

Planning and Rights of Way Panel

Tuesday, 14th December, 2021
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - 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

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2021	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 December

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

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

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

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

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

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

2022	
25 January	29 March
15 February	26 April
8 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

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

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

PLEASE NOTE

This meeting is being held adhering the public health guidance necessary precautions to try and combat the spread of Covid, complying with Covid social distancing requirements.

Space is limited and whilst ever effort is being taken to ensure there is enough room it would be helpful if you could register in advance especially if you wish to address the meeting.

During the meeting you may be asked to wait in an alternative room while preceding matters are dealt with. You will be able to follow the meeting on screen and will be called to the meeting room when the item you have registered for is being considered.

The online agenda has a link so that you will be able to watch the meeting virtually.

Should you wish to attend the meeting to address the Panel please register with Democratic Services in advance of the meeting by emailing democratic.services@southampton.gov.uk

Thank you for you corporation.

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 23 November 2021 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 21/00653/FUL - ITCHEN COLLEGE - MIDDLE ROAD
(Pages 7 - 28)

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.

6 PLANNING APPLICATION - 21/00708/FUL - 2-4 COBDEN AVENUE
(Pages 29 - 44)

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.

7 PLANNING APPLICATIONS - 21/01527/FUL AND 21/00764/FUL - 30-32 ST MARYS PLACE
(Pages 45 - 64)

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.

8 PLANNING APPLICATION - 21/01402/FUL - 158-160 SHIRLEY ROAD
(Pages 65 - 86)

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.

9 PLANNING APPLICATION - 21/01383/FUL - 217 BASSETT AVENUE
(Pages 87 - 100)

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.

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2021

Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Magee, Savage and Windle

Apologies: Councillors Vaughan

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

RESOLVED: that the minutes for the Panel meeting on 2 November 2021 be approved and signed as a correct record.

41. **PLANNING APPLICATION - 21/01027/FUL - 140 ABOVE BAR (UNIT 5)**

RESOLVED The Panel noted that this item had been withdrawn from consideration at this meeting at the Applicant's request.

42. **PLANNING APPLICATION - 21/01285/FUL - 243 PORTSWOOD ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use to hot food takeaway including the installation of an extract flue to the rear elevation and a replacement roller shutter to the shopfront (amended after validation to include flue)

Jane Jameson (local resident objecting) and Sheraz Ahmed (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a change to the description of development to remove reference to the replacement roller shutter.

The Panel members voted on a proposal from Councillor Savage and seconded by Councillor Harris that the condition related to hours should be amended. Upon being put to the vote this motion was lost.

RECORDED VOTE for the proposed change to opening hours

FOR: Councillors L Harris and Savage

AGAINST: Councillors Coombs, Magee, Prior and Windle

Following questions by Panel members, officers agreed that Conditions 3 and 5 should be amended, as set out below, in order to address concerns from residents in regard to noise and bin storage and updated their recommendation accordingly.

Upon being put to the vote the recommendation to grant conditional planning permission, with the amended conditions, was carried unanimously.

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

Amended Conditions

Condition 3 Extract Ventilation (Pre-commencement condition)

Prior to commencement of the hot food takeaway use hereby approved, further details of the siting, appearance and operation of the proposed kitchen extract ventilation system, including measures for the control of noise, fumes and odours from extractor fans and other equipment, shall be submitted to and approved in writing by the Local Authority. The approved extract system and any other measures for the control of noise fumes and odours shall then be installed and implemented in accordance with the approved details prior to commencement of the hot food takeaway use hereby approved and shall be retained and maintained in full operation for the life of the development. The installed extraction fan system shall be switched off each night within 30 minutes after the end of food service.

REASON: To protect the amenities of the occupiers of existing nearby properties and to clarify the development in the interests of proper planning.

Condition 5 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. With the exception of collection days only, no refuse or recycling bins, shall be left on the shared service road to the rear of the unit and bins shall, instead, be stored in accordance with the approved drawings.

REASON: In the interest of visual and residential amenity and to ensure that the service land remains free from obstruction.

43. **DEVELOPMENT MANAGEMENT PERFORMANCE**

The Panel considered the report of the Head of Planning of Economic Development detailing the Planning Department's performance against key planning metrics.

RESOLVED:

- (i) That the report be noted;
- (ii) That given the continued excellent performance of Development Control the Panel would receive the information on annual basis, unless there was a change to the department's performance against Government metrics.

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 14th December 2021 - 4pm Venue: Council Chamber

PLEASE NOTE:

Public Health guidelines have unfortunately limited the numbers of seats available.

Timings are estimated Members of public are advised to attend in advance of these estimated timings. Members of public are advised to arrive in good time allowing for potential variation to the timings.

Members of public wishing to speak must register in advance with the Panel clerk by emailing democratic.services@southampton.gov.uk

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
Item will be heard at 16:00pm				
5	AL	DEL	5	21/00653/FUL Itchen College – Middle Road
Item will be heard at 16:45 – 17:15 (approximately)				
6	MT	CAP	5	21/00708/FUL 2-4 Cobden Avenue
Item will be heard at 17:15 – 18:15 (approximately)				
7	RS	CAP	5	21/01527/FUL 30-32 St Marys Place
	RS	CAP	5	21/00764/FUL 30-32 St Marys Place
Item will be heard at 18:15 – 18:45 (approximately)				
8	SB	DEL	5	21/01402/FUL 158-160 Shirley Road
Item will be heard at 18:45 – 19:15 (approximately)				
19	AC	CAP	5	21/01383/FUL 217 Bassett Avenue

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

Case Officers:

AL – Anna Lee
 MT – Mark Taylor
 RS – Rob Sims
 SB – Stuart Brooks
 AC – Anna Coombes

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)

- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

**Planning and Rights of Way Panel 14th December 2021
Planning Application Report of the Head of Planning & Economic Development**

Application address: Itchen College, Middle Road, Southampton			
Proposed development: Erection of a two-storey extension to the south elevation of Itchen College to provide 5 x classrooms and 2 x offices.			
Application number:	21/00653/FUL	Application type:	FUL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	21.12.2021 (ETA)	Ward:	Sholing
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Baille Cllr Guthrie Cllr Vaughan
Applicant: Itchen College - Mrs Susan Carter		Agent: Ghd Partnership Ltd	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Not applicable
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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. Policies – CS6, CS7, CS11, CS13, CS18, CS19, CS20, CS24 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP, 7, SDP9, SDP10, SDP11, SDP13, SDP14, SDP15, SDP16 , SDP17, SDP22 and HE6 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Highway Comments		

Recommendation in Full

1. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
- ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iii. Submission and implementation of a Travel Plan.

2. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

1.1 The application relates to works to Itchen College within the northern part of the college grounds where the main college buildings are grouped together. Within the main buildings is an open courtyard area currently laid out for informal seating through the provision of hard and soft landscaping. This forms the location for the works. Site access is provided from Middle Road and Whites Road. A children's nursery is located to the west of the playing fields, that lie to the south of the site and with residential properties in Spring Road abutting the western site boundary. Sholing Junior School is located to the south. Middle Road bounds the site to the east with residential properties located on the adjacent side of Middle Road. Mature trees, hedgerow and railings enclose the site to Middle Road.

1.2 Unrestricted on-street parking is available within Middle Road and adjoining streets with parking restrictions in place at the college and school entrances and adjacent to road junctions.

2. Proposal

2.1 The proposal seeks to provide an extension at ground and first floor within the existing courtyard, whilst retaining existing temporary classrooms. The

extension provides five additional classrooms and two offices to allow the expansion by students and 1 additional member of staff. Currently the number of students attending the college is approximately 1350 and the number of staff is 240 with half of those working part-time. Last year the number was 1409 and initial indications by the college suggest that it will increase back up to over 1400 next year. The state that they are under capacity and could (logistically) accommodate up to a maximum of 1450 and have therefore sought an additional increase of 135 students (to 1585 students).

- 2.2 In terms of the built form of the proposed development, at ground floor the extension will still maintain existing access to the remaining courtyard area and provide a new office and two classrooms. All of these new rooms will be accessed via the existing corridor that serves the main building via the provision of internal doors. Fire doors are provided fronting the courtyard area of the two classrooms.
- 2.3 At first floor, a further three classrooms are proposed together with works to create an additional office following the removal of an existing external balcony and staircase on the east elevation. Once again, the rooms are accessed via the existing corridor. The extension is an infill and at its widest (first floor) is approximately 26 metres and 6.2 metres deep. The overall height of the extension 7.5 metres at its highest but slightly slopes towards the existing building to approximately 7 metres.
- 2.4 In terms of materials, the main works within the north elevation are proposed to be finished in render with fill in works on the east and west elevation to be matching face brick. The proposal does not result in any alteration to either existing vehicular accesses or parking areas within the site.

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 All developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. **Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report which consists of works and extensions to the existing buildings, none of which are relevant to this proposal.

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 with respect to the initial application and further following the receipt of additional information and erecting a site notice **07.05.2021**. At the time of writing the report **19 representations** have been received from surrounding residents (18 objections including one from Itchen Residents Committee). The following is a summary of the points raised:

- 5.2 ***The proposal indicates that the existing vehicular access points to the entrance of the college will alter resulting in the closure/restricting of the Deacon Road/White's Road entrance.***

Response

The initial supporting information supplied with the application indicated that a wider College strategy would be to potentially restrict the use of this access, but this does not form part of the current proposal.

- 5.3 ***Increased traffic on Middle Road including buses.***

Response

There will be an increase in traffic due to the increase in potentially 150 students but the impact will be spread across the day and the retention of the Deacon Road/White's Road access will reduce the impact and no objection is raised on highway grounds with respect to this aspect.

- 5.4 ***Confusion over whether the proposal would alter the vehicular access and if the proposed classrooms would be a replacement or additional spaces.***

Response

Agreed, and officers have sought clarification that no access points will alter due to this proposal and that the application will result in a net gain of five additional classrooms. Previous information indicated that a number of temporary classrooms would be removed but this is not the case. This has resulted in the College being required to provide further transport information in order for the scheme to be fully assessed.

Consultation Responses

5.4

Consultee	Comments
<p>SCC Highways Development Management</p>	<p>The level of impact is not considered to be detrimentally harmful with mitigation measures to be secured via the S106 legal agreement and suggested conditions seeking the following;</p> <ol style="list-style-type: none"> 1) Construction Management Plan 2) Cycle Parking 3) A condition to restrict capacity of students in order to allow for the impact assessment to be accurate and applicable <p>The full comments from the Highway Engineer are included as Appendix 3.</p>
<p>SCC Archaeology</p>	<p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. The possible site of a Bronze Age barrow lies some 215 metres to the south, so the area has some archaeological potential. The proposed development involves the construction of an extension within an internal courtyard of the early 20th century school. It is quite likely that the location has been disturbed during construction works, landscaping and installation of services.</p> <p>Therefore, on current evidence and given the relatively small scale of the development, officers do not require any archaeological conditions to be attached to the planning consent.</p>
<p>SCC Historic Environment Officer</p>	<p>Parts of the college campus dates to the 1920/1930`s although the buildings have been much extended to the north and west. Therefore, although the proposed 2-storey extension would affect the northern elevation of an original wing of the building, it would be attached on to the existing fabric, and as such, it would not disrupt the cellular plan form of the original design, and it would be completely reversible. The new unit would also employ modern contrasting materials and finishes to match a previous extension added to the north which also fronts the current quadrant arrangement. Consequently, no objections would be raised from a conservation perspective at this time.</p>

SCC Design Officer	No objection as the extensions are on the inside of the courtyard so therefore not visible from any public streets.
SCC Ecologist	No objection is raised to the proposed development. Any vegetation that needs to be removed should be cut down outside the breeding season to avoid impacts on nesting birds.
SCC Environmental Health	Environmental Health have no objections to the proposed development and should the planning application be approved recommend the following planning condition: - <ul style="list-style-type: none"> • Construction Environment Management Plan
SCC Sustainability	As the proposed development is below 500m2 in size BREEAM would not be required.
SCC Trees & Open Spaces	It is not exactly clear what vegetation is currently in the courtyard where the proposal is but there doesn't appear to be any significant trees. Therefore no objection is raised to the proposal.
Southern Water	There could be public sewers within the site and conditions and an informative are suggested to secure further details of their location, how they are going to be safeguard and the means of foul and surface water disposal for the proposed development.
Aerodrome Safeguarding	The proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore, have no objection is raised to this proposal. Given the nature of the proposed development it is possible that a crane may be required during its construction. Therefore, draw the applicant's attention to the requirement within CAP 1096 the Guidance to crane users on the crane notification process and obstacle lighting and marking.
SSC Employment and Skills	An Employment and Skills Plan Obligation will not be required for this development. Discussions have been engaged in with the Agent; which provided evidence that minimum build cost thresholds are

	unlikely to be met to justify the inclusion of the ESP obligation.
Hampshire Constabulary Design Crime Team	<p>The new classrooms will be within an internal courtyard, which can only be accessed via a controlled gate, this reduces the opportunities for crime and disorder. However, I would recommend that the new extension is extended to the hall at the ground floor level. As proposed a small sheltered area is created by the extension, there is very little natural surveillance of this space from which it is possible to access a door and windows.</p> <p><i>Officer comment – Noted, however, this retains access to the courtyard from this part of the site and the courtyard area is a positive space/break out area for students and staff.</i></p>
City of Southampton Society	<p>We fully support this application for additional classroom/office space that will free up space for parking or other uses and also remove traffic congestion along White's Road.</p> <p>We are also mindful of the good reputation of the college in the local community.</p> <p><i>Officer comment – These comments were received prior to additional information confirming that the existing temporary classrooms would not be removed.</i></p>

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design effect on character and residential amenity;
- Parking highways and transport; and,
- Mitigation of direct local impacts.

6.2 Principle of Development

6.2.1 The proposal seeks to modernise and improve teaching facilities within the city for the benefit of students and teaching staff. CS11 of the Southampton Core Strategy recognises the importance of education provision in the city and supports the provision of new facilities. It is clear from the information received

that there is a need for further spaces to meet the demand for further education within the City and wider area. This is shown in the submitted Department of Environment City Wide Solution for Itchen College (October 2021) which shows an increase in demand of approximately 25% in each subject area within the next ten years.

6.2.2 In terms of justifying the need for the expansion specifically, comments have been sought from colleagues in SCC Education regarding the need for the additional classrooms. These comments will be reported via verbal update to Members at the Panel. Notwithstanding those comments, the provision of additional facilities for education is supported by the Development Plan and the National Planning Policy Framework (Section 8). The provision of a greater choice of facilities and development to meet educational needs, generates significant social and economic benefits to the community, as such the principle of the development is strongly supported, subject to the individual impacts of the development being considered acceptable particularly in respect of how the expanded education offer sits within the existing community.

