

Planning and Rights of Way Panel 16th July 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 267-271 Portswood Road			
Proposed development: Erection of an additional floor to create 4x 1-bed flats with associated cycle/refuse storage following partial demolition of existing building to create new entrance and extension of existing restaurant flue			
Application number:	19/00735/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	22.07.2019	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member and Five or more letters of objection have been received	Ward Councillors:	Cllr Gordon Cooper Cllr John Savage Cllr Lisa Mitchell
Referred to Panel by:	Cllr Cooper	Reason:	Loss of light and shadowing impact to neighbouring sheltered housing units (Victoria Lodge)
Applicant: Mr Joseph Muscat		Agent: BLOCK 3 Architects	
Recommendation Summary		Delegate to Service Lead – Infrastructure Planning & Development to refuse planning permission subject to criteria listed in report	
Community Infrastructure Levy Liable		Yes	

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP14, H2, H7, HE4, REI4, REI5 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Scheme under 17/00005/FUL

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the receipt of (i) confirmation in writing by the applicant that the pre-commencement planning conditions recommended at the end of this report are acceptable (ii) amended plans showing the removal of the internal partitions for the bedrooms (iii) and the completion of a S.106 Legal Agreement or Section 111 agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement or Section 111 agreement and/or conditions as necessary. In the event that the above requirements not met delegation given to refuse the application.

1. Introduction & Background

- 1.1 The applicant was previously sought permission for a 2 storey roof top extension (ref no. 17/00005/FUL), however, decided to withdraw the application following advice from the case officer that the scheme would not be supported because the additional two floors comprising 8 flats were considered overbearing and would result in harmful loss of light and sunlight to Victoria Lodge (**see Appendix 4** for the previous scheme). The applicant continued to work with the Council to discuss an amended scheme that would be likely to gain the support of the Council Officers and has resubmitted with a single floor extension comprising 4 flats.

2. The site and its context

- 2.1 The site is located on corner of the traffic light controlled junction of Portswood Road and Highfield Lane within the outer edge of the designated Portswood District Centre (PDC). The surrounding area is characterised by the nearby commercial uses fronting Portswood Road in the shopping area and suburban housing adjacent to the north-west of the centre. This includes the Portswood Residents' Gardens Conservation Area. The site lies adjacent to the Bevois Valley Road AQMA (air quality management area).
- 2.2 The site itself contains a locally listed building (circa post war, formerly a bank) of attractively historic character from its traditionally proportioned windows and stonework detailing, comprised of classic style with Portland Stone façade. The building is in use as a pizza restaurant use known as 'Baffis'. The building has a small servicing area to the rear. Immediately to the north-west of the building lies the 3 storey building comprising sheltered housing units, known as 'Victoria Lodge' (121-127 Highfield Lane).

3. Proposal

- 3.1 It is proposed to erect an additional floor to create 4x 1-bed flats with associated cycle/refuse storage following partial demolition of existing building to create new entrance. As part of the proposal, the existing extraction chimney (on the north rear elevation) will be extended higher so it still projects above the eaves line. An integral refuse store is proposed which is accessed from the entrance lobby. The access to the collection of refuse storage would be from the Portswood Road frontage, whilst the applicant has agreed to use a private operator to collect the refuse.

4. Relevant Planning Policy

- 4.1 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**.

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

- 4.3 The city’s Local Listed building policy HE4 aims to resist the demolition and alteration of the buildings on the list and sets out a series of criteria to be considered in determining planning applications related to them. Paragraph 197 of the NPPF expects the Council to take into the effect of an application on the significance of a non-designated heritage asset in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 4.4 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council’s vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

- 4.5 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply.

- 4.6 Policy CS5 acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 4.7 Policy REI4 and REI5 supports residential development on upper floors within the District Centre. The conversion works do not significantly compromise the viability and servicing of the commercial unit, with details of the upgrading of the cooking extraction equipment and internal soundproofing to be agreed by condition.

