existing Use Value Plus methodology regarding the Benchmark Land Value (BLV).

A district wide plan level viability assessment is referred to which assesses undeveloped land at £500,000 per hectare, which equates to £140,000 for this 0.28 hectare site.

4.2 Project Programme

S106 have provided the following development programme:

- Pre-construction – 6 months
- Construction – 12 months
- Sale – 3 months

There has been no supporting evidence provided regarding the above.

4.3 Market Housing Revenue

The S106 assessment relies upon comparable sales data from the Southampton area conclusion with a conclusion of a GDV in the region of £3,980,000 (£370 per sq ft).

There is limited analysis of the various sales and ongoing marketing of nearby schemes particularly regarding how the various locations / specifications compare to the proposals.

4.4 Construction Costs

S106 have relied upon a cost plan undertaken by *Nigel Grace Ltd Chartered Quantity Surveyors*. The conclusion is that a reasonable build cost would be £260 per sq ft.

4.5 Professional fees

S106 have applied an allowance of 7% of construction costs for professional fees.

4.6 Community Infrastructure Levy ('CIL') and Section 106 Payments

Input	Cost
CIL	£110,818
S106	£89,276
Affordable Contribution	£278,599
Total Planning Obligations	£478,693

4.7 Developer's Profit

The S106 report indicates that they have utilised a profit level of 17.5% (on GDV).

4.8 Finance Costs

The Applicant's viability assessment adopts a finance rate of 8%, applied to 100% of costs.

4.9 Marketing, Sales & Disposal Fees

S106 have applied an inclusive 2.5% agent fees plus £1,000 per unit to cover legal fees.

5 Analysis

5.1 Benchmark Land Value

Our approach to benchmark land value reflects the requirements set out in paragraphs 013 to 017 of the Planning Practice Guidance and other relevant planning guidance. Benchmark land value is not an expression of what a site might sell for in the market and the PPG warns against reliance on the prices paid for sites.

S106 state that the existing buildings on site are not suitable for refurbishment due to the costs associated, thus this option has been discounted from their calculations.

Instead, S106 refer to a “district wide plan level viability assessment” to assess the BLV at £140,000. We are not aware of such an assessment (and have confirmed with the Council that there is no such assessment) and therefore cannot comment on its validity.

We have therefore undertaken our own research in to potential existing use values.

- Land & Roadway, Hamilton Road, SO31 7LX – a 0.2 acre development site with potential for a single three bedroom townhouse. This sold in September 2023 for £137,000 or £685,000 per acre.
- Land north of Willow Herb Close, Locks Heath SO31 6XB – A 0.43 acre parcel of land that has very limited development potential being an open space within an existing residential development, sold in September 2023 for £28,000. This equates to £65,116 per acre.
- Land at Winchester Road, Bishops Waltham SO31 1RN – A 0.3 acre parcel of land within an existing residential development sold in August 2022 for £70,000. This equates to £233,000 per acre.

It is clear from the evidence above that there is a vast range of possible values for land locally.

There is clearly an existing use value of the site whether it be as a store, or a longer-term redevelopment of the existing dwellings either as commercial / residential care or as a return to single dwellings (which we assume were the original use).

We would therefore expect a value to be within the range noted above of between £65,000 and £685,000 per acre. We doubt the property would achieve a value at the top end of this range on the basis that the property at Hamilton Road was significantly smaller than the subject site thus quantum factors will come in to play. However, we would expect a higher value than achieved at Willow Herb Close, where it would appear there is no real alternative use other than as green space for the residential development it is part of.

The applicant has appraised the site at approximately £200,000 per acre. We do not agree with the methodology (on the basis that we are unaware of the policy document they refer to) however the rate per acre is not considered unreasonable in this instance given it is within the above range.

