

**Planning and Rights of Way Panel 14<sup>th</sup> March 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> Mayfield Car Sales, Archery Road, Southampton			
<b>Proposed development:</b> Redevelopment of site with the erection of 8 x dwellings (6 x 3-bed and 2 x 4-bed) and associated access and parking			
<b>Application number:</b>	22/00351/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	08.06.2022	<b>Ward:</b>	Woolston
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Blatchford Cllr Stead Cllr Payne
<b>Referred to Panel by:</b>	n/a	<b>Reason:</b>	n/a
<b>Applicant:</b> Mr Richard Darch		<b>Agent:</b> n/a	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, SDP23, H1, H2, H7, HE6 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Parking Survey		

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to (a) the receipt of an amended site plan to show convenient refuse storage for general, recycling and garden waste, and secure cycle storage for all dwellings, (b) the planning conditions recommended at the end of this report and (c) the completion of a S.106 Legal Agreement to secure:
  - i. Completion of a successful Traffic Regulation Order (TRO), with the applicants to pay all the Council's reasonable administrative charges in connection therewith, for double yellow lines within Archery Road on both sides of the street down to Weston Lane roundabout.
  - ii. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to provide financial contributions towards sustainable transport measures in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
  - iii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iv. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of 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 ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

- 1.1 This application site has an area of 0.16 hectares and comprises land formerly used as car sales and ancillary repair/MOT garage workshop known as the Mayfield Garages. The site mainly comprises of hardstanding enclosed by a wire mesh fence at the front of the site with a single storey garage building set back towards the rear boundary. Situated on the east side of Archery Road with a bus stop adjacent, the commercial site is located within a suburban residential area characterised by a mixed

style of two storey housing. The rear gardens of the Ticonderoga Road properties are elevated approximately 2-3 metres above and overlook the rear of the site. Two storey dwellings with front driveways are located on the opposite side of Archery Road. The northern boundary of the site (separated by a footway) sits alongside the dense tree canopy of Shoreburs Greenway (designated as Site of Importance for Nature Conservation & Ancient Woodland).

- 1.2 The Tree team subsequently served notice on adjoining landowners (8<sup>th</sup> December 2022), including the applicant, that a Tree Preservation Order has been made on the adjacent Oak tree which overhangs the site (and the order will be confirmed in 6 months). There is also a group of tall conifer trees along southern boundary and adjacent to no. 1 Ticonderoga Gardens creating mature vegetation screen between the site which are not protected by a Tree Preservation Order.

## 2. Proposal

- 2.1 The proposal seeks to redevelop the vacant commercial site into 8 family dwelling houses with a mix of 6 x 3 bed & 2 x 4 bed accommodation. The scheme would have a density of 50 dwellings per hectare (dph) with a 53% site coverage of buildings and hard standing. The proposal incorporates a total of 8 parking spaces (1 per dwelling) within two courtyard areas, served by new access points (vehicle crossover in existing footway) with the existing dropped kerbs reinstated. The existing bus stop outside the site will stay in the same location.

- 2.2 The garden sizes and floor area for each plot is set out in the table below. This is compared against the minimum floorspace set out in Nationally Described Space Standards (NDSS) and the minimum garden sizes of 50sqm (terrace) & 70sqm (semi-detached) per dwelling set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). All dwellings are fully compliant with the exception of Unit 7's garden

Plot	Floor Size & Garden size (sqm) - PROPOSED	National Internal Standard & Minimum Garden (sqm)
1	107 & 59	84 & 50
2	107 & 62	84 & 50
3	107 & 61	84 & 50
4	107 & 71	84 & 50
5	107 & 65	84 & 50
6	107 & 55	84 & 50
7	124 & 61	97 & 70
8	124 & 133	97 & 70

- 2.3 Over the course of this application submission, the layout of the development has been amended to address:-
- Impact on the root protection area of the protected Oak tree adjacent to the north boundary of the site – *plots 1 and 2 have been moved out of the root protection area to prevent harm to the tree from groundworks;*
  - Overlooking and loss of privacy due to the back to back separation distance

between the first floor windows of the adjacent properties in Ticonderoga Gardens – *introduction of fixed shut and obscured glazed windows on the rear elevations of plots 1-6;*

