

Planning and Rights of Way Panel

Tuesday, 12th
September, 2023
at 5.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

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

Contacts

Democratic Support Officer
Maria McKay
Tel: 023 8083 3899
Email: maria.mckay@southampton.gov.uk

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

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

Southampton: Corporate Plan 2022-2030

sets out the four key outcomes:

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

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

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

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

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

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

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

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

Dates of Meetings: Municipal Year 2022/2023

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

2024	
23 January	16 April
20 February	
12 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of

- Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

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

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 10)

To approve and sign as a correct record the Minutes of the meetings held on 27 June 2023 and 11 July 20223 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

Please note that timing is indicative only and anyone with an interest on the agenda is advised to attend from the start of the meeting.

5 PLANNING APPLICATION - 23/00668/R3CFL - ALBION PLACE & CASTLE WAY (Pages 11 - 62)

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

6 PLANNING APPLICATION - 23/00367/REM - BITTERNE PARISH CHURCH (Pages 63 - 154)

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

7 PLANNING APPLICATION - 22/01710/FUL - 271 WINCHESTER RD (WICKES) (Pages 155 - 188)

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

8 PLANNING APPLICATION - 23/00829/FUL - 2-4 WODEHOUSE ROAD (Pages 189 - 220)

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

9 PLANNING APPLICATION - 23/00859/FUL - MOORLANDS CRESCENT (Pages 221 - 228)

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

Monday, 4 September 2023

Director – Legal, Governance and HR

Agenda Item 4

To approve and sign as a correct record the Minutes of the meetings held on 27 June 2023 and 11 July 2023 and to deal with any matters arising.

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 27 JUNE 2023

Present: Councillors Savage (Chair), Beaurain, Cox, A Frampton and Windle

Apologies: Councillor Mrs Blatchford and J Baillie

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

It was noted that apologies had been received from Councillors Mrs Blatchford, Powell-Vaughan and J Bailey.

10. **ELECTION OF VICE-CHAIR**

RESOLVED that: Councillor Windle be elected as Vice-Chair for the Municipal Year 2023/24.

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

RESOLVED: that the minutes for the Panel meeting on 6 June 2023 be approved and signed as a correct record.

12. **TREE WORK APPLICATION 23/00037/TPO**

The Panel considered the report of the Head of City Services, in respect of the content of a tree work application by Southampton International Airport to carry out work to protected trees at Marlhill Copse. In addition, the Panel were invited to note and approve a written statement as per the recommendation within the report, for the potential of ongoing minor work approvals.

The presenting officer advised that one of the objectors had withdrawn. Steve Thurston and Mike Weeks, Southampton Airport (applicant) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the officer recommendations regarding TPO works. Upon being put to the vote the recommendation was carried unanimously.

Members then considered the appended written statement, for the potential of ongoing minor work approvals. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED

- (i) To grant consent for the works set out in recommendation (i) and to refuse consent for the works set out in recommendation (ii) of the report.
- (ii) To note and approve the recommended statement for the potential of ongoing minor work approvals.



13. **PLANNING APPLICATION - 23/00267/FUL - LAND AND AREA TO THE SOUTH OF WEST QUAY WATERMARK, SOUTH HARBOUR PARADE, SOUTHAMPTON**

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

Use of grassed area to the South of West Quay Watermark for public events or activities for a maximum of 225 days per calendar year.

Stephanie Burns and Ros Cassy (local residents/objecting), and Councillor Noon (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

During discussion of the application concerns were raised about potential contaminated land of the application site, which would require further consultation. The Planning Officer recommended an amendment to the report recommendation, to delegate to officers for re-consultation with Contaminated Land Officers. Subject to no objections being raised, this would be a delegated decision.

The Planning officer advised that an additional condition was to be added, regarding the number of days the land would be used for public events, as set out below.

Reason: In the interests of proper planning and neighbour amenity.

The Panel then considered the updated recommendation to delegate to Officers following re-consultation with Contaminated Land Officers. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to delegate to officers for re-consultation.

FOR: Councillors Beaurain, Cox, Savage, Windle
ABSTAINED: Councillor Frampton

RESOLVED to delegate to the Head of Transport and Planning to grant planning permission subject to the conditions set out within the report and any additional or amended conditions set out below.

Additional Condition

5) The land shall only be used for public events or activities for a maximum of 225 days per calendar year.

14. **PLANNING APPLICATION - 23/00505/FUL - 25 NORTHOLT GARDENS**

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

Change of use from a dwelling house (C3 use) to a 4 bedroom house of multiple occupation (HMO, C4 use) (retrospective).



Lorraine Barter, (local resident objecting) was present and with the consent of the Chair, addressed the meeting.

Miss L Beard and Miss F Morris submitted a statement, which was shared with Panel and Planning team in advance of the meeting.

The presenting officer reported amendments to two conditions regarding cycle parking and refuse and recycling.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant conditional planning permission

FOR: Councillors Beaurain, Cox, Savage and Windle.
AGAINST: Councillor A Frampton

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 - Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

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

Condition 4 - 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.

Reason: In the interest of visual and residential amenity.

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

15. **PLANNING APPLICATION - 23/00357/MMA - ELMFIELD HOUSE, MILLBROOK ROAD EAST**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be refused.



Minor material amendment to planning permission reference 20/01413/FUL for approved scheme of 16 flats (1 bed) to change the roof design of fourth storey extension to the north and west residential blocks (amended description).

Dan Rycroft, Atlas Planning Group (agent), and Councillor Shields (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a letter had been received post-report from a purchaser supporting the increase in the terrace area space of the proposed design.

The Panel then considered recommendation that the application be refused. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Beaurain, Cox and Windle.

AGAINST: Councillors A Frampton and Savage.

RESOLVED that planning permission be refused for the reasons set out in the report.

Chair



22 August 2022

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 11 JULY 2023

Present: Councillors Savage (Chair), Mrs Blatchford, Cox (except minute number 16), A Frampton and Windle

Apologies: Councillor Beaurain and Powell-Vaughan

16. **PLANNING APPLICATION - 23/00418/FUL - AZZERA HOUSE, CENTENARY QUAY**

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

Application for additional external seating not in accordance with details agreed under condition 31 (External Seating & Umbrellas restriction) of planning permission ref: 08/00389/OUT to allow additional external tables (from 10 to 20) and seating (from 40 to 60), seasonal dependant.

Sarah Ryles (representing local residents objecting), Mike Lawrence (applicant) and Councillors W Payne and Ugewome (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a set of amended conditions had been circulated and posted online prior to the meeting. In addition 24 further objections were passed to the planning officer at the meeting from Councillor Ugewome. It was noted that the letters were duplicated and reflected the concerns of the residents raised at the meeting.

During discussion on the item, Members raised concerns over the materials used for the additional seating noting that the residents had specifically complained about the moving of the metal chairs used currently for the Bistro tables. Members also were concerned that there appeared to be a break down in relationships with the restaurant and residents and suggested that consent should be granted for a temporary period in order to assess whether any new formalised arrangements mitigated the concerns of the public. Concern was also raised about the use of the terrace for outdoor cooking directly under the flats of residents

During discussions on the item, two motions to amend the recommendation by adjusting the proposed conditions were considered, voted on and carried by the Panel: (i) to grant temporary permission and (ii) to prevent external cooking. Following the course of discussion by panel members, officers also agreed to amend their recommendation by the amendment of other conditions as set out in full below.



Upon being put to the vote the recommendation as amended was carried.

RECORDED VOTE

FOR: Councillors Savage, Windle and A Frampton
ABSTAINED: Councillor Blatchford

Note: Councillor Cox had to leave the meeting prior to the vote.

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

Agreed Conditions

1) Temporary Planning Permission until 30 September 2024

The development hereby permitted shall be discontinued and returned to the arrangement of not more than 10 tables/40 chairs (as approved under 20/01080/DIS) on or before the period ending on 30 September 2024.

REASON: To enable the Local Planning Authority to review a trial run to assess the effect of the development on the area.

Note to Applicant:

A fresh planning application would be required ahead of 30 September 2024 should the additional tables/chairs be required after this date.

2) Approved Plans (Performance)

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

Not more than 20 tables and 60 chairs shall be provided on the external terrace at any one time.

Notwithstanding the approved amended plan no tables and chairs, heaters or any other equipment associated with the use shall be located within 2m from the inside kerb edge of the existing landscaping to be retained around the external terrace for public use.

No food and drink sold/purchased from this premises shall be consumed within the public route or outside the demise of the terrace associated with this premises as shown on drawing No. ASP.20.059.002.

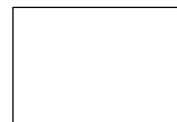
No table or chairs shall be located between the entrance to the existing bar/restaurant and the neighbouring residential entrance.

REASON: For the avoidance of doubt and in the interests of proper planning. To ensure retention of existing landscaping and a 2m wide public waterfront access route to remain unobstructed and kept clear at all times and in the interests of neighbouring residential amenities.

3) External Noise Restrictions

No live or amplified equipment/music shall be used outside of the building.

REASON: In the interests of the amenities of neighbouring occupiers.



4) Public Access to the Waterfront

Prior to the first use of the extended terrace use/additional seating hereby approved further details of a barrier/screen between the tables and the walkway, and also details of additional signage confirming public access to the water's edge shall have been agreed in writing with the Local Planning Authority. The barrier/screen/signage shall be installed as agreed prior to the first use of the additional seating. These features shall be retained as agreed for the lifetime of the development.

REASON: To ensure public waterfront access is retained and to prevent encroachment

5) Hours of use (Outside)

Notwithstanding the permitted hours of use for the premises under condition 09 of 15/01985/REM, no food and drink shall be consumed outside of the building beyond the following hours in accordance with the applicant's supporting Statement:

Monday to Saturday	11.00 to 23.00 (11.00am to 11.00pm)
Sundays and public holidays	12.00 to 23.00 (12.00pm to 11.00pm)

REASON: In the interests of the amenities of neighbouring residents.

6) External Heaters

No additional external heaters beyond the 2 no. existing shall be installed on the external terrace hereby approved.

REASON: To reduce the likelihood of the outdoor area being occupied late into the evening or outside the summer season in the interests of neighbouring residential amenities.

7) No hot food to be cooked outside

No preparation or cooking of hot food to be sold from the premises shall take place outside.

REASON: In the interests of the amenities of neighbouring residential occupiers.

Notes to Applicant:

Failure to install and arrange the tables and chairs in accordance with the requirements of conditions 2 and 4, and the plan hereby approved, within 3 months from the date of this decision will likely result in planning enforcement action being taken for the existing unauthorised arrangement, which is a breach of planning control and prevents unfettered public access to the waterfront.

On a separate matter it is recommended that you explore alternatives to the metal bistro tables and chairs proposed, or (at least) some form of mitigation to avoid future noise disturbance to your nearest neighbours.

17. **PLANNING APPLICATION - 23/00674/FUL - 24 WILTON AVENUE**

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



Change of use from a house in multiple occupation (HMO) (class C4) to a large HMO for 7 persons (sui generis) and installation of enlarged rear dormer (resubmission 21/00871/FUL)

Mrs Barter (local resident objecting) was present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statement had been received, circulated and read by the Panel and posted online from Mr S Morris and Mr C Miell.

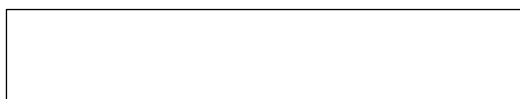
Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the remaining recommendations. Upon being put to the vote the recommendations were carried unanimously.

RESOLVED

1. The Panel confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and the completion of a S.106 or S.111 Legal agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

Chair



22 August 2023

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

Application address: Albion Place Car Park & Castle Way Car Park, Southampton			
Proposed development: Change of use of Albion Place and Castle Way car parks to bus hub interchange with formation of associated vehicular access and public open space (proposal affects setting of listed structures and ancient scheduled monuments) [Amended description]			
Application number:	23/00668/R3CFL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	14.07.2023	Ward:	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	n/a	Reason:	n/a
Applicant: Southampton City Council		Agent: Balfour Beatty Living Places	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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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 Council has considered the impact of the development on the setting of the adjoining conservation area, listed buildings and Scheduled Ancient Monuments and found the impact to be acceptable. Taking into account the benefits of the proposed development, and the significant adverse harm arising from the conflict with the policies in the development plan as set out above, it is considered that 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 planning balance would point to approval. 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, CS14, CS18, CS19, CS20, CS21, CS22 of the of the Local Development Framework Core

Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP9, SDP10, SDP11, SDP12, SDP15, SDP16, SDP17, NE4, HE1, HE3, HE6, TI2 of the City of Southampton Local Plan Review (Amended 2015). Policies AP12, AP13, AP16, AP18, AP19, AP29 of the City Centre Action Plan March 2015. Policies C1, A1 of the Local Transport Plan: Connected Southampton, Transport Strategy 2040 (March 2019).