6.3 Design, effect on character and residential amenity

6.3.1 The proposal, due to its location within an internal courtyard would not be seen from the wider streetscene. Although the fenestration design would not mimic the existing layout it would appear similar in terms of size/scale albeit resulting in an altered fenestration layout. No objection is raised to the alternative fenestration layout by the Council's Historic Environment Team nor the Council's City Design Officer, notwithstanding, the existing attractive nature of the College buildings given the proposal is screened. On this basis the proposed extension would be appropriate in terms of its size, scale, design and appearance and its relationship with the existing buildings of the College.

6.3.2 The built form of the proposal would not have an adverse impact on neighbouring occupiers as it would not be seen, and given the nearest neighbouring rear elevations at Deacon Road are 45 metres away from the proposed siting of the extension. As such, it is considered that the development would not have a harmful impact on neighbouring residents in terms of outlook, overshadowing or loss of light, nor cause any harmful overlooking. The proposal therefore complies with policies SDP1(i), SDP7 and SDP9 of the adopted Local Plan Review (2015).

6.4 Parking highways and transport

6.4.1 This has become the key issue for consideration with this application as it has evolved. Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. A travel plan will be secured via a section 106 legal agreement, in the event of an approval, which will seek to encourage staff

and students to use alternative modes of transport other than the car. However, there will be a number of students and staff travelling via car. The application will result in an increase in trips due to the proposed increase in students due to the expansion in number of classrooms and increase in the number of students. This increase will have an impact on the residential amenity of the area as well as an impact on highway safety if not carefully considered and managed. On this basis a car parking stress survey was requested in order to assess the current and projected as well as details on the modal split which is set out below.

Students mode of transport	Current data	Forecasted data in 4 years
Car (driver)	3.2%	3.0%
Car (Passenger)	6.5%	6.2%
Walk/Cycle	44.5%	45%
Bus	42.2%	42.2%
Taxi/motorbike/other	3.6%	3.6%
	100%	100%

6.4.2 In terms of staff parking overspill, the survey indicates that there is availability currently onsite to enable the one additional member of staff to park. With respect to parking overspill within the surrounding area although it does show available space the most effected roads; Middle Road had an average of 70% whilst Deacon Road had 67%. The Council's Highways team advises that given that 9.7% of the current pupils on enrolled drive this will increase with the additional 135 students proposed to be accommodated by the new classrooms. They conclude the following *'The local streets will likely reach near or at full capacity depending on how it is dispersed through the streets. However, considering the additional number of available spaces in the surveyed area, the survey would indicate that the likely levels of parking can be accommodate during its peak hours and even more so outside those hours'*.

6.4.3 With respect to the number of trips, driving would not be the main mode of transport even when the bus numbers are included. This indicates that the number of trips will not greatly increase resulting in highway concerns. However, the number of students travelling by other means such as walking, cycling; riding motorcycles/mopeds and catching the ferry/train is still substantial. Highway officers indicate that the increase in number of students when assessed against the local accident data is a concern. Improvements to the pedestrian and cycle environment within the vicinity of the site by means of mitigation would improve the current situation, however the increase in the number of students needs to be carefully managed. In this regard, the College have sought to increase overall capacity through the new classrooms from 1450 (the current maximum capacity) to 1600 students. However, the submitted Transport Statement uses an increased capacity figure of 135 students, therefore it is more appropriate to limit the number of students to 1585 in line with the assessed capacity.

6.4.4 In conclusion, officers recognise the concerns raised by neighbours of the college and accept that the proposed expansion will result in additional demand for localised on-street parking. The applicant's parking survey indicates that given the road capacity there will not be a detrimental overspill in parking within the nearby roads. However, mitigation measures to provide improvements to the pedestrian and cycle environment within the vicinity of the site will be required to improve highway safety and make the development acceptable in terms of highway safety. These measures will be secured through a Section 106 agreement as well as a condition restricting the increase in students. Therefore, subject to the mitigation measures the proposal is acceptable in highway terms.

6.5 Mitigation of direct local impacts

6.5.1 The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with the current NPPF, Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works are to be secured via a Section 106 legal agreement with the applicant. In this case the contribution will be towards public highway improvements to strengthen the safety and environment for sustainable transport modes. Including (but not exhaustive) footway crossing, cycle route facilities and bus route facilities.

7. Summary

7.1 The proposal seeks to promote high educational standards and ensure fair access to educational opportunity. The provision of an extension to provide further classrooms would meet an identified need in the city and is designed to respect the character of the existing buildings and minimise its impact on existing adjacent residents. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

8. Conclusion

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

Local Government (Access to Information) Act 1985 Documents used in the preparation of this report Background Papers

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

Case Officer **ARL** for 14/12/2021PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

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

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

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings including ridge tiles. 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.

3. Occupancy restriction (Performance)

Unless agreed otherwise in writing by the Local Planning Authority the occupancy level of the College as whole shall not exceed 1585 students in line with the supporting information submitted as part of the application.

Reason: To ensure the development the development complies with submitted parking impact assessment to prevent issues of highway safety.

4. Cycle storage facilities (Pre-Commencement Condition)

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

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

5. Construction Management Plan (Pre-Commencement)

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (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.

6. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity.

7. 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.

8. Approved Plans

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

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

NOTE TO APPLICANT

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer. To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

Crane Advice

Given the nature of the proposed development it is possible that a crane or tall construction equipment may be required during its construction. Therefore the requirement set within the British Standard 'Code of practice for safe use of cranes' are relevant for crane operators to consult the aerodrome before erecting a crane or tall equipment in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues', available at

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.aoa.org.uk_wp-2Dcontent_uploads_2016_09_Advice-2DNote-2D4-2DCranes-2D2016.pdf&d=DwlGaQ&c=pbUzoxRZCRvayVvkYvkiMO6u1jPMdBrTZxWyx_2PsKs&r=E_GbQSaRMExEzL-2Vmtui9pO-MEfVbYuRNtQhMcOOK8&m=S_Oeo1eU-i8jLhDb1zmxxUpfngxAIAka9gtgxqYIRJY&s=zdYj1QII9OKUTBOF7H2j7816UX3_sBKrx4HI3XArNEw&e=

POLICY CONTEXT

Core Strategy – (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

Relevant Planning History

Case Ref	Proposal	Decision	Date
1108/35	Open air swimming pool	Conditionally Approved	29.04.1957
1218/44	The erection of an extension to existing premises	Conditionally Approved	30.03.1962
1410/P13	Siting of classroom	Conditionally Approved	07.04.1971
1425/P18	Erection of a covering structure over existing swimming pool and new changing room, lavatories and an ancillary building	Conditionally Approved	26.10.1971
1450/C2	The erection of the proposed Sholing middle school on land at Middle Road Sholing (including the sites of 177-183 (odd) Middle Road	Conditionally Approved	09.01.1973
1454/C1	Retention of a temporary classroom unit	Approved	13.03.1973
1456/27	Retention of a store building	Approved	17.04.1973
1462/C1	The detailed plans of the proposed Sholing Middle School	Conditionally Approved	31.07.1973
1495/CC1	Retention of one double and one single Classroom unit	Conditionally Approved	18.11.1980
1523/CC1	Erection of one single "Andover" and one double "Andover" Temporary classroom unit	Conditionally Approved	26.04.1977
1616/CC1	Erection of two single and one double temporary classrooms and replacement of one double unit with a similar structure	Conditionally Approved	29.06.1982
901384/EH	In filling of undercroft of the three storey block	Conditionally Approved	12.11.1990
931130/E	Erection of 2 storey classrooms	Conditionally Approved	24.11.1993
950061/E	Erection of a new sports hall extension to College social centre and new Seminar/activities room	Conditionally Approved	24.02.1995
951147/E	Erection of a single storey extension to Boiler room	Conditionally Approved	17.11.1995

990023/E	Construction of a two-storey art block	Conditionally Approved	22.03.1999
00/01282/FUL	Installation of new rear entrance and offices.	Conditionally Approved	29.12.2000
03/01008/FUL	Erection of two temporary classrooms	Conditionally Approved	23.09.2003
09/00661/FUL	Erection of a single storey double classroom, a single storey single classroom and a storage container	Temporary permission	21.08.2009
11/01119/FUL	Erection of a single storey building to provide a new pre school nursery following relocation of existing mobile classrooms/storage container and demolition of existing nursery.	Conditionally Approved	05.09.2011
12/01667/FUL	Erection of conservatory style extension to existing student centre	Conditionally Approved	20.12.2012
13/00351/FUL	Erection of a 2-storey building to provide Public Services and Essential Care teaching accommodation with associated alterations (to replace existing temporary accommodation)	Conditionally Approved	04.06.2013
13/00687/FUL	Erection of a single storey extension to existing gym/dance studio and recladding rear and side elevation	Conditionally Approved	28.06.2013
13/00721/FUL	Erection of a 3-storey extension to south facing elevation within court yard to provide new teaching and office accommodation	Conditionally Approved	05.08.2013
14/00495/FUL	Erection of 1 x two-storey side and 1 x single-storey rear extension to the existing gym/dance studio plus re-cladding of 3 elevations.	Conditionally Approved	04.06.2014
15/01254/FUL	Extension of existing dropped kerb to main entrance by a total of 4 metres (1metre one side and 3 metres the other)	Conditionally Approved	29.07.2015
18/00520/FUL	Proposed installation of a 3G football turf pitch with associated fencing, 6 x flood lights and 2 x storage containers (Additional information received regarding hours, parking, litter, drainage and noise)	Conditionally Approved	14.09.2018

Highway Engineer Response

Firstly, it is important to note that since the application was first submitted and reviewed, there has been on-going dialogue with additional information since being submitted. These comments relate to the latest information at the time of writing this report.

Principle and Location

The proposed development is an intensification of an established use located within the current site boundary. Therefore both in terms of its location and in principle, the development is considered acceptable.

Access

There are no physical works to which will alter any access points or the public highway. There has been some mention from letters of representations regarding a closure of the access on White's Road. The applicant has since responded that this was considered as a potential development but is no longer going to be pursued. Regardless, this planning application does not include this as part of the proposal and therefore will carry limited weight as the application will be considered as presented before me.

Car Parking

There are no changes to the proposed parking levels on site due to the temporary classrooms being retained. An on-site parking survey has been provided where staff may choose to park. The survey shows that availability is limited on site varying between 1 to 5 spaces depending on the time of day. However, it is important to note that this survey was carried out since the college has recruited additional staff to cover the smaller classrooms during the pandemic period. It is suggested by the applicant that as class sizes (or staff to student ratio) increases to 'prior pandemic' levels, the additional staff that is currently on site will be redeployed for the expansion. It is suggested that only one additional FTE staff will be needed in total. From this, it is considered in terms of staff parking needs, there will be negligible impact on the highway.

In regards to on street parking throughout the day, a parking survey was conducted which covered a reasonable area around the college site and immediate streets in the near vicinity where vehicles related to the college would likely occur. The parking survey covers the morning and afternoon peaks as well as a lunch time in order to show the new timetable and helps with highlighting any staff or long term parking which takes place during the day. The parking survey does indicate that the overall area does have a reasonable amount of spare capacity from a stress level perspective. However, it is also important to consider actual number of spaces available on the two most likely affected roads – Middle Road and Deacon Road. The average of the three peak hours was used in order to determine a robust and reasonable 'average' stress figure for the purpose of this assessment. Middle Road had an average of 70% whilst Deacon Road had 67%. This equates to an average of 18 kerbside spaces (2 of which are disabled spaces) and 17 spaces available respectively.

From the revised student travel survey conducted during 2021's enrolment, it is suggested that 9.7% of students arrive either as a car driver or car passenger. The proposed expansion suggests an increase of 135 students (although indicate a potential capacity for 150). The local streets will likely reach near or at full capacity depending on how it is dispersed through the streets. However, considering the additional amount of available spaces in the surveyed area, the survey would indicate that the likely levels of parking can be accommodate during its peak hours and even more so outside those hours.

Cycle Parking

The applicant has indicated to improve on site cycle parking facilities and that they will agree to a travel plan with ongoing reviews. The travel mode survey suggests only 3%-4% of students currently cycle to the college and therefore there is scope to really improve on this as it is relatively low.

Trip generation and Impact Assessment

The latest travel mode survey captured almost 75% of the students within the last two weeks of enrolment. This is considered to be a reasonable figure and is representative of likely travel patterns for the overall site.

In terms of vehicular traffic and congestion, the proposal is considered to be acceptable as only roughly 10% of students arrive by car and although 42% arrive by bus, the level of bus movements is not considered to change significantly due to the capacity each bus can accommodate.

However, there will still be significant amount of students arriving by other means such as walking; cycle; motorcycle/moped and ferry/train then walk/bus. This makes up nearly half of the modal split and therefore is quite significant. The local streets do have a notable number of reported accidents in the last 5 years (available data running between 2016-2020). Middle road has 9 (with 3 being serious) with an additional 4 around the junctions with Deacon Road and Heath Road. There are other various collisions in the near vicinity of the site but is very difficult to determine from available data if there was any real pattern or obvious cause and the fact if any of these were related to college traffic. However, the level of collisions could be symptomatic of the level of traffic along these popular connecting roads linking up with the A3024. Therefore, the additional trips generated by the expansion could exacerbate this issue and should be considered carefully because of this. It is noted that the local highway network does have a few areas whereby pedestrian and cycle environment is quite poor. Improvements should be considered as part of the mitigation measures to improve pedestrian and cycle safety which will also further encourage and have a more direct impact on encouraging sustainable travel. The Transport Team will be happy to support in agreeing the detailed designs and level of mitigation measures during the Section 106 process stage.