5.2 Scheme GDV

S106 have provided a very limited set of comparable evidence and conclude with an overall value of £370 per sq ft equating the following values:

Units	Type	Size	Value	£/ft ²
3	2B4P	851	£320,000	£376
6	3B5P	1,025	£375,000	£366
2	3B5P	1,025	£385,000	£376

S106 provide the following evidence:

Address	Sq ft	Sale Price	Date	£/ft ²
112 Portsmouth Road,	1,044	£382,000	Dec – 22	366
41 West Road	980	£350,000	Aug – 22	357
72a Porchester Road	1,012	£378,000	Oct – 22	374
39 Porchester Road	1,119	£342,000	Nov – 22	306
135 Porchester Road	1,163	£322,013	Mar – 23	277
9 Archery Grove	850	£345,000	Oct – 22	406
13 Temple Gardens	893	£300,000	Mar - 23	336

Overall, the above comparable evidence provides a range of between £277 and £406 per sq ft. We note that Archery Grove (at the top end of values) is a three bedroom (albeit with a “box” third bedroom) with a garage whilst the majority of other dwelling listed do not have garage space. However, Archery Grove does not have an ensuite whilst the proposed dwellings do.

Capital values range from £300,000 to £378,000.

The proposed units do not have access to garage space but do benefit from allocated, off-street parking.

Each dwelling will benefit from a new build specification and NHBC warranty, and furthermore have an ensuite. We would therefore expect a premium over and above the existing stock noted above.

65 & 67 Portsmouth Road, Southampton SO19 9BE

S106 have utilised values of £320,000 for the two bedroom dwellings and £375,000 to £385,000 for the three bedroom dwellings.

We have undertaken a search of the local area for comparable evidence. As suggested by the Applicant, there is no suitable comparable new build properties in the vicinity of the subject site.

We are aware of a development from circa 2018 known as Ashton Walk a short distance to the east of the subject site. Sales details are as follows:

Address	Sq ft	Type	Sale Price	Date	Ind Adj.	£/ft ²
3, Ashton Walk	915	3 Bed Terraced	£290,000	11/10/2018	£350,821	£383
4, Ashton Walk	915	3 Bed Terraced	£285,000	12/09/2018	£343,814	£376
2, Ashton Walk	915	3 Bed Terraced	£290,000	31/08/2018	£351,918	£385
1, Ashton Walk	915	3 Bed Terraced	£292,500	10/08/2018	£354,952	£388
7, Ashton Walk	915	3 Bed Semi-Detached	£295,000	12/07/2018	£364,238	£398
6, Ashton Walk	915	3 Bed Semi-Detached	£305,000	05/07/2018	£376,585	£412
8 Ashton Walk	1,195	4 Bed Detached	£350,000	12/07/2018	£429,491	£359
5 Ashton Walk	915	3 Bed Semi-Detached	£305,000	9/07/2018	£364,300	£397

This development is the last development completed nearby. Utilising indexation we note that values range from £376 per sq ft to £412 per sq ft.

We note that units 5, 6 and 8 have access to garage space. We would therefore expect these to achieve a premium over the proposed dwellings. Furthermore, number 8 is detached with a larger plot than any of the other dwellings.

The most recent sale at this development is of Number 5, where it sold for £310,000 – this is below the “index linked value” that was estimated in the table above suggesting that a new build premium is strong in this location. This is supported by conversations with local agents who suggest that new build properties are particularly rare in this area.

On the assumption that the index linked adjustments from Ashton Walk are a reasonably accurate reflection of the new build premium, this provides a range of around £350,000 to £365,000 in today’s market. The proposed three bedroom dwellings at the subject site are generally larger than these units at Ashton Walk (at 1,025 sq ft) therefore we would expect a higher value to be achieved accordingly. However, we note that these units were sold during a significantly stronger market cycle with access to Help to Buy, cheap mortgages and low inflation. The market is less robust currently, thus any premium over these sales may be limited.

Locally, 112 Portsmouth Road, a three bedroom, 1930’s era semi-detached house of some 1,044 sq ft sold in December 2022 for at £382,000. We note from the agent that the price, despite the very good condition, was suppressed, due to a tricky access because of the location of the road-junction, which is adjacent to this property.

The general consensus of the agent was that the subject site would likely achieve a premium over this property due to the proximity of the road junction. Furthermore, the ensuites, new build specification and warranties would further enhance the amount buyers would be willing to pay in comparison to 112 Portsmouth Road. We do note however that 112 Portsmouth Road benefits from a large, corner plot. Therefore, it is considered that the new-build specification may be offset by the larger plot and that similar values would be achieved by the proposed three bedroom dwellings.