Appendix attached			
1	Development Plan Policies	2	Tree plan
3	Alternative layout option	4	Lime tree T5 RPA investigation
5	Alternative car park locations	6	Timeline of public engagement
7	Replacement tree species		

Recommendation in Full – Conditionally Approve

1. Background

- 1.1 The application is submitted on behalf of Southampton City Council, following Cabinet approval and central government funding secured via the Transforming Cities Fund (TCF), under Regulation 3 of the Town and Country Planning General Regulations, which relates to proposals made by the Local Authority. Whilst the Council is both applicant and determining Planning Authority the Regulations allow for this, and the Panel’s ability to determine the application based on the favourable recommendation given by officers is not constrained as a consequence.
- 1.2 The planning application can be decided independently of other consents required under separate legislation; including a series of Traffic Regulation Orders (TRO) within Albion Place and Castle Way and Scheduled Ancient Monument (submitted to Historic England).

2. The site and its context

- 2.1 This city centre site comprises of two short stay public car parks known as Albion Place to the north (76 spaces) and Castle Way to the south (52 space). These car parks are located on the western side of Castle Way accessed from Albion Place which leads onto the residential street of Forest View. Castle Way, adjacent to the car parks, is currently used by bus operators for stopping and layovers of buses. Currently car owners living in Forest View rely on reversing their vehicles into Albion Place car park as there is no turning space in Forest View.
- 2.2 There are 15 trees identified within the car park areas, which are afforded statutory protection because they are located within a designated conservation area. The group of 3 Lime trees (avenue of Limes) to the east of the Masonic Hall have historical importance as they are believed to pre-date the Masonic Hall.

- 2.3 The surrounding area is characterised by High Street commercial uses fronting Castle Way and the West Quay Shopping complex to the north and west. Residential neighbourhoods of the Old Town are located beyond the south of Castle Way Car Park including Forest View, separated by the Castle Bailey Wall. There is pedestrian access from Castle Way into the car parks and a pedestrian route along the edge of the town walls and castle bailey with links across the site to and from Maddison Street (south) and Forty Steps (west).
- 2.4 The site is located within close proximity to many important and sensitive heritage assets. Being within the Old Town West Conservation Area, the car parks are adjacent to, and flank the base of, the Castle Bailey Walls, Castle East Gate, pair of K6 red telephone boxes, and the Masonic Hall (dating to the 1870s) in the south, stretching to Arundel Tower and wall to the north. The historic importance of the medieval towers, gate, and walls (Southampton's historic defences of the Old Town) are protected under Grade II* listing and Scheduled Ancient Monument status, with the K6 telephone boxes being grade II listed.
- 2.5 The significance of the age and heritage value of the (non-listed) Masonic Hall is recognised as a non-designated heritage asset. The Castle Bailey Wall is currently covered by scaffolding as the Council are undertaking repairs to the medieval monuments as part of the Heritage Assets Repair Programme (HARP).

2. **Proposal**

- 2.1 Planning permission is sought to change the use of the Albion Place and Castle Way car parks (removal of 128 parking spaces) to create a bus hub interchange and park space with an area of 1,719sqm. The physical works mainly comprise of hard and soft landscaping and surface works to create the bus hub and park space with public art features and public realm space flanking the Castle Bailey and Town Walls, and improvement to levels across the site for better pedestrian circulation and access. New interpretation boards of the heritage assets will be provided. Purbeck stone paving is proposed to directly interface with the historic walls. The bus hub area will create a pedestrian only space for passengers to sit or wait with 5 bus stops with bus shelters.
- 2.2 The proposal requires the removal of 2 trees to facilitate the creation of the bus hub area (as shown on the survey plan in **Appendix 2**) – T5 Lime and T9 Pear. This tree loss will be mitigated through planting 9 replacements with standard to extra heavy standard sizes (images of the suggested trees are shown in **Appendix 7**).
- 2.3 A vehicle turning and drop off layby has been incorporated into the north side of Albion Place for Forest View residents and visitors to the Masonic

Lodge. The existing bin storage and collection area adjacent to the Masonic Lodge will be maintained.

- 2.4 Other associated improvements delivered by the project include:
- improved levels across the site for pedestrian movement;
 - on-street bus infrastructure on Castle Way;
 - a new zebra crossing provided to the south of the Albion Place/Castle Way junction to connect Castle Lane either side of Castle Way;
 - relocation of the existing zebra crossing near Albion Place to improve connectivity between the Shopmobility Hub and the High Street as well as towards the bus hub and the new urban park; and,
 - additional facilities including improved waiting facilities, cycle parking and space for cycle docks and e-scooter hire.
- 2.5 The layout has been developed to accommodate the operational requirements for the buses, and to provide future proofing of bus operations within and into/out of the city centre to the surrounding areas. All buses will enter the hub area at the southern end (new access formed on Castle Way) and exit at Albion Place where buses either turn north or south depending on their route. Services from the Waterside/West will be terminating rather than using the highway to turn around to make their return journey out of the city. Those running north-south use the stops on Castle Way.
- 2.6 During the initial design stages of the scheme development options were developed to assess the feasibility and configuration of the bus hub and open space. These were reviewed against a series of design conditions, local constraints and scheme viability considerations. The final options considered siting the bus hub in either the Castle Way area or Albion Place. During subsequent stages the design process of the Albion Place scheme was remodelled to explore ways to retain the Lime tree T5 (see **Appendix 3**). It was concluded that Albion Place on balance:
- Provided the better solution to enhance/protect heritage assets;
 - Reduced long term risk to the heritage assets;
 - Operationally would perform better;
 - Both options required trees to be removed to facilitate the scheme although it was noted that the Lime tree T5 had a higher value than those that would need to be removed within the Castle Way option;
 - Albion Place was preferable from a conservation perspective and provided greater heritage benefit; and
 - Improved the visibility and legibility of the area – which in turn would help to reduce the antisocial behaviour and crime occurring within area.

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.

3.3 The application site is allocated within the City Centre Action Plan as a key site under policy AP29 within the Old Town Quarter. The location of the site is identified in the policy for a 'bus super stop' and supporting facilities. The policy states that alongside the creation of a new public open space that development will be small scale, have no negative impact on the Town Walls or their setting; and retain views looking into and out from this part of the Old Town. Policy AP18 (transport) promotes modal shift from car use in city centre by providing bus interchanges.

4. Relevant Planning History

4.1 It should be noted that outline planning permission (ref no. 13/00464/OUT) granted for the extension of the West Quay Shopping Centre (Watermark) accepted the principle of replacing the Albion Place and Castle Way car parks with landscaping under phase 2 as part of extensive public realm works. Whilst the reserved matters was not submitted the principle of losing this car parking was previously supported.

5. Consultation Responses and Notification Representations

5.1 Prior to the submission of this application the Council's Transport team carried out their own public engagement through a series of consultation exercises and meetings between February 2021 and March 2023 with the public and businesses/groups affected (see timeline in **Appendix 6**).

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement on 16.06.23 and erecting a site notice on 06.06.23. At the time of writing the report **5 letters of objection** have been received from surrounding residents and **1 letter of support** from Ward Cllr Noon. The following is a summary of the points raised:

5.2 ***Lack of meaningful Public Consultation whilst local businesses / groups and residents were not kept up to date or engaged throughout the consultation period and not properly notified with the regards to the submission of the planning application. Objectors have similar***

concerns and feel unheeded by the promises put forward. It would be a step forward if the needs of citizens had as great (or greater) influence than commercial considerations. This is especially concerning when the future of bus operations is not within the council's power and could change considerably. The Freemasons group, as the only business directly impacted by the scheme, we were not given advance warning or notified of the on-line survey in February 2021. The 339 respondents was not an adequate representation of the community. A strong disagreement percentage was written off from the results of the online perception survey (2021) because it was assumed that concerns about loss of parking came from the Masons. Masons are citizens who use these care parks at other times and whose views should be taken into account and not just discriminated against. The turning area provided for the Masonic Lodge was never requested by the Masons.

Response

The key point here is that the Planning Department has met and exceeded its requirements to notify interested parties of this application. In terms of what the Council (as applicant) did prior to the submission of the application it is clear that public engagement was undertaken with the local community as set out at **Appendix 6**.

- 5.3 ***The scheme would adversely impact on the business associated with the Southampton Masonic Hall Company, where groups and events will decide to stop using the facilities. This is already evident with recent cancellations with loss of 2 Masonic units which used to meet here along with the annual Ocean Liner Ship Show. The building is widely used as a cost effective, city centre, community facility.***

Response

The loss of parking is compensated by existing public parking provision in safe and convenient walking distance within the city centre (see **Appendix 5**). Provision is made for opportunities for businesses, visitors, and residents, including persons with mobility and sensory difficulties, to maintain safe and convenient access to the area including a layby incorporated into Albion Place on the north side of Masonic Hall. Unfortunately due to the size, layout and operational requirements of the bus hub, it is not feasible or practicable to retain any public car parking as part of the proposed development.

- 5.4 ***Out of keeping with Conservation Area and negative impact on the setting of heritage assets***

Response

The proposal is considered not to adversely affect the significance of the heritage assets affected in accordance with the relevant local and national tests. No objection has been raised by Historic England and/or the Council's Historic Environment Officer. In this respect the scheme is considered to comply with the Development Plan heritage policies as

discussed in detail below.

- 5.5 ***Impact on air quality from increased pollution caused by buses operating nearer residential properties and congestion from displacing traffic elsewhere in the city centre as it is unlikely that the transport improvements will change how people travel into the city. There is also concern about the noise from the operation of a bus hub including the noise from bus engines. The health of these people should have much greater consideration.***

Response

The Council's Air Quality Officer considers that there will be no adverse impact to the health of local residents from the operational bus hub. Through an 'Enhanced Partnership' bus operators are required to not idle their vehicles longer than necessary, further reducing emissions. The applicant has confirmed that (i) buses have stop/start technology and (ii) bus operators are required to ensure that all buses and support vehicles operating in Southampton are at least Euro VI compliant or Zero Emission vehicles, and (iii) that no lower Euro rated vehicles have operated in Southampton since 17th April 2023.

- 5.6 ***The scheme will, according to the results of the 'on-line consultation', not affect how people travel into town and will not increase their use of the bus network, so this will increase congestion by diverting traffic elsewhere in the city centre. Having 3 stops within the bus hub is a very small gain for a significant cost and disruption.***

Response

The Highway's Officer has raised no objection to the impact of the proposal on congestion and road safety affecting the local road network. This scheme is in accordance with the Local Transport Plan, and transport modelling underpins the city and region-wide schemes within the Transforming Cities Fund (TCF) programme. This was submitted and accepted by Department for Transport ahead of funding being agreed.

- 5.7 ***Increased revenue costs of maintaining the park space and loss of parking income to the Council. The urban park is fundamentally a good idea but this interpretation with hard surfacing rather than green space is a lost opportunity. We understand that ongoing maintenance is a consideration but experience tells us that there is no guarantee that what is planned now will be sustained in future.***

Response

The loss parking revenue and increased costs of maintaining park space is not a land use Planning matter. The Council's Open Spaces Team will maintain the future park space. The public art features comprise an heritage interpretation resembling the illustrations depicted within the Saintonge jugs commonly found in Southampton so will have a historic and cultural connection with the city.

- 5.8 ***The limited security and safety measures to be provided will make users of the facility susceptible to a high risk of crime due to the high and increasing rate of crime in the city including violence and sexual offences. Queues at the bus hub will encourage begging by local vagrants who loiter around the car park payment machines causing nuisance and public safety issues.***

Response

The design of the proposed development is led by consultation with Hampshire Police. The applicant will install a comprehensive package of security measures including lighting and CCTV coverage. The detailed scheme will be agreed with Hampshire Police via a planning condition. Additionally, the change of use from a car park to the bus hub will improve natural surveillance within the space from the activity created by the operational bus hub.

- 5.9 ***There will be inappropriate areas of planted borders and shrubbery planting adjacent to the east side of the Masonic Lodge, which some appears to be on land owned by the Masonic Lodge at the front. This will likely increase rodent activity making the task of preventing them accessing the building more difficult. The addition of new tree planting is also not welcomed and is a possible hazard to building foundation. Both could also possibly interfere with the building damp proof course which has already been compromised by the Council when surfacing the adjacent car park. It is on record, from previous meetings, that the Council are willing to pay towards necessary remedial works to prevent further dampness to our walls. The increase in shrubbery and potential increase in litter in both areas will almost certainly exacerbate the rat infestation in the city and the health hazard that accompanies it, including to nearby buildings such as the Masonic Lodge.***

Response

The landscaping plans shown are currently indicative with further detail to follow. The applicant has confirmed that ground planting have been included to help mitigate the issues highlighted and to provide a solution for the surface water drainage. Two additional trees are proposed within the bus hub, and the species will be selected so that its appropriate to the location and minimise impacts on any of the structures above or below ground. The issues of vermin are covered by separate legislation. The design for surfacing and detailing within the Bailey Wall arches has been carefully considered to reduce rat infestation, and the design has been approved by Historic England in principle.