Summary

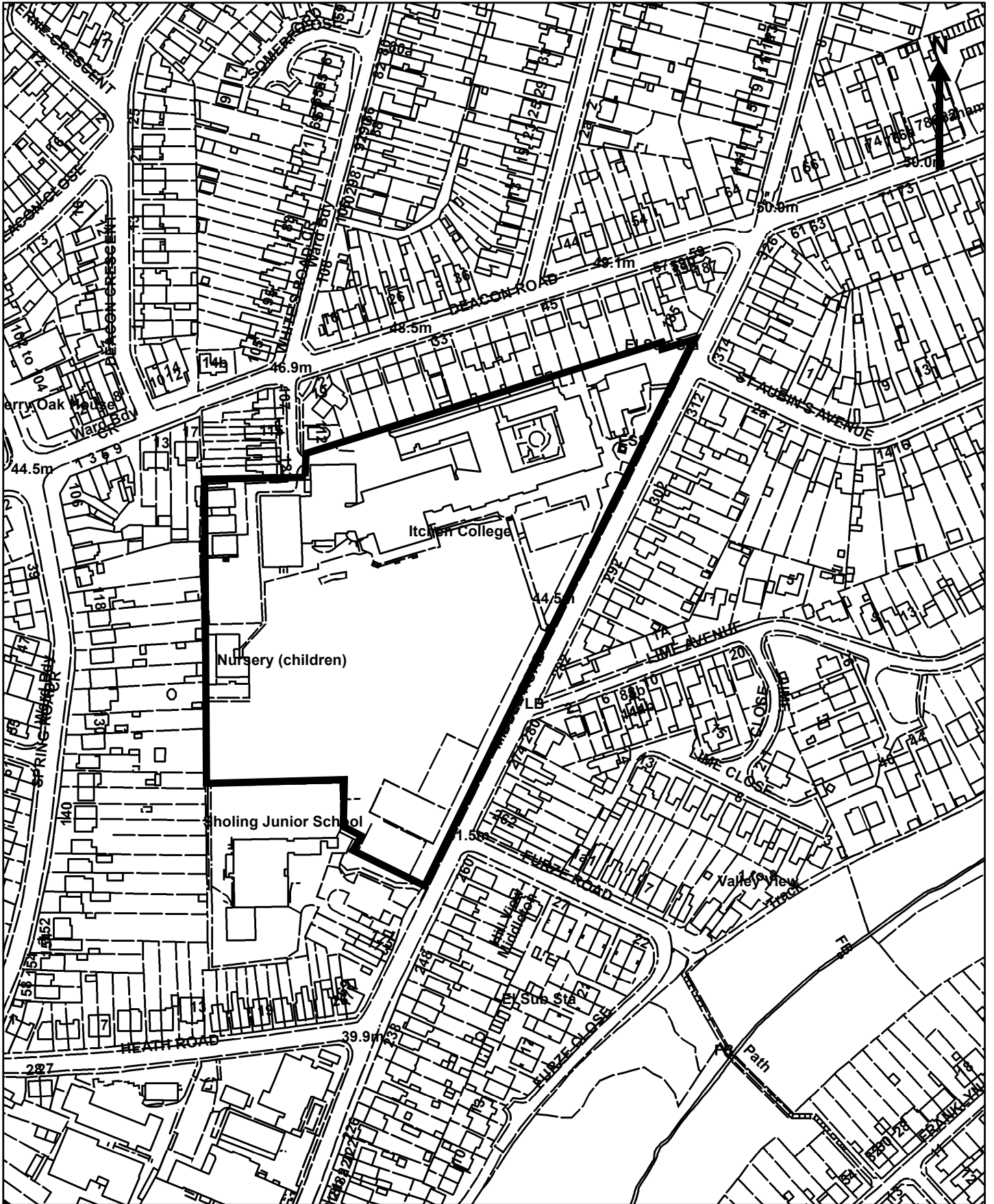
In conclusion, the proposed development is considered acceptable in principle. The parking survey indicates that although there may be a couple of hours which could see parking stress reaching capacity, this would have to depend on all vehicles concentrating on one particular road. Furthermore, the wider surveyed areas indicates that any overspill parking can be accommodated and is not considered significantly

harmful. There is a notable highway safety concern from the number of reported collisions in the area. Increase of multi-modal trips therefore could be quite significant and therefore mitigation measures will be required as part of the Section 106 agreement. Overall, the application is being recommended for Approval subject to the following standard conditions:

- 1) Construction Management Plan
- 2) Cycle Parking
- 3) A condition to restrict capacity of students in order to allow for the impact assessment to be accurate and applicable

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Agenda Item 5 21/00653/FUL



Scale: 1:2,500

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Planning and Rights of Way Panel 14th December 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 2-4 Cobden Avenue, Southampton			
Proposed development: Installation of a shipping container to accommodate hot food takeaway with associated stepped access from Whitworth Crescent.			
Application number:	21/00708/FUL	Application type:	FUL
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	15.09.2021	Ward:	Bitterne Park
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr D Fuller Cllr R Harwood Cllr I White
Applicant: Mr G Singh		Agent: DesignRed26	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Planning restrictions on hours of opening for food and drink uses within the vicinity of the application site.		

Recommendation in Full

Conditionally approve subject to the conditions listed at the end of this report.

1. The site and its context

- 1.1 From reviewing the planning history of the site (application 1480/E20) it appears that the site area once formed part of the garden of the Bitterne Park Hotel. There are no planning restrictions on this garden area for purposes ancillary to the hotel. This fall back position is a materials consideration for the application. Bitterne Park Hotel abuts the northern most boundary of the site. The area is currently used as an external seating area for the cocktail bar located on the ground floor of the hotel building.
- 1.2 The site is largely screened and separated from the streetscene of Cobden Avenue. The application site is located on the eastern side of Whitworth Crescent directly south of the Bitterne Park Triangle.
- 1.3 The application site is located on ground levels set significantly higher than those of the vehicle and pedestrian highway of Whitworth Crescent. The western side of the application site contains a steep bank (currently overgrown) leading from the highway to the level ground above. At the top of this bank is a timber boundary treatment of approximately 1.9 to 2m in height. Beyond this boundary treatment is an existing outbuilding/shelter that forms part of the cocktail garden.
- 1.4 The proposal site is located outside of the defined Bitterne Park Triangle Local Centre approximately 40m north of the site.
- 1.5 There is a mix of uses surrounding the site. As well as previously mentioned hotel and cocktail bar to the north. The premises license for the cocktail bar allows opening hours of 7am to 12:30am Monday to Sunday. To the west of the site is a vehicle repair garage. 20m to the west of the site boundary are the residential properties of Riverdene Place. The southern boundary abuts a large sales and distribution unit occupied by City Plumbing Supplies. Further south to the commercial unit and the residential properties of Whitworth Crescent.

2. Proposal

- 2.1 The application seeks to remove the existing outbuilding and open up the steep bank to Whitworth Crescent. The existing outbuilding is proposed to be replaced by a refurbished shipping container. The remodelled container will be adapted for the preparation, cooking and sale of takeaway pizza. The pizza oven will be gas powered and therefore smoke free. External seating will be retained within the enclosed area.
- 2.2 The container will measure 2.9m in height (a chimney/flue will be located along the centre line of the roof at southern end of the container at a height of 3.15m). The length of the container is approximately 9.1m and it has a width of 2.44m.
- 2.3 The container doors will be located on the north elevation and will provide

access into the structure for staff only. The southern elevation of the container will not contain any openings. Three windows are located on the west elevation facing onto the fenced boundary treatment. The eastern elevation will contain two windows looking into the site, and an opening for serving customers. This serving area will be covered by an awning that projects some 5.7m from the container. The external elevations will be black in colour.

2.4 The container will be sited 1.35m from the western fenced boundary treatment, the container will be located approximately 25m from the southern boundary.

2.5 Works are also proposed between the sites fence located on the higher ground level and the pedestrian highway of Whitworth Crescent. A new access is proposed into the north east corner of the site from Whitworth Crescent. This access will be in the form of steps and balustrade. A significant section of the timber fence on the west boundary is to be removed and it proposed to landscape the banked area that will be revealed with wood chippings.

2.6 The proposed opening hours are:

10am to 10pm	Monday to Friday
9am to 11pm	Saturday
10am to 9pm	Sundays and Bank Holidays

3. Relevant Planning Policy

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

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

4. Relevant Planning History

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

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on the 13th August 2021. At the

time of writing the report **11 representations** have been received from surrounding residents. **9** objecting to the proposal 2 representations are in support of the application. The following is a summary of the points raised:

- 5.2 The application site is on a prominent embankment significantly taller than the highway (Whitworth Crescent). The siting of a shipping container will result in a poor form of development resulting in an obtrusive and visually dominant structure.

Response

The proposed container will replace an existing structure located on the site. There will be limited views of the container when viewed in the streetscene of Cobden Avenue. Furthermore, despite its elevated location the proposal will be positioned approximately 5m from the pedestrian highway and will be largely screened by the timber boundary treatment. These mitigating factors will reduce the prominence of the proposal in the streetscene.

- 5.3 Delivery options, such as Deliveroo (or the applicants own drivers) could result in a detriment to highway safety. The junction where Whitworth Crescent intersects with Cobden Avenue experiences high volume of traffic where Whitworth Road is used as a rat run. Delivery drivers parking dangerously and then speeding down the road, having a detrimental impact upon highway and pedestrian safety. At the moment other takeaway delivery drivers use the Crescent and the footpaths to park. If the new outlet intends to have an online delivery presence, there will be even more demand for the parking space and could encourage double parking and more illegal use of footpaths. Whitworth Crescent can be very narrow when cars are parked on both sides.

Response

The Councils Highway Engineers have been consulted at part of the application. The Highways Engineers have raised no objection to the proposal advising that the site falls within a controlled parking area, with No Waiting restrictions preventing obstructive parking close to junctions. There is provision for short stay visitor parking and loading on Whitworth Crescent immediately outside the proposed entrance to the proposed takeaway site. This parking provision is specifically for short stay use, is located away from residential frontages and is associated with the Bitterne Park Triangle Local Centre. As such, it is not in conflict with residential usage and would not impact on resident's access to parking outside homes. The provision of one hour limited waiting restrictions on Whitworth Crescent would be able to accommodate the short stay nature of such takeaway pick-ups (either delivery riders or in person) as it would not be competing with residential usage.

- 5.4 The siting of the container will encourage anti-social behaviour causing noise and disturbance up to and after 11pm. The hotel steps and wall may encourage takeaway users to hang around and sit.

Response

It is noted and accepted that the proposal includes operation into the evening. The impacts of the associated evening activities are considered in more detail in section 6 below.

5.5 Bitterne Park area is already served by plenty of takeaways the is no need for another.

Response

The application does not need to identify a need for the proposed hot food take away use. It is also not for the planning process to manage competition between hot food take away providers. The proposal offers the opportunity for a wider choice for consumers.

5.6 The application makes no further provisions to deal with litter from its clientele and it is also unclear as to how they intend to deal with their own trade waste.

Response

It is noted that there is an existing trade waste provision compound between the hotel building and the service garage. Should the application received consent a condition can be imposed that requires details waste management for the site to be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the premises.

5.7 The proposal will result in odours and fumes from cooking

Response

The proposed pizza ovens are to be gas fired to prevent smoke. The Council's Environmental Health team have raised no objection to the proposal. The proposed unit will be adjacent to the Bitterne Park Hotel that also provides hot food. There is a significant level of separation from the proposed container to nearby residential properties.

5.8 Support - Anything that helps to make the old Bittern Park Hotel financially viable is a good thing. Currently extremely limited food options in the Bitterne Park area, and positive to attract people to the other businesses that reside in the triangle

Response

The support for the application is noted.

Consultation Responses

5.4 Consultee	Comments
Environmental Health	<p>Environmental Health have no objections to the proposed development provided that the opening hours as detailed in the application form are conditioned accordingly.</p> <p>Officer Comment: A condition that secures the hours of operation can be secured by condition.</p>
Highways	<p>In summary, Highways DM are satisfied a development of this nature is in keeping with the nature of the Bitterne Park Triangle District Centre and would not have a</p>

	<p>detrimental impact on highway safety or trip rates. If the case officer is minded to approve the application, we would ask for the following conditions be attached:</p> <ol style="list-style-type: none"> 1. Cycle Parking for staff and visitors - in the form of 3 sheffield stands within the site to allow staff and visitors to secure bikes to. 2. Commercial waste management; the sole use of the former pub garden as a hot food takeaway site would require a commercial waste management plan. It is not clear from the plans submitted if access to the site will be maintained via the hotel car park on Cobden Ave. If so, then please submit details a waste storage and collection from this access. If access is solely from Whitworth Crescent then details will need to be submitted detailing waste storage and access from the newly formed access on this side of the site. <p>Officer Comment: The proposed sheffield stands can be secured via a planning condition. There is an existing compound for the storage of refuse to the east of the site. However, in order to ensure appropriate waste management a condition can be imposed requiring a waste management plan to be agreed by the local planning authority.</p>
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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; and,
- Parking highways and transport

6.2 Principle of Development

6.2.1 Policy REI7 of the City of Southampton Local Plan (2015 states that: Proposals involving Food & Drink uses will be permitted in city, town, district, local centres.

6.2.2 The proposal site does not fall with any of the listed centres and is located

approximately 40m south of the Bitterne Park Triangle Local Centre. Policy REI7 does not exclude hot-food takeaways outside of the locations listed above.

6.2.3 Furthermore, the application site is located within a group of commercial premises between Whitworth Crescent and Cobden Avenue, including food and drink uses, a vehicle repair garage, and a large sales and distribution unit. These uses help to serve the day-to-day needs of the local housing and form a part of the area's character and appearance.

6.2.4 There are a mix of different property types in the surrounding area, flats and more typical family residential dwellings in the wider area. Broadly no objection is raised to the principle of a takeaway use subject to the development not resulting in noise, odour and disturbance that would be detrimental to the residential amenities of the surrounding properties.

6.3 Character and Appearance of the area.

6.3.1 The site is located within an area of mixed uses. The sites boundaries to the north, east and south abut commercial uses and to on the opposite side of the road, and further to the south the character is predominately residential. The proposal will be largely screened from view in the Cobden Avenue streetscene by the existing commercial buildings to the north and east. The site is located on ground levels significantly higher than the public realm of Whitworth Crescent to the west. The sloped area between the existing garden and the highways has fallen into a state of disrepair, this current condition is largely screened from public view by the existing 2.6m (measured on site) tall boundary treatments that surround the site.

6.3.2 The proposal will replace an existing building/structure located to the south of the Bitterne Park Hotel. The container itself would be largely screened from view by the timber boundary treatments, with the 2.9m high container being set some 1.3m in from the upper boundary treatment. The height of this current fence is approximately 1.95m (measured on site). This level of separation from the pedestrian highway will reduce the prominence of the container when the site is viewed from the public realm and would not result in a visually dominant or harmful addition to the area.

6.3.3 The proposal also seeks to remove a significant stretch of the existing 2.6m high fencing that abuts the pedestrian highway of Whitworth Crescent. This will reduce some of the overbearing impact of the existing boundary treatment on the uses of that highway and provide a more open feel to the users of the pedestrian highway. The ground in this area will be finished in wood chippings, which reflects the existing landscape treatment of the hotel. Therefore the proposals bring forward an improvement to the openness and landscaping for this part of Whitworth Crescent and is considered to comply with our design policies and guidance.

