

# Planning and Rights of Way Panel

Tuesday, 25th January, 2022  
at 4.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic Centre

This meeting is open to the public

### **Members**

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

### **Contacts**

Ed.grimshaw@southampton.gov.uk  
023 8083 2390 / 07385 416491

## ADDITIONAL INFORMATION AND PRESENTATIONS

**5 PLANNING APPLICATION - 21/01027/FUL - UNIT 5, 140 ABOVE BAR STREET**  
(Pages 1 - 12)

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

**6 PLANNING APPLICATIONS - 20/01716/FUL & 20/01717/LBC - 1A BUGLE STREET**  
(Pages 13 - 30)

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

**8 PLANNING APPLICATION - 21/01363/FUL - 17A BROOKVALE ROAD** (Pages 31 - 34)

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

Monday, 17 January 2022

Service Director, Legal & Governance



Gin and Olive  
140 Above Bar Street  
Southampton  
SO14 7DU

Planning and Rights of Way Panel  
Southampton City Council

By Email only: [ed.grimshaw@southampton.gov.uk](mailto:ed.grimshaw@southampton.gov.uk)

23 January 2022

Dear Councillors

## **GIN AND OLIVE SOUTHAMPTON**

I am writing to you in relation to our upcoming meeting with the Planning and Rights of Way Panel on Tuesday 25 January 2022 in regards to our above application to extend the opening times for our business which is situated at Unit 5 The Arts Complex Southampton SO14 7DU.

I thought that it would be helpful to let you have some background information regarding our business. Gin and Olive was first opened in Southsea, Portsmouth in April 2015 boasting the largest collection of Gin in Hampshire. Back then we had around 50 different gins on our menu and since then the gin market has soared and we now stock over 300 different gins in Southsea. Gin and Olive in Southsea does not just sell gin we stock a large spirit collection and also specialise in cocktails and non alcoholic spirits and cocktails. In addition we have a busy kitchen which serves a range of food from vegan risotto to our popular grill sharing board with four different cuts of steak.

The business is completely independent and is run by myself and my Partner. We use local suppliers where ever possible as we genuinely believe that small independent businesses should support each other.

Following the success of our Southsea bar and restaurant we looked at expanding and took time to research different city's and areas and we decided that we would like to open our next site in Southampton. Originally we had planned to lease a building in Oxford Street but when the opportunity arose to lease Unit 5 in the Arts Complex we carried out further research and decided that this building was more suitable for our business plan.

We entered into lease negotiations in July 2019 before the Covid pandemic hit and despite the pandemic and our business in Southsea being closed during lockdown we decided that we still wished to invest our money into Southampton and continued with our business plan.

Our business plan follows our established model in Southsea but on a significantly larger scale due to the size of the building. We have extended the mezzanine floor to provide an additional dining area and have 300 covers. Our kitchen is open until 11pm as we have found that there is a gap in the market for later night dining and this lends itself for a later closing time.

During 2021 we have undertaken some significant refurbish works to the unit the majority of which have been carried out by myself and a few selected tradesmen. You will be aware if you have walked past the building that you cannot see in the windows as these have been filmed out since before works commenced. This was done intentionally as we do not want people to see what has been created until we are able to open our doors.

From the few people who have been inside I have been blown away by their comments regarding the works including being told that people have never seen such a high quality finish on a bar and restaurant.

We pride ourselves on making sure that everything is done correctly and professionally. This includes adhering to all licences and policies.

Our new Southampton Bar and Restaurant will bring a new offering to Southampton for a high end bar and restaurant and will create over 40 jobs for the city ranging from skilled chefs and management positions to part time serving positions.

The size of the unit in the Arts Complex has enabled us to expand to over 1000 gins in stock and we have invested over £1.2 million pounds into the new business.

Our original business plan, which was approved by Southampton City Council as the superior Landlord, sought opening hours on Friday and Saturday's to 4:30am and we were not told that this was going to be an issue. However, after discussions with Licencing and Hampshire Police we were happy to adjust this to 2:30am and noted at that time that the building did not have correct planning to enable us to open past midnight. We were unaware that this was the case given that a number of the units in the Arts Complex trading past this time and the current licence for the premises enabled trading to 12:30am. It was agreed that we would submit an application to extend the planning closing time.

After a three hour hearing with the Licencing Committee it was agreed that we would close at midnight Sunday to Wednesday, 1am on Thursdays and 2am Friday and Saturday's as the councillors took into account the residents of Guildhall Apartments concerns of noise.