- 5.10 ***Residents of Forest View will have to make their own access at the other end of the road. Little consideration has been given to access for large delivery vehicles, which includes Brewers Drays to the Masonic Hall and Refuse trucks for the hall and all Forest View residents, and Fire Engines who may be called to the automatic alarm***

system at the Hall. Many users of the Masonic Hall, both Freemasons and other users, have disabilities which require vehicular access to the building. The disabled access to the building is on the east side within the proposed bus hub area. With the addition of planting beds, there does not appear to be any provision made for vehicles to pull up adjacent to the entrance or indeed to leave their vehicle there for the duration of their visit. This access is used by DJs when unloading gear for any event taking place in the adjacent room.

Response

The Highways Officer has raised no objection to the impact of the proposal on road safety in the locality with regards to the access and highway changes. A layby will be provided on Albion Place to the north side of the Masonic Hall.

- 5.11 ***There is a lack of public toilet facilities to serve the increased number of visitors waiting at the bus hub. This will create a health hazard locally because local vagrants frequently use the rear yard of the Masonic Hall and the old Bailey Wall arches to urinate and defecate. Shrubbery in the open space will provide more opportunities for them without eliminating the use of the arches or Masonic yard.***

Response

There is not a planning policy requirement to provide public toilets as part of the proposal. Increased CCTV coverage will improve surveillance of the space to design out anti-social behaviour.

- 5.12 ***The siting of the waste bin for the Forest View residents is inappropriate. It is positioned immediately adjacent to the Fire Exit for the Masonic Hall, which must be unobstructed at all times This bin will be constantly moved around and used by one and all, not to mention those that empty it, so the potential obstruction and health and safety hazard is obvious.***

Response

The detailed design of the bin storage facility will be agreed by condition to ensure it can be operated without obstructing the fire exit for the Masonic Hall.

- 5.13 ***The problems of buses standing on Castle Way will continue. These make crossing Castle Way very hazardous for local residents. The needs of local people carry very little weight in comparison to the commercial considerations given to flexibility for bus operators and retailers. The siting of the pedestrian crossing opposite Castle Lane is considered to be dangerous for local residents who live south of this point and should be moved to a point where people with mobility issues don't have to try and navigate a hump in the pavement and steps.***

Response

The Highways Officer has raised no objection to the impact of the proposal

on road safety in the locality with regards to the access and highway changes.

- 5.14 ***The loss of a mature lime tree which is an intrinsic part of the heritage and ecology of the site. The tree although not subject to a TPO is protected by being in a Conservation Area. We fully support the comments of the Arboricultural Manager. 7 new trees will take many years to establish and will not provide shade for a long time. This is a serious consideration in a hard landscaped area with increasing hot summers. The established tree's protection should not be breached and it should be retained in whatever plans are made.***

Response

The adverse environmental and public amenity impacts from the loss of the Lime tree T5 is a shortcoming of the proposed development, which needs to be weighed up against the benefits of the proposal to be delivered in the 'planning balance' exercise. This issue is discussed in further detail below.

Consultation Responses

5.15

Consultee	Comments
Cllr Noon	<p>SUPPORT</p> <p>I fully support this exciting scheme to transform the Albion Place & Castle Way car parks into a Bus interchange and Urban Park. The Bus Interchange will provide more efficient bus connections into and around the city. The Urban Park will improve the environment by contributing more attractive and cleaner environment and strength the areas connection to the surrounding city walls.</p> <p>I do ask that vehicle access to Forest View is maintained at all times and the residential refuse bin on the car park behind the Mason is kept. Many residents on Forest View don't have access to the back of the properties, therefore need those refuse bins. Along with the other Transforming Cities Scheme this will contribute to a more friendly city centre for pedestrians and cyclist.</p>
SCC Tree Officer/ Arboricultural Manager	<p>OBJECTION</p> <p><u>Tree Preservation Orders</u> There are no Tree Preservation Orders currently on site but it is within the Old Town Conservation Area. SCC tree policy states that all trees on land owned by the Council should be dealt with as if a Tree Preservation Order affecting such trees were in operation.</p> <p><u>Historical feature</u> I don't feel the historical importance of trees 5-8 (Limes) has been sufficiently represented. 1867-1883 historic maps indicate a line of trees at this location which</p>

follows the historic orientation of Albion Terrace, this is further supported by an 1890 photo of the Masonic Lodge that shows what I believe to be one of these trees next to the building. Trees 5-8 are historically pollards, a typical form of tree management at the time, and are in line with the original road layout, forming an avenue of trees - The size, form and location of these trees support the idea that they are what remains of the original avenue and wider gardens, as shown on historic maps and it is my opinion that these are the same trees that were present in 1890. We know that the Lime Avenues in the central parks were presented to the City in 1862 and though they have a slightly larger stem diameter than those at Albion Place, this is explained by the fact that the park trees have been allowed to grow as maidens and their stems width not restricted by pruning back to pollards.

With the above in mind, trees T5-T8 would predate the Masonic Lodge and the land reclamation that now forms the entire West Quay area and the Docks and as such should be viewed as an historical feature within the Conservation Area and retained in full.

Classification

I don't completely agree with some of the classification offered trees across the site. BS5837:2012 is clear that trees with an expected retention span of 40+ years should be classified as Cat A unless lacking a special quality necessary to merit this. Cat C should be reserved for unremarkable trees of very limited value or impaired condition.

Limes T5-T8

T5, 6, 7 and 8 Limes have been marked as Cat B, with fair condition and 20+Years remaining contribution - I would really expect them to be Cat A as a group; They form an important landscape and historical avenue and offer extremely high amenity to the area. With proper management in place there is little justification to suggest these trees will not have a safe retention span of 40+ years.

Sycamores T10-T12

All but one of the sycamore's within the carpark that have been given C classification - I believe that they should all carry higher grading than this due to their prominent position and quality, none have significant defects that would limit their retention to only 10+years and all provide excellent amenity value. The damage to

	<p>tarmac around their base should not be a basis for downgrading; proper management of the hardstanding around these trees or replacing some of the hardstanding with grass would leave them in a better condition than they are now and extend their useful life further.</p> <p><u>Impact to retained trees</u> T6 Lime - Within the RPA of this tree, the removal of existing carpark hardstanding and installation of a new roadway, that will be used by buses and therefore need suitable subbase construction, will be required. What is the expected requirement for depth and scope of the new roadway foundations? If substantial roots are found, how will they be protected and if a cellular confinement system is utilised, how will this affect the height difference to surrounding areas and in turn how will this affect the design?</p> <p><u>Summary</u> It is the opinion of the tree officer that the Lime Avenue forms an important historical feature in the landscape and that it should be retained in full and protected from present and future development, and that the remaining trees within the carpark are of adequate condition and prominence to achieve a higher categorisation. I object to the removal of T5 and have not seen sufficient evidence to fully identify and mitigate the levels of work within the RPA of T6. If planning is granted, this will be crucial to ensure T6 is adequately protected.</p> <p>Though the contingency value offered is greater than the CAVAT value of T5 and that the Councils 2:1 replacement requirement would be met by the current design, this does not in my opinion mitigate for the loss of T5 for the reasons stated above.</p> <p><u>Case Officer Update</u> <i>Following further discussions with the Tree Officer, they are satisfied with the excavation works to be carried out within the root protection area of Lime tree T6 - subject to agreeing a method protection statement and schedule of arboricultural supervision. The objection to the loss of the T5 Lime still stands. It rests with the Panel to consider the loss of T5 as part of the overall 'planning balance' and this is considered in more detail below.</i></p>
<p>SCC Open Spaces</p>	<p>OBJECTION I support the comments made by the Arboricultural Manager. My objection is to the loss of the Lime Tree</p>

	<p>T5, and potential loss of Lime tree T6 which provide good visual amenity value and make up part of a historic row of trees that once were the boundary feature of the "Botanic Gardens" dating back to the late 1800's. I do not consider that the removal of these heritage assets can be mitigated through replacement planting, although more planting in this location is welcomed. I also do not consider that the ability for buses to turn right at this location is justification enough to remove these important trees.</p> <p>The right turn option will only reduce trip distances by 600m (approximately 2 minutes) and I could not find any specific commitment from the bus companies that they would want to turn buses at this location, within the application documentation. The proposal therefore relies on a potential or possible change by the bus companies which it cannot guarantee. This would therefore mean that the trees could be felled for no reason as the bus companies choose not to turn right out of the hub area. I believe that a similar amount of bus provision could be delivered without the right hand turn option and still retain the trees.</p> <p>I have no objections to the rest of the scheme and fully support the introduction of open space in this area.</p>
<p>SCC Design Manager</p>	<p>NO OBJECTION</p>
<p>Historic England</p>	<p>NO OBJECTION</p> <p>The Castle Wall and Gate and Old Town Walls represent the surviving remnants of one of the most important medieval ports in England. The proposals for the creation of a new bus interchange and public realm will have impacts, both positive and negative, on the setting of these designated heritage assets. There may also be impacts to designated and undesignated archaeology and the condition and integrity of the Castle Wall. Scheduled Monument Consent (SMC) will be required for any works interacting with the scheduled structures.</p> <p>Historic England does not object to the proposals but requests that matters concerning SMC, vibration, ongoing maintenance and repair of the walls, archaeology and interpretation are addressed by condition within any planning permission.</p>
<p>SCC Archaeology</p>	<p>Does not support the inclusion of the raised planter between Masonic Hall and Castle Bailey Wall for the following reasons:</p>

- Setting of the scheduled castle bailey wall (I don't accept that the bed is needed to hide the Masonic Hall wall).
- Potential litter and use of this area by rough sleepers (relates to setting issue).
- Impact on archaeological deposits.

The drawings show formation levels for the planter and its walls will be 450m below proposed ground level. There will also be a gully connection into the southeast side of the planter, and drawing 00512 appears to show this with a formation level of over 600mm below proposed ground level. This planter is positioned in the area of the c6m wide berm between the castle ditch and castle bailey wall. Important medieval and earlier remains could survive here quite high up, although for this location the depth of modern makeup is currently unknown. The other two planters in Albion Place are positioned over the castle ditch, the upper fills of which are post-medieval or later, so of less importance (although still of interest).

Under the National Planning Policy Framework, any harm to, or loss of, the significance of a designated heritage asset from development within its setting requires clear and convincing justification (NPPF paragraph 200). The same applies to impacts on archaeological remains that are demonstrably of equivalent significance to scheduled monuments (NPPF paragraph 200 / footnote 68), as applies to medieval and earlier remains in Southampton. Substantial harm or loss should be wholly exceptional. Less than substantial harm should be weighed against the public benefits of the proposal.

If planning consent is granted for the scheme, conditions will be required to secure a phased programme of archaeological works, landscaping details, vibration levels, construction management, materials storage and the securing of heritage interpretation boards.

Case Officer Response

The planter is required as part of the surface water drainage solution for this site. The planter has been designed as a low 300mm planter and detailed design and drainage can be reserved by condition to find a solution, in consultation with the archaeologist, with limited excavation and which works in terms of landscape maintenance and drainage design .