5. Relevant Planning History

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

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice **21.05.2019**. At the time of writing the report **20** representations have been received from surrounding residents, including an objection from the Ward Cllr Cooper, and Dr Buckle (on behalf of Portswood Residents Gardens). The following is a summary of the points raised:
- 6.2 **Overdevelopment. Out of keeping with the historic character of the locally listed building given the type of materials and colour, and poor design.**
Response
The Design Officer and Heritage Officer both raise no objection to the design with regards to its impact on the locally listed building and character and appearance of the vicinity. The resultant two-storey scale is in keeping with the Portswood Road street scene.
- 6.3 **The additional height of the building will result in loss of outlook, light and privacy to the neighbouring occupiers. This includes the residents of Victoria Lodge (elderly persons home) who are less mobile and rely on staying in their homes and, therefore, the shading of the sunny garden would affect their enjoyment of the garden where they are able to easily access.**
Response
The increased height and recess of the extension in proximity to the neighbouring properties and garden is not considered to dominate their outlook, whilst the proposed arrangement of the internal living accommodation maintains privacy to Victoria Lodge. The daylight and sunlight assessment shows that the proposal will meet the national good practice guidelines as set out by BRE.
- 6.4 **Additional pressure to street parking and road safety problems in the local area due to the increased demand from the proposed flats. The entrance of the proposed flats next to the traffic light controlled junction would cause road safety issues. The construction works would be unsafe located near a busy junction controlled by traffic lights with only access from the pavement, and there will be obstruction from the parking of construction workers.**
Response

The maximum on site parking required for this form of development is 4 spaces. Given the constraints of the site no parking is possible and the Panel need to decide whether a residential scheme in this highly accessible location with no dedicated parking is acceptable. The Highway's Officer has raised no objection on road safety grounds. The high accessibility of the location to public transport links and proximity to the services at the Portswood shopping area will encourage less use and ownership of a motor vehicle and, therefore, the parking demand from the proposed development for local street parking would be limited.

- 6.5 **Bedrooms with no natural light or ventilation. The flats would be a fire hazard being built on top of the existing hot food business and storing waste inside the building. Lack of safe fire escape for residents.**

Response

The main living areas of the flats are served by the front facing windows. Although the bedrooms are not directly served by windows, the delegation seeks removal of the partition screen, which isn't an acceptable solution and results in a poor living environment. The safety of the residents with regards to fire risk is assessed separately under Building Regulations so this matter is outside the scope of this application. A condition is recommended to prohibit the installation of the partition dividing structures as it would not be acceptable for residents to rely on partitioned habitable spaces which are effectively internalised with no direct source of natural daylighting or ventilation. A condition is recommended to prohibit the installation of the partitions. The Council has successfully defended an appeal at Saxon Gate in showing that the use of partitions is not acceptable (ref no. 18/00075/APFUL and appeal no. APP/D1780/W/18/3203952).

- 6.6 **Loss of view for residents and loss of property value.**

Response

These matters are not considered to be a valid planning consideration as the private interests of third parties are not protected by the planning system. Reasonable outlook is maintained having regard to the limited additional height of the first-floor extension and separation distances achieved.

- 6.7 **Will cause additional loss of amenity to local residents from 'Baffi's' restaurant due to its inadequate waste disposal causing overflowing bins onto Portswood Road, excessive noise, and unpleasant cooking odours. The restaurant would have to raise the height of the existing chimney which is not shown on the plans. There will be additional nuisance from refuse being left on Portswood Road.**

Response

The Highway's Officer is satisfied that the arrangement for the collection and storage waste to be managed by a private collection company would address the concerns about the road safety and amenity issue affecting Portswood Road and the nearby traffic light controlled junction. The applicant has demonstrated that the existing extract flue serving the restaurant can be extended above the roof level in order to effectively discharge cooking odours. Further details of the system in relation to noise and odour control can be secured by condition.