6.4 Neighbour Amenity

- 6.4.1 The site previously formed the garden area for Bitterne Park Hotel. It currently provides external seating for the Cocktail bar on the ground floor of the Hotel Building. There is evidence to suggest that this area has already been used for dining and there is a sizeable barbeque located within the site. Furthermore, as can be seen from appendix 3 there are several food and drink uses in the vicinity including takeaways. In this context, a further takeaway is unlikely to intensify comings and goings to such a degree as to cause unacceptable or undue effects on local resident's living conditions, including during the evenings.
- 6.4.2 The rear boundaries of properties to the west of the site (Riverdene Place) will be located in excess of 23m from the proposed container. These properties are set on ground levels significantly lower than the pedestrian highway of Whitworth Crescent as such the outlook from the ground floor accommodation would be onto the tall rear boundary of those dwellings. This rear boundary is largely treelined providing significant screening of the container from the upperfloor windows particularly in the summer months.
- 6.4.3 With regard to the residential properties to the south these will be located some 40m from the proposed container. Due to the orientation, level of separation and relationship of the application property to its residential neighbours, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of privacy, light or outlook.
- 6.4.4 With regard to noise and disturbance the proposed opening hours of 10am to 10pm Monday to Friday, 9am to 11pm Saturday, 10am to 9pm on Sundays are broadly consistent with nearby hot food takeaway premises (see **Appendix 3**). These hours of opening have been reviewed by the Council's Environmental Health Officers and no objection has been raised. In addition odour and waste impacts can be controlled through a suitably worded planning condition.
- 6.4.5 Occupiers of neighbouring residential properties have raised concern regarding anti-social noise and disturbance from the site and street, when using the facility or from people walking to the site on foot or by vehicle drivers visiting the site. The on road parking directly adjacent to the site (on both sides of the road) is restricted during the daytime (8am to 6pm) to 1 hr only. This has been provided to help meet the needs of the existing commercial activity associated with the Bitterne Park Local Centre to the north.
- 6.4.6 Demand for a hot-food takeaway use is likely to be greater in the evenings, coinciding broadly with the relaxation of parking restrictions. However, the parking adjacent to the container would not only be required for the proposed hot foot takeaway use, this parking would also still be expected to serve the Bitterne Park Triangle Local Centre including the existing hotfood takeaway uses within that centre. Local residents have advised that the local centre is already well served by hot food takeaway units, as such many of the trips to the area will be associated with the existing uses. It is not considered that the proposed hot food takeaway use would generate a significant amount of additional activity and competition for parking spaces between residents and

takeaway customers above the existing situation. Furthermore, there is no evidence to suggest that the proposed use would add to any greater level of anti-social behaviour than the existing use of the site. Therefore it is not considered that the proposals would be detrimental to residential amenity in this regard and therefore complies with saved Policy SDP1(i).

6.5 Parking highways and transport

- 6.5.1 No dedicated parking is provided in association with the proposed development. As advised above there is on road parking available on Whitworth Crescent. This parking is restricted during the day (1hour only between 8am and 6pm). This parking already serves the Bitterne Park Triangle Local Centre and its existing night time economy. No waiting restrictions are also imposed preventing obstructive parking close to junctions.
- 6.5.2 Concern has been raised with regard extra trip rates and any material impact on the local highway network associated with a food take away. Anecdotal evidence from local residents indicates existing highway safety issues and parking problems from the commercial activity at the parade. The proposal is seeking to utilise the existing garden for use for hot food takeaway whilst retaining the existing external seating area. Therefore, in essence, the proposal simply replaces the former cocktail/beer garden usage with hot food takeaway.
- 6.5.3 The extent of movements and parking would be naturally limited by the modest scale of the unit. Highways Officers have performed an analysis of typical trip rates for the proposed use, using the industry standard TRICS database for take-away food shops. The data shows a potential for a total two way vehicle trips rates of 126 vehicles, with potential for peak-hour two way trips of 14 vehicles during the evening hours of 7 till 8pm. However, this includes sites which are of much larger floor space than that of the proposals for this site. Likewise, much of TRICS analysis of sites pre-dates the rise in app based home delivery services such as Deliveroo, Uber Eats and Just Eat. The deliveries are often utilising cycle delivery riders which further reduces the impact of extra vehicle trips. The addition of a small hot food takeaway outlet is not considered to have a significant impact on trip rates in the area. Moreover, it will simply create another option for local visitors to Bitterne Park Triangle. The Council's Highway Officer also supports this view.
- 6.5.4 Highway Officers have recommended that short term cycle storage of three Sheffield stands should be provided on site for the use of staff and visitors. Such a requirement can be secure by condition with the proposed parking needing to be in place prior to the first use of the development. Cycles will be able to access the site via the sloped access point to the north of the site.
- 6.5.5 No details have been provided to advise how the trade and customer refuse and waste will be managed on site. There is an existing refuse storage compound to the east of the site. As such it is reasonable for a condition to be imposed requiring a waste and litter management plan to be approved by the local planning authority and in place prior to the first use of the premises.

7. Summary

- 7.1 The application proposes the siting of a shipping container to create a new pizza takeaway. For the reasons outlined above it is considered that the proposal would not result in such substantial harm as to justify refusing the application subject to suitable conditions to control and mitigate the impacts of the use.

8. Conclusion

- 8.1 It is recommended that planning permission be granted with conditions imposed to mitigate the impact from the proposed development

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer **Mark Taylor** PROW Panel 14th December 2021

PLANNING CONDITIONS

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. Approved Plans

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

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

03. Hours of Use (Performance)

The use hereby approved shall not be open to the public outside the following hours:

10am to 10pm Monday to Friday

9am to 11pm Saturday

10am to 9pm on Sundays and Bank Holidays

Reason: To protect the amenities of nearby residential occupiers

04. Cycle Parking

Before the development hereby approved first comes into use, on-site secure storage in the form of 3 sheffield stands shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved for the lifetime of the development.

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

05. Refuse and Waste Management

Before the development hereby approved first comes into occupation, a waste and

litter management plan shall be submitted to and agreed in writing by the Local Planning Authority. The Refuse Management Plan shall provide details of on-site customer refuse bins, a collection point for refuse and recycling and the movement of containers to and from the collection point on collection days. With the exception of collection days, the refuse and recycling containers shall be kept only within the approved storage areas.

Reason: To ensure the development functions well and in the interests of visual and residential amenity.

06. External Seating and Lighting

Prior to the development hereby approved first coming into use, the seating area and external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The external seating and lighting schemes shall be thereafter retained as approved.

Reason: In the interest of residential amenity and to ensure that the seating area remains ancillary to the provision of takeaway meals

07. No Live or Amplified Music

No live or amplified music shall be played within the boundary of the site.

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

08. Restricted use

The development hereby permitted shall only be used for the preparation and cooking of pizza and associated foods. All cooking shall be undertaken using a gas fired oven only as outlined in section 3.1 of the submitted Design and Access statement and demonstrated on the submitted plan MELT21001-4.

09. Removal of Container

When the container hereby permitted is no longer required or becomes obsolete, it shall be removed, and the ground restored to an appropriate condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority prior to the container's removal.

Reason: In the interest of preserving the character of the area.

10. No Storage on the Container Roof

No materials, goods or other items shall be stored on top of the container hereby approved at any time.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area and in the interests of safety.

11. No Noise or Vibration Emitting Equipment

No additional equipment that may result in noise or vibration (such as additional fume extraction or power generators) shall be used on site until specific details of the equipment have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be implemented in accordance with the agreed details thereafter retained as approved.

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP4 Development Access

SDP5 Parking

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

SDP16 Noise

REI7 Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

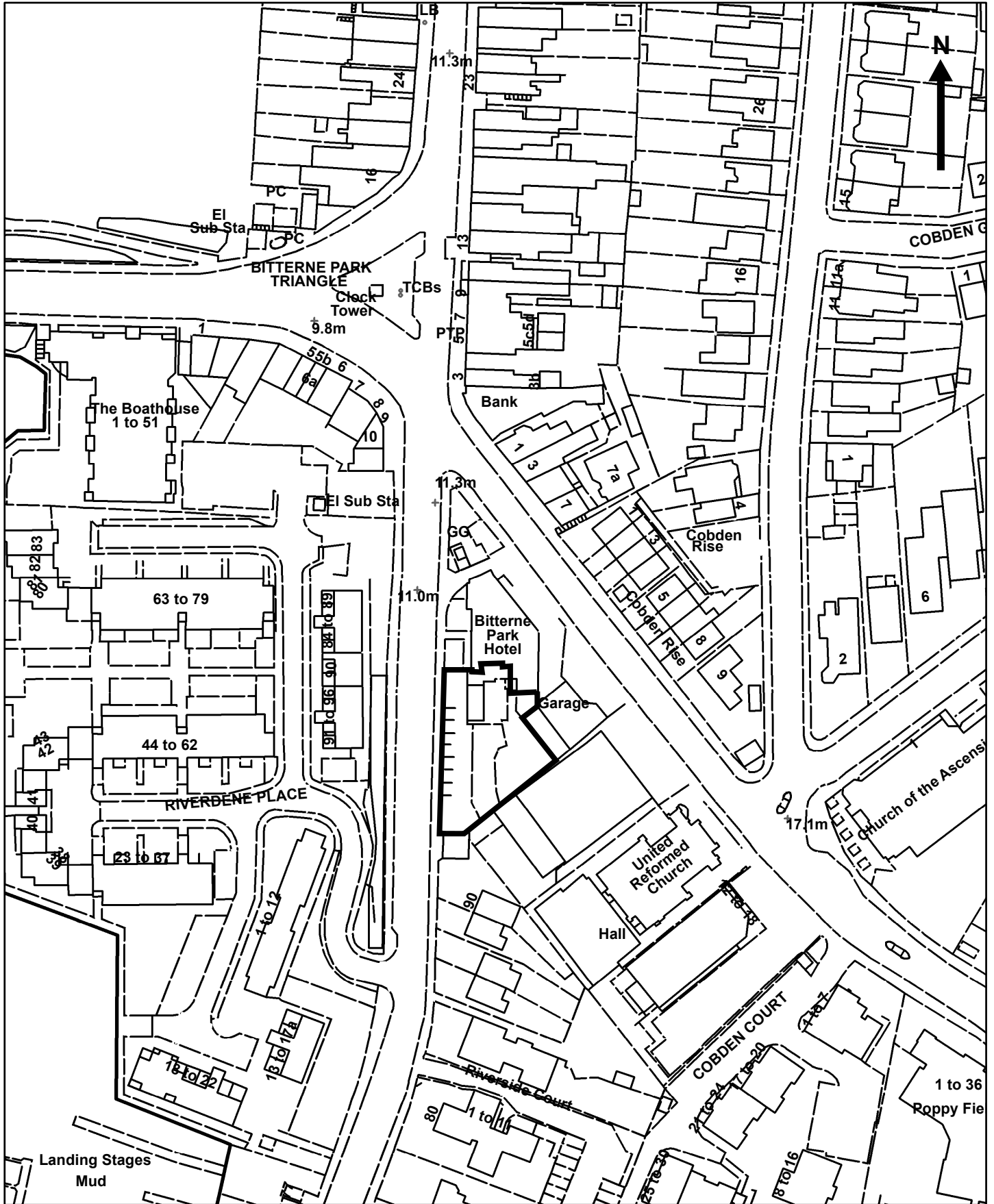
Case Ref	Proposal	Decision	Date
945/23	ALTERATIONS TO HOTEL - Unconditionally Approved		23.03.1950
1011/BB	Erection of additional Petrol Pumps.	Conditionally Approved	10.02.1953
1015/BB	Petrol pumps		16.04.1953
1329/26	Alterations to garage		10.05.1967
1356/P46	Paraffin vending machine	Conditionally Approved	24.09.1968
1471/E6	Elevational alterations and toilets Appeal withdrawn	Application Refused	19.02.1974
1478/E11	Section 53 determination		13.08.1974
1480/E20	Use of public house and hotel to include Music and dancing	Application Refused	05.11.1974
891282/EA	Illuminated gantry sign 'q8'	Conditionally Approved	03.11.1989

Planning restrictions on hours of opening for food and drink uses within the vicinity of the application site.

Planning Application	Address	Permitted Hours
19/01317/FUL	7 Cobden Avenue	Monday to Sunday and recognised public holidays – 9am to 11pm
941133/E	5 Cobden Avenue	No planning restrictions
981219/E	3 Cobden Avenue	10am to 11pm Monday to Saturday. 10am to 10pm Sundays and Public Holidays
01/00920/FUL	1 Cobden Avenue	8am – 11pm Mondays to Saturdays and 9am – 10pm on Sundays.
20/00802/FUL	1 Manor Farm Road	Monday to Sunday and recognised public holidays 9am to 11.30pm
1500/E14	3 Manor Farm Road	8am to 11.30pm Monday to Saturday, 8am to 11pm on all other days.
13/00335/FUL	7 Manor Farm Road	Daily 11am to 11pm hours (Outside seating area 11.00 hours to 22.45 hours, permission 15/01069/FUL)
930955/E	13 Manor Farm Road	8am to 9pm Monday to Saturday, 8am to 5pm Sundays
870819/E	18 Manor Farm Road	11am to 11pm Monday to Thursday, 11am to 11.30 pm Fridays and Saturdays, No time on Sundays or Bank Holidays
09/00859/FUL	33 Manor Farm Road	7.30am to 10pm Monday to Saturday 11am to 10pm Sunday and recognised public holidays

Agenda Item 6 21/00708/FUL

Appendix 1



Scale: 1:1,250

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**Planning and Rights of Way Panel 14th December 2021
Planning Application Report of the Head of Planning & Economic Development**

Application address: 30-32 St Marys Place Southampton			
Proposed developments: <u>21/01527/FUL</u> Retrospective change of use to tyre retail and fitting centre (sui generis use) <u>21/00764/FUL</u> Retrospective canopy			
Application number:	21/01527/FUL 21/00764/FUL	&	Application type: FUL
Case officer:	Rob Sims	Public speaking time:	5 minutes per application
Last date for determination:	22.12.2021	Ward:	Bargate
Reason for Panel Referral:	Associated applications with five or more letters of objection received	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Eco Tyres Holding Property		Agent: Mr Ian Donohue Southern Planning	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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 CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1 and SDP7 of the City of Southampton Local Plan Review (Amended 2015). Policies AP 2, AP16 Design and AP36 of the City Centre Action Plan March 2015

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

21/01527/FUL – Conditionally Approve Use

21/00764/FUL – Conditionally Approve Canopy

Background

The Panel will recall that application 21/00764/FUL for the canopy structure to support an existing tyre fitting and garage use was deferred from an earlier Panel meeting, after it was discovered that the main use didn't actually have planning permission. The applicant's have subsequently applied for the principal use under application 21/01527/FUL and **this report now seeks the Panel's approval for both the use and the canopy as they are intrinsically linked.** The report, therefore, summarises both applications and requires 2 decisions from the Panel with a decision on the use recommended ahead of the canopy.

1. The site and its context

1.1 The application site is located to the east of St Marys Place, facing Hoglands Park. The immediate area is predominantly commercial in character, with an office block to the south, a meeting church to the north and a parade of shops/take-a-ways to the east within the same building. There is also an element of residential dwelling/flats close by (behind the site) on St Marys Street, to the north-east and a little distance more to the south. The application site is currently in use as a tyre replacement and car maintenance garage (Eco Tyres) for which this application seeks to regularise.

2. Proposal

2.1 Application 21/01527/FUL seeks to regularise the use of the existing premises for tyre fitting and retail sales. The business has been in use for 7 years, with the unauthorised use coming to light when considering a planning application for a canopy to the front of the premises.

2.2 Application 21/00764/FUL is for the retention of a canopy over the existing parking area, measuring 15.5m wide x 11.9m deep x 7.5m high. The framing of the canopy is painted yellow. At present there is no roof to the structure, however it is proposed to cover the roof with transparent sheeting. The sides will remain open.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these

proposals are set out at **Appendix 1**.