SCC Historic Environment Officer	NO OBJECTION
SCC Air Quality team	<p>NO OBJECTION</p> <p>The proposals for a new travel hub in Albion Place is highly unlikely to result in a significant negative impact on residents living near the development. The new bus stops are located far from any residential receptors (ie the facades of houses). Concentrations of pollutants drops off quickly with distance from their source. In addition, the castle wall acts as a barrier to any pollution which does make it that far, likely preventing pollution from the bus stops from having any significant impact on these houses compared to the existing site use as a car park in terms of compliance with air quality objectives.</p> <p>In addition, through an 'Enhanced Partnership' bus operators will be required to not idle their vehicles longer than necessary, further reducing emissions. The improvement plan will also require all buses in the city to meet the best diesel Euro standard.</p> <p>Access to reliable bus services and other sustainable transport modes is key to reducing emissions of key pollutants of which road transport and in particular private vehicle transport is the key contributor to. The Albion Place travel hub aims to encourage sustainable travel and contribute towards further improvement in air quality across the city.</p>
SCC Highways Development Management	<p>NO OBJECTION</p> <p>Overall, there many benefits to the proposed development as it invests and promotes sustainable travel. The main harmful impact would be on the amenity and convenience for visitors where they would not be able to park as close to this particular area as they would like. Due to the large amount of spare public parking observed in the near vicinity and also in the wider city centre, it is considered that the loss of parking would not endanger the vitality of city centre trade and how the general can gain access to the city centre.</p>
SCC Ecologist	NO OBJECTION
SCC Flood Risk team	<p>NO OBJECTION</p> <p>Additional information has been received from the applicant. The Drainage Strategy shows that a betterment from the existing site runoff rates and volumes has been achieved through the inclusion of soft landscaping which offers some natural infiltration. The Drainage Strategy now indicates that some runoff from</p>

	the hard landscaping will be directed towards, and allowed to pond, within the soft landscaping areas for storage.
Southern Water	NO OBJECTION
City of Southampton Society	<p>OBJECTION</p> <p>This application comes in two parts (the proposed public open space and the proposed bus hub) and our comments also cover these parts separately.</p> <p>1) The Public Open Space.</p> <p>We had understood from the original plans for the West Quay Development that both the Castle Way car park and the Albion Place car park would be converted to a green space, so in principle, we are in agreement. We are pleased to note that the proposed layout will not encourage use by skateboarders and electric scooters.</p> <p>We are however concerned about the potential harm from bus emissions as we understand that up to 10 buses could be parked up at any one time ' more than in Vincent's Walk. Add to this will be the noise from the bus engines. This will not be an ideal environment to relax.</p> <p>2) The Bus Hub.</p> <p>Our concerns about this part of the proposal are as follows:</p> <p>a) The felling of one established lime tree (admittedly not subject to a TPO)</p> <p>b) The proposed layout includes two bus stops on the west side of Castle Way adjacent to the bus hub. The existing layby will not survive. This part of Castle Way is narrow and will make passing the parked buses difficult and dangerous ' especially if traffic is travelling south at the same time.</p> <p>c) The failure to provide any Public Conveniences.</p> <p>There is space on the hard standing next to the Masonic Hall to accommodate these facilities. It must be made a condition of any Approval that the bus company provide and then service these facilities ' just as the Railway companies do for all the stations in Southampton and also National Express at the coach station.</p> <p>d) There is no need to provide a turning space for residents of Forest View as this road falls outside the red lines of this development. These residents should make their own arrangements ' possibly by opening up the other end of the street to allow through traffic.</p> <p>e) There is an excess of hard standing across the site. It is recognised that tree roots could cause damage to</p>

	<p>the Bailey Wall but planters or grass/shrub areas could be provided. This will help absorb the emissions from the buses and provide a cooler and more relaxing atmosphere for bus travellers.</p> <p>In conclusion while the design of the public open space is acceptable we feel that a redesign of the bus hub is required.</p> <p><u>Case Officer Response</u> <i>Largely addressed elsewhere in this report. The Forest View vehicle access is not proposed to change as part of the application, whilst a turning area will be provided to maintain safe access. The installation of further planters or soft landscaping in the bus hub will affect underlying archaeology and the setting of the Castle Bailey wall. The replacement of the car park with the public realm is an improvement to the setting of the Castle Bailey wall.</i></p>
<p>Southampton Commons and Parks Protection Society SCAPPS</p>	<p>OBJECTION</p> <p>SCAPPS reluctantly objects to the proposals as submitted, reluctantly because SCAPPS welcomes action at last being taken to implement the City Centre Action Plan's proposal for a park in this location. SCAPPS objection is because the proposed layout requires loss of a mature lime tree, prominent in street views, and because of the excessive amount of hard-surfacing/tarmac. Both are a consequence of the design brief stipulating a bus stop layout enabling buses to enter the stops and leave in the same direction from which they entered.</p> <p>We have been unable from submitted information to understand why that is so essential as to justify loss of a mature tree so important in street views. A mature tree of that size makes a much greater contribution to improving air quality than replacement planting. Second, it's this requirement for buses to swing round to make a turn that contributes to the application proposing such a large area of tarmac. Which/how many bus services need to make a turn through the bus stops? Most present service-routes continue on in the same direction. Why can't the small number of services that do need to turn continue the present practice of using the road layout? What provision is made for buses on stand-over between services?</p> <p>Many passengers using these bus stops will come from or head toward the Bargate and Above Bar. The</p>

application-site boundary is Castle Way. Permission should be subject to a Unilateral Undertaking to fund clearly defined and convenient pedestrian routes through the Shop Mobility site from the proposed pedestrian crossings on Castle Way to Bargate Street and on to the Bargate, and to secure much-needed environmental improvement of the site and rear servicing of neighbouring premises.

Case Officer Response

Securing pedestrian improvements through the Shop Mobility site is a good idea, but does not form part of this application and couldn't form a reason for refusal because it would not be a necessary to mitigate the highways impact of the proposal.

The amount of hard standing has been developed to accommodate the operational requirements for the buses and to provide future proofing of bus operations. All buses will enter the hub area at the southern end and exit at Albion Place where buses either turn north or south depending on their route.

Services from the Waterside/West will be terminating here rather than using the highway to turn around to make their return journey out of the city. Those running north-south use the stops on Castle Way. The buses have not been allocated to a particular bus stop but modelling has been done to influence the number of stops and operation based on the described approach.

The width of Albion Place at the junction with Castle Way has influenced the configuration to allow a bus to turn right (south) from the site.

The proposal contains one bus stand with all other locations being bus stops.

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;
- Effect on heritage and character;
- Impact on amenity and public safety;
- Parking, highways and transport
- Mitigation of direct local impacts.

6.2 Principle of Development

- 6.2.1 The site is allocated as a key site in the City Centre Action Plan under policy AP29 (key site: Albion Place and Castle Way car parks) to reuse the Castle Way and Albion Place car parks as a bus hub and urban park space. Furthermore, policy AP18 (transport) promotes the creation of bus interchange infrastructure in the city centre to encourage a modal shift from car use. Alongside the objectives of policies CS13 (design) of the Core Strategy, policy AP 16 (design) expects new development in the city centre to meet the design principles set out the quarters and key sites, and to contribute to other objectives including delivery of an enriched public realm, ensure high quality design, strengthen the unique distinctiveness of the city's heritage, and respect the existing residential amenity of neighbouring property and provide safe access.
- 6.2.2 The Council's 'Bus Service Improvement Plan' (first published in October 2021 and updated in 2022) explains that the Albion Place bus interchange is part of strategic transport planning to enable the city centre to become a hub for rapid bus corridors to converge on the city. The new hubs will simplify the routing of buses so passengers know where to get their bus. A bus priority loop will be implemented over time connecting the main bus hubs – Albion Place, Above Bar Street and Vincent's Walk.
- 6.2.3 The creation of the proposed bus hub interchange will support the Council delivering its long-term sustainable transport strategy under the policies C1 (Southampton Mass Transit System) and A1 (Liveable City Centre) within the Council's adopted Local Transport Plan: Connected Southampton, Transport Strategy 2040 (March 2019). The Local Transport Plan sets out the Council's long-term vision and approach for transport planning and investment through to 2040. This is linked to the strategic transport objectives of policy CS18 (transport) of the Core Strategy to achieve a modal shift to environmentally sustainable transport. Alongside the parking planning policies for the city and maximum parking standards set out in policy CS19 (parking) of the Core Strategy and SDP5 (parking) of the Local Plan Review, the Council's planning policy and standards for parking provision in the city centre is set out in policy AP19 (streets) of the City Centre Action Plan. The impact of the loss of the 128 car parking spaces to businesses, visitors and residents in the locality will be assessed against the capacity of car parking available in the city centre to absorb the parking demand and need.
- 6.2.4 The proposal will result in both landscape improvements and unfortunate tree loss to accommodate the development; and these positive and negative environmental impacts need to be considered as part of the overall 'planning balance'. The proposed development will conflict with the objectives of policy SDP12 (landscape) of the Local Plan Review which expects important trees to be retained. The impact on loss of habitat and biodiversity including protected species is assessed against the requirements of policies NE4 (protected species) of the Local Plan Review and CS22 (biodiversity) of the Core Strategy. The proposal offers a package of measures to mitigate the impact on habitat and biodiversity and deliver a minimum of 10% Biodiversity Net Gain. The creation of the new

park space will meet the objectives of policy AP 12 and AP 13 (open space) of the City Centre Action Plan to increase the quantity and improve the quality and accessibility of open space in the city centre and the strategic requirements of policy CS 21 (open space) of the Core Strategy.

6.2.5 As such, the principle of development can be accepted to replace the existing car parks to deliver transport infrastructure to promote use of sustainable transport as part of the city's strategic network and the creation new public open space.

6.3 Effect on heritage and character (including tree loss impacts)

6.3.1 In accordance with the relevant national heritage tests and local plan policies HE1 (conservation area), HE3 (listed), HE6 (archaeology) and CS14 (historic) the report below assesses the impact on the significance of the heritage assets affected. Overall, the height, scale, design and appearance of the proposed resurfacing & landscaping works and associated structures, including bus shelters, refuse store (eastern side of Masonic Hall), cycle and scooter stands/facilities and landscape planters, will not appear out of character with this city centre urban environment and the street scene. The replacement of the Albion Place car park hardstanding with the landscaped park will improve the character and appearance of the local area. The visual amenity impacts in relation to the tree loss and the setting and character of the adjacent heritage assets are assessed below in the report.

6.3.2 *Impact to existing trees*

The resurfacing works to create the new vehicle and bus circulation layout requires two trees to be removed. These are identified as T5 Lime and T9 Pear on the submitted tree plan – **see Appendix 2**. Fundamentally, the Tree Officer objects to the removal of the T5 Lime tree. The Tree Officer considers that the 'B' categorisation of the four Lime tree (identified as T5 – T8 – **see Appendix 2**) should be changed to category 'A' given their status as an important historical feature in the landscape, predating the 1880s. The Lime group form an important landscape and historical avenue feature and offer extremely high amenity to the area. As such, the remaining trees in this Lime tree group should be retained in full and protected from present and future development, whilst the other remaining trees within the car parks are of adequate condition and prominence to achieve a higher categorisation.

6.3.3 Given the positive contribution to the character and appearance in the street scene, the loss of the Lime tree T5 will adversely affect visual amenity of the local area. The Tree Officer's objection will not be addressed by the layout and design of the proposed scheme. The Council should decide the planning application as proposed, so this shortcoming of the scheme should be materially weighed up, alongside the other impacts, against the benefits to be delivered by the proposal under the 'planning balance'.

The Pear tree T9 does not make a significant contribution to the character and appearance of the street scene, so the loss of the Pear tree T9 will not significantly affect the visual amenity of the area, whilst the replacement tree planting offered will adequately mitigate the environmental impact caused by the loss of the tree.

- 6.3.4 In acknowledging the importance of the Lime tree T5, the applicant held discussions with the SCC Tree team prior to submission. The applicant explored a different layout option for the bus hub and park space at the design stage to retain the Lime tree T5 (**see Appendix 3**), albeit this results in the loss of a Sycamore tree with lower value than the Lime tree T5. The option to locate bus hub in the Albion Place car park (north) was not taken forward as it posed greater harm and less significant benefits to the heritage assets affected. Protecting and enhancing the natural environment is a key priority and objective of the Local Development Plan and it is regrettable that the Lime tree T5 will be lost, however, it should be noted that the survival of the heritage assets affected in the built environment are more than likely to long outlive the Lime tree affected. The applicant has justified the layout and size of the bus lane in the bus hub (where Lime tree T5 is located) based upon the operational bus requirements. The retention of the Lime tree T5 would not be practicable given the impacts of construction within the root protection area and operational use of the bus hub.
- 6.3.5 It should be noted that the Council's Historic Environment Officer considers the loss of an important Lime (one of a group of three trees once associated with the former residential streetscape) would be regrettable, and whose loss would cause some harm to the conservation area, despite new plantings being proposed, however, they concluded that there would be on balance a low level impact on the heritage assets affected by the proposed scheme alongside the public benefits derived (see further discussed below in the report).
- 6.3.6 In addition to the visual and character impact, the significant tree loss would result in associated environmental impacts, including rainwater management and urban shading through the loss of tree canopy, effect on climate change resilience, and biodiversity through loss of foraging and habitat. Although standard to heavy standard sizes are the size of the replacement trees (when first planted) this will not physically mitigate these environmental impacts until their canopies mature in the longer term. The 9 replacement trees will exceed the Council's 2:1 replacement policy. **Appendix 7** shows how the canopies of suggested replacement trees should look like when they have matured. The SCC Ecologist will advise through the Biodiversity Net Gain metric on the appropriateness of the trees and mix and type of plant species in terms of biodiversity value under the revised landscaping scheme to be secured by conditions 12.

6.3.7 *Impact on heritage and character*

The site itself lies with a Conservation Area and the proposed development will affect the setting of heritage assets designated as grade II* listed and Ancient Scheduled Monuments. The statutory tests for the heritage impact of the proposal, as set out in sections 16 (Listed Buildings), 66 (Listed Buildings) and 72 (Conservation Areas) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest (Listed Buildings) and; whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

6.3.8 Paragraph 194 of the NPPF adds that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 202 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 203 confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

6.3.9 The Council's Heritage Officer acknowledges that although there would be some changes to the existing surroundings of the listed buildings and non-designated heritage assets, and that the presence of an operational bus hub and associated structures would continue to cause some harm to the heritage assets in this sensitive location, however, given the indirect impact of the proposals, and coupled with the resultant low magnitude of change, the level of harm presented by the scheme would be considered to fall within the low end of the '*less than substantial harm*' spectrum when compared to the existing arrangement.