Consultation Responses

- 6.8 **SCC Highways** – No objection subject to a waste management plan to ensure that the servicing vehicle is not positioned on or near the Portswood

Road/Highfield Lane junction especially near the pedestrian crossing in front of 273 Portswood Road.

Response

The applicant has confirmed that the refuse will be collected by a private operator. The refuse servicing approved for 'Baffi's' restaurant (ref no. 16/02101/FUL) successfully agreed to position the refuse collection vehicle in a safe location away from the junction.

6.9 **SCC Heritage – No objection**

See paragraph 7.3.2 for detailed comments.

6.10 **City of Southampton Society – No objection in principle**

The proposed additional storey would seem to be rather brutal and dark in colour. A lighter touch would have been preferable. The design is unusual, but acceptable. Clarification on whether there is noise attenuation, mechanical ventilation, control of food odours from the restaurant below, and bin management strategy to avoid bins being left on the footway.

6.11 **SCC Sustainability Team – No objection**

6.12 **SCC Design Officer – No objection**

6.13 **SCC Environmental Health (Pollution & Safety) – No objection subject to conditions for construction management**

Response

Not considered necessary.

6.14 **Ecologist – No objection subject to condition to protect nesting birds during construction**

7.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Living conditions of future occupiers;
- Parking highways and transport;
- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

7.2 **Principle of Development**

7.2.1 The Local Plan set out that there is a 16,300 housing need in the city by 2026 whilst utilising brownfield sites in sustainable locations to achieve further housing development is encouraged. In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in high accessibility locations such as this, density levels should generally accord with the range of over 100 dwellings per ha (dph), 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 120 dph which, whilst compliant with the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.

7.2.2 The principle of development can be supported to make better utilisation of the existing building to provide windfall housing to contribute towards the city's housing supply.

7.3 Design and effect on character

7.3.1 Section 2.3 of the Residential Design Guide sets out detailed design guidance for extensions and modifications of existing dwellings. The design guidance set out in paragraphs 2.3.1 to 2.3.2 of the Residential Design Guide expects extensions to appear subordinate to the host dwelling. The recessed design and height of the proposed roof top extension is considered to be subordinate to the appearance of the existing building, whilst its height is contiguous with the eaves line of the adjacent Victoria Lodge and, therefore, is not considered to be dominant within the street scene. Although the modern materials contrast with the classically styled ornate stone building, this is a common approach to extending buildings with historic character rather than using a pastiche approach. The Design Officer is supportive of this design approach. The resultant building height would be in keeping within the Portswood Road Street scene. Paragraph 3.6.10 of the Residential Design Guide supports increased height to create a visual focus at a street corner.

7.3.2 The Conservation Officer is satisfied that the proposal is in accordance with policy HE4 (Locally Listed) because it retains the main architectural features and qualities of the building and in my opinion, enhances the landmark status of the corner site. The proposed first floor extension is simple in composition and the darker copper material accentuates the Portland stone frontage of the bank, thus raising its prominence in the street scene. The Conservation Officer therefore raises no objection to the proposal on these heritage grounds and recommends that the use of the copper cladding is not changed at any stage as this is a key element of making this proposal a design success.

7.3.3 As such, the proposal is not considered to adversely affect the character and appearance of the local area, and would enhance the setting and character of the locally listed building in accordance with policies HE4 and CS14.

7.4 Residential amenity

7.4.1 There are standards set out in section 2.2 of the Residential Design Guide to protect the living conditions of the neighbouring occupiers to safeguard privacy, natural light and outlook in relation to habitable areas. Paragraph 2.2.1 expects extensions to maintain the access to natural light, outlook and privacy for neighbouring occupiers. Paragraph 2.2.18 expects the Council to carefully consider the impact of an extension close to a garden boundary from the perspective of someone standing in that location.