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

4. Relevant Planning History

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

- 4.2 Planning application 871581/E was submitted in 1987 and proposed a similar change of use as this application for the 'Change of use from retail to workshop for servicing cars and light vehicles at Unit B, Kingsgate Centre' However it was refused for the following reasons:

- 1) The proposal would be contrary to the policy adopted by the Council as contained in the St Mary Street Area Strategy which seeks to resist 'general industrial or heavy goods vehicle servicing uses.'
- 2) The proposal would be contrary to the provisions of the Draft City of Southampton Local Plan and policy C.A9 (A) of that Plan which states: 'To seek the redevelopment of the site of:
(A) 46-52 St Mary Street (and adjoining land fronting Queensway) for a mixture of commercial purposes (e.g. Shops, offices and/or light industry)
- 3) The proposal is considered to be inappropriate and unneighbourly use in an area close to residential development, and is unlikely to cause noise, disturbance, annoyance and loss of amenity for residents living in St Mary Street.

- 4.3 In March 2021 a planning application for the canopy was refused using delegated powers under application 21/00026/FUL. The reason for refusal was:

- 4.4 *Insufficient information has been submitted by the applicant regarding the function and operational use of the canopy for supporting the requirement of the existing business. The failure to provide this information does not allow an assessment to be undertaken regarding the impacts of the development on noise and disturbance to neighbouring premises, or allow any harm identified to be mitigated. On this basis the application would be contrary to Saved Policy SDP1 of the City of Southampton Local Plan Review (2015) and the guidance contained within the National Planning Policy Framework 2019, in particular paragraph 180.*

4.5 The previous application was refused due to a lack of information regarding the intended use and purpose of the canopy and the subsequent impacts of its function on neighbouring premises. The current application is supported with an acoustic report, prepared by 24 Acoustics, that seeks to address this previous reason for refusal.

5. **Consultation Responses and Notification Representations**

5.1 None received to application 21/01527/FUL following posting of a Site Notice (05/11/2021) and sending notification letters to 20 nearest neighbours.

5.2 Following the receipt of the planning application 21/00764/FUL a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 02/07/2021. At the time of writing the report **7 representations** have been received from surrounding property. The following is a summary of the points raised:

5.3 *The ground and first floor windows sit directly under this canopy and the noise will then be contained under the roof, and directly significantly impact occupiers of the offices and the ability to open the windows and still be able to work/ not effect telephone calls etc. Although the roof will be transparent, this will also impact on the natural light, the view and quality of life for our employees while in the office.*

Officer Response

Impact on noise and amenity to neighbouring premises will be considered in Planning Considerations section below.

5.4 *The height of the structure is overpowering and sits over neighbouring windows resulting in noise impacts.*

Officer Response

It is understood that the height of the structure is required by the applicant in order to meet their business demands to accommodate deliveries and customer demands. The following has been provided by the applicant to justify the height of the building:

5.5 'The reason the canopy is as high as it is, is due to the location we are in.. We are located on a service road which only has parking spaces on one side with high traffic passing by. We get regular deliveries with lorries almost every day of the week. If this was to be carried out on the side of the service road it would block the road for a considerable amount of time so taking other road users into consideration the lorries have to pull in our forecourt and to enable this we have left enough room for them to be able to go under the canopy. This would ensure the passing traffic is moving freely.'

5.6 **Consultation Responses**

Consultee	Comments
SCC Environmental Health	<p>21/01527/FUL - Use Environmental Health has received no complaints in relation to the activities resulting in noise or odour from this premises and as such have no reason to object.</p> <p>The applicant must bear in mind the previous comments regarding use of the front yard and consider neighbours regarding the works undertaken outside. Refuse arrangements must be appropriate and address all types of waste produced. Hours of operation to be no greater than those in the previous application along with the activities in terms of number of tyre changes outside per day/week</p> <p>21/00764/FUL - Canopy Environmental Health has no objection to the canopy based on the usage as described in the attached noise report (16 tyre changes and minimal use of the lift)</p> <p>No complaints have been received about the premises regarding nuisance resulting from its use.</p> <p>However EH recommend that the hours of use are conditioned to 09.00 to 17.00 Mon to Fri, 09.00 to 16.00 Saturday only.</p>

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design & Effect on Character
- Residential amenity – inc Noise;
- Parking highways and transport

6.2 Principle of Development

6.2.1 **i) 21/01527/FUL - Use**

Application 21/01527/FUL seeks to regularise the use of the existing premises for tyre fitting and retail sales. The business has been in use for 7 years, with the unauthorised use coming to light when considering a planning

application for a canopy to the front of the premises. The canopy is subject to a separate planning application. Whilst carrying out development without prior consent is strongly discouraged, this is not in itself a reason to refuse the application. Each application is considered on its own merits and in accordance with the relevant policies contained in the Development Plan and the guidance contained within the National Planning Policy Framework 2021. The most relevant Development Plan policies are highlighted below:

- 6.2.2 Policy CS13 of the adopted Core Strategy states development should “respond positively and integrate with its local surroundings”. Policy SDP1 of the City Local Plan states that Planning Permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens; and contributes, where appropriate, to a complementary mix of uses. Policy SDP7 seeks to prevent “development which would cause material harm to the character and/or appearance of an area”.
- 6.2.3 Policy AP16 (Design of the City Centre Action Plan (CCAP) seeks to ensure Development in the city centre will deliver the highest standards of sustainable development and design by: relating well to the predominant scale and mass of existing buildings in the street, and be of an adaptable form to respond to future uses; strengthen the unique distinctiveness of the city’s heritage, through use of proportions, plot widths, contemporary interpretations of architectural and landscape styles and features, materials and colours that reflect the individual local characteristics of the urban quarters; and respect the existing residential amenity of neighbouring property and provide safe access and external defensible space where practical
- 6.2.4 The site lies in the area defined under Policy AP 36 for St Mary Street and Northam Road. The policy seeks to ‘retain commercial uses in the core of St Mary Street and meet the need for local convenience retailing and services whilst providing more flexibility in terms of land uses outside the shopping area. All redevelopment must respect the character of the area and preserve strategic views within and across St Marys. In order to improve linkages into the city centre core, the Council will work to reduce the severance of Kingsway and St Marys Place and improve crossings to St Mary Street as part of the redevelopment of the East Street Centre...’
- 6.2.5 Furthermore Paragraph 81 of the NPPF (2021) states that: ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’ Paragraph 187 also states that ‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.’
- 6.2.6 Whilst the previous use of the premises was an electrical retail unit, the business has operated undetected for the past 7 years. In 1987 planning

permission was refused under application 871581/E, based on general industrial use being contrary to specific planning policies of the local plan at the time. The current local plan was saved in 2015 and the CCAP adopted in 2015 also. The current Development Plan does not resist this type of development provided it doesn't affect 'the core of St Mary Street and meet the need for local convenience retailing and services whilst providing more flexibility in terms of land uses outside the shopping area. The site lies outside of the primary and secondary shopping frontages of St Marys Street and amongst other forms of commercial development. The principle of providing commercial in appropriate areas, is acceptable subject to the specific impacts of the development, including noise and disturbance. In terms of character, the use respects the character of the area on the section of St Mary Street which it occupies. Further, the existing business provides a service to the public whilst providing support for the local economy, which is encouraged by the Development Plan and NPPF. The key consideration is the impact on neighbour amenity.

6.2.7 ii) 21/00764/FUL - Canopy

The proposals relate to the erection of a canopy on a commercial building, located in a commercial area within the defined city centre. The framing and roof structure has already been erected, however the transparent sheeted roof has not been installed. Whilst carrying out development without prior consent is strongly discouraged, this is not in itself a reason to refuse the application. Each application is considered on its own merits and in accordance with the relevant policies contained in the Development Plan and the guidance contained within the National Planning Policy Framework 2021.

6.2.8 According to the applicant's Design and Access Statement, the canopy was constructed primarily to enable the business to operate in all weathers as well as enable social distancing measuring to be incorporated for visitors to the site. It confirms that:

6.2.9 *'Prior to the installation of the canopy, tyres were being fitted to cars outside due to limited internal space, however only when the weather permitted. The limited internal space at eco tyres is as a result of the extensive room required to store tyres. All tyres are stored inside the existing premises to reduce the need for additional buildings or outside storage containers. As such, there is a need for additional space to enable the business to operate viably...the intended use beneath the canopy remains the same as prior to its installation. The installation of the canopy is just to allow the business to operate in wet weather conditions, increasing the businesses productivity and providing support for the local economy.'*

6.2.10 The principle of providing development in support of existing businesses is acceptable, however the specific impacts of the development on the character and function of the local environment falls for consideration, including the design of the structure, impact on noise and neighbouring occupiers and parking.

6.3 Design and effect on character

6.3.1 The site lies to the east of St Marys Place and is prominently visible from Hoglands Park to the west and from north and south on the busy approach to and from the southern part of the City. This part of St Marys Place is commercial in nature, which a range of buildings and uses. The existing use has been in operation for a number of years (albeit unauthorised), as have the other commercial uses in neighbouring units, including the 5 storey office block to the south (Roman Landings) and the car garage and church to the north.

6.3.2 In terms of the physical and visual impact of the canopy, the structure would span the full width of the unit and be of a similar height (7.5m). Whilst the painted yellow framing results in a visually prominent addition to the area, it is not considered that the canopy is disproportionately large or obtrusive for the size and operation of the existing business. The size of the structure is justified due to its requirement to allow for the covering of any external area already in use. This would sustain the operation of the existing business without any increase in business hours (the impact of this development in terms of noise and amenity will be considered below), which is supported by Policies AP16 and AP36 of the CCAP and paragraphs 81 and 187 of the NPPF (2021) . When considering the backdrop of the existing commercial business units behind and to immediate sides of the application site, it is not considered that the canopy structure would be out of character or significantly harmful to the visual amenities of the area. On this basis the proposal is considered to be acceptable in terms of its design and appearance.

6.3.2 The site lies opposite Hoglands Park which is registered historic park. Whilst the canopy structure would be visible from the park, the size, siting and design of the structure would be seen and absorbed into the backdrop of the existing commercial development. On this basis it is not considered that the application would result in significantly harm to the setting and appearance of the park and therefore the proposals can be supported in this regard.

6.4 Residential amenity

6.4.1 **i) 21/01527/FUL - Use**

It is notable that the business has been operating for some years without any concerns raised by neighbouring units. The opening hours are the existing business hours, from 9am until 5pm Monday to Friday and 9am to 4pm on Saturday and with no opening on Sundays or Bank Holidays. The applicant states these hours are understood to be very similar to the hours of opening of the electrical store which previously occupied the site and would also be in line with a retail. Delivery hours are not known however, these can be suitably controlled through a planning condition. On this basis it is agreed that these hours are considered appropriate and are not considered to pose

an unacceptable increase in noise and disturbance for any neighbouring uses.

- 6.4.2 The Noise Impact Assessment submitted with the application for the retrospective canopy confirmed that operations on the forecourt at Eco Tyres would not result in any significant noise impact at any nearby receptors. Whilst the report focused on outside activities, it stated that 20 tyres per day a fitted on average at the site, including 16 outside on the forecourt under the unauthorised canopy. It is understood that the building on the site is used for storage of tyres and the remaining tyre fitting requirements.
- 6.4.3 The noise generating activities taking place from the site for tyre fitting are from the use of a lift and wheel gun, which are estimated to generate noise levels of between 48-58db. The noise report highlights that the acceptable noise level specified in BS 8233 for the neighbouring open plan offices is of 45 – 50 dB. The particular impact on the northern façade of the Roman Landing buildings is stated to be mitigated by the fact that the windows for these offices were shut at the time of the visit (June 2021) and their letting advertisement stating that these are air-conditioned offices. On this basis the Noise Report Consultant concludes that the average internal noise levels from Eco Tyres are likely to be less than 30 dB and therefore in accordance with the noise level standard.
- 6.4.4 Whilst the additional impact from activities underneath the canopy is yet to be determined as acceptable, consideration must be given to the appropriateness of using the forecourt for noise generating activities. The noise report and its conclusions are based on there being 20 tyres being changed a day are changed on average, 16 of which being fitted outside. The impact of this outside activity is not considered to be significant based on the noise generating activities being limited to the lift and wheel gun, which operate between 30seconds to 2mins every hour. Given that noise generation is limited specifically to this machinery and the noise output is for a short period, it is not considered that the noise generation would result in a significant amount of noise and disturbance to neighbouring units. As the noise report and its conclusions was based on there being 16 tyre changes outside, the use of the outside forecourt for tyre fitting shall be limited to this number in the interests of neighbour amenity.
- 6.4.5 The Council's Environmental Health Officer also considers the conclusions of the Noise Report to be accurate and that the development would not result in adverse noise impacts on neighbour amenity subject to the hours of use being restricted in line with the opening hours of the business (09.00 to 17.00 Mon to Fri, 09.00 to 16.00 Saturday only). Subject to compliance with these conditions and appropriate delivery times; limitation to outside of activities; and restricted use of the site for tyre retail and fitting, the application is considered to be acceptable.

ii) 21/00764/FUL – Canopy

- 6.4.6 There are two issues that fall for consideration regarding the impact of the canopy on neighbouring occupiers: Noise impacts from the external working area; and loss of light and outlook caused by the structure itself. The previous planning application (21/00026/FUL) was submitted without any information regarding the business requirement for the canopy structure. Without this information it was not known what noise impacts the covered workspace would generate especially without an accompanying noise report. The applicant has addressed this reason for refusal by providing more information regarding the use and function of the canopy area and a noise report. The applicant has confirmed that:
- 6.4.7 In terms of work undertaken outside, this is principally changing tyres on vehicles and using the ramp to inspect the underneath of vehicles. However, the outside facility is only utilised when there is no space inside the building. On average, 20 tyres a day are changed. The changing of tyres involves the use of an electric wheel nut gun, as opposed to an air gun which would require a compressor and would generate more noise.
- 6.4.8 The roof of the structure at 7.5m high spans up to the height of the neighbouring ground and first floor offices (Roman Landing Offices). The applicant has confirmed in their submission that on average 20 tyres (not vehicles) are fitted per day, with 16 tyres fitted in the outside area between the working hours of the business. The canopy structure would allow this operation to take place in wet weather and therefore the frequency of noise outside may increase but would not result in an increase in the volume level of noise. However concerns have been raised by the business occupiers of the neighbouring premises that the addition of a covered roof would result in the containment and amplification of the external noise generated from development.
- 6.4.9 The applicant has submitted a noise report to assess the impact of noise generated from the external area on the three neighbouring premises (Roman Landing Offices, Medway car repair garage and the Church further north). The noise report calculates that the activities underneath the canopy comprise of an average of two tyre changes per hour using an electric wheel nut gun used for less than 30seconds as well as an inspection pit lift 2-3 times a day. The noise generated from this activity is estimated between 48-58db. The noise report highlights that the acceptable noise level specified in BS 8233 for open plan offices is of 45 – 50 dB. The particular impact on the northern façade of the Roman Landing buildings is stated to be mitigated by the fact that the windows for these offices were shut at the time of the visit (June 2021) and their letting advertisement stating that these are air conditioned offices. On this basis the Noise Report Consultant concludes that the average internal noise levels from Eco Tyres are likely to be less than 30

dB and therefore in accordance with the noise level standard. The Council's Environmental Health Officer also considers the conclusions of the Noise Report to be accurate and that the development would not result in adverse noise impacts on neighbour amenity subject to the hours of use being restricted in line with the opening hours of the business (09.00 to 17.00 Mon to Fri, 09.00 to 16.00 Saturday only).