6.3.10 The NPPF heritage test for the less than substantial harm affecting the setting of the heritage assets and conservation area should be weighed against the public benefits of the proposal. There are a number of substantial public benefits delivered by the proposed development including the investment in public transport and the improvement to the setting and public access of the town and castle bailey walls. These benefits are considered to outweigh any the less successful elements of the scheme including that the area will continue to be dominated by the operational

movement of buses, the loss of the Lime tree, and all the associated issues with such a use e.g. noise, emissions, lighting.

- 6.3.11 Historic England commented that the issue of the potential effect of vibration of scheduled monuments affected by the operational bus hub is not quite resolved in the application. The applicant has confirmed that, subject to an upcoming TRO to be lodged for public consultation, the speed limit of Castle Way will be reduced to 20mph and therefore the induced vibrations will be less than the current 30mph road. The Portland Terrace Bus Gate TRO will create a no through road for traffic between Spa Road and the shopmobility junction and so reduce the frequency of total vehicles using Castle Way to just bus frequencies.
- 6.3.12 In line with Historic England's comments a pre-commencement condition is recommended to agree a detailed method statement to safeguard the structural integrity of the heritage wall assets from vibration impacts during construction and during operational use of the bus hub.
- 6.3.13 In confirming the indicative excavation depths and sub-layers in more detail, the applicant has addressed the SCC Archaeologist's comments and a further condition is recommended.
- 6.3.14 As such, the proposal is considered to preserve the setting and character of the listed/ancient scheduled monuments and the character and appearance of the Conservation Area. Furthermore, the proposal would accord with the requirements of the relevant policies in the Development Plan, namely HE1 (conservation area), HE3 (listed), HE6 (archaeology) of the Local Plan Review and policy CS14 (historic) of the Core Strategy.

6.4 Impact on amenity and public safety

- 6.4.1 The impact of the proposal should be assessed against safeguarding the amenity and safety of the local area. The physical impact of the proposed structures on the amenity of nearby occupiers is assessed against policy SDP1(i) of the Local Plan Review. The affect from noise and lighting associated with the bus hub and park use in relation to policies SDP16 (noise) and SDP17 (lighting), and policy SDP10 (security) requires the fear and risk of crime to be designed out using security measures such as appropriate lighting, CCTV and improved natural surveillance. Whilst Hampshire Police were not consulted through the planning application, the applicant has confirmed that the package of security measures and layout of the bus hub to design out opportunities for crime were informed by consultation with Hampshire Police at the pre-planning design stage.
- 6.4.2 The proposed bus hub use is compatible land use within this urban setting, where bus services already stop and layover on this part of Castle Way, and the land is currently used by the public for parking. The application site is within a busy city centre urban area adjacent with quieter residential neighbourhoods to the south and west (beyond the Castle Bailey Wall).

There is existing street lighting and background traffic noise associated with the frequent movement of buses and vehicles coming and going from the car parks (using the Albion Place junction) and travelling along Castle Way. Castle Way is currently used by buses to layover and pick up passengers. The main residential properties affected are located to the south of the Castle Bailey wall in Castle Lane, Maddison Street and Forest View, and flats located on the eastern side of Castle Way. Freemasons and other groups use the Masonic Hall abutting the western edge of the Castle Way car park along the site boundary. The height of the Castle Bailey wall acts as a substantial barrier between the residential uses to the south of the site.

6.4.3 *Noise impact*

Local residents have raised concerns with regards to disturbance from bus engine noise operating closer to residential properties using the stops within the bus hub interchange. This is addressed above at paragraph 5.5.

6.4.4 As such, the noise disturbance associated with the activities resulting from the scale, nature and intensity of the proposed change of use will not adversely affect the residential amenity of the nearby occupiers.

6.4.5 *Loss of privacy, light and outlook*

Given the separation distances and the height of the Castle Bailey wall, there will be limited impact to the loss of light, privacy and outlook enjoyed by nearby residents.

6.4.6 *Security and Safety*

The replacement of the current car park use will benefit from the increased public presence throughout the day and night time using the bus hub. The design of the bus hub will reduce antisocial behaviour in the area, with improved natural surveillance and creating spaces that provide fewer criminal opportunities. This includes improved lighting along the highway frontage, and within the bus hub where necessary, that will help to minimise the opportunities for rough sleeping, improved natural surveillance creating the perception of safety, formalised surveillance with the provision of CCTV and a long-term maintenance strategy. Prior to the first operation of the bus hub details of the scheme of security measures, including lighting and CCTV coverage, will be secured by planning condition to ensure further engagement with Hampshire Police.

6.4.7 *Lighting*

The specification of lighting in terms of the column height and luminance levels, including the ambient up lighting of the adjacent walls, will be designed to minimise the adverse impact to the amenity of nearby residents from light spill.

6.5 Parking, highways and transport

6.5.1 *Transport improvements*

It has been established that the proposed change of use to a bus hub supports the delivery of the objectives of the Council's wider transport strategy and adopted local transport & planning policies to encourage a modal shift to sustainable transport, whilst the change of use from the car parks to a bus hub and park space will have the added transport benefits of reducing traffic flow on Castle Way and improving pedestrian routes along the Town Walls. The delivery of the pedestrian crossing point on Castle Way will connect the two sections of Castle Lane currently severed by Castle Way, improving pedestrian connections between the High Street and the Old Town as well as enhancing connectivity between the bus hub and southern High Street.

6.5.2 There are numerous cycle stands being proposed as part of the development. Similarly, space is being provided to enable installations of e-scooters and electric cycles.

6.5.3 As such, the transport improvements delivered to achieve a modal shift to sustainable transport use in the city centre and the wider transport network accord with policy.

6.5.4 *Impact on highways safety*

Policy TI 2 (vehicle access) will only permit new access from classified roads (Castle Way is classified as 'C' road) providing that road safety is not adversely affected. NPPF paragraphs 110 to 113 sets out the framework for assessing road safety and transport impacts. NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The nature and layout of the proposal complies with the requirements of NPPF paragraph 112.

6.5.5 The SCC Highways officer considers that the proposed development will not adversely affect highways safety and refuse collection vehicle access will be via the bus hub to collect rubbish from the waste storage area adjacent to the eastern side of the Masonic Hall. Detailed design of the bin store can be agreed by planning condition.

6.5.6 The loss of 128 parking spaces and with the nature of them being short term parking (daytime), will likely generate fewer vehicular trips overall as a result of development. Furthermore, in terms of bus movements, the two accesses will act as an ingress and egress only which will also help reduce turning movements at each access.

6.5.7 The loss of short-term city centre parking in place for a bus hub is in line with many Council objectives in improving the function of the inner ring road and to reduce private car trips within the city core.

6.5.8 As such, the proposal will accord with policies SDP1(i) (amenity) and TI2 (vehicular access) of the Local Plan Review

6.5.9 *Parking provision & access*

Members of the Freemasons and users of the Masonic Hall have raised concerns that the loss of the car parks will adversely affect the viability of their business and as community use as members and visitors depend upon safe and convenient access from the car parks next to the venue, especially those with mobility and sensory difficulties. Subsequently, the creation of the layby in Albion Place to the north of the Masonic Hall will secure opportunities for persons with mobility and sensory difficulties and deliveries to safely and conveniently access the Masonic Hall. Safe vehicle and pedestrian access for ingress and egress, alongside refuse collection facilities, are being maintained for residents of Forest View. The disabled access to the Masonic Hall will remain unobstructed with a safe and secure route across a well-lit and level surface along Albion Place and the new public realm area.

6.5.10 The existing car parks do not contain any disabled bays with all bays being standard dimensions with no additional hatching for additional access. The applicant has provided information in the Transport Statement, including a parking survey of city centre car parks. The survey shows the car parks to be lost are well utilised, however, the survey demonstrates that there is sufficient spare capacity in both Council owned car parks and privately owned car parks. With the nearest ones being West Quay and Podium Car Park; Eastgate; The Quays North & South car parks (see map of locations in **Appendix 5**). In addition, there are various on street public parking bays in the local area. As such, the loss of the car park spaces will not adversely affect or prejudice the safety and access of businesses, visitors and local residents in the area including those persons with mobility and sensory difficulties

6.6 Mitigation of direct local impacts

6.6.1 *Ecological impacts*

An extended Phase 1 Habitat Survey for protected species has been undertaken by the applicant and has been accepted by the Council's Ecologist.

6.6.2 The scheme will result in a loss of biodiversity and habitat on site through the removal of the Lime tree T5 and Pear tree T9. The site has the potential to improve biodiversity and habitat by replacing the part of the existing hardstanding with park space. The level of improvement can be measured through a Biodiversity Net Gain metric tool. The applicant has submitted an interim report to set out options for achieving 10% BNG with recommended actions.

- 6.6.3 As such, the habitat and biodiversity loss directly associated with the Lime tree T5 can be mitigated in the longer term once the replacement tree planting canopy has matured. It has been demonstrated that no protected species will be adversely affected by the proposed development.
- 6.6.4 *Impact on air quality*
The SCC Air Quality team have raised no objection to the impact of the proposed development.
- 6.6.5 Access to reliable bus services and other sustainable transport modes is key to reducing emissions of key pollutants of which road transport and in particular private vehicle transport is the key contributor to. The bus hub aims to encourage sustainable travel and contribute towards further improvement in air quality across the city.
- 6.6.7 *Impact on drainage*
The SCC Flood Risk team have lifted their holding objection in relation to the SUDS strategy proposed. Additional information has been received from the applicant that includes justification as to the method of surface water disposal from the site and shows that a betterment from the existing site runoff rates and volumes has been achieved
- 6.6.8 *Impact on Southern Water network*
Southern Water commented that public assets affected by the proposal identified as existing gravity sewers, water distribution mains and water services lie within the site. Following further discussions between the applicant, Southern Water have confirmed that the construction depths will not require any diversionary works to protect these assets. As such, Southern Water are satisfied that construction works affecting their assets can take place.

7. Summary & Planning Balance

- 7.1 The principle of the change of use of the car parks to the bus hub and parks is considered acceptable.
- 7.2 It is acknowledged that the proposal would positively contribute towards the Council's strategic transport network objectives as set out in the adopted Local Transport Plan by improving and delivering sustainable transport infrastructure and improving the liveability of the city centre.
- 7.3 The delivery of new open space in the city centre would be a positive public benefit.
- 7.4 There would be social and environmental benefits from improving the character and setting of the heritage assets affected by replacing Albion

Place car park with a new landscaped park and public realm adjacent to and flanking the Town Wall heritage assets.

- 7.5 The financial revenue lost from the operational car parks is not a land use material consideration, however, there will be a neutral social and economic impact caused by the loss of parking spaces as it is demonstrated that the available capacity of nearby parking will provide convenient and safe access for businesses, visitors and local residents. Subsequently, applicant will secure opportunities for persons with mobility issues to visit the Masonic Hall and maintain safe access for Forest view.
- 7.6 The loss of the Lime tree T5 will cause adverse environmental impacts so this is a shortcoming of the proposed development. The visual amenity and other associated environmental impacts cannot be directly mitigated until in the longer term when the replacement tree planting will take full effect.
- 7.7 It is considered that the adverse impacts of granting planning permission, in terms of the loss of an attractive and healthy Lime tree, would be significantly and demonstrably outweighed by the benefits. As such, consideration of the planning balance would point to approval.

8. Conclusion

- 8.1 Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval 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) 4. (a) (e) (g) (vv) 5. (i) (j) 6. (a) (b)

Stuart Brooks PROW Panel 12.09.23

PLANNING CONDITIONS

01. Full Permission Timing (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. Construction Management Plan (Pre-Commencement)

Before any development works are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;

- (c) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- (d) details of temporary lighting;
- (e) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (h) details of construction vehicles wheel cleaning; and,
- (i) details of how noise emanating from the site during construction will be mitigated.
- (j) measures to protect the scheduled Castle Bailey Wall, town walls and towers from potential damage during construction works - from parking of vehicles, movement of plant and materials, storage of plant and materials. No storage of goods including temporary contracts buildings, plant and stacks of materials and equipment associated with the development shall be stored within 4 metres of the Castle Bailey Wall, town walls and towers.

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

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area and highway safety. To preserve the scheduled monuments affected during construction works.

03. 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.

04. Archaeological damage-assessment (Pre-Commencement Condition)

No ground disturbance (other than ground investigation works and archaeological evaluation trenching) shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict ground disturbance accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

05. Archaeological evaluation investigation (Pre-Commencement Condition)

No ground disturbance shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

06. Archaeological evaluation work programme (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

07. Archaeological investigation (further works) (Performance Condition)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the additional archaeological investigation is initiated at an appropriate point in development procedure.

08. Archaeological work programme (further works) (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

09. Vibration (Pre-Commencement)

No ground disturbance shall take place within the site until vibration monitoring has been installed on the scheduled Castle Bailey Wall, town walls and towers in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be retained as approved during the construction period.