7.4.2 The main impact from the proposed development would be on the amenity of the adjacent occupiers at Victoria Lodge to the north of the site. Following the withdrawal of the previous application (**see Appendix 4**), the mass and bulk of the roof top extension has been significantly reduced in height from its former 2 storeys to 1 storey. At the rear of the building, the single storey roof top extension directly facing will be set back 8.5m from the rear boundary with the garden of Victoria Lodge and 14m from the nearest rear elevation of Victoria Lodge with habitable rooms facing. Normally a minimum separation of distance of 15m is expected in this type of relationship where side/rear walls face each other

(paragraph 2.2.7 of the Residential Design Guide refers). That said, the rear elevation of Victoria Lodge is angled away from the site, and the non-uniform and tapering nature of the neighbouring plots and the existing relationship of the buildings does not neatly fit the separation standards set out in the guidance, so an individual judgement can be made on its own merits.

- 7.4.4 Having viewed the impact of the proposed development directly from a flat looking onto the site and the private garden area, the height and proximity of the roof top extension is not considered to be harmful to the outlook of the neighbouring occupiers. The extension would be noticeable from these spaces, however, the recessing and height of the roof top extension is not considered to be over-dominant and will not cause an undue sense of enclosure to the outlook from the neighbour's habitable spaces. Furthermore, the privacy of the neighbouring occupiers would not be adversely affected as they would not be directly overlooked by obscured glazed windows (with high level top openings for ventilation 1.7m above the internal floor) at the rear serving the corridor and bathroom areas.
- 7.4.5 The applicant has now submitted a daylight and sunlight assessment following the good practice guidelines set out by the BRE (Site layout planning for daylight and sunlight, 2011). The shadowing model shows that the existing building at the site already casts shadow (30th March represents worst case scenario) across the garden edge of Victoria Lodge between 9am to 11am, and then the building at Victoria Lodge overshadows its own garden substantially from 3pm. The study demonstrates that whilst the proposed extension would cause a minor increase in shading of the habitable spaces and garden of Victoria Lodge in the morning to afternoon period, there will be limited impact from the late afternoon onwards as the orientation of Victoria Lodge would extensively shade its own garden. The assessment concluded that the proposed extension would comply with the good practice guidance of the BRE guidelines and would not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings.
- 7.4.6 The applicant has demonstrated that the existing extract flue serving the restaurant can be extended above roof level in order to effectively discharge cooking odours. Further details of the system in relation to noise and odour control can be secured by condition to protect the existing and future occupiers. Furthermore, the collection and management of waste by commercial operators will ensure that waste is not left on Portswood Road on collection days.

7.5 Living conditions of future occupiers

- 7.5.1 There are standards set out in section 2.2 of the Residential Design Guide to protect the living conditions of the existing and future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas. Section 4.4 of the Residential Design Guide requires all developments to provide an appropriate amount of the private amenity which should be fit for the purpose intended. Paragraph 2.3.14 of the Residential Design Guide requires a flat to have a minimum garden size of 20sqm, where this space can be shared communally. Although no external amenity space is proposed due to the first floor nature of the conversion, this is not an uncommon arrangement for single occupancy flats in district centres and the constraints of the site in the district centre location to encourage high densities is accepted in this case.

7.5.2 The Council does not have its own adopted policy for minimum internal floor spaces for new dwellings, however, the national described floor space standards (dated March 2015) acts as a relevant guideline to what size of accommodation is acceptable. These standards expect a minimum floor area (gross internal area – GIA) of 37-50sqm for studio/1 bedroom flat. The floor area of 1 bed flats are 33sqm (apt. 1); 37sqm (apt 2); 38sqm (apt 3); and 38sqm (apt 4). The floor areas are generally compliant in size when assessed against the guidance of the national standards. Although, flat (apt 1) is slightly substandard, the smaller size of the single occupancy flats are not uncommon of district centre housing where higher densities are encouraged.

7.5.3 The main living areas of the flats are served by the front facing windows. A condition is recommended to prohibit the installation of the partition dividing structures as it would not be acceptable for residents to rely on partitioned habitable spaces which are effectively internalised with no direct source of natural daylighting.