We note that there is a slight disconnect between the indexed figures at Ashton Walk, and the sale achieved at 112 Portsmouth Road, which may point towards a slightly higher achievable value for the three bedroom dwellings than the Applicant has proposed. However, we are aware of various sales of larger four bedroom dwellings locally starting at £375,000 thus we would expect the ceiling for three bedroom dwellings to be around this level, despite the new build premium.

The Applicant has utilised £375,000 to £385,000 which is within a range that is considered reasonable based upon this evidence.

The two bedroom dwellings are slightly smaller at 851 sq ft. We would expect a lower value than the three bedroom dwellings to be achievable based upon the smaller area, but a higher rate per sq ft given quantum factors.

Unfortunately there are no new build two bedroom houses locally that have come to the market recently.

We note 189e Portsmouth Road sold in April 2023 for £260,000. This two bedroom, semi-detached house is relatively modern (1990’s build) but is directly adjacent to the busy railway. On the basis that the proposed two bedroom dwellings will have a new build specification and warranty and they do not have the railway adjacent we would expect a significant premium to be achieved.

The Applicant has utilised a figure of £320,000 or £376 per sq ft which is the same £/ft² as the larger dwellings. We would suggest that the two bedroom dwellings therefore would likely achieve a higher £/ft² accordingly based upon quantum factors. The two bedroom dwellings include the same specification inclusive of an ensuite, which is unusual for a two bedroom property locally.

Basing our conclusion on both the quantum factors noted earlier and our discussions with local agents, we would expect achievable values to be between £325,000 and £335,000 say £330,000 or £388 per sq ft.

Overall, the Applicant’s appraisal of Gross Development Value is considered to be mainly reasonable, however, we would expect a slight premium for the two bedroom dwellings in comparison to the Applicant’s figures.

We have therefore adopted the following:

Units	Type	Applicant	BNPPRE
3	2B4P	£320,000	£330,000
6	3B5P	£375,000	£375,000
2	3B5P	£385,000	£385,000
Total		£3,980,000	£4,010,000

5.3 Construction costs

The cost plan provided by S106 equates to a total build cost of some £260 per sq ft. This has been provided by a third party cost consultant.

We have utilised BCIS to compare these costs. We understand that the proposed units will be built to a reasonable specification in line with their expected price bracket. With this in mind, we would expect BCIS Median costs to be relevant in this instance. This equates to a base build at £145 per sq ft.

Description: Rate per m2 gross internal floor area for the building Cost including prelims.

Last updated: 07-Oct-2023 07:40

Rebased to Southampton (106; sample 51)

MAXIMUM AGE OF RESULTS: DEFAULT PERIOD

Building function (Maximum age of projects)	£/m ² gross internal floor area						Sample
	Mean	Lowest	Lower quartiles	Median	Upper quartiles	Highest	
New build							
810.12 Estate housing semi detached							
Generally (15)	1,610	940	1,374	1,569	1,759	3,593	354
Single storey (15)	1,800	1,162	1,530	1,761	1,970	3,593	80
2-storey (15)	1,553	940	1,358	1,505	1,697	2,758	262
3-storey (15)	1,579	1,176	1,275	1,512	1,874	2,300	12

In addition we would expect some 10% of costs to be required for external works and a further 5% to cover contingencies.

65 & 67 Portsmouth Road, Southampton SO19 9BE

We note a number of abnormal costs within the cost plan:

- Site clearance - £28,090
- Demolition - £25,000
- Service Connections - £107,250

We have adopted these costs as reasonable within our appraisal.

Overall, utilising the above figures provides a total build cost of £2,014,059 or £187 per sq ft.

Other Development costs

We are of the opinion that the finance rate and profit level suggested by the Applicant is reasonable. Sales and Marketing at 2.5% are considered to be towards the upper end of expectations but not unreasonable on the basis that the scheme would include at least one show home.

Legal fees at £1,000 per unit are not considered unreasonable.

We would suggest that the three month sales period suggested by the Applicant is optimistic at present but as the market hopefully improves in to 2024 it is not inconceivable.

5.4 Appraisal results

S106 appraisal results

S106 have structured their appraisal so that the Residual Land Value can be directly compared to the Benchmark Land Value.