- Improved safety of access and turning space for the parking areas; and
- Improved design of plots 7-8 – *hipping main roof and better elevational treatment of side elevation as a corner house.*

2.4 In response to the concerns raised by local residents in relation to additional pressure to local street parking due to the overspill demand of the proposed development, the applicant has also undertaken a parking survey (Wednesday 12<sup>th</sup> and Thursday 13<sup>th</sup> October 2022) to assess the local kerbside parking capacity (**see Appendix 3** – *a clearer copy of the Survey will form part of the Panel presentation and can be viewed on the Council's Public Access webpages*). At the time of writing this report, neighbours were re-notified for 14 days to comment on the amended plans and new information received. Any further public comments in addition to those already received will be verbally reported at the Panel meeting.

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

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

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

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

4.1 There is no relevant site planning history.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (22.04.2022). At the time of writing the report **16 objections** have been received from surrounding residents. Local residents were notified on 23.02.2023 for 14 days to comment on the amended plans received. The following is a summary of the points raised:

#### **5.2 Overdevelopment of site Response**

National planning policy seeks to make the best use of previously developed land. The proposed 50 dph density and 53% plot coverage ratio of the overall site will not be out of character with the varied style and pattern of housing development in the

local area, including examples of higher density and compact terraced plots in Bevan Close (for example at 100dph) and complies with the standards for new housing set out in the Development Plan and approved Residential Design Guide (RDG). As such, 8 dwellings is an appropriate level of housing on the land available and, therefore, would not be overdevelopment of the site.

- 5.3 ***No electric charging points provided. Overspill and road safety impact from additional demand of the development will put further pressure on street parking due to the lack of on-site parking provided. This includes potential for accidents outside the site on Archery Road where cars have hit parked vehicles and buses. There are historic incidents of accidents in relation to Bevan Close junction due to excessive speeds and 2014 investigation by the Council into car speeds which led Archery Road being designated a Speedwatch site. Adding parking restrictions outside of the development will only relocate the issue, leading to cars overwhelming neighbouring Bevan Close and Ticonderoga Gardens. Only 2 spaces per dwelling would be suitable for this location akin to the properties opposite in Archery Road.***

**Response**

The concerns from neighbours around car parking and highway safety are noted. It should be noted that since June 2022 it is a Building Regulations requirement under Part S to provide electric vehicle (EV) charging points for new dwellings with a minimum of 1 EV charging point for every parking space.

The access and parking layout has been designed in consultation with the Council's Highways team. The Highways team have raised no objection to the impact of the development on road safety. This is subject to the S106 agreement securing a contribution for Traffic Regulation Order (TRO) to implement additional double yellow lines along the frontage to protect the bus stop and bus's swept path from overspill parking generated, with restrictions also towards the south to prevent kerb side parking where highway safety can be affected. This mitigation is deemed necessary on highway safety grounds to prevent parking interrupting the freeflow of pedestrians on the associated footpaths.

The Council's adopted Parking Standards SPD shows the site is located in a non-high accessibility zone. The provision of the 8 on-site parking spaces (1 for 1 dwelling), is less than the maximum car parking standards (18 spaces for this housing mix – 2 spaces per 3 bed and 3 spaces per 4 bed dwellings), but can be accepted under the adopted parking policy to encourage less car ownership and more reliance on use of sustainable modes of transport. A 1 space per dwelling provision makes best use of this previously developed site whilst providing all access with an off-street parking space. The 2021 census data in Southampton for car ownership levels on ward by ward basis is not yet published, but in 2011 29.5% of households in Woolston had no vehicle, 45.2% had access to a single car, and 25.4% of households had access to 2 or more vehicles. So whilst it is unlikely that residents of every dwelling will have 2 or more cars it is recognised that some parking overspill may occur. In accordance, with the Parking Standards SPD the applicant has also undertaken a parking survey (on Wednesday 12<sup>th</sup> and Thursday 13<sup>th</sup> October 2022) to assess the capacity of kerbside parking of streets within 200m of the site including Archery Road, Ticonderoga Gardens and Bevan Close. The parking survey results shows that the 10 space shortfall (when assessed against maximum standards) can be adequately

absorbed by the street parking available in these nearby streets without detriment to the local residents by displacing existing parking. This takes in account parts of Archery Road which would be unavailable due to the future parking restrictions to be secured through the recommended TRO.