Reason: To preserve the adjacent scheduled monuments during construction works.

Informative: a maximum vibration of 3mm/sec Peak Particle Velocity is permitted in the vicinity of the town walls and castle walls, measured by a device fixed to the monument itself.

10. Arboricultural Method Statement (Pre-Commencement)

No ground disturbance shall take place until a site specific Arboricultural Method Statement has been first submitted to and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures with specific measures to be undertaken within the root protection area of Lime tree T6 during works including excavation to be hand dug and/or utilise the vacuum excavator and the possible relocation of the bus shelter shown in this zone;

- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas with specific protection measures for the root protection area of Lime tree T6;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vi) An arboriculture management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
- (vii) Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.
- (viii) A schedule of Arboricultural Supervision for works affecting the root protection area of Lime tree T6.

The Arboricultural Method Statement and schedule of Arboricultural Supervision shall be fully adhered to throughout the course of the development.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

11. Safety and Security Measures (Pre-Operational Use)

Prior to first operational use of the bus hub hereby approved, a scheme of safety and security measures including CCTV coverage and a lighting plan be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first operational use of the bus hub and shall be retained thereafter for the lifetime of the use.

Reason: In the interests of safety and security of all users of the development.

12. Biodiversity Net Gain (Pre-Operational Use)

Prior to the removal of Lime tree T5, a completed biodiversity metric shall be submitted to and agreed in writing by the Local Planning Authority, which demonstrates a minimum of 10% biodiversity net gain, and a plan which shows the location, extent, and composition of the proposed habitat. This shall include the measures set out in the section 6 of the Preliminary Ecological Appraisal by Mott Macdonald dated May 2023 and amended landscaping scheme to include more native planting species of recognisable value to wildlife and suitable sized replacement tree species. The approved habitat measures shall be implemented before first operational use of the development hereby approved.

Reason: In the interests of enhancing biodiversity and habitat on site.

13. 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 first submitted to and agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details. A suitably qualified ornithologist will be required on site to check if any potential nest sites of black redstart are active if works commence during the bird breeding season between 1 March and 31 August. If nesting black redstart are present and impacts are possible on site, works shall

cease in the area until a suitable cordon is set up around the nest to protect the nest and allow the young to fledge in accordance with details submitted to and agreed in writing with the Local Planning Authority.

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

14. External Lighting Scheme (Pre-Operational Use)

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

Reason: To minimise the impact on protected species.

15. 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; hard surfacing materials of the new public realm and pedestrian circulation spaces, raised planter design and associated drainage design, specification of external lighting, structures and ancillary objects (seating, refuse bins, etc);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (v) details of any proposed boundary treatment and means of enclosure;
- (vi) a landscape management scheme;
- (vii) details of the specification and content of historic interpretation boards and ground artwork installation and,
- (viii) detailed specification and location of planter areas and upstands, including below ground sections and foundation design.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to the first operational use or during the first planting season following the full completion of works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of other works approved which 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 preserve important archaeological assets and setting of the Town Walls.

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.

16. Refuse & Recycling for Forest View (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling to serve Forest View including temporary provision during construction, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The temporary storage shall be provided prior to the commencement of development in the Castle Way Car Park area in accordance with the agreed details. The permanent refuse storage shall be provided prior to first operational use and thereafter retained as approved. No refuse shall obstruct the fire exit of the Masonic Hall at any time.

Reason: In the interests of visual amenity, the amenities of Forest View, the safety of the users of Masonic Hall and in the interests of highway safety.

17. Bus Shelter Advertising (Performance)

Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or any Order amending, revoking or re-enacting that Order, no advertisements under deemed consent within Schedule 3, Part 1, Class 9 shall be displayed at any bus shelter within the bus hub hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of preserving the setting and character of the scheduled monuments affected.

18. Vibration Levels during bus hub operation (Pre-Commencement)

No ground disturbance shall take place within the site until a technical statement on vibration impacts on Castle Bailey Wall during operation of the bus hub has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any measures approved to mitigate vibration impacts prior to the first operational use of the bus hub and thereafter retained for the lifetime of the bus hub use.

Reason: In the interests of the preserving the character and setting of scheduled monuments affected by ensuring their structural integrity.

19. Approved Plans (Performance)

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
TI2	Vehicular Access

City Centre Action Plan - March 2015

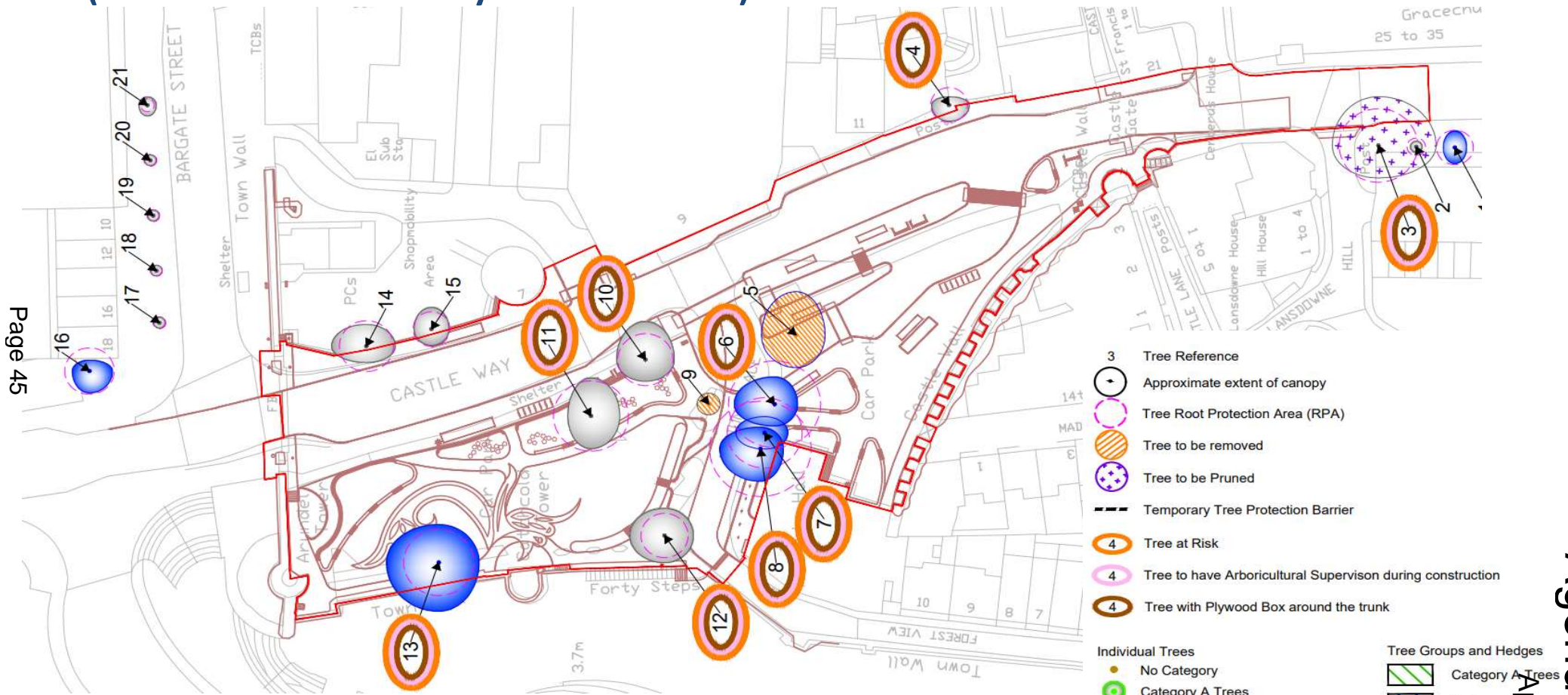
AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 16	Design
AP 18	Transport and movement
AP 19	Streets and Spaces
AP 29	Albion Place and Castle Way car parks

Other Relevant Guidance

Parking Standards SPD (September 2011)
Old Town Development Strategy (November 2000)
Local Transport Plan (March 2019)
Bus Service Improvement Plan (BSIP) 2021
CIHT's Manual for Streets and Manual for Streets 2
The National Planning Policy Framework (2021)

23/00668/R3CFL Proposal – Tree Loss

- 2 trees to be removed (see below – T5&T9) & possibly T6 with 9 replacements (standard to extra heavy standard trees)



Page 45

5	Common lime	8.3	B	CA	Fell due to direct conflict with bus stop realignment.
9	Callery pear	1.4	C	CA	Fell due to direct conflict with new footpath.

- 3 Tree Reference
 - Approximate extent of canopy
 - Tree Root Protection Area (RPA)
 - Tree to be removed
 - Tree to be Pruned
 - Temporary Tree Protection Barrier
 - Tree at Risk
 - Tree to have Arboricultural Supervision during construction
 - Tree with Plywood Box around the trunk
- Individual Trees
- No Category
 - Category A Trees
 - Category B Trees
 - Category C Trees
 - Category U Trees recommended for removal for reasons of sound arboricultural management
- Tree Groups and Hedges
- ▨ Category A Trees
 - ▨ Category B Trees
 - ▨ Category C Trees
 - Red Line Boundary

Agenda Item 5
Appendix 1

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- Alternative scheme to relocate bus hub to investigate options to retain Lime tree



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Existing Walk the Southampton Walls sign to be reinstated in the same location

Foot Steps

Footpath View

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Existing Bollards to be retained

MASONIC LODGE

Finished levels of this planting bed to be 50mm lower than the adjacent hard surface

Bin Storage

300mm band of loose gravel

300mm band of loose gravel

CASTLE BA WALL

Propose to move bus shelter south to avoid the root protection area

Tree 9 - removed

Root protection area

Orange Zone - Existing paving depth is 0.3m to made ground. Within the made ground there are existing utilities which exist between 0.4m - 0.8m below existing ground levels. Proposed levels are a minimum of 0.1m above existing levels. Within TP05 - only one of the trial hole areas showed an indication of small tree roots at 0.8m-0.9m depth (below existing ground level). This is deeper than our proposed construction levels. Refer to Socotec GI report for information.

TP05 - no roots found in this area - excavations varied from 400mm to 800mm

TP06A - no substantial roots found only smaller roots



Precast concrete pavement to be aligned with the uncontrolled crossing tactile paving

ALBION PLACE BUS HUB

Notes

1. All dimensions are in metres unless otherwise stated.
2. Do not scale any items or information from this drawing.
3. To be read in conjunction with Albion Place Bus Hub Arboricultural Impact Assessment (May 2023) ref: CRXL0001-MMD-CC-43A-RP-LE-0001/P03.
4. This is Draft WIP for discussion only.

Key to Symbols

Excavation Depth in T6 RPA Zone (T6 RPA Area = 201.1m ²)	
	<800mm Excavation (54.8m ² , 27.3%)
	600mm Excavation (4.5m ² , 2.2%)
	400mm Excavation (18.0m ² , 9.0%)
	400mm Topsoil + 300mm Subsoil (where required). Excavation to be minimised to 400mm to reduce disruption to RPAs (59.2m ² , 29.4%)
	140mm Excavation (62.1m ² , 30.9%)
	No Excavation (1.4m ² , 0.7%)

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	02.08.23	AR	For Information Only		SS

Status Stamp

NOT FOR CONSTRUCTION

Mott MacDonald
Mountbatten House, 4th Floor
Grosvenor Square
Southampton, SO1 2JU
United Kingdom
T +44 (0)23 862 8800
W www.mottmac.com

Client
Balfour Beatty Living Places
City Depot,
First Avenue,
Millbrook,
Southampton, SO15 0LJ