We were happy to accept these closing times and needed to wait for our Planning Application to be determined on 30 August 2021. There have been some ongoing delays

with the Planning Department which I will not go into here but the resulting position is that we have a meeting with the Planning Panel on Tuesday.

Within the Planning Report, which you will have read, the Planning Department are happy to support the application for the extended hours. However due to Policy AP8 noting the terminal hour of the Cultural Quarter should be 1am the Planning Department are not able to recommend the terminal hour being increased to 2am on Friday and Saturday's.

I have therefore been advised to approach the panel to explain why the later opening time should be granted as Policy AP8 does provide for exceptions.

I am aware that Policy AP8 forms part of the City Centre Action Plan and was adopted in 2015. At that time Above Bar Street was designated as an evening zone rather than a late night hub. The late night hubs being at Leisure World and Southern End of Royal Pier. However, since policy AP8 was adopted the nightclubs in Leisure World have closed and the largest nightclubs in the city are now Switch and Café Parfait creating a "late night hub" in Above Bar Street.

We are aware that Rebecca Handley from Go Southampton had a meeting with Paul Barton and Amber Trueman on 22 January 2021 to discuss the alterations to Policy AP8 and they confirmed over a year ago that it would be possible. We have also been provided with a copy of the letter to Kate Martin (former Director of Place at Southampton City Council) from Giles Semper of Go Southampton dated 22 November 2021 to request an urgent temporary alteration to AP8 was implemented to allow a further one hour of trading. I enclose a copy of the letter for your information.

It is therefore a high possibility that the policy AP8 terminal hour will be altered in the foreseeable future.

The Planning Department are aware that there are a number of premises in Above Bar Street who trade past their permitted planning conditions and past 1am and that one such business, Turtle Bay, which are opposite our business within the Cultural Quarter even advertise their opening hours past the times of their planning permission. I enclose a copy their advertised opening times on both their own website and Google listing. The Planning Department have also confirmed that no enforcements have been issued to these premises.

Planning Enforcement would avoid taking formal enforcement action where "there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area".

This must mean that Southampton City Council do not consider other premises operating outside of their planning permissions to cause any material harm or adverse impact. I would therefore argue that there would similarly be no material harm or adverse impact by our business closing at 2am on a Friday and Saturday.

However, we would not wish to breach our planning permissions and are therefore applying to extend this which is the correct and professional way to deal with matters.

I am aware that there are 38 apartments from the second floor up in the same building as our unit and that the development was always intended to be a mixed use site which means the needs of the residents need to be balanced with the needs of the commercial tenants.

The residents main concern is noise and disturbance to their enjoyment of their home which I completely understand and sympathise with. However, it must be noted that they did purchase a home within the city centre and that the majority of pubs, bars, nightclubs and restaurants were already located in Above Bar Street before their homes were built and that they would have been fully aware that there would be bars and restaurants situated on the ground floor of The Arts Complex. This is a compromise which they make for living in the city centre.

I have actively engaged with the residents when they first voiced their concerns to our Premises Licence application and invited the residents to visit the premises and see for themselves what we have built and how much we have invested into the site. Only three of the thirty eight flats attended.

After the Premises Licence hearing I was contacted by Stephen Garlick who runs the Guildhall Apartments Tenants Association (GATA) to congratulate us on obtaining our licence and you will see from the email enclosed I have asked that should any residents have any issues once we open they make us aware of their concerns directly so that we may address these and I have asked Stephen Garlick to facilitate this in his role as Chairman of the GATA. Since then I have engaged with Stephen Garlick and another resident and even provided our CCTV to assist the residents.

During the refurbishment works I have sought to ensure that all noise mitigation has been put in place. I have installed a decibel reader and the stereo is set to cut out if it goes above 110 db and in addition speakers are mounted to reduce any vibration.

To minimise noise disturbance outside the premises no music will be played outside and it has already been agreed with Environmental Health that the doors will remain closed except for access and egress during any live music performance and after 11pm. The tables and chairs outside will not be used past 11pm. We will also not empty any glass between 9pm and 9am.

Furthermore we have a no queuing policy, if we do not have capacity for anyone they will not be able to wait outside the premises and will need to vacate the area and return should they wish to come back. We also have a dispersal policy and signs to ask customers to leave quietly. The premises licence contains a condition for no re entry after 1am and the music to be turned down 30 minutes before closing to encourage customers to wind down before leaving.

We believe that the closing time of 2am would also assist in staggering the leaving time of our customers and reduce the queuing for taxis as the taxi rank for the whole of Above Bar Street is situated outside our unit.