- 6.4.10 Notwithstanding that the noise report concludes that the noise generated from the development taking place underneath the canopy would be 58db at the northern façade of the Roman Landings Offices. This would exceed the noise levels under the British standard for open plan offices (45-50db). The impact of these activities on neighbouring premises would be reduced if the windows on the offices remain shut, which the noise report assumes would be the case. However, third party representations state that the windows are opened for ventilation purposes, therefore they do not remain shut all the time. This point is noted and the applicant should not rely on the windows remaining shut to fully mitigate the noise impacts of the development. However, when considering the short duration in which the noise generating sources are in operation, officers consider that the direct noise impacts on neighbour amenity would not be significant. The number of tyre changes in addition to the length of the time of equipment is very short (2mins) over an hour period. This would not warrant significant harm to neighbouring businesses and their day to day operations. Realistically the windows could be open for sustained periods during the warmer months however the office spaces are advertised as being fully air conditioned and therefore allowing internal temperatures to be regulated without the need to open the windows. This reliance and benefit to office occupiers allows the noise impacts of the development to at least be partially mitigated to an acceptable and compliant level. On this basis the proposals are considered to be acceptable in terms of their noise impacts, subject to a condition securing the use of the area in accordance with the specified opening hours.
- 6.4.11 The previous application was refused based on insufficient information with regards to the use and function of the covered area and their impact in terms of noise. Concerns were raised at the time by third parties that the canopy results in loss of light and outlook to their premises, however officers did not consider that this impact would be significant or justify a reason for refusal. Notwithstanding this opinion, Cllrs are not bound by this previous conclusion nor any subsequent recommendation by officers on this issue or other issues and may determine that the impacts of the development are harmful. Any such conclusion should be taken in the context of the EHO comments and the fact that the existing forecourt could be used for activities associated with the business without restriction.
- 6.4.12 Third parties have raised concerns that the provision of the canopy structure and its roof extending up to the first floor of the neighbouring offices and result in loss of light and outlook from these windows. Notwithstanding that

these windows are north facing and do not benefit from a significant amount of sunlight, the close proximity of the structure to the neighbouring building could result in some loss of natural light to the offices. The applicant has attempted to mitigate these concerns through the use of a transparent roof. Officers acknowledge that there would be some reduction in natural light to these offices due to the close proximity of the structure and installation of the roof, despite this being made of a transparent material. However this impact would be limited to only part of the ground and first floor offices. According to the sales brochure for the Roman Landings Offices, offices are let as a whole floor in order to provide an open plan office. This means that each floor is served by other windows further west in the northern façade as well as the western and southern façades, which would provide a significant amount of uninterrupted natural light to this office space. Furthermore, modern office space is typically artificially lit and do not rely upon natural lighting.

6.4.13 It is acknowledged by officers that the canopy structure would result in some loss of light and outlook to the northern façade of the Roman Landings offices. However, given that the offices would be served by other windows it is not considered that a reason for refusal on this basis could be justified in this instance. On this basis the application is considered to be acceptable in terms of its impact on amenity of neighbouring occupiers.

6.5 Parking highways and transport

6.5.1 Notwithstanding the external canopy, the site has a large forecourt located off St Marys Place, which accommodates car parking adequate space for deliveries and turning. It is not considered that the application results in significant parking and transport issues. The applicant has not provided any details of commercial waste including tyre disposal, as such details will be requested through a suitably worded condition, as recommended by the Environmental Health Officer.

6.5.2 The applicant states that the activities taking place underneath the canopy were previously occurring and that the canopy would enable all year round working. With this in mind it is not considered that the application results in any material increase in parking and transport activity and, therefore, the proposals are acceptable in this regard.

6.5.3 A verbal update following receipt of any comments from SCC Highways will be given at the meeting.

7. Summary

7.1 **i) 21/01527/FUL - Use**

The application seeks approval for the retrospective use of the premises as a tyre retail and fitting centre. The development is acceptable in principle and the key considerations with regard to noise and disturbance have been outlined above and found to be acceptable, subject to conditions to control

opening hours and the number of tyre changes outside the premises. These conditions are in line with the recommendations of the submitted noise report. It is not considered that the proposals would result in significant harm for the reasons stated above and therefore the application is recommended for approval.

7.2 **ii) 21/01527/FUL - Canopy**

The application seeks approval for a retrospective canopy structure, already constructed except for the roof, which would be a transparent sheeted roof. The canopy structure is not considered to be disproportionate or out of keeping with the character and appearance of the area. The key impact is on the noise and amenity of the neighbouring business, Roman Landings. A noise report has been submitted, which demonstrates the impact of noise taking place underneath the canopy would not be significant. Whilst it is acknowledged that the height and close proximity of the structure would result in a loss of light and outlook to the ground and first floor of Roman Landings. However it is not considered that a reason for refusal could be substantiated in this instance given that each floor is served by a number of other windows with better orientation for receiving natural light. Furthermore, the application proposals would support and sustain the existing business, which is supported by paragraphs 81 and 187 of the NPPF. This would represent a benefit of the proposals and attracts weight against the lack of a justified reason for refusal for impacts of light and amenity of the offices. Overall it is not considered that the proposals would result in significant harm for the reasons stated above and therefore the application is recommended for approval.

8. Conclusion

8.1 It is recommended that planning permission be granted for both applications subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer **Rob Sims** 14/12/2021 for PROW Panel

21/01527/FUL (Use) - PLANNING CONDITIONS to include:

1.Approved Plans

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

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

2.APPROVAL CONDITION - Hours of Use [Performance Condition]

The use hereby permitted shall not operate outside the following hours:

09.00 to 17.00 Mon to Friday,

09.00 to 16.00 Saturday only.

And at no time on a Sunday and recognised public holidays.

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

3.Restricted use of the centre

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used as a tyre retail and fitting centre and car repairs, and not for any other purpose including MOT testing.

Reason: In the interest of the amenities of neighbouring occupiers and highways safety.

04. Use of the outside forecourt (Performance)

No more than 16 tyres per day shall be replaced and fitted on the forecourt immediately outside the building.

Reason: To protect the amenities of the occupiers of existing nearby properties and to comply with the assessment and recommendations of the submitted Noise Impact Assessment, produced by 24Acoustics, reference: R9100-1 Rev 0, dated 21/06/2021.

05. Waste storage and Collection

Within one month from the date of this permission, details for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the approved details shall be provided on site and retained in accordance with the approved details.

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

06. No external storage

No tyres or associated servicing goods shall be stacked, stored or deposited on the external forecourt of the site (including beneath the canopy), except during the opening hours of the premises.

Reason: To ensure that the visual appearance of the area is not adversely affected.

21/00764/FUL (Canopy) - PLANNING CONDITIONS to include:

1. Approved Plans

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

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

2. Hours of Use (Performance Condition)

The commercial use taking place underneath the canopy hereby permitted shall not operate outside the following hours:

Monday to Fridays 09:00 to 17:00 hours

Saturdays 09:00 to 16:00 hours

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

3. Materials as specified

The materials and finishes to be used for the roof of the building hereby permitted shall match those specified on the application form and approved plans. The proposed roof shall be installed within three months from the date of this permission in accordance with the agreed details.

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

APPENDIX 1 **POLICY CONTEXT**

Summary:

The most relevant Development Plan policies are highlighted below:

Policy CS13 of the adopted Core Strategy states development should “respond positively and integrate with its local surroundings”.

Policy SDP1 of the City Local Plan states that Planning Permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens; and contributes, where appropriate, to a complementary mix of uses.

Policy SDP7 seeks to prevent “development which would cause material harm to the character and/or appearance of an area”.

Policy AP16 (Design of the City Centre Action Plan (CCAP) seeks to ensure Development in the city centre will deliver the highest standards of sustainable development and design by: relating well to the predominant scale and mass of existing buildings in the street, and be of an adaptable form to respond to future uses; strengthen the unique distinctiveness of the city’s heritage, through use of proportions, plot widths, contemporary interpretations of architectural and landscape styles and features, materials and colours that reflect the individual local characteristics of the urban quarters; and respect the existing residential amenity of neighbouring property and provide safe access and external defensible space where practical

The site also lies in the area defined under Policy AP 36 for St Mary Street and Northam Road. The policy seeks to ‘retain commercial uses in the core of St Mary Street and meet the need for local convenience retailing and services whilst providing more flexibility in terms of land uses outside the shopping area. All redevelopment must respect the character of the area and preserve strategic views within and across St Marys. In order to improve linkages into the city centre core, the Council will work to reduce the severance of Kingsway and St Marys Place and improve crossings to St Mary Street as part of the redevelopment of the East Street Centre...’

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design

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

SDP1	Quality of Development
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security

SDP11 Accessibility & Movement
SDP16 Noise
SDP17 Lighting

City Centre Action Plan - March 2015

AP 2 Existing offices
AP 16 Design
AP 36 St Mary Street and Northam Road

Other Relevant Guidance

The National Planning Policy Framework (2021)

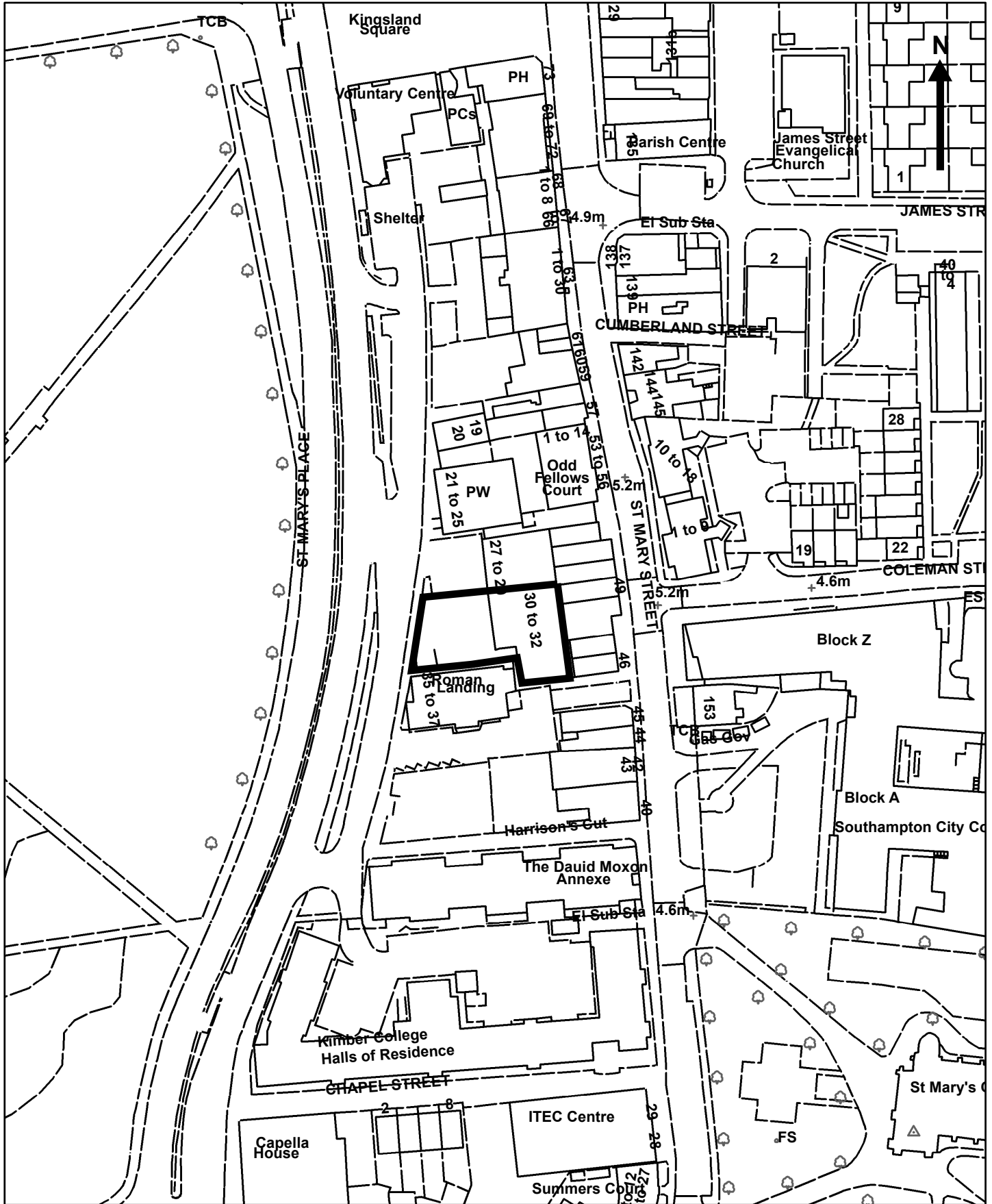
APPENDIX 2
Relevant Planning History

Case Ref	Proposal	Decision	Date
06/00403/FUL	Retrospective application for the siting of a mobile food takeaway van in the car park between 21.00 hours and 05.00 hours.		09.05.2006
14/01628/ADV	Advertisement application for 1 x externally illuminated fascia sign and 1 x externally illuminated hanging sign	Conditionally Approved	20.11.2014
21/00026/FUL	Retrospective canopy.	Application Refused	10.03.2021
21/00764/FUL	Retrospective Canopy		
21/01384/FUL	Change of use and siting of mobile hot food takeaway in car park (Retrospective)		
21/01527/FUL	Retrospective application for change of use to tyre retail and fitting centre (sui generis mixed use)		
871581/E	Change of use from retail to workshop for servicing cars and light vehicles at Unit B, Kingsgate Centre	Application Refused	16.12.1987

Agenda Item 7

21/00764/FUL

Appendix 1



Scale: 1:1,250

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Planning and Rights of Way Panel 14th December 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 158-160 Shirley Road, Southampton			
Proposed development: Part demolition of existing buildings for conversion from Retail unit and workshop (Class E Use) to form 3 dwellings (2 x 2 bed, 1 x 4 bed) and erection of 1 x 3 bed dwellings with associated works (Description Amended on 09.11.21 - reduction of 1 dwelling fronting Lisbon Road)			
Application number:	21/01402/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	21.12.2021 (Extension of time secured)	Ward:	Freemantle
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Windle Cllr Shields Cllr Leggett
Referred to Panel by:	Cllr Shields	Reason:	Increased kerbside pressure to street parking
Applicant: Mr Ash Bajar		Agent: Mr Rob Wiles Concept Design & Planning	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The 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 – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.

2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- Contribution towards the Solent Disturbance Mitigation Project to mitigate impact on European designated sites due to an increase in recreational disturbance.

3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

1.1 The site has an area of 526sqm with frontages on Shirley Road and Lisbon Road, located approximately 286m from the southern edge of Town Centre. The site comprises linked commercial premises occupying 100% site coverage, including a 2 storey terraced property comprising a motorbike retail shop with shopfront (Shirley Road) and a single storey workshop (Lisbon Road). The surrounding area is mainly characterised by 2 storey buildings with a mix of commercial premises and suburban residential housing.

1.2 Street parking in Lisbon Road is controlled by a residents parking scheme (southern side – visitors return within 1 hour) and no waiting from 08:00-18:00 Mon to Sat (northern side). Further to the east of Shirley Road, the majority of streets in a 200m radius are controlled parking permit and no waiting controls (Park Road, Kingston Road, Queenstown Road, Princes Road, Andover Road, Paynes Road, Cawte Road, Sir Georges Road).

2. Proposal

2.1 The proposal seeks to convert and part redevelop the existing commercial premises into 4 homes (2 x 2-bed; 1 x 4-bed; 1 x 3-bed). Section 6.4 of the report identifies the garden and floorspaces sizes in relation to the minimum sizes as set out in the Nationally Described Space Standards (NDSS) and Residential Design Guide. The footprint of the new housing would sit within the existing terraced street frontage, abutting a commercial premises with flat above at 164 Shirley Road and 154 Shirley Road (converted in 4 flats). Proposed dwellings 1-3 (fronting Shirley Road) would enclose the existing parking forecourt to create walled front gardens and associated bin stores contained in a porch style canopy. The unadopted private trackway to the rear (entered from Lisbon Road serving the backs of the neighbouring Shirley Road

premises and 2-2a Lisbon Road does not form part of the application site red line and this route would not be obstructed.

- 2.2 Since the validation of the application, the applicant has amended and improved the residential layout and increase gardens sizes/separation distances for the group of dwellings. They have also changed the proposed units 4 and 5 fronting Lisbon Road (2 x 1 bed) by retrofitting and converting the existing single storey workshop building into a 3 bed dwelling.

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

4. Relevant Planning History

- 4.1 There is no relevant planning history for the site relating to the proposed development.

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 08.10.2021. At the time of writing the report **3 representations** have been received from surrounding residents and an objection from Ward Cllr Shield. The following is a summary of the points raised:

- 5.2 ***The additional parking demand will overspill onto nearby residential streets including Lisbon Road and Shirley Road causing further pressure to the capacity of kerbside street parking available for local residents.***

Response

The principle of car free residential development can be supported in this highly accessible location, which is served by regular bus services. Daytime parking controls for the nearby residential streets will further minimise the overspill parking in local streets within 200m of the site to the west Shirley Road.

The Council’s maximum parking standards would allow up to 6 parking spaces to serve this quantum of development in this location, but less than the maximum can be supported in accessible locations where there would be no adverse highway

safety impact.

- 5.3 ***Loss of amenity to neighbouring residents from overlooking and close proximity of building. Increased noise disturbance at night from additional comings and goings of residents and car doors shutting loudly.***

Response

The amendment of dwelling '4' to convert and reuse the shell of the existing workshop building, minimises any further impact on the amenity of the neighbouring occupiers of 2 Lisbon Road because there would be no change to built form. The additional activity associated with the dwellings is not considered to be uncharacteristic of the residential street whilst the planning system plans for reasonable behaviour.

- 5.4 ***Disruption and health and safety concerns caused by the necessary removal of existing asbestos roofs.***

Response

There are other legislative controls outside the planning system covering safe removal of the asbestos.

- 5.5 ***Overdevelopment of land available.***

Response

The proposed arrangement of the dwellings would significantly reduce the footprint coverage of the existing building. Furthermore the proposed density falls with the required range for this location and the reduction in the residential layout of the amended scheme offers a greater amount of amenity space for each individual dwelling.

- 5.6 ***Affect property value.***

Response

This is not a valid material consideration.

Consultation Responses

5.7

Consultee	Comments
Cllr David Shields	I wish to object to this application for a conversion to residential apartments as there is inadequate provision for off road parking in an area which already experiences severe problems in the neighbouring residential streets. <u>Officer Response</u> <i>The Council's parking standards and planning policies promote sustainable travel options where there is good accessibility to public transport, whilst the extensive parking controls in the local area will minimise the impact to local residents from parking overspill into neighbouring streets.</i>
Highways	No objection
Design Manager	No objection following amended plans to improve layout and garden sizes

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 site is not allocated for additional housing and the proposed dwelling would represent windfall housing development. Furthermore, the existing commercial premises are not safeguarded (fall outside the Shirley Town Centre defined shopping area under policy RE13 and RE15), however, marketing information supplied shows the vacant business premises has been marketed at competitive rates 6 months prior to the application without receiving any offers from future commercial operators. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. The city has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The development seeks to maximise previously developed land potential in accessible locations as promoted by the NPPF and saved local policies.

6.2.2 The proposal, when having regard to the development plan taken as whole, would point to approval, the Council cannot currently demonstrate a deliverable five year supply of housing. Accordingly, regard must be had to paragraph 11(d) of the NPPF which states

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- (ii) 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”

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).

6.2.4 It is acknowledged that the proposal would make a contribution to the Council's five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling (s) and its subsequent occupation.

6.2.5 Taking into account the benefits of the proposed development and the limited conflict with the policies in the development plan, the adverse impacts of granting planning

permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval.

6.2.6 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in high accessibility locations such as this, density levels should generally accord with the range of over 100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The amended proposal would achieve a residential density of 76 d.p.h 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 character of this section of Shirley Road frontage has a mixed variety of residential and commercial buildings and, therefore, the replacement the active commercial shop window frontage with the residential frontage would not adversely interrupt the character and appearance of the street scene. The conversion of the existing building maintains the 2 storey massing leading up to the corner of Lisbon Road, whilst the re-use of the existing workshop building reinforces the building lines and established pattern of development in Lisbon Road. The residential layout of the site is compact and tightly arranged, however, this is not out of keeping with the tighter urban grain typically seen in higher density urban locations such as Shirley Road, whilst the housing density comfortably falls within the expected range under policy CS5. The development results in a physical and visual betterment to the street scene by transforming the commercial use to a more compatible residential use in Lisbon Road and significantly reducing the existing level of build coverage across site.

6.4 Residential amenity

6.4.1 The amended scheme reduces the number of dwellings from 5 to 4 and therefore frees up more available space to provide amenities to serve the future occupiers of the new dwellings. 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).

6.4.2

Dwelling	Floor Size & Garden size sqm	National Standard & Minimum Garden	Compliance
1 (4 bed)	102 & 50	97 & 50	Y & Y
2 (2 bed)	84 & 50	70 & 50	Y & Y
3 (2 bed)	82 & 50	70 & 50	Y & Y
4 (3 bed)	93 & 50	84 & 90	Y & N

6.4.3 Apart from the garden size of dwelling '4', the rest of the scheme is compliant with the minimum standards. The garden size of dwelling '4' falls 40sqm short of the minimum standards, however, the south facing garden space provides a useable and good quality space for family dwelling. The opportunity to deliver an additional

family home on the site with a good living environment and the environmental benefits of re-using the existing building will therefore, on balance, outweigh the shortfall of amenity space. Furthermore, the local pattern of residential development is mixed with a variety of garden sizes with no overall defined character, so a smaller garden would not necessarily be out of keeping with the local context.

6.4.4 The 12m side to gable separation distances between the first floor windows of the proposed dwellings 2 & 3 are slightly under the minimum 12.5m distance required, however, the tighter urban arrangement of the proposed dwellings is not uncharacteristic of the established street pattern in the local area.

6.4.5 In terms of the impact on the nearest neighbours affected, the rear of 154 Shirley Road (south) does not have any rear windows affected by the rear projection of the proposed dwelling '1' and the adjacent rear hardstanding is used as parking. With the amended proposal of dwelling '4', the conversion and alteration of the existing workshop adjacent to the neighbouring property at 2 Lisbon Road will have a minimal impact on loss of light, outlook and privacy given the retention of the existing the footprint and massing. As such, officers consider that saved policy SDP1(i) has been satisfied.

6.5 Parking highways and transport

6.5.1 The Highways team has raised no objection to the proposed development with regards to the impact on highways safety. The additional trips generated by the development will not significantly impact on the local road network. Refuse and secure/covered cycle storage (in the rear gardens) can be secured by condition.

6.5.2 No off road parking is incorporated into the proposed development. The Council's maximum parking standards allows up to 6 off-street parking spaces. The applicant has not undertaken a parking survey as recommended best practice by the Council's 1APP validation list to assess the capacity of on-street parking in a 200m radius of the site (using the Lambeth model survey). In its absence officers have visited the site and recognise that there is an existing parking problem in the area that could be exacerbated by the proposed development (as supported by third party comments and the Ward Cllr). However, taking into consideration the existing uses (which would also have a parking demand) the sustainable location where car ownership may not be required, the existing parking restrictions, and the Census data for Shirley (2011) that car ownership in Freemantle is at roughly 70%, with nearly 49% having access to a single vehicle only, officers agree that a car free scheme is acceptable without directly impacted existing residential amenity.

6.5.3 As such, the principle of car free residential development can be supported as the Council's maximum parking standards does not require a minimum number of off-street spaces. The highly accessible location for public transport will discourage car ownership and encourage more sustainable transport use, whilst the daytime parking controls for the nearby residential streets will further minimise the overspill parking on local street parking within 200m of the site on west side of Shirley Road. The future occupiers will not be eligible for a resident's parking permit.

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.

7. Summary

7.1 In summary, the site is located outside of Shirley Town Centre and the existing commercial use is not safeguarded. The delivery of housing to replace the vacant commercial premises outside the defined Shirley shopping area will assist in meeting identified housing need, and would be in keeping with the character and appearance of the area. The sustainable location and local street parking controls will minimise the overspill parking impact from the additional parking demand. Moreover the scheme is found to have an acceptable impact on residential and visual amenity, and highways safety.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to securing the SDMP mitigation through a S111 or S106 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 14/12/21 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 Method 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. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

06. 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.

07. Energy & Water [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 minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

08. Energy & Water [Performance]

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

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

09. Energy Efficiency - Conversion Dwelling 1,2 & 3 [Pre-Construction]

Confirmation of the energy strategy, that will achieve a reduction in CO2 emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. A minimum Energy Efficiency Rating of 70 post refurbishment (an EPC rating C) should be sought. Measures that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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

10. Amenity Space Access (Pre-Occupation)

Before the dwelling(s) 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.

11. 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.

12. Landscaping, lighting & means of enclosure detailed plan (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 highway;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment/means of enclosure including front brick walls 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

13. No other windows or doors other than approved (Performance Condition)

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

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

14. Refuse & Recycling (Pre-Commencement)

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

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

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

15. Cycle storage facilities (Pre-Occupation)

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

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

16. Approved Plans

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

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

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

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

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

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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Stage 2 - HRA screening assessment

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

Solent SPAs

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

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

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

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

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

Stage 3 - Appropriate Assessment

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

Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural

sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution, and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

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

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

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

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2021.

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

Summary of Natural England's comments:

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

POLICY CONTEXT

Core Strategy (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS7	Employment
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 8

21/01402/FUL

Appendix 1



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Planning and Rights of Way Panel 14th December 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 217 Bassett Avenue, Southampton			
Proposed development: Erection of a single-storey rear extension (resubmission: 21/00860/FUL)			
Application number:	21/01383/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	Extn of time: 21.12.2021	Ward:	Bassett
Reason for Panel Referral:	Ward Cllr referral	Ward Councillors:	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides
Referred to Panel by:	Cllr B Harris	Reason:	Overdevelopment Out of character Overshadowing
Applicant: Mr and Mrs Ram Birring		Agent: Mr Robert Narramore BPS Design Consultants Ltd	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable considering the policies and proposals of the Development Plan as set out within the Officer's Report. 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 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 the National Planning Policy Framework (2021).

Appendix attached			
1.	Development plan policies	2.	Planning History

Recommendation in Full

Conditionally Approve

1. The site, its context and background to the scheme

- 1.1 The application site contains a two-storey, detached family dwelling house on a large corner plot. The property fronts onto Bassett Avenue, at the corner of Bassett Avenue and Saxholm Way, in a residential area characterised by large, detached dwelling houses of varying styles.
- 1.2 The local ground levels drop by approximately 1m from the rear elevation of the dwelling down to the rear garden boundary. The existing boundary between the application site and immediately neighbouring property No.215 Bassett Avenue is formed of a timber fence and is further screened by tall mature planting along this boundary within the application site.
- 1.3 The application property has been previously extended with single storey side and rear extensions and a rear conservatory adjacent to the boundary with No.215 Bassett Avenue.

2. Proposal

- 2.1 The proposal is for a single storey rear extension, replacing the existing conservatory, which would measure approximately 4.0m high and 10.0m in length.

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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies are set out at ***Appendix 1***.
- 3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, and policies BAS1 (New Development) and BAS4 (Character and Design) of the Bassett Neighbourhood Plan, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.

4. Relevant Planning History

- 4.1 There is an extensive planning history for this site. A full history is included in ***Appendix 2***.

- 4.2 A recent application for a much larger single storey rear extension, of approximately 18m in length to form an annexe, was refused under delegated powers in July 2021 under ref: 21/00860/FUL. This was due to the impact on the character of the area, the impact on the amenity of residents of No.215 Bassett Avenue, and for the poor residential for existing host dwelling and the proposed annexe. The full reasons for refusal are set out in **Appendix 2**.
- 4.3 A single storey side extension to form a garage was conditionally approved in January 2021 under ref: 20/01679/FUL and has been constructed on site. This application was seeking minor changes to a previously approved scheme in 2016 under ref: 16/00572/FUL.
- 4.4 Prior to this, 2 applications were refused in 2018 for a two-storey rear extension and dormer window (September 2018, ref: 18/01126/FUL) and a part two-storey, part single-storey side extension, two-storey rear extension and rear dormer window (April 2018, ref: 18/00374/FUL). These applications were refused due to their impact on the character of the area and their impact on the amenity of neighbouring residents.
- 4.5 In 2011, permission was granted for a single storey rear extension and demolition of the existing garage (January 2011, ref: 10/01671/FUL), and for a rear conservatory and detached double garage (September 2011, ref: 11/00680/FUL).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **3 representations** have been received, including an objection from Ward Cllr B Harris. The following is a summary of the points raised:
- 5.1.1 The proposal results in overdevelopment of the property and is not in keeping with the character of the area. The proposal forms a large and overbearing addition to the rear of the property.
Response
The visual impact of the proposal is discussed further below in Section 6 Planning Considerations.
- 5.1.2 Overshadowing and overbearing impacts to neighbouring property No.215 Bassett Avenue.
Response
The impact of the proposal on the amenity of neighbouring residents is discussed further below in Section 6 Planning Considerations.
- 5.1.3 Any extension should ensure there is no entrance or exit from Saxholm Way to the premises and should remain ancillary to the main building.
Response

The current proposal is an extension of the host dwelling that remains integral to the main living environment. It does not form an annexe, or separate unit of accommodation, and does not affect the existing site access.

5.2 Consultation Responses

5.2.1 Cllr B Harris – Request referral to PROW panel. The impact on the neighbouring property is still substantial, over shadowing will have an impact along with over development and out of character with the area.

Response

The impact of the proposal on the amenity of neighbouring residents and the visual impact of the proposal are discussed further below in Section 6 Planning Considerations.

5.2.2 CIL Officer – The proposal is not CIL liable.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in determining this planning application are:

1. Impact on neighbouring residents and;
2. Impact on the character and appearance of the local area.

6.2 Impact on Residential Amenity

6.2.1 The application site is bordered by No.215 Bassett Avenue to the South and No.3 Saxholm Way to the West. Both neighbours have objected. No.215 Bassett Avenue is the most affected property, given the location of the proposed extension adjacent to this side garden boundary, however this impact has been assessed and would not be harmful to the amenity of neighbouring residents.

6.2.2 The distance from the proposed extension to the side gable wall of No.3 Saxholm Way is approximately 14.7m, which comfortably exceeds our minimum back-to-side separation distance of 12.5m given in section 2.2.7 of the Residential Design Guide SPD (RDG). There are no side-facing windows to the eastern elevation of No.3 Saxholm Way. At this distance, and given the single-storey scale of the proposal and orientation of this neighbouring property to the West, the impact of the proposal on the amenity of residents of No.3 Saxholm Way is not considered to be harmful.

6.2.3 The proposal is located to the North of the side garden boundary with No.215 Bassett Avenue, replacing the existing conservatory and extending a further 4.5m along the boundary (to a total depth of 10.0m). It is noted that the situation on the ground is not actually as pronounced as it is shown on the submitted Block Plan, as the existing two-storey rear extension to No.215 Bassett Avenue has not been shown on the Ordnance Survey Plan. The proposal would project approximately 6.5m beyond the rear elevation of this neighbouring property. The height of the proposed extension would be approximately 2.8m to the eaves, then utilising a hipped roof shape sloping

away from the boundary from the eaves up to the overall 4m roof height at the crown, in order to reduce the visual impact of the extension.

- 6.2.4 There are no windows proposed to the side elevations of the proposed extension and the intervening 2m high boundary fence will be retained in situ. There is some existing boundary planting, although it is unclear how much of this planting would be retained following the development. As such, a condition is recommended to secure further details of planting and an enhanced boundary treatment. Officers also note that the development is to the North of this neighbouring dwelling, as such it would not result in any loss of sunlight, daylight or overlooking to this neighbouring property.
- 6.2.5 The main issue to consider is the loss of outlook from the neighbouring property. The proposed extension will be larger than the existing conservatory, and therefore a noticeable addition when viewed from the neighbouring property. However it is noted that the proposal is limited to single-storey and the large garden of No.215 allows for an otherwise open and unobstructed outlook to the West from the garden and ground floor windows, so the proposal is not considered to create an unacceptably overbearing impact on this neighbouring property.
- 6.2.6 The proposal has been designed to integrate with the main ground floor living environment of the host dwelling, ensuring all habitable rooms retain good light and outlook. The retained garden area remains large with a garden depth of 14.6m and area of approximately 310sq.m, far exceeding our minimum garden sizes of 10m depth and 90sq.m in area, as given in Section 2.3.12 of the RDG.
- 6.2.7 Given the details discussed above, it is not considered that that proposed extension would result in significant overbearing, overlooking or overshadowing impacts on the amenities of nearby occupiers, nor would it harm the amenity of the occupiers of the host dwelling. On this basis the proposal is considered acceptable when assessed against saved Local Plan policy SDP1(i).

6.3 **Impact on Character**

- 6.3.1 Whilst the proposed single-storey rear extension would be visible in partial views from Saxholm Way, it is not considered to detract from the character of the existing property or result in an incongruous or harmful addition to the street scene. The use of a hipped roof design helps to reduce visual scale of the addition and the proposed extension would integrate with the design and materials of the existing single-storey rear and side extensions and would be proportionate with the scale of the existing dwelling.
- 6.3.2 In addition, the resulting scale and footprint of the host dwelling following the proposed addition (approximately 210sq.m) would be comparable with neighbouring and nearby large properties on Bassett Avenue and Saxholm Way, including No.3 Saxholm Way (approximately 195sq.m) and No. 215 Bassett Avenue (approximately 150sq.m), which have also been extended

over the years. As such, the extension is considered to be a proportionate addition to the existing property and would not be harmful to the pattern of development locally or to the character and appearance of the area. On this basis, the proposals are considered to be acceptable and would comply with the requirements of the relevant Development Plan policies listed above, and guidance contained within Section 12 of the NPPF.

7. Summary

- 7.1 In summary, the proposals would integrate well with both the character of the property and the surrounding area. In addition, this proposal will not have a negative impact for neighbouring properties and the proposals would comply with the relevant Development Plan policies.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

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

AC for 14/12/2021 PROW Panel

Conditions:

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. Approved Plans

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

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

03. Boundary Treatment (Pre-Occupation)

Prior to the first occupation of the development hereby approved, details of the planting and enhanced boundary treatment along the southern side garden boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed planting and boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: To protect the amenities and privacy of the occupiers of adjoining property.

04. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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

05. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP7 Context

SDP 9 Scale, Massing and Appearance

Bassett Neighbourhood Plan (Adopted 2016)

BAS1 New Development

BAS4 Character and Design

Supplementary Planning Guidance

Residential Design Guide SPD (2006)

Other Relevant Guidance

The National Planning Policy Framework (Revised 2021)

Case Ref:	Proposal:	Decision:	Date:
21/00860/FUL	Erection of a single-storey rear extension to create annex for elderly relatives	Refused	29.07.2021
<p>Reason for Refusal - Impact on Character <i>The proposed single-storey rear extension to create an annex, by reason of its size, scale and design, represents an unsympathetic and disproportionate addition to the host dwelling which would dominate the rear elevation of the property. This addition would appear overbearing and out of character when viewed from Saxholm Way and from neighbouring properties. As such, the proposal would cause material harm to the character and appearance of the host dwelling and the street scene generally, contrary to saved Policies SDP1 (i) (ii), SDP7 (iii) (iv) and SDP9 (i) (iv) (v) of the City of Southampton Local Plan Review (Amended 2015), Policy CS13 of the Development Plan Document Core Strategy Local Development Framework (Amended 2015), policies BAS1 and BAS4 of the Bassett Neighbourhood Plan (Adopted 2016) as supported by Paragraphs 2.3.1 - 2.3.2 of the Residential Design Guide Supplementary Planning Document (2006) and the guidance contained within the National Planning Policy Framework 2021.</i></p>			
<p>Reason for refusal - Impact on residential amenity <i>The proposed single-storey rear extension to create an annex, by reason of its height, depth and proximity to the boundary with No.215 Bassett Avenue presents an unsympathetic and un-neighbourly form of development. It creates an overbearing impact and unacceptable sense of enclosure and when viewed from the ground floor rear windows and garden of this neighbouring property.</i> <i>The proposed extension would cause harm to the amenity of existing occupiers of the host dwelling by reason of its built form blocking the existing light and outlook from the existing lounge and the proposed new lounge area being served by only a north-facing outlook.</i> <i>The proposed annex accommodation would provide a poor quality of living environment for future occupiers with limited light by way of its single-aspect, north-facing outlook.</i> <i>As such, the proposal would cause unacceptable harm to the amenity of neighbouring residents and occupiers of the host dwelling and annex, and is therefore contrary to policies SDP1(i), SDP7(iii) (iv) (v) and SDP9 (i) (v) of the City of Southampton Local Plan Review (Amended 2015) and Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), as supported by paragraphs 2.2.1 - 2.2.2 of the Residential Design Guide Supplementary Planning Document (2006) and the guidance contained within the National Planning Policy Framework 2021.</i></p>			
20/01679/FUL	Erection of single storey side extension	Conditionally Approved	27.01.2021
18/01126/FUL	Erection of a 2 storey rear extension and rear dormer to facilitate loft conversion.	Refused	13.09.2018

Reason for Refusal - Impact on Character

The proposed two-storey rear extension and rear dormer window, by reason of their size, scale and design, represent unsympathetic and disproportionate additions to the host dwelling which would dominate the rear elevation of the property and unbalance the front elevation when viewed from Bassett Avenue. These additions would appear overbearing and out of character when viewed from both Saxholm Way and Bassett Avenue, and from neighbouring properties. As such, the proposal would cause material harm to the character and appearance of the host dwelling and the street scene generally, contrary to saved Policies SDP1 (i), SDP7 (iv) and SDP9 (i) of the City of Southampton Local Plan Review (Amended 2015), Policy CS13 of the Development Plan Document Core Strategy Local Development Framework (Amended 2015), policies BAS1 and BAS4 of the Bassett Neighbourhood Plan (Adopted 2016) as supported by section 2 of the Residential Design Guide Supplementary Planning Document (2006).

18/00374/FUL	Erection of a part two storey part single side extension, two storey rear extension & rear dormer to facilitate loft conversion	Refused	27.04.2018
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Reason for Refusal - Impact on Character

The proposed part two-storey, part single-storey side extension, two-storey rear extension and rear dormer, by reason of their size, scale, design and proximity to the northern and southern boundaries, present incongruous, unsympathetic, over-dominant and disproportionate additions to the host dwelling which would appear overbearing and out of character when viewed from the street and the neighbouring properties. The proposed side extension would also result in a loss of openness at the road junction due to its height, scale and proximity to the northern boundary. As such, the proposal would cause material harm to the character and appearance of the host dwelling and the street scene generally contrary to saved Policies SDP1 (i), SDP7 (iv) and SDP9 (i) of the City of Southampton Local Plan Review (Amended 2015) and Policy CS13 of the Development Plan Document Core Strategy Local Development Framework (Amended 2015), policies BAS 1 and BAS 4 of the Bassett Neighbourhood Plan (Adopted 2016) as supported by section 2 of the Residential Design Guide Supplementary Planning Document (2006).

Reason for refusal - Impact on visual and residential amenity

The proposed two-storey rear extension, by means of the height, depth and proximity to the boundary with 215 Bassett Avenue presents an unsympathetic and un-neighbourly form of development when viewed from neighbouring habitable room windows and garden. The proposed development is therefore considered to be an unduly overbearing addition to the rear of the existing property which would be harmful to the residential amenity of the neighbours at 215 Bassett Avenue and is therefore in contradiction to policies SDP1(i), SDP7(iii) (iv) and SDP9(i and v) of the Adopted City of Southampton Local Plan Review (Amended 2015) and CS13 of the Adopted Local Development Framework Core Strategy Development Plan Document (Amended 2015), with particular reference to section 2 of the approved Residential Design Guide (2006).

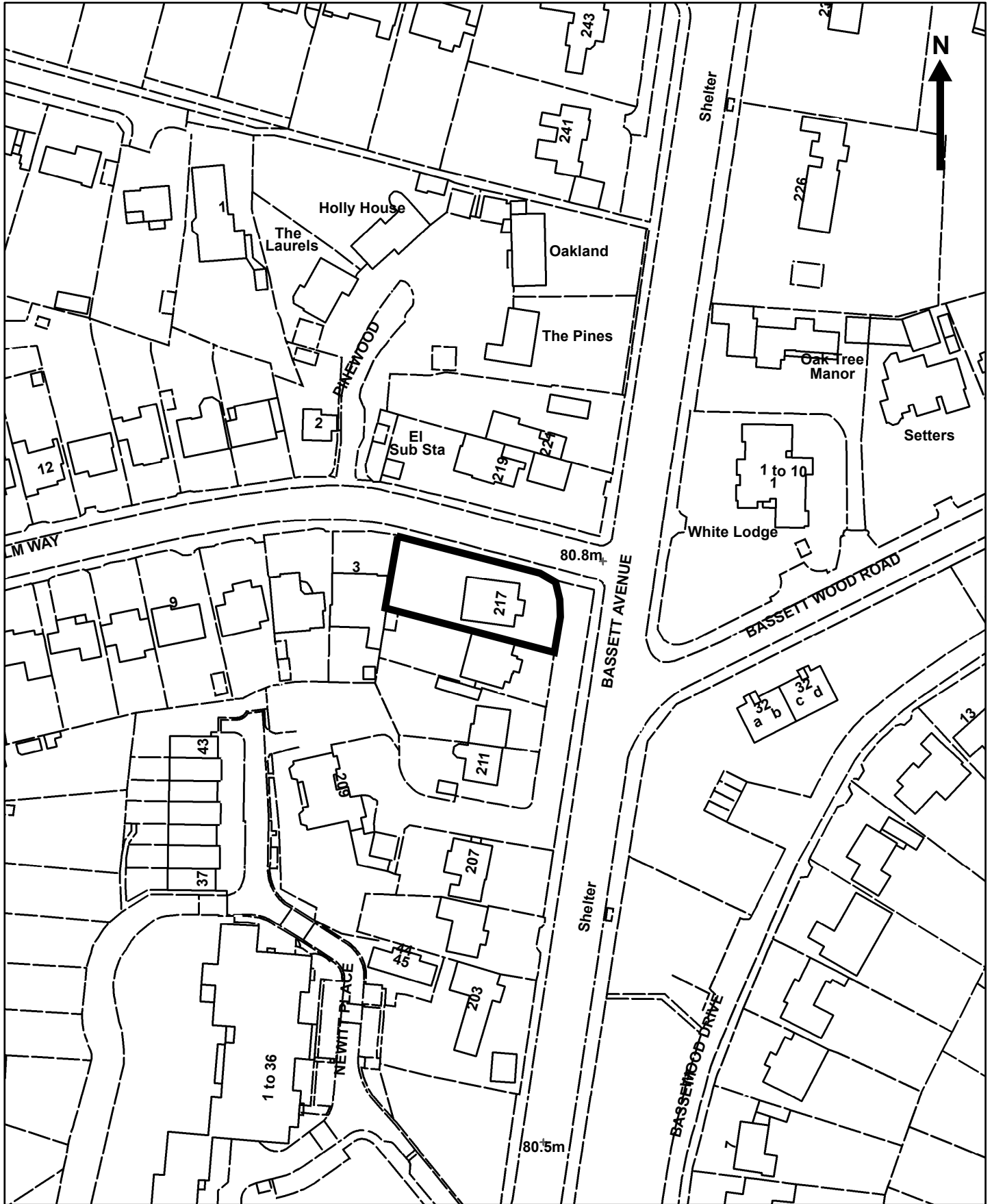
16/00572/FUL	Erection of a single storey attached garage to side	Conditionally Approved	07.10.2016
11/00680/FUL	Erection of a rear conservatory and	Conditionally	05.09.2011

	detached double garage	Approved	
10/01671/FUL	Single storey rear extension and demolition of existing attached garage	Conditionally Approved	14.01.2011
10/01316/FUL	Single storey rear extension and erection of a double garage in rear garden with additional living accommodation within roof space.	Refused	24.11.2010

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Agenda Item 9 21/01383/FUL

Appendix 1



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