7.5.4 It is noted that the Bevois Valley Road AQMA terminates next the traffic light junction adjacent to the site. It should be noted that it is not uncommon for housing to front onto Portswood Road. The Environmental Health Officer has raised no objection about the quality of the accommodation with regards to its proximity to Portswood Road, whilst a scheme of sound proofing and ventilation can be conditioned with regards to the windows facing onto Portswood Road to ensure that there is adequate mitigation from noise and air quality associated with the traffic, and sound proofing between the commercial use on the ground floor.

7.6 Parking highways and transport

7.6.1 The maximum parking standards within this high accessibility zone requires a total of 4 spaces for 4x1 bed flats. No off-street parking spaces are provided however this would still be policy compliant as the parking standards are a maximum. The census data shows for the Portswood ward that 43.7% of households own 1 car, and 24.3% own 2 or more cars, 32% own no cars.

7.6.2 Whether the development provides the maximum permissible amount, or lower quantity, the guidance in the Parking Standards SPD (section 4.2.1 refers) expects the applicant to demonstrate that there is sufficient kerbside capacity to absorb the additional parking demand. This should be assessed by undertaking a parking survey using the preferred Lambeth model. No parking survey has been provided.

7.6.3 The provision of no spaces is policy compliant with the maximum standards. Although a parking survey has not been submitted, the sustainable location within the city centre would allow good accessibility to public transport so there is less need to own a motor vehicle and, therefore, is unlikely to cause further pressure to local street parking. Residents will make a decision ahead of occupation and there isn't easy parking in close proximity to the site which may discourage car ownership.

7.6.4 The Highways Officer has raised no objection in terms of the impact on highways safety, whilst they are satisfied that the arrangement for the collection and storage waste to be managed by a private collection company would address the concerns about the road safety and amenity issue affecting Portswood Road and

the nearby traffic light controlled junction. The additional trips associated with the development is not considered to significantly affect highway safety.

7.7 Likely effect on designated habitats

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

7.7.2 The contributions towards SDMP have not yet been secured, however, it is recommended to delegate authority to officer's to resolve this issue.

8. Summary

8.1 In summary, the design and layout of the proposed development would respect and compliment the character and appearance of the locally listed building using an innovative and modern design to the benefit of the street scene and district centre, whilst it is demonstrated that the limited impact on the adjacent residents at Victoria Lodge would not be harmful to their amenity. It is considered that the socio-economic benefits of delivering housing suitable for low incomes persons and improving the mix and balance of the local community by introducing smaller households outweighs by the negative socio-economic and environmental impacts of the loss of the opportunity for residents in the vicinity to use the street parking on the kerb adjacent to the site. As such, it is considered that the impacts of the development when assessed as whole are acceptable. A presumption of favour of this sustainable development is recommended as the net positive outcomes of the development do achieve a favourable planning balance.

9. Conclusion

9.1 It is recommended that planning permission be granted subject to conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

SB for 16/07/19 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

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

2. Details of building materials to be used (Pre-Commencement Condition)

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to ensure that the highest quality materials are used to protect the character and setting of the locally listed building.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

4. Construction Management Plan (Pre-Commencement)

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

- (a) parking of vehicles of site personnel, operatives and visitors to avoid the obstruction of the footway and carriageway of Portswood Road and Highfield Lane fronting the site;
- (b) loading and unloading of plant and materials to avoid the obstruction of the footway and carriageway of Portswood Road and Highfield Lane fronting the site;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;

- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning;
- (g) details of how noise emanating from the site during construction will be mitigated;

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

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

5. Energy & Water (Pre-Commencement)

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

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2011)

6. Energy & Water (performance condition)

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

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

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

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

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

8. Noise & Vibration (internal noise source) (Pre-Commencement)

The use hereby approved shall not commence until sound insulation measures against internally generated noise and vibration have been provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter retained as approved.