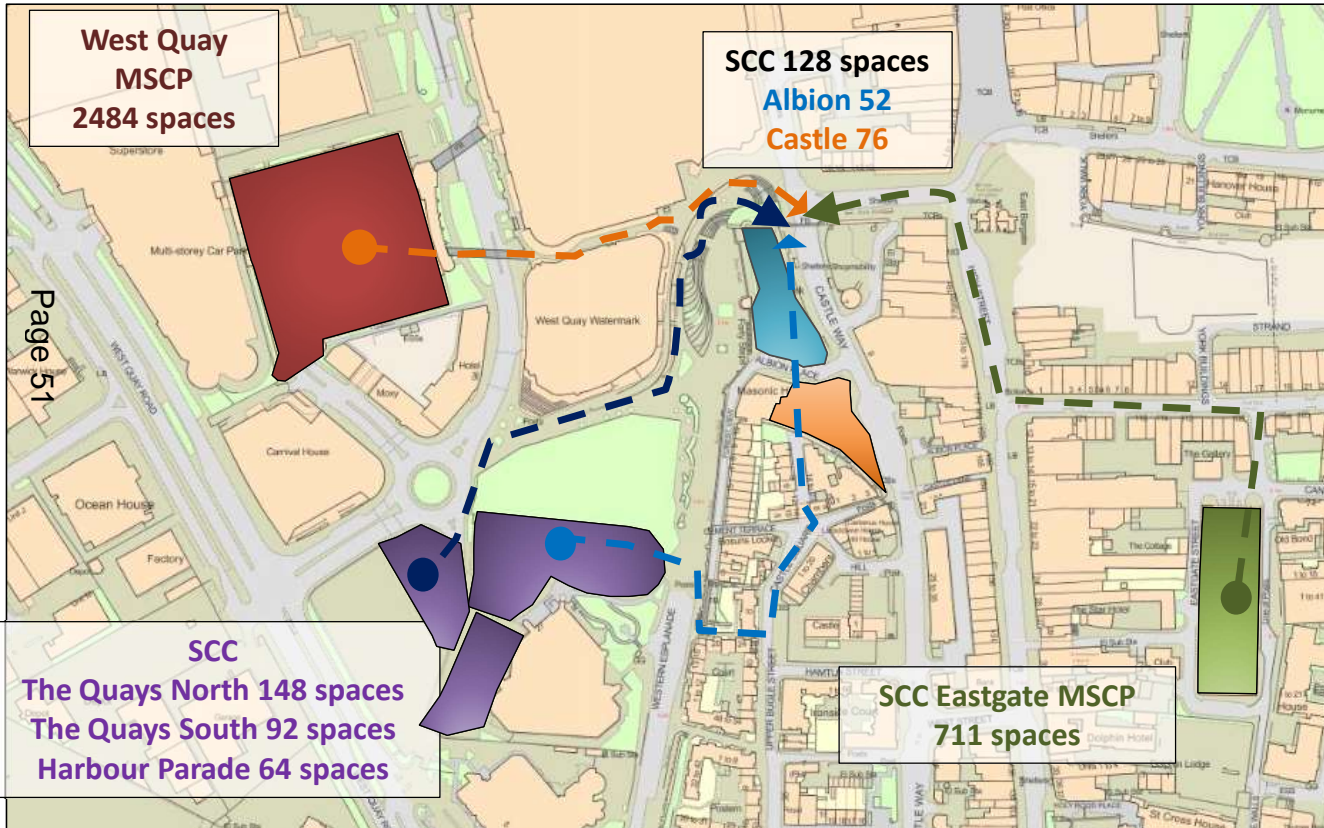
Title
Albion Place Bus Hub
Tree Protection Plan
Sheet 01 of 01

Designed	A. Rupp	AR	Eng check	-
Drawn	A. Rupp	AR	Coordination	
Dwg check	A. Micklem	AM	Approved	
MMD Project Number	CRXL0001		Scale at A1	1:500
Suitability Description	Suitable for Information		Suit. Code	S1
Drawing Number	SKETCH - For Arb Response		Revision	P01

Agenda Item 5
Appendix 3

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Alternative Car Parks – Walking Distance (Bargate Roundabout)



Alternative Car Park	Distance
West Quay	0.17 Mile
Harbour Parade	0.23 Mile
Quay North	0.27 Mile
Eastgate	0.27 Mile

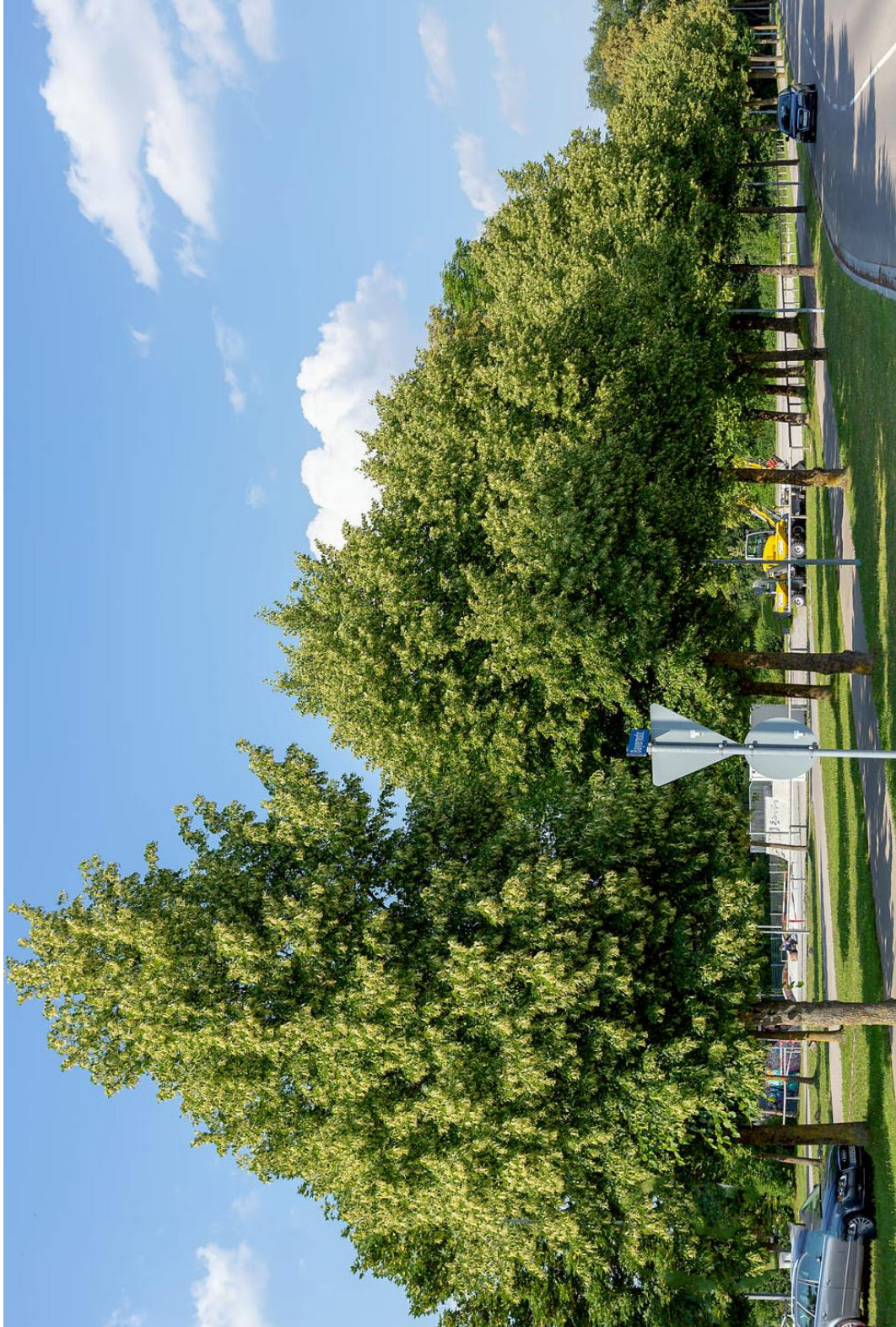
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Agenda Item 5

Appendix 5

The tree planting proposed for the scheme are as follows:

Tilia platyphyllos 'Rubra' - Red Twigged Lime - Native
All year interest and good for bees
min 20-25cm girth 5m tall when planted reaching 12m after 25 years



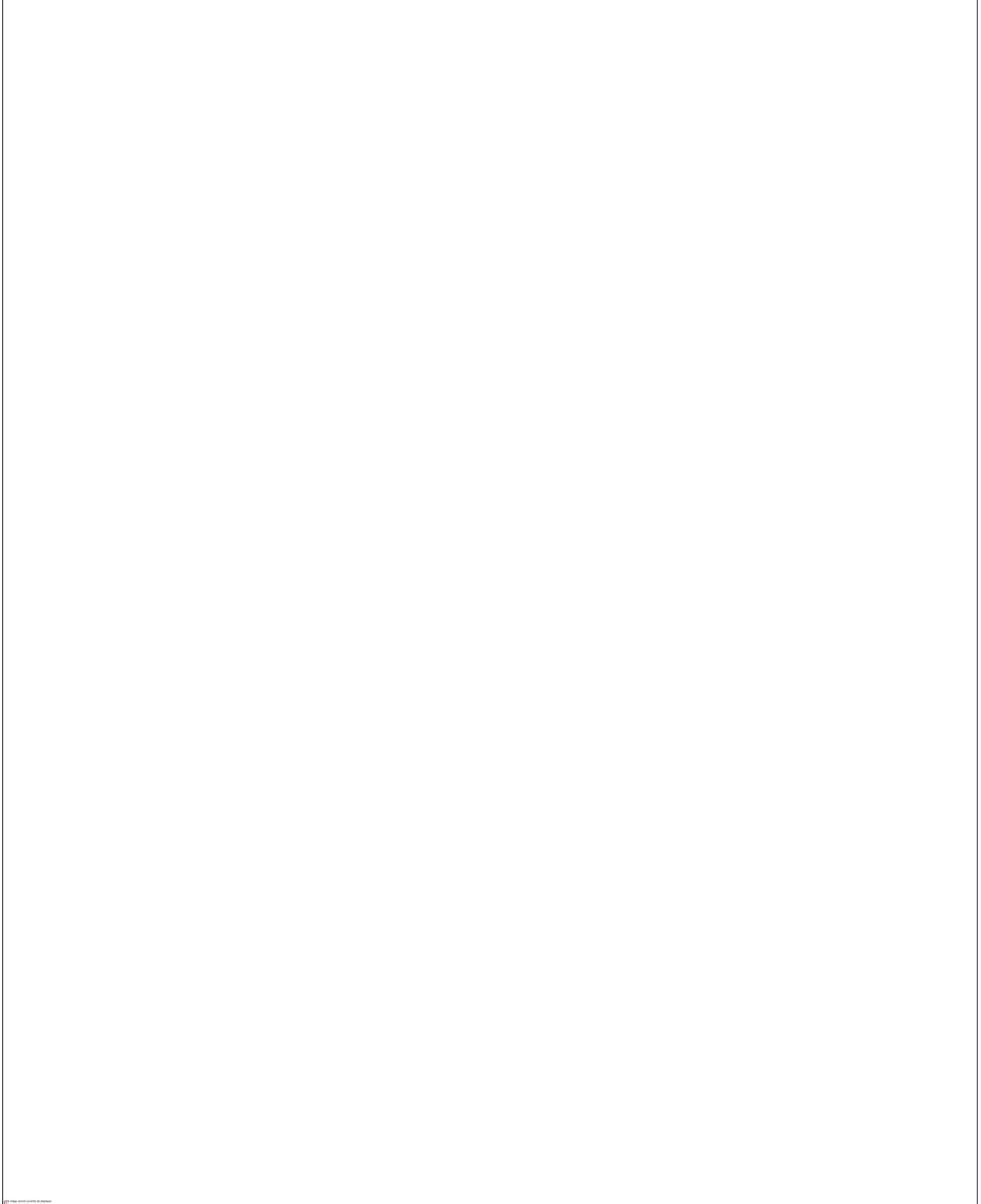
Tilia Tilia tomentosa 'Brabant' – Silver Lime
Fragrant flowers in summer
min 20-25cm girth 5m tall when planted reaching 10m after 25 years.



Sorbus torminalis – Wild Service Tree – Native
Good Autumn colour
min 20-25cm girth 5m tall when planted reaching 8m after 25 years



Ulmus 'New Horizon' – Resistant Elm
Excellent urban tree and attracts White Letter Hairstreak Butterfly (endangered
native species)
min 20-25cm girth 5m tall when planted reaching 10m after 25 years



Prunus 'Sunset Boulevard' – Cherry
Spring flower interest and Autumn colour – good for bees
min 20-25cm girth 5m tall when planted reaching 10m after 25 years



Ulmus Columella – Upright Elm
Excellent urban tree with a compact upright form
min 20-25cm girth 5m tall when planted reaching 12m after 25 years