A closing time of 2am is supported by Hampshire Police and Licencing in line with the Premises Licence and Environmental Health with the conditions added to the Planning Department's Report and there have been no objections to the opening times from any other department who were consulted.

I do genuinely believe that we have created a fantastic business which will not only attract people from Southampton but also from further away and add to the Cultural Quarter once the planning permission has been granted and we are able to open.

I will of course discuss this further at the meeting but I am aware that my speaking time is limited.

With Kind Regards

Yours Sincerely

*Anthony Ferreira*

Gin and Olive

Southampton Business Improvement District Limited

IncuHive Southampton  
182 High Street  
Southampton SO14 2BY  
Phone: 02380 003637  
Email: [info@gosouthampton.co.uk](mailto:info@gosouthampton.co.uk)  
Website: [www.gosouthampton.co.uk](http://www.gosouthampton.co.uk)

Kate Martin  
Executive Director of Place  
Southampton City Council  
Civic Centre  
Civic Centre Road  
Southampton  
SO14 7LY

22<sup>nd</sup> November 2021

Dear Kate,

RE: AP8 Policy

We are writing to request that the Council implements an urgent temporary alteration to the AP8 planning policy while we await a more fundamental review as part of the Local Plan process. Rebecca Handley's meeting with Paul Barton and Amber Trueman on 22<sup>nd</sup> January 2021 suggested that this is a possibility.

For several of our member businesses – we know of The Social, Crib, London Road Brewhouse, Gin & Olive, Grumpy Monkey, OX:47 Lounge and Rita's – the permitted closing time under AP8 is earlier than that permitted in their venue licences. The reason for this is that they do not fall into the two areas designated as 'late-night hubs' in the Local Plan but rather into areas designated as 'evening zones' which have a mandated closing time of 12 midnight (except in the Cultural Quarter where it is 1am). The two areas designated as 'late-night hubs' – Leisureworld and Royal Pier – are no longer relevant following the closure of Oceana at Leisureworld.

The impact of this situation is to move customers from a large number of city-centre venues to a much-smaller number of venues that are not subject to the AP8 policy and have later opening hours. In our view this increases the risk of conflict and criminality. If more venues could accommodate a smaller number of patrons in the early hours they could be managed more safely.

In our Local Plan response submitted in April 2020 we asked the Council to identify development opportunities aimed at creating a vibrant evening and night-time economy, and to review the licensing restrictions in the Bedford Place/London Road and Cultural Quarter areas. Now that Oxford Street is in the BID area we would also ask for it to be included. We believe that, by clustering venues together in these three areas and staggering closing times, management resources can be targeted more effectively. The BID is about to commission a Night-Time





Economy Strategy and also to embark on ATCM's Purple Flag accreditation process. Both initiatives should assist the Council and the BID in planning for a safer, better-managed future.

As I'm sure you know the city's night-time economy venues have been disproportionately impacted by the COVID-19 pandemic and have also seen a 31% increase in rateable values from the 2010 list to the 2017 ratings list. These pressures along with the restrictions imposed by the AP8 policy are having a significant impact on how businesses recover and whether new businesses open.

We acknowledge that the Local Plan process has a set timetable but would urge you to consider a temporary planning alteration. Even an extra hour of opening would make a considerable difference to the businesses concerned.

Yours sincerely,



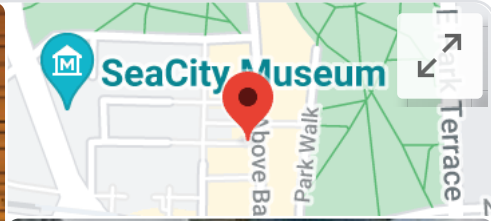
Giles Semper  
Executive Director

cc Cllr Dan Fitzhenry, Cllr Jeremy Moulton, Tim Keeping, Tracey Luff (Chair of Licensing Link), Gary Bennetton (Vice-Chair of Licensing Link), Paul Barton, Phil Bates, Rebecca Handley





See photos



See outside

# Turtle Bay Southampton

Website

Directions

Save

4.2 1,726 Google reviews

££ · Caribbean restaurant

A Caribbean-style shack with a modern exterior serving Jamaican jerk chicken and goat curry.