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

9. Extract Ventilation (Pre-Commencement)

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

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

10. Obscure Glazing (Performance Condition)

Before the development is first occupied, all windows in the rear (north-west and north-east) elevations of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level. Furthermore, the moveable partition screens serving the bedrooms shall be provide in accordance with the approved plans. The windows shall be thereafter retained in this manner.

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

11. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage and ventilation arrangements to the integral store for refuse and recycling, together with the access to it and management servicing plan for the collection of refuse by a private operator and to be serviced by vehicles not outside the traffic light controlled junction adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The storage and management servicing plan shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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

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

12. Cycle storage facilities (Pre-Occupation)

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

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

13. No Partition wall/screen for bedroom (Performance)

Notwithstanding the submitted plans, there shall be no dividing partition structure installed between the main living area and the bedroom at any time.

Reason: In the interests of protecting the living conditions of the future occupiers by avoiding the creation of internalised living spaces without a direct source of natural day light and to ensure that the flats achieve the nationally prescribed internal floorspace standard.

14. Approved Plans

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

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

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

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

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

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

Stage 1 - details of the plan or project

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

connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by

Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

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

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

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE4	Locally Listed Buildings
H1	Housing Supply
H7	The Residential Environment
REI4	Secondary Retail Frontages
REI5	District Centres

Supplementary Planning Guidance

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

Other Relevant Guidance

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

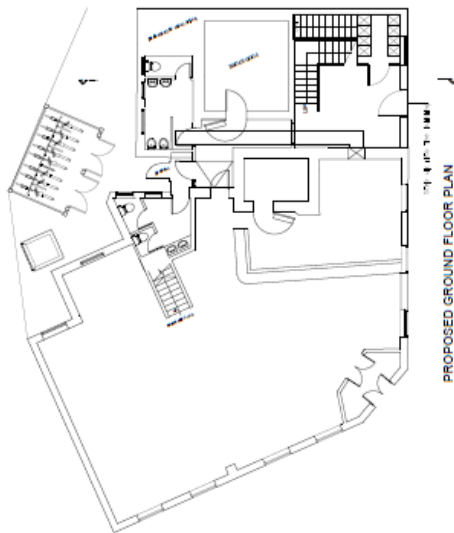
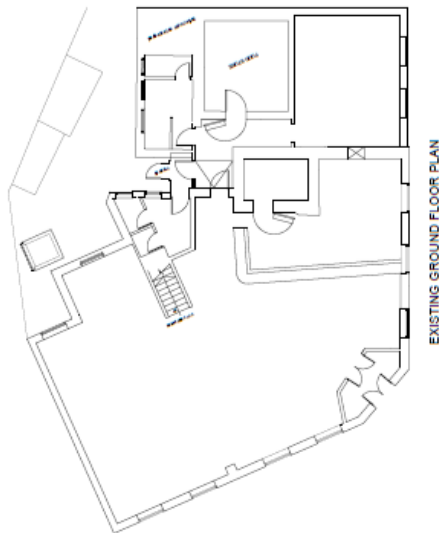
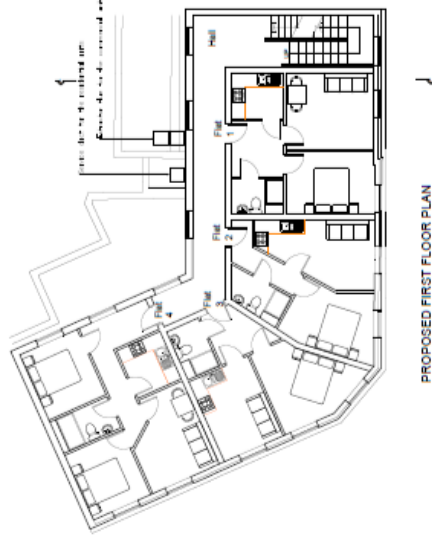
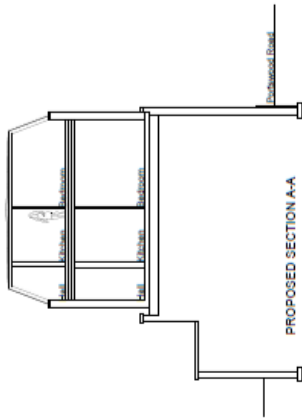
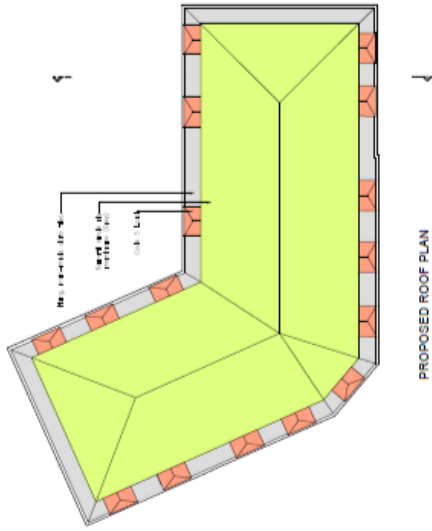
Relevant Planning History

17/00005/FUL – Withdrawn 24.03.2017 (*see Appendix 4*)

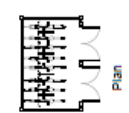
Erection of additional two storeys above existing building to create 8 flats (6 x one bed and 2 x two bed) with ground floor alterations to facilitate access

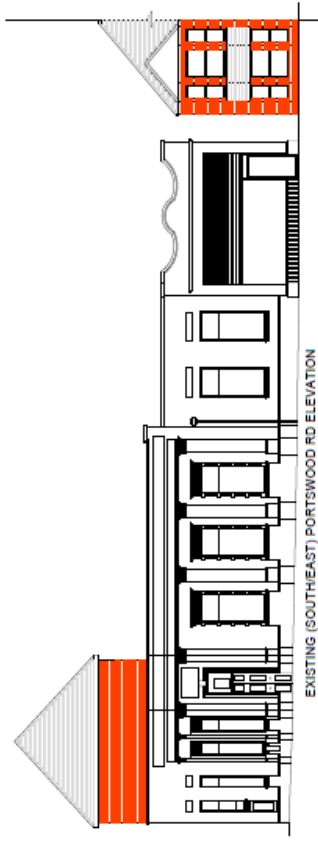
16/02101/FUL – Conditionally Approved 17.03.2017

Change of use from bank (Class A2) to a restaurant/Cafe (Class A3) and installation of extraction flue.

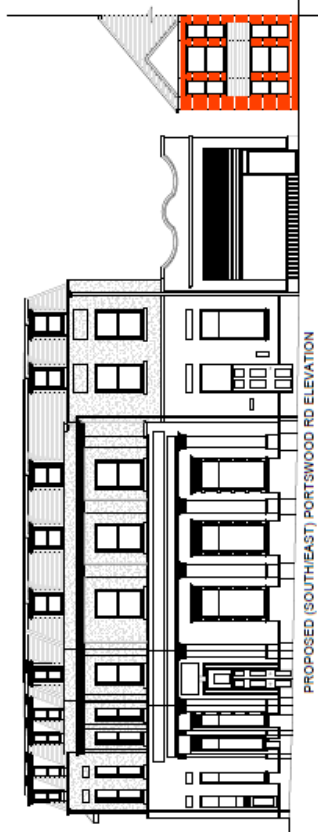


ELLIS AND PARTNERS ARCHITECTS 267-271 Periswood Road Solihull Parkway SOLENTON SOLIHULL B37 7YU Tel: 0121 717 1100 Fax: 0121 717 1101 www.ellisandpartners.co.uk	
PROJECT:	267-271 Periswood Road Solihull Parkway SOLENTON SOLIHULL
DRAWING NO.:	EXISTING and Proposed Floor Plans
DATE:	PP-001 A

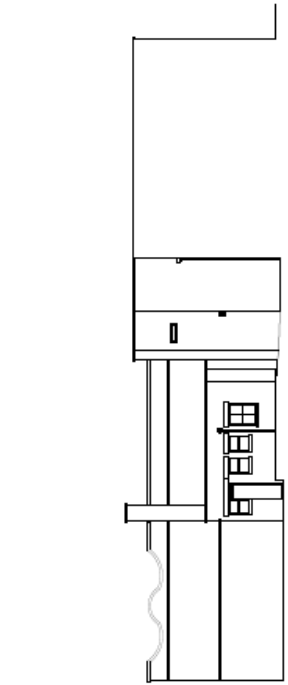




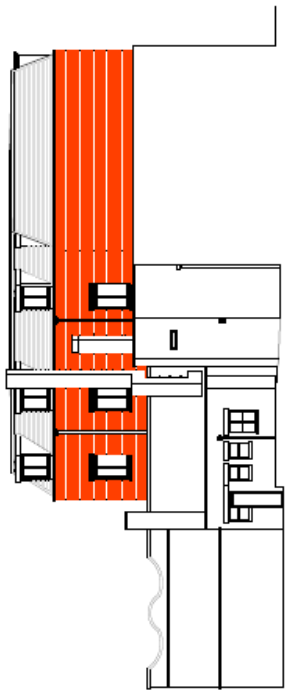
EXISTING (SOUTHEAST) PORTSWOOD RD ELEVATION



PROPOSED (SOUTHEAST) PORTSWOOD RD ELEVATION



EXISTING (NORTHWEST) ELEVATION

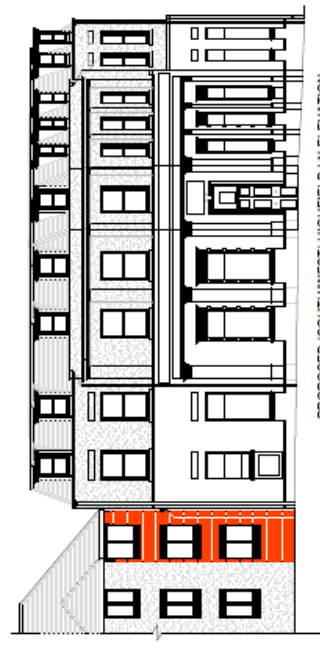


PROPOSED (NORTHWEST) ELEVATION

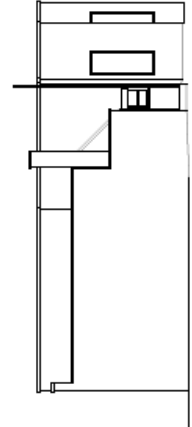


EXISTING (SOUTHWEST) HIGHFIELD LN ELEVATION

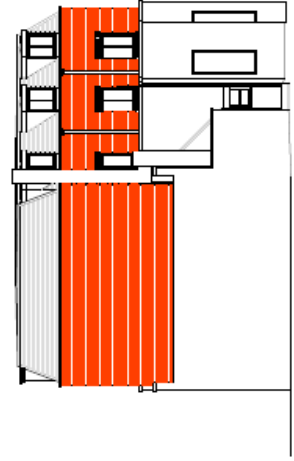
SCALE: 1/8" = 1'-0"



PROPOSED (SOUTHWEST) HIGHFIELD LN ELEVATION



EXISTING (NORTHEAST) ELEVATION



PROPOSED (NORTHEAST) ELEVATION

Drawn	Checked	Date
 ELLIS AND PARTNERS ARCHITECTURE • INTERIORS • EXTERIORS • LANDSCAPE ARCHITECTURE 267-271 Portswood Road SOLIVILLA PHILADELPHIA, PA 19106 Phone: (215) 382-1100 Fax: (215) 382-1101 www.ellisandpartners.com		
PROJECT	267-271 Portswood Road	
LOCATION	SOLIVILLA	
DRAWING TITLE	EXISTING and Proposed ELEVATIONS	
DATE		
PP-102		