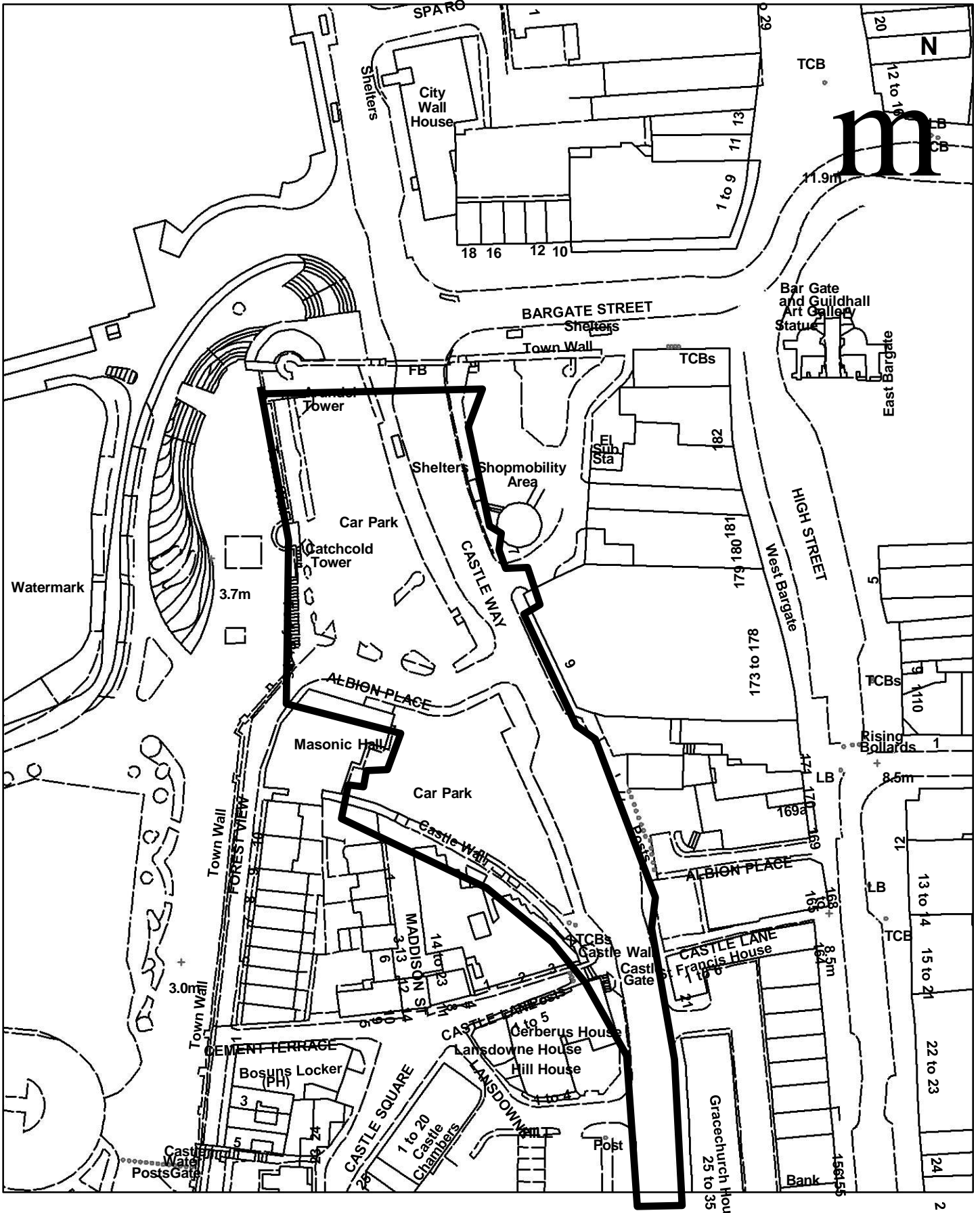
Public consultation carried out by SCC transport team is summarised below:-



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Agenda Item 5

23/00668/R3CFL



Scale: 1:1,250

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

Application address: Bitterne Parish Church Office, Whites Road, Southampton			
Proposed development: Reserved matters application seeking approval for APPEARANCE, LANDSCAPING and SCALE following outline planning permission ref: 19/00838/OUT for redevelopment of the Bitterne Parish Church site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area, following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (departure from local plan).			
Application number:	23/00367/REM	Application type:	Reserved Matters
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	29.06.2023	Ward:	Peartree
Reason for Panel Referral:	5 or more objections have been received	Ward Councillors:	Cllr Keogh Cllr Payne Cllr Houghton
Applicant: Imperial Homes Southern Counties Ltd		Agent: Vivid Design Studio Ltd	

Recommendation Summary	Conditionally approve
-------------------------------	-----------------------

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

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies - CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, HE3, HE6 H1, H2, H7 and RE15 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached

1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	19/00838/OUT Panel Minutes
5	19/00838/OUT Panel Report	6	19/00838/OUT Decision

Recommendation in Full

Conditionally approve

Background

Outline planning permission (ref 19/00838/OUT) for the erection of 15 houses on this site, following demolition of the existing parish church hall, the Wesley Centre and the removal of the existing bowling green and pavilion was granted on 04.01.2023 following consideration by the Planning Panel in June 2021. The principle of development and details of layout and access were approved under the outline planning permission. A s.106 legal agreement was completed to secure the necessary mitigation from 15 new dwellings. A copy of the minutes of the panel meeting are attached at **Appendix 4** and the committee report is attached at **Appendix 5**. This application details with the remaining matters of 'scale' 'appearance' and 'landscaping' only.

1.0 The site and its context

- 1.1 The site has an area of 1 hectare, and is situated between a residential area to the south and Bitterne District Centre to the north-west. The site is directly to the south-east of the Holy Saviours Church and its associated graveyard. Holy Saviours Church dates from 1853 and is grade II listed.
- 1.2 The site comprises the following elements:
- Grade II Listed Holy Saviours Church vicarage and garden.
 - Holy Saviours Church parish hall with its associated dedicated car parking area.
 - The Wesley Centre also with its own associated/dedicated car parking.
 - A disused bowling green with small ancillary buildings.
 - A ball court.
- 1.3 A defining characteristic of the site are large mature trees and other soft landscape features and the site is subject to a group tree preservation order (The Southampton (Bitterne C of E Church Grounds) TPO 2003 refers and covers all but 15 of the 109 trees on site.

2.0 Proposal

- 2.1 The application seeks reserved matters for appearance, scale and landscaping only. Matters of access and layout, along with the principle of the development, have already been approved as part of the outline planning permission.
- 2.2 Minor changes to the layout are also proposed to facilitate an alternative configuration of houses and parking and to take account of an updated land survey. The change in house configuration now results in 4 x 4 bed detached

houses instead of 2 x pairs of semi-detached 4 bed houses. As such, overall the number of houses and bedrooms on site do not change. Additionally, whilst the layout of parking changes, the overall number of 34 residential parking spaces on site does not change.

2.3 The minor changes to the layout do not result in any additional trees needing to be removed over and above the 20 trees agreed to be removed at outline stage. 10 of these are due to building constraints and 10 are due to their poor condition. 8 of the 20 trees to be felled are covered by a TPO.

2.4 The proposed appearance of the houses responds to the local vernacular, incorporating hipped roofs and using red brick, clay hanging tiles and composite slates. The landscaping is focused on retaining the mature woodland character of the site. The scale of the buildings is two storey as was shown indicatively at the previous stage.

3.0 Relevant Planning Policy

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) was revised in 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.

4.0 Relevant Planning History

4.1 The outline permission (ref: 19/00838/OUT) was granted 4th January 2023, for the erection of 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area, following demolition of existing parish church hall, the Wesley Centre and the removal of the existing bowling green and pavilion.

4.2 The outline scheme follows planning permission for an extension to Holy Saviours Church which gained approval in March 2019 (ref: 19/00123/FUL).

4.3 Two discharge of conditions applications, linked to application 19/00838/OUT, have been submitted and at the time of writing the report a number of the conditions, including those covering materials, tree protection, contaminated land, refuse &

cycle storage, ecological mitigation, design of the multi-use games area (MUGA), highway design and waste management, have been agreed.

- 4.4 A schedule of the relevant planning history for the site is set out in **Appendix 3** of this report.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement 07.04.2023 and erecting a site notice 07.04.2023. At the time of writing the report **12 representations** have been received, including **6** objections and **6** in support. The following is a summary of the points raised:

OBJECTIONS

5.2 *On street Parking pressure within surrounding streets*

Response

The proposed level of parking provided for each dwelling meets maximum standards, has outline approval, and has not decreased because of this Reserved Matters application. The overall level of car parking provided is deemed to be acceptable and appropriate given the size of houses and owing to the distance to Bitterne District Centre, where there are numerous public transport points.

5.3 *Highway safety; Whites Road traffic speed & access close to the junction with Maybray King Way/Bursledon Rd.*

Response

Provided that vehicle drivers behave reasonably there should not be a significant impact on highways safety. Access has also already been approved at outline stage.

5.4 *Loss of MUGA during construction*

Response

Loss of the MUGA during construction will be temporary and is reasonable given the longer-term benefits of the development. Sport England did not object previously to this phasing issue. Additionally, the legal agreement linked to the outline permission prevents commencement of the development until specification of the MUGA has been agreed; and also prevents occupation of the residential units until the MUGA has been laid out and made available to use in accordance with an agreed community use plan. As such there are phasing restrictions already built into the permission

5.5 *Loss of open space*

Response

A community use agreement between the Church and SCC has been secured by s.106 legal agreement to ensure that a sports pitch/ball court (MUGA) is maintained so that it can be used more frequently/intensively than it is currently.

5.6 *Loss of wildlife area now shown as garden*

Response

The scheme has been agreed by the Council's Ecologist. There are ecological mitigation measures which are controlled by condition 29 of the original permission 19/00838/OUT.

5.7 *Impacts on boundary treatment*

Response

Plans show existing 1.8m high fencing to be retained along with new 1.8m high fencing where necessary/appropriate. The landscaping proposals (secured by condition 5 of permission 19/00838/OUT) can be enforced where necessary.

5.8 *Potential for protected trees to be removed*

Response

The Council's Tree Officer raises no objection to the proposed loss of trees. The development will need to be carried out in accordance with relevant planning conditions. Unauthorised damage and removal of protected trees is a prosecutable offence, but the applicants already have agreement for some tree loss when the outline application was considered.

Comments in SUPPORT

5.9 *Improves design.*

5.10 *Will provide improved sports facilities for the community.*

5.11 *Provides family housing.*

5.12 *Removes buildings that attract anti-social behaviour.*

5.13 *Facilitates church improvements.*

Consultation Responses

5.14	Consultee	Comments
	Urban Design Manager	No objection
	Trees	No objection Amendments to the scheme have been made to ensure that trees on site are not significantly harmed as a consequence of the minor changes to layout. Landscaping has been improved with better range/ size of species with trees at the front now being large. No objection subject to recommended conditions.
	Ecology	No objection The ecological information provided (as listed below) is agreed and condition 29 of planning permission 19/00838/OUT will therefore be discharged in full once the development has been carried out in accordance with these agreed details.

	<ul style="list-style-type: none"> • Peachecology & environmental services report 0588 dated 5th April 2023.
Community Infrastructure Levy	<p>The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is £110.94 per sq. m to be measured on the Gross Internal Area floorspace of the building. Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.</p>
Natural England	<p>Objection</p> <p>Natural England objects to this proposal. As submitted we consider it will:</p> <ul style="list-style-type: none"> • have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers <p><u>Officer Response:</u> The Local Planning Authority, as ‘competent authority’, is content that the likely effects of this development can be satisfactorily mitigated using the Community Infrastructure Levy, with 4% of CIL receipts for measures to mitigate recreational impacts within Southampton and 1% to be forwarded to the New Forest National Park Authority to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020), as set out within the Habitat Regulations Appropriate Assessment (Appendix 1).</p>
City of Southampton Society (CoSS)	<p>No objection</p> <p>CoSS has no concerns arising from what is set out in the submitted reserved matters. CoSS does however ask to be informed what provisions are intended to be set out in the community use agreement about who may use the MUGA and when, and booking arrangements. Is it intended to out-source management and maintenance of the MUGA? Second, submitted plans seem to show a continuation of the path through the churchyard into the site through a landscaped area to the proposed road in the site, so giving public pedestrian connection from the churchyard to Whites Road. What will be the status of that path/what rights will the public have to use that route?</p> <p><u>Officer Response:</u></p>

	The extant S.106 includes obligations which require the specification of equipment and management, through a community use agreement for the MUGA. The obligations are yet to be discharged. The obligations will need to be discharged prior to the occupation of the houses. No change is proposed to the status of the footpath through the site which is not a public right of way.
Hampshire Swifts	Request that planning consent for the above-mentioned application, if granted, includes a requirement for at least 1 integral Swift box per dwelling. <u>Officer Response:</u> Condition 29 ecological mitigation has already been discharged and no objection was raised by the Council's Ecologist.

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

6.2 Principle of development

6.2.1 The principle of residential development, the provision of family dwellings, and the layout and access arrangements for the development have already been assessed and consented as part of the original overarching outline planning permission (ref: 19/00838/OUT). The Panel should not seek to revisit these issues as part of this application and should not that the provision of 15 dwellings still assists the Council in meeting a defined housing need.

6.2.2 Whilst modest changes to the layout are proposed the number of units and bedrooms remains unchanged.

6.2.3 The main issues for consideration relate to the reserved matters details in relation to; **external appearance, scale and landscaping**. However, this report also considers minor layout changes proposed. Highway issues arising from the revised car parking and layout also require consideration. Finally, especially given the objection raised by Natural England, it is necessary to give additional consideration to the impact of the proposed housing on the New Forest which is afforded protection by European Law (as set out below).

6.3 Design and effect on character

- 6.3.1 External appearance and scale of the buildings; and the landscaping of the site are the main considerations for this planning application. The modest changes to the layout can also be considered as this too will have an impact on character.
- 6.3.2 The appearance of the houses will reflect the form and vernacular of traditional housing in the area, incorporating hipped roofs and bay windows. Materials are also reflective of local context, using red brick, clay hanging tiles and composite slates. The building-to-plot ratio and 2 storey scale is also in keeping with the