- 5.4 ***Loss of privacy to adjoining properties of Ticonderoga Gardens on higher land due overlooking from the proximity of the first floor windows of the proposed dwellings. The use of obscure glazing will prevent overlooking given the windows can be easily changed/opened.***

**Response**

The applicant has amended the plans to show the first floor rear windows of plots 1-6 to be top light opening only and fixed shut up to a cill level of 1.7m above the internal floor level. In order to prevent direct overlooking over the backs of the adjoining properties in Ticonderoga Gardens which ranges from a back to back separation distance of 26 to 21 metres and separation ranging from 10 to 12 metres from the rear end of the neighbouring gardens (with garden lengths of no. 23 to 26 Ticonderoga Gardens ranging from 10 to 14m). This will be secured by condition.

- 5.5 ***Concerns that the retaining wall to be installed along the boundary with the higher up adjoining properties in Ticonderoga Gardens will not be structurally safe. Additionally, construction of site levels and retaining wall will require the removal of 50 year old conifer trees along the boundary of no. 1 Ticonderoga Gardens resulting in the loss of privacy of the neighbours.***

**Response**

To ensure the structural integrity of the raised gardens of Ticonderoga Gardens properties adjoining the site is adequately maintained, full details of the structural specification and timetable for installation during construction will be secured by condition with reserved details to be reviewed by the Council's Building Control and Structural Engineering Teams (see condition 9). Cutting back trees overhanging the applicant's land can be done under civil law.

- 5.6 ***Loss of light to Ticonderoga Gardens properties.***

**Response**

The separation distance and siting of the plots to the south-west in relation to the elevated properties in Ticonderoga Gardens will ensure that there is no excessive overshadowing during the day or undue loss of natural light enjoyed by the neighbouring occupiers.

- 5.7 ***Health concerns and disturbance to neighbouring occupiers due to pollution from noise, dirt and dust during construction.***

**Response**

Recommended conditions 3 and 4, as set out at the end of this report, would secure a construction management plan to minimise dust and noise impacts and limit the daytime construction hours.

- 5.8 ***Potential flooding and drainage issues***

**Response**

Southern Water have raised no objection to the impact on drainage/sewer network. The site is not located in an area of high flood risk (zone 1). The development would have to comply with the drainage requirements under Building Regulations part H.

5.9 **Loss of property value**

**Response**

This is not a valid material consideration for the Planning system.

**Consultation Responses**

5.10

Consultee	Comments
Highways	<p><b>No objection</b> following receipt of amended plans, providing a TRO secures double yellow lines to prevent parking to the front of the dwellings that may obstruct pedestrian movements.</p> <p><b>Officer Note:-</b>                      In the interests of mitigating the highways safety impact of the development from controlling overspill parking on Archery Road, the Highways team requires no waiting restrictions through the making of a Traffic Regulation Order (TRO) for double yellows on both sides of Archery Road to the Weston Lane roundabout. This will follow council procedure for making such orders. The applicant will be required to fund the Traffic Regulation Order making process. The applicant has agreed to the TRO. Condition 20 requires the order to be made prior to the commencement of development.</p> <p><i>Further comment received on 02.03.23 on Archery Road regarding Transport Central Funding (TCF) project north of the site to provide traffic calming measures:-                      The access on the northern parking courtyard will not prejudice the proposal for the TCF as currently designed. This will work in combination with the double yellows to secured under the S106 Traffic Regulation Order to address highways safety impacts of the development to protect the flow of buses and access to the bus stops and also to ensure visibility is clear for both access points to the new development.</i></p>
SCC Design team	<p><b>No objection</b> to the layout, form and massing of the dwellings. Improvements to the landscaping and creating corner house features on the plots facing side on to parking areas and Archery Road have been delivered.</p>
Environmental Health	<p><b>No objection</b> subject to conditions:-</p> <ul style="list-style-type: none"> <li>• construction management</li> <li>• a noise assessment will determine the necessary glazing standard as to protect against road noise and allow the WHO guidelines for noise levels in habitable rooms to be met.</li> <li>• Provision for storage of waste bins is to be made as to ensure bins are not stored on the street except for collection days.</li> </ul>
SCC Tree Officer	<p><b>No Objection</b> following amended plans received:-                      I am in support of the properties being kept away from the native</p>