S106 Summary

Appraisal variable	Value / Cost
Gross Development Value	£3,980,000
Construction Costs Incl. Abnormals / Externals	£2,798,433
Contingency	£139,922
Planning Obligations	£200,094
Professional Fees	£205,685
Sales/Marketing	£99,500
Legal	£11,000
Finance	8%
Developer Return	17.5%
Residual Land Value	£-285,545
BLV	£140,000
Deficit	-£425,545

BNPPRE Appraisal Results

There are three main areas that are important within a viability appraisal. Gross Development Value, Costs and Benchmark Land Value.

65 & 67 Portsmouth Road, Southampton SO19 9BE

We do not believe S106 have been unreasonable regarding the GDV other than perhaps being slightly pessimistic for the achievable values for the two bedroom units.

The Benchmark Land Value, whilst the methodology utilised by the Borrower is uncertain, the overall figure of £140,000 is not considered unreasonable.

Our main area of concern lies with the construction costs. Whilst there are some basic abnormal costs, we do not note any element of the proposed build or general site (such as a slope or flood risk for instance) that should require £260 per sq ft overall.

We have therefore provided an appraisal based upon the following inputs:

Appraisal variable	Value / Cost
Gross Development Value	£4,010,000
Construction Costs Incl. Abnormals / Externals	£1,918,151
Contingency	£95,908
Planning Obligations (incl Affordable contribution)	£478,793
Professional Fees	£140,984
Sales/Marketing	£100,250
Legal	£11,000
Finance	8%
Developer Return	17.5%
Residual Land Value	£467,588
Say	£470,000
BLV	£140,000
Surplus	£330,000

This appraisal returns a Residual Land Value of some £470,000, which is in excess of the agreed Benchmark Land Value of £140,000.

5.5 Sensitivity analysis

The table below shows an analysis were base build costs and GDV to change by +/- 10%.

BCIS isn't always reflective of the true build cost of a site. Were the base build to increase to some £160 per sq ft, this would have the effect of reducing the Residual Land Value (RLV) down to some £300,000. This is still above the £140,000 BLV.

Were values to be lower by 10%, this would drop the RLV down to some £200,000. Again this is still above the BLV.

Table of Gross Development Value and Land Cost

Sales: Rate p£	Construction: Rate p£				
	-10.000%	-5.000%	0.000%	+5.000%	+10.000%
	131.18 p£	138.47 p£	145.76 p£	153.05 p£	160.34 p£
-10.000%	£3,609,000	£3,609,000	£3,609,000	£3,609,000	£3,609,000
335.66 p£	-£361,459	-£280,508	-£205,327	-£126,399	-£41,470
-5.000%	£3,809,500	£3,809,500	£3,809,500	£3,809,500	£3,809,500
354.31 p£	-£495,475	-£414,523	-£333,572	-£252,621	-£176,633
0.000%	£4,010,000	£4,010,000	£4,010,000	£4,010,000	£4,010,000
372.95 p£	-£629,490	-£548,539	-£467,588	-£386,636	-£305,685
+5.000%	£4,210,500	£4,210,500	£4,210,500	£4,210,500	£4,210,500
391.60 p£	-£763,506	-£682,554	-£601,603	-£520,652	-£439,701
+10.000%	£4,411,000	£4,411,000	£4,411,000	£4,411,000	£4,411,000
410.25 p£	-£897,521	-£816,570	-£735,619	-£654,667	-£573,716

6 Conclusions

The Applicant's appraisal is not considered to be fundamentally wrong in terms of Gross Development Value, Benchmark Land Value and the general methodology utilised. However, as detailed above, we suggest that the build costs provided appear excessive.

Based upon our initial appraisal, it is considered that the proposed development may be able to support a policy level of affordable housing contribution. However, we must stress that we are not build cost experts and therefore our conclusion is only based upon theoretical inputs.