**Service options:** Dine-in · Takeaway · Delivery

**Address:** 1 Guildhall Square, Southampton SO14 7FP

<b>Hours: Tuesday</b>	<b>10am–11:30pm</b>
Wednesday	10am–11:30pm
Thursday	10am–12:30am
Friday	10am–1:30am
Saturday	10am–1:30am
Sunday	10am–1:30pm
Monday	10am–11:30pm

# **OPENING HOURS**

**SUN–WEDS: 10AM – 11.30PM**

**THURS: 10AM – 12.30AM**

**FRI – SAT: 10AM – 1.30AM**

## **BAY BREAKFAST CLUB**

**BREAKFAST + UNLIMITED HOT DRINKS & JUICE BEFORE MIDDAY**

## **BOTTOMLESS BRUNCH**

**EVERY DAY – LAST SITTING 3PM (5PM SUNDAYS)**

## **HAPPY HOUR**

**SUN–THURS: 10AM – 7PM & 9.30PM – CLOSE  
FRI & SAT: 10AM – 7PM & 10PM – CLOSE**

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## Re: Gin & Olive Southampton License Approval

1 message

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**Anthony Ferreira** <[anthony@ginandolive.co.uk](mailto:anthony@ginandolive.co.uk)>  
To: GATA Chairman <[GATAChairman@outlook.com](mailto:GATAChairman@outlook.com)>

Thu, Jul 29, 2021 at 6:49 AM

Dear Steve

Thank you for your email and we look forward to seeing you at the opening, we will let you know when we have set our opening date.

I completely understand that there were some genuine concerns about noise but I do feel that some comments were unjustified and some residents were not prepared to listen. As I said yesterday, I would much rather people communicate with us if there are any issues when we open if we are made aware of them then we can work to resolve them and perhaps this is something which you could facilitate on behalf of the residents as the Chairman of the Tenants Association.

I know that you could not attend on Sunday but please do let me know if you would like to pop in another time I would be happy to show you what we have built.

Kind Regards  
Anthony

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*Anthony Ferreira*



Mobile 07782 318 405  
E-mail [anthony@ginandolive.co.uk](mailto:anthony@ginandolive.co.uk)  
Website [www.ginandolive.co.uk](http://www.ginandolive.co.uk)

17 Albert Road, Southsea, Hampshire, PO5 2SE

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On Wed, Jul 28, 2021 at 11:37 PM GATA Chairman <[GATAChairman@outlook.com](mailto:GATAChairman@outlook.com)> wrote:

Dear Mr Ferreira

Congratulations on gaining approval for the license at Gin & Olive.

Once again please accept my apologies for not being able to visit the premises on Sunday, had I been available I would have certainly attended.

At the hearing, your statement in your closing remarks that you felt the residents of the apartments were attempting to thwart your efforts concerned me. I don't feel this is the case, rather their concerns regarding potential noise levels are both genuine and understandable. You are correct in that all residents do, I feel, accept that having chosen to live in the City centre they should expect some noise and other disturbance from time to time. On the plus side residents do of course have the benefits of having the facilities of the City on their door step. Therefore, your original request to play live music until 4am proved perhaps too unsettling.

I wish you every success with Gin & Olive and truly hope the business prospers. I certainly look forward to visiting when you open.

Best regards  
Steve Garlick  
Chairman, Guildhall Apartments Tenants Association

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Dear Democratic Services Team,

I have been invited to attend the virtual planning meeting on 25th January considering applications 20/01717/LBC and 20/01716/FUL. I do not wish to attend given the limited time available for speakers, which I am sure will be more than used up by other objectors.

Here therefore is a short statement for the panel as per the invitation, which states that:

> *The Council will accept a written copy of a short statement from registered speakers who do not wish to or cannot join the virtual Meeting or are unable to.*

(If it is necessary, I can send a separate email requesting to register to speak, and then follow up with a second copy of this short statement.)

(At time of writing, the attached documents have disappeared from these planning applications so I am unable to add more detailed references to them below.)

## **SHORT STATEMENT**

There is widespread concern from local residents living in the Bugle Street area about the plans to host events rather than simply converting this heritage building to flats or a hotel (as previously proposed). A summary of the concerns shared with me is given below, together with comments on deficiencies in the planning papers provided. These are in three areas: Noise Impact, Site Security and Fire Safety, and Disabled Access. I therefore believe that the application should be rejected, or delayed until improved planning papers are submitted which address these deficiencies.

### **Noise Impact**

The noise impact assessment discusses the likely noise levels of wedding ceremonies and celebrations. Can the planning committee enforce such a restriction? If not, the panel must consider the impact of other events, including louder parties such as a 21st birthday celebration. Any music should cease by a defined time such as 10pm to prevent nuisance to nearby residents. I believe that the suggested licensing hours given in the licensing plans (up to midnight midweek and 2am at the weekend) are wholly unacceptable and inappropriate. The Dancing Man over the road does not have such extended hours, neither for music nor drinking, and it is inevitable that some of their patrons will seek to move over the road if later hours are granted to 1A Bugle Street. Given the likelihood that event organisers may need to stay for a while after their party has finished, I believe it would be wise to impose earlier closing on 1A Bugle Street of the Dancing Man.

The noise impact statement appears to have assessed the impact of late night amplified music from the basement level only. Likewise the noise impact statement assumes the windows and doors of 1A Bugle Street remain closed. Can the planning committee enforce such a restriction? If not, then the impact of late night amplified music with open windows and doors must be considered.

The noise impact statement also assumes that "management will be required to control live/amplified music to acceptable levels". There is however no discussion in the site management plan concerning this point and it is not clear how acceptable levels will be enforced, nor that it is practical or possible to require doors and windows to be closed. If there are no employees on site, party-goers may bring their own equipment, thereby by-passing the "tamper-proof" limits enforced by the on-site equipment.

The noise impact statement moreover makes reference to the basement space being used up from 11pm until 7am in the morning, which is entirely unacceptable in a residential street. There is no doubt many party-goers will leave by taxi (particularly after midnight when few buses are running). There is no consideration in the noise impact statement of the impact on neighbouring properties of large numbers of people arriving or leaving in the middle of the night, and these highly

probable impacts are not considered in the transport document either. The transport document states that Mayflower Park has the closest parking spaces, but this is only open to cars during daylight hours. The transport document also refers to loading and unloading, which are not considered in the noise impact assessment. It is vital for nearby residents that all these potentially noisy on-street activities are restricted to reasonable hours such as 8am to 10pm.

Because of the deficiencies noted above, I believe the application should be rejected, or at least delayed until a new noise impact statement is completed, the site management plan updated to match its requirements, and the transport report extended to consider other on-street sources of late night and early morning traffic movements, noise, and other associated nuisances. Likewise the transport report should consider when loading and unloading may reasonably occur, and propose appropriate time limits.

### **Site Security and Fire Safety**

None of the plans discusses site security. What are the safe numbers of guests, and how will these be enforced? Who will monitor and manage entrance to the building while events are occurring? It is inevitable that passers-by and patrons of the Dancing Man or Kutis just over the road will be attracted by music and some will seek to gate-crash.

Likewise there seems to be little consideration of fire safety. What fire alarms and other protection systems will be installed? How will occupants evacuate in case of a fire, and will they be able to do so from the basement, given that the two fire escape routes from the underground event space are less than 5 metres apart. Sadly the last time the city allowed one of its heritage buildings to be used as a night club, fire broke out and destroyed it.

Because of the failures to consider security, safety, and fire risk, I believe the application should be rejected, or at least delayed until these are incorporated in the building and site management plans.

### **Disabled Access**

The access and heritage statement claims the site is highly accessible, but it is in fact very awkward for a wheelchair user, who is unlikely to be able to access the ground floor, let alone the basement, garden or higher levels of the property. The document also claims that the garden will remain the same, which I believe is also untrue.

Because of the failures to consider access by disabled users and to specify what planting may be permitted in the garden, I believe the application should be rejected, or at least delayed until these are incorporated in the access and heritage statement, and the building and site management plans.

Best wishes, Andy Gravell, Old Town Residents Association



Dear Mr Grimshaw,

We are pleased to give our mandate to Mr Ron Williamson to speak on our behalf (as residents of 1 Solent House) about continued concerns with proposed developments at 1a Bugle Street. Most of these concerns were previously raised in the submissions by Prof Marinos Elia on 12 Feb 2021 and 24 Oct 2021.

### **Noise**

- There are concerns that acoustic tests were inadequate, did not reproduce real life events, and were not made in Solent House (the nearest building to 1a Bugle Street). There is also concern that the noise from crowds and music, continuing until 3 am, would keep us awake, especially since our building is adjacent. Noise would come through air transmission and through our walls.

### **Parking at busy times**

### **Health and Safety issues**

- We are worried that there will not be adequate prevention and management of a range of potential health and safety issues including accidents, fights, drunk and disorderly behaviour, drugs, first aid, kitchen hygiene (see below).

### **Operational infrastructure**

- To prevent and manage these issues, we would like to know that a strong operational infrastructure is guaranteed, with a manager, sanitary staff, first aid routines, and a list of binding house rules.

### **Cooking smells, hygiene, rats**

- A point not mentioned in the previous submissions by Prof Marinos Elia concerns the proximity of our living room and bedroom to the kitchen of 1a Bugle Street. Cooking smells from either freshly cooked or re-heated food brought in could become part of our lives. Strict kitchen hygiene routines, including daily food waste disposal and appropriate new venting away from our property, would also provide some defence against smell pollution and increase of the existing neighbourhood rat infestation.

Sincerely,

Prof Marinos Elia and Dr Irene Elia

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# Agenda Item 6

## Appendix 3

Thank you for your letter dated 14 January 2022 saying that I could register to speak at the meeting of the 'Planning and Rights of Way' panel scheduled for 1600 tomorrow.

Unfortunately I won't be able to attend. I've spoken with my neighbour Mr Ron Williamson and understand that any presentation he makes any will reflect my views.

With ref to the comments I submitted on 27 October, a brief summary of my objection to the application may be summarised is:

- Lack of staff and management (No on-site oversight/control.)
- Late night disturbance – evening operational hours 'open ended'. Hours should be no greater than adjacent venues.
- The application uses the term 'sui generis'. This very loose term isn't defined but implies the property's use can be changed without seeking Council permission.
- Impact of noise
- Impact on traffic including lack of parking

Yours sincerely,

John Wright  
Bugle Street

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### Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	20/01716/FUL
<b>Application address:</b>	University Air Squadron 1A Bugle Street Southampton SO14 2AL
<b>Application description:</b>	Change of use of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01717/LBC).
<b>HRA completion date:</b>	18/01/2022

<b>HRA completed by:</b>	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	Rob Sims Planning Applications Team Leader Southampton City Council rob.sims@southampton.gov.uk

<b>Summary</b>
<p>The project being assessed is the conversion of an office building to form an events and wedding venue with 7 guest bedrooms. The development is located approximately 118m from the Solent and Dorset Coasts Special Protection Area (SPA), 950m from the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, 3.1km from the Solent Maritime Special Area of Conservation (SAC) and approximately 4.1km from the New Forest Special Area of Conservation (SAC), SPA and Ramsar site.</p> <p>The site is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in combination with residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site, and also the release of additional nitrogen and phosphorous, via waste water, which could affect the features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects which are likely in association with the proposed development can be overcome.</b></p>

<b>Section 1 - details of the plan or project</b>	
<p><b>European sites potentially impacted by plan or project:</b></p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> <li>▪ New Forest Special Area of Conservation (SAC)</li> <li>▪ New Forest Special Protection Area (SPA)</li> <li>▪ New Forest Ramsar site</li> <li>▪ Solent Maritime SAC</li> <li>▪ Solent and Southampton Water SPA</li> <li>▪ Solent and Southampton Water Ramsar Site</li> </ul>

<p><b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b></p>	<p>No – the development consists of a new hotel which is neither connected to, nor necessary for, the management of any European site.</p>
<p><b>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b></p>	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a> )</li> </ul> <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development 1a Bugle Street is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

## Section 2 - Assessment of implications for European sites

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

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 118m to the north of the Solent and Dorset Coast SPA, 950m to the east of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar and 3.1km to the east of the Solent Maritime SAC whilst the New Forest SAC, SPA and Ramsar site are approximately 4.1km to the south.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

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

- *New Forest Mitigation?*
  - 4% of the CIL contribution, which will be a minimum of £X,XXX, will be ring fenced for footpath improvements in the Lordsdale and Lordswood Greenways.
  - 1% of the CIL contribution, £XXX, will be allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- A contribution of £25,988 towards the Solent Recreation Mitigation Partnership.

The development will result in an annual increase of 48.52kg which will be added to the levels of nitrogen to be addressed by a strategic mitigation scheme once one has been developed.

### Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the provision of a 7 bed hotel and wedding venue located approximately 950m from the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, 1.85km from the Solent Maritime SAC and 6.3km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site

The site is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in combination with residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, waste-water generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

## Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

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

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

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

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

### **PERMANENT, OPERATIONAL EFFECTS.**

#### ***Recreational disturbance***

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

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

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

##### **Nightjar**

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

##### **Woodlark**

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



### **Dartford warbler**

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

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

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

The New Forest National Park attracts a high number of visitors (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 et al (2008), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away from the National Park boundary. 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).

The application site is located 6.3km from the nearest part of the New Forest SPA and Ramsar site and 4.9km from the National Park boundary in terms of linear distance and as such, residents of the proposed hotel would appear to fall into the category of local day visitors.

### **Characteristics of visitors to the New Forest**

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.

(Source: [www.nationalparks.gov.uk](http://www.nationalparks.gov.uk)).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs.

### **Car parking and accessibility**

The development consist of a 7 bed hotel and event space. There is no on-site car parking however, public car parks are available nearby.

## Mitigation

Although the likely frequency of recreational visits to the New Forest, arising from the proposed development is low, there is still the risk of recreational impacts. Southampton City Council has therefore undertaken to use 5% of Community Infrastructure Levy (CIL) contributions.

The majority of this money, 4%, will be used to upgrade footpaths and infrastructure in the City's greenways. The greenways are a series of wooded stream valleys within Southampton's urban area which provide opportunities for walks in a semi-natural environment.

However, even with good quality walking routes available within Southampton, the New Forest's draw as a special destination is likely to attract visitors from the Compass House development. It is therefore proposed that 1% of the CIL contribution will be used to fund the New Forest National Park Habitat Mitigation Scheme. This scheme involves the following elements:

- Access management within the designated sites.
- Alternative recreation sites and routes outside the designated sites.
- Education, awareness and promotion.
- Monitoring and research.

The development will result in a contribution of **£2,347** to pay for improvements within the two greenways and **£587** towards the New Forest National Park Habitat Mitigation Scheme.

## Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project's mitigation scheme, in collaboration with other Councils within the Partnership for Urban South Hampshire, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

Assuming the hotel always contains a number of visitors there will be a net increase in population of the city which could lead to significant impacts on the Solent and Southampton Water SPA. There is therefore the risk that the development, in-combination with residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. The likelihood of recreational impacts occurring is clearly linked to visitors' ability to access the coast. Results from the Solent Disturbance & Mitigation Project visitor survey, Fearnley, H., Clarke, R. T. & Liley, D. (2011), indicated that 52% of visitors arrived by car. Consequently, residents occupying rooms without car parking will have a low likelihood of visiting the coast.

Although the site does not benefit from car parking spaces, public car parks are located nearby, and it is likely that guests would travel to events in private cars. It is therefore proposed to apply the one bedroom flat rate. Calculations of the SRMP contribution for the development are shown below.

Size of Unit	Scale of Mitigation per Unit	Number of units	Total
1 Bedroom	£356	7	£24,92
	<b>Total</b>		£24,92

73 (car parking space x 1bed (£356) = £2,492

It is considered that, subject to a level of mitigation, which has been calculated as a total of £2,492 being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

#### *Water quality*

In their letter date 6th September 2018, Natural England highlighted concerns regarding, “high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”

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

Features of the Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

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

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

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings are provided in Appendix 1. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development of 3.4kg/TN/yr. This was arrived at through use of the British Water Code of Practice 4 Flow and Loads to calculate volume of wastewater and based upon the following assumptions:

- The hotel is running at 50% occupancy with each of the 7 rooms containing 2 people.
- The weddings serve food to an additional

The results of the British Water Code of Practice 4 Flow and Loads calculation are shown in Appendix 2:

Due to the nature of the site, and the surrounding urban environment, there are no mitigation options available on site. In addition, at present there is no strategic mitigation scheme into which payments can be made. It is therefore proposed that a record of the outstanding amount of 3.4kg/TN/yr nitrogen is made so that it can be added to the levels of nitrogen to be addressed by a strategic mitigation scheme once one has been developed.

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

## Conclusions

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

- 4% of the CIL contribution, which will be a minimum of £X,XXX will be ring fenced for footpath improvements in the Greenways;
- 1% of the CIL contribution, which will be a minimum of £XXX will be allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- A contribution of £2,492 for the Solent Recreation Mitigation Project.

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

There currently isn't a strategic mitigation scheme for water quality impacts and it is therefore proposed that a record of the outstanding amount of 48.52kg/TN/yr nitrogen is made so that it can be addressed once one has been developed.

## References

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

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

Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park

## European Site Qualifying Features

### The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

### The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

### New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.

- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

### **Solent Maritime SAC**

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

### **Solent and Southampton Water SPA**

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*

- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

### **Solent and Southampton Water Ramsar Site**

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

## Appendix 1 Nutrient Budget

Calculation using water rate of 110 litres waste water per person per day

Step	Measurement	Value	Unit	Explanation
Development Proposal	Development types that would increase the population served by a wastewater system	1	Hotel	
Step 1	Additional population	94		
Step 2	Wastewater volume generated by development	2080	Litres/ day	
Step 3	Receiving WWTW environmental permit limit for TN	10	Mg/l TN	
Step 4	TN discharged after WWTW	18720	Mg/TN/day	90% of the consent limit = 9mg/l TN. 14770 x 0.9
	Convert mg/TN to kg/TN per day	0.01872	Kg/TN/day	Divide by 1,000,000
	Convert kg/TN per day to kg/TN per year	3.42576		x 365 days
Wastewater total nitrogen load	3.4kg/TN/yr			



## Highfield Residents' Association



### Registered speaker – Highfield Residents' Association

#### Additional Objection Statement for SCC Planning Panel 25 January 2022

#### 21/01363/FUL - 17A Brookvale Road Southampton SO17 1PW

*Demolition of existing laundry building and provision of new two storey 3-bedroom dwelling including provision of a new access onto Brookvale Road and associated outbuilding, parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL) NB. Description updated to refer to outbuilding. Retention of alterations to dwelling permitted under planning permission 20/01296/FUL to include increased footprint, alteration to the fenestration and the provision of three bedrooms.*

Highfield Residents' Association objects to this Updated Planning Amendment Application and regards this as overdevelopment for the restricted size of the plot. By increasing the footprint, without Planning Permission, a completely different house with 3 bedrooms and altered fenestration has been built to the dwelling granted Planning permission in December 2020.

The plot is essentially 'garden grabbing'. The applicant has a long history of refused, amended and eventually approved development for a two storey, 1 bed dwelling (**20/00581/FUL**). This approval had 15 conditions. HRA would like confirmation that these conditions have been met.

Since then, there has been complete disregard for the interests of a proper planning process.

By grabbing additional square meterage for an extended house, the size of the garden/amenity space has been further reduced by 14m<sup>2</sup>, or almost 25%, presuming the house has been built where it was supposed to be built (Ref: Supporting Statement, Southern Planning Practice Ltd. p.7, 4.2).

In the current updated Application (Ref: 21/01363/FUL) permission is sought to build a cycle store at the end of the amenity space, thus significantly further reducing the garden space. The updated drawings show the cycle store, which is already partly constructed to roof joist level, to have glazed French doors with glazed side panels.

The house is now let and is furnished. In the letting particulars (Austin&Wyatt, October 2021) the proposed cycle store was described as a Summer House.

In conclusion, a 3-bedroom detached house has been built, without Planning Permission, on this sub-divided plot which was initially considered by SCC Planning Department to be too small for a 1-bed bungalow:

*“the subdivision of the existing plot of 17a Brookvale Road will create in an overly cramped area with dwelling of shoehorned appearance”*

and,

*“In conclusion, the Council have qualified serious concerns about the suitability of this site for further residential development and the poor quality of place making with particular regard to the poor living conditions for existing and future occupiers. Although this windfall development may have the social and economic benefit of boosting housing supply, this benefit would be significantly outweighed by the harm identified above.”*

(SCC previous Planning refusals).

The Panel is now being asked to consider whether the same small plot, reduced in size by an unauthorised dwelling with increased footprint and with its amenity space further reduced by the construction of a cycle store/summer house, is somehow appropriate and lawfully meets Planning Regulations. Highfield Residents Association objects.

Prof Roger Brown – HRA Chair

Barbara Claridge – HRA Secretary

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## Appendix – Planning Application History

January 2020

1. **20/00037/FUL Determination of Application – Refused** (Paul Barton: Poor living conditions; Lack of Section 106)

July 2020

2. **20/00581/FUL Change of use to a 1-bedroom dwelling including replacement of flat roof with pitched roof and retention of existing fencing to boundary wall (Re- submission of 20/00037/FUL) – Refused** (Paul Barton: Poor Living Conditions, Lack of information to assess impact on road safety; Lack of Section 106)

January 2020

1. **20/00037/FUL Determination of Application – Refused** (Paul Barton: Poor living conditions; Lack of Section 106)

July 2020

2. **20/00581/FUL Change of use to a 1-bedroom dwelling including replacement of flat roof with pitched roof and retention of existing fencing to boundary wall (Re- submission of 20/00037/FUL) – Refused** (Paul Barton: Poor Living Conditions, Lack of information to assess impact on road safety; Lack of Section 106)

Nov 2020

1. **20/00581/FUL Demolition of existing laundry building and provision of new two storey 1 bedroom dwelling including provision of a new access onto Brookvale Road and associated parking, storage and amenity space revisions to LPA - Approved with 15 Conditions** (Paul Barton) 23 December 2020

September 2021

2. **20/01296/FUL Demolition of existing laundry building and provision of new two storey 3-bedroom dwelling including provision of a new access onto Brookvale Road and associated outbuilding, parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL) NB. Description updated to refer to outbuilding. Ref: No: 21/01363/FUL**

September 2021

3. **21/01363/FUL Demolition of existing laundry building and provision of new two storey 3-bedroom dwelling including provision of a new access onto Brookvale Road and associated outbuilding, parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL) NB. Description updated to refer to outbuilding 17A Brookvale Road Southampton SO17 1PW**

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