	<p>woodland and outside of the RPA of the adjoining trees, however there will be a requirement for an arboricultural method statement and impact assessment for the new proposal to include the installation method and type of surface that will be replaced within the RPA. The existing can be removed and a new surface installed, however there is to be no excavation below the current sub base. Work in these areas will require an appointed arboricultural consultant to be employed to oversee the installation.</p> <p>Details regarding tree protection are required as the current surface is likely to be removed during the development, therefore any exposed areas within the RPA will require fencing or ground protection. If it is retained for a period of time, then the canopy extent of the neighbouring trees will require protection from impact damage. As mentioned, all of this detail should be included in the updated arboricultural report.</p> <p>The points that I am <u>not</u> in support of are the installation of low level walls adjacent to unit 1 as these will require a level of excavation within the RPA to install a foundation. Therefore these should be replaced with a lesser impact design, such as railings with small post holes for attachment. Whatever design is chosen, it will need to be within the AMS and AIA.</p> <p>Secondly, I would like to see a change to the planting scheme. It is not very imaginative and is a monoculture of tree species. I am in support of Acer campestre, but not a cultivar so would prefer just the native Acer campestre to be planted alone with other species. I do understand that the trees closest to the properties will require a cultivar, so it is accepted in this area, but I would like to see more diversity in the planting scheme.</p> <p><u>Officer Response</u>  <i>The methodology of tree protection/landscaping and changing to less ground intrusive boundary treatments within the root protection area can be secured via a pre-commencement condition. The applicant has acknowledged the TPO made on the adjacent oak tree in December 2022.</i></p>
Sustainability	<b>No objection</b> subject to water and energy use improvements
Southern Water	<b>No objection</b>
SCC Contamination	<b>No objection</b> subject to investigation of contaminated land risk
Hampshire Swifts	Request that one integral swift nesting brick is used per dwelling – an informative has been added to the conditions below.

**6.0 Planning Consideration Key Issues**

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



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

## 6.2 Principle of Development

6.2.1 The principle of additional housing is supported. There is a need for genuine family housing across the City. The site is not allocated for additional housing nor safeguarded for employment use, but the proposed dwellings would represent windfall housing development on previously developed land. 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. The loss of employment opportunities will be significantly outweighed by the benefits of boosting family housing delivery in the city on previously developed land, whilst a future residential use on the small site would be more compatible in planning use terms than a light industrial/retail use within this residential area.

6.2.2 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"]

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

6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in low accessibility locations such as this, density levels should generally accord with the range of 35-50 dwellings per hectare (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 50 dph which, whilst accords 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.

### 6.3 Design and effect on character

- 6.3.1 The redevelopment of this car sales sites within this suburban residential area would remove a non-conforming use, with the potential for harmful impacts, and introduces a mixed residential development to address Archery Road. This approach would be in keeping with the character and layout of the surrounding residential area.
- 6.3.2 Since the submission of the application the design and layout of the development has evolved to respond to the constraints of the adjacent oak tree, and improve the visual relationship of the plots with Archery Road.
- 6.3.3 The proposed 8 no. two storey dwellings, configured into two terraced groups and a semi-detached pair, would not be out of character with the mixed style and pattern of housing development in Bevan Close, Archery Road and Ticonderoga Gardens. The configuration of the plots with a modest density and site coverage optimises the delivery of family housing on the site whilst taking care not to over-develop the land available. The parking courts either end of the development have opportunities for planting and railings to soften the impact of the hardstanding in the street scene (to be agreed through the landscaping condition). As shown by the street scene plan submitted, the close proximity of the front building line combined with the strong horizontal rhythm of the terraced dwellings and corner house bay feature of plot 7 will create a positive connection and residential feel in Archery Road. Furthermore, this would be a significant improvement over the stark appearance of the existing tarmacked commercial site. As such, the proposed development is not considered to adversely affect the visual amenity of the local area.

### 6.4 Residential amenity

- 6.4.1 The back to back relationship of plots 1-6 with nos. 23 to 26 Ticonderoga Gardens has a separation distance ranging from 21 to 26m, and a height difference of 2 to 3m. The back to back privacy distances under paragraph 2.2.6 in the Residential Design Guide states that minimum 21m back to back distance should be increased by 2m for every 1m rise in ground level and, therefore, require at least a separation of 27m. The back to back separation distance ensures the gardens of the proposed dwellings have an acceptable level of privacy, however, it is recommended that the rear first floor bedrooms should be obscured glazed and fixed shut up to 1.7m above the internal floor level to prevent direct overlooking between the neighbouring occupiers (as recommended by condition and to be retained for the lifetime of the dwellings). Despite the lower part of the rear bedrooms having an obscure glazed outlook these rooms would still have an upward outlook towards the sky, as such the living environment would be acceptable overall for plots 1-6 as family dwellings given the other 2 bedrooms will have clear glazed windows and the ground floor spaces are free from restriction. The orientation of plots 7-8 will ensure there is no direct overlooking of the neighbouring properties in Ticonderoga Gardens. The front to front overlooking between the properties on the opposite side of Archery Road would not be uncommon in an urban area.
- 6.4.2 The orientation of the plots (to the south west of Ticonderoga Gardens) and separation distances between the neighbouring dwellings would maintain adequate access to outlook and light for the neighbouring occupiers, especially given the side by side relationship of plot 8 with no. 1 Ticonderoga Gardens and the elevated height of

Ticonderoga Gardens and their boundary treatments. To maintain the stability of the elevated land of Ticonderoga Gardens, the applicant will need to employ a structural engineer post permission to carry out a detailed design and structural calculations of the retaining wall installed along the boundary perimeter. This can be agreed via pre-commencement conditions in consultation with the Council's Structural Engineers.

- 6.4.3 Referring back to the table in paragraph 2.2, 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) and the minimum garden sizes set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). All the plots comply with these standards apart from a slight deficiency of the garden size by 9sqm for plot 7. That said, the 61sqm rear garden would be fit for purpose in terms of privacy and usability for a family.
- 6.4.4 As such, the proposed development would not adversely affect the living conditions of existing and future occupiers and has been assessed as complying with saved Policy SDP1(i).

#### 6.5 Parking highways and transport

- 6.5.1 The access and parking layout has been designed in consultation with the Council's Highways team throughout the evolution of the design. The Highways team have raised no objection to the impact of the development on road safety and the additional trips to the local network. This is subject to a completed S106 agreement to secure a financial contribution for a TRO to implement additional double yellow lines along the frontage to protect the bus stop and bus's swept path from overspill parking generated, with restrictions also towards the south to prevent kerb side parking where highway safety can be affected. The details of cycle and bin storage/collection will be secured via condition.
- 6.5.2 The Parking Standards SPD shows the site located in a non-high accessibility zone. Archery Road is served by a frequent bus service to the city centre and Woolston district centre shopping area. The provision of the 8 on-site parking spaces (1 for 1 dwelling), less than the maximum car parking standards (18 spaces for this housing mix – 2 spaces per 3 bed and 3 spaces per 4 bed dwellings), can be supported under the adopted parking policy with the aim to reduce car use and encourage use of sustainable transport. The 2021 census data in Southampton for car ownership levels on ward by ward basis is not published yet but the report details above the car ownership for Woolston at the date of the last Census. In line with the aims of Core Strategy policies CS18 (Transport) and CS19 (Parking), the suggested S106 agreement will require a financial contribution towards bus stop improvements for north bound bus stop including RTI (Real Time Information) to promote and encourage sustainable travel and reduce private car trips.
- 6.5.3 In accordance with the Parking Standards SPD, the applicant has undertaken a parking survey (on Wednesday 12<sup>th</sup> and Thursday 13<sup>th</sup> October 2022) to assess the capacity of kerbside parking of streets within 200m of the site including Archery Road, Ticonderoga Gardens and Bevan Close. The parking survey results shows that the 10 space shortfall can be absorbed by the capacity available in nearby streets without detriment to the amenity of nearby residents by displacing street parking available. This discounts parts of Archery Road which would be unavailable due to future parking

restrictions.

6.5.4 As such, the impacts of parking overspill and access of the proposed development will not adversely affect road safety and residential amenity, whilst the financial contributions to be secured under the S106 will ensure that the Council can control highways safety impacts arising from future occupiers parking on Archery Road, and will secure improvements to local bus stop infrastructure to encourage more use of sustainable transport and less car use. Furthermore the risk of parking overspill as a consequence of providing a level of car parking below the maximum car parking standards is outweighed by the merits of the scheme when applying the tilted balance in favour of housing delivery.

#### 6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 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. The requisite contribution will be secured via the S106,

### 7. Summary

7.1 The principle of new residential development is considered acceptable. The proposed development optimises the delivery of family housing on this previously developed and vacant site, and would remove a non-conforming commercial use within this suburban residential area. It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, as set out in this report.

7.2 Taking into account the benefits of the proposed development, the limited harm arising from the conflict with the policies in the development plan as set out above, would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

### 8. Conclusion

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

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

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

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

**Stuart Brooks for 14.02.23 PROW Panel**

**PLANNING CONDITIONS to include:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Monday to Friday	08:00 to 18:00 hours
Saturdays	09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

**05. Land Contamination investigation and remediation (Pre-Commencement & Occupation)**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

- 1. A desk top study including;
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above

- an initial conceptual site model of the site indicating sources, pathways and receptors
- a qualitative assessment of the likely risks
- any requirements for exploratory investigations

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

#### **06. Water Efficiency (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 of 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of 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. The appliances/fittings to be installed as specified.

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) and to minimise the impact on Solent SPAs by reducing nitrate emissions.

#### **07. Landscaping (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; hard surfacing materials to include a non-permeable surfacing to prevent surface water run off onto the adjoining parking courtyard;

- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment and means of enclosure and;
- iv. a landscape management scheme.

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

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

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

#### **08. Site Levels (Pre-Commencement)**

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

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

#### **09. Retaining Wall (Pre-Commencement)**

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



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

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

Notwithstanding the approved plans, before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

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

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

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

Reason: In the interest of visual and residential amenity.

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

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

Prior to the occupation of the dwelling hereby approved, the approved access and parking shall be provided in accordance with the approved plans, and shall thereafter be retained for the duration of the lifetime of the development. Parking shall be allocated at 1 parking space maximum per dwelling. In particular, the access provided shall be a vehicle crossover in existing footway in accordance with the agent's email received on 20<sup>th</sup> September 2022. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level adjacent to the site entrance where otherwise shown on the approved plans.

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

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

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

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

- 14. Residential - Permitted Development Restriction (Performance Condition)**  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:  
Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof alteration),  
Class C (other alteration to the roof),  
Reason: To protect the living conditions of the future occupiers given the small size of the plot and in the interests of residential amenity and visual amenities of the area.
- 15. Ecological Mitigation Statement (Pre-Occupation)**  
Prior to occupation of the development hereby approved, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme prior to occupation. This shall include a swift nesting brick in each dwelling. The agreed mitigation measures shall be thereafter retained as approved for the lifetime of the development.  
Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.
- Note to applicant: The Hampshire Swifts have requested that this mitigation incorporates swift boxes.*
- 16. Use of uncontaminated soils and fill (Performance)**  
Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.  
Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development
- 17. Obscure Glazing (Performance)**  
The first floor level rear bedroom windows of the dwellings in plots 1-6, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.  
Reason: To protect the amenity and privacy of the adjoining property.
- 18. No Other Windows or Doors (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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the rear elevations of the dwellings in plot 1-6 without the prior written consent of the Local Planning Authority.

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

**19. Stop up access (Performance)**

Prior to the first occupation of the dwelling hereby approved, the existing lowered kerb accesses from the site to Archery Road shall be permanently stopped up with a raised kerb.

Reason: In the interests of highway safety.

**20. Traffic Regulation Order on Archery Road (Grampian Condition)**

The development hereby approved shall not be commenced until a Traffic Regulation Order has been made by the Council to provide no waiting restrictions on both sides of Archery Road (adjacent to the site and south of Bevan Close) to the Weston Lane roundabout.

Reason: In the interests of highways safety.

**21. Approved Plans (Performance)**

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

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