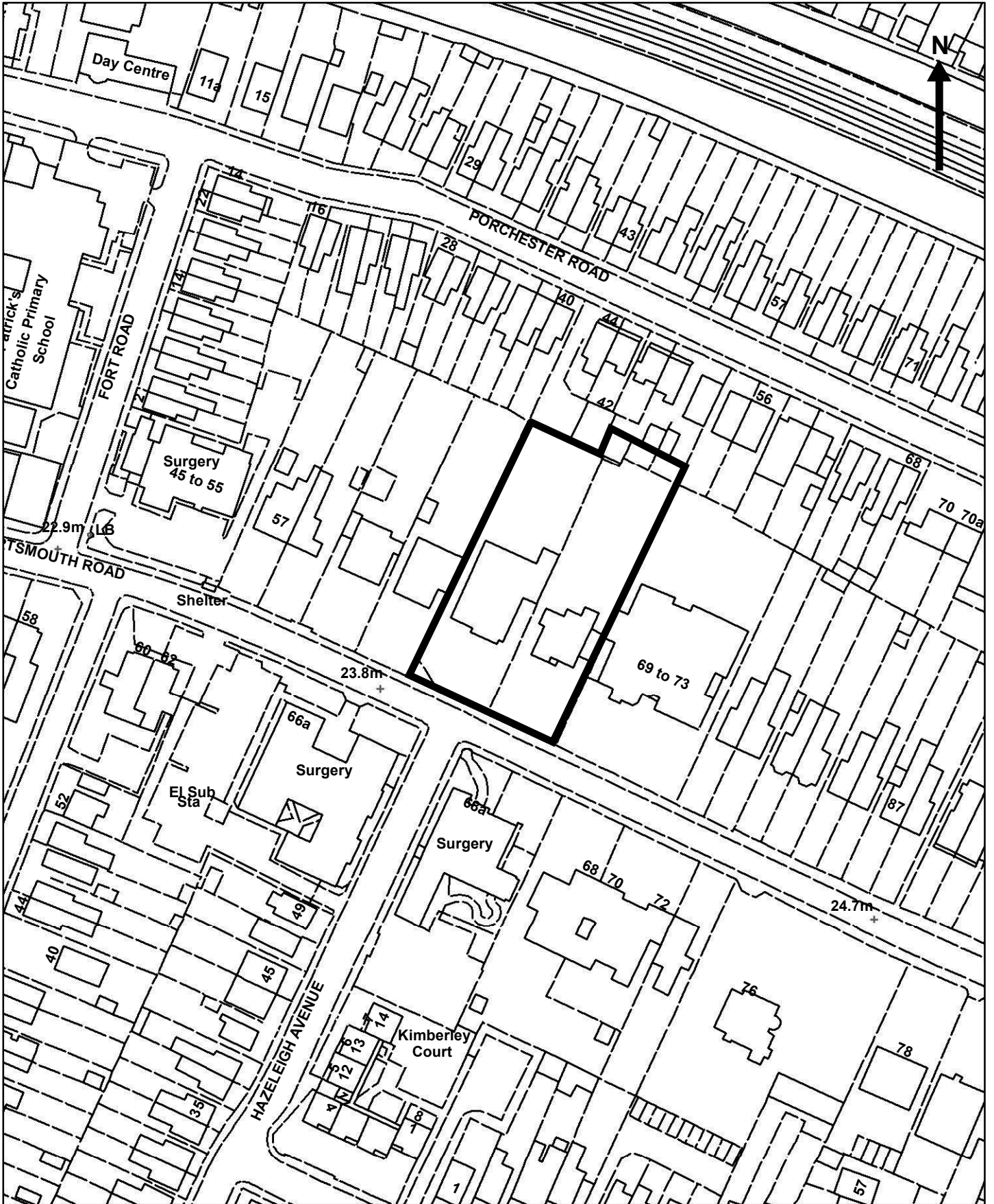
For completeness we have provided a second appraisal with a Policy level of affordable housing (2 on site units) which we have appraised at 50% of Open Market Value (reflecting Social Rented tenure). This returns a Residual Land Value of some £472,000 which is in excess of the BLV at £140,000 and suggests that the proposed development could support either two onsite affordable dwellings or an offsite contribution.

We recommend that the Council include a review mechanism in to any planning agreement. There is considerable uncertainty surrounding the exact Gross Development Value that may be achievable. A review triggered by 75% of units being sold would ensure that the true market value of the individual units is provided.

Agenda Item 7

23/01247/FUL

Appendix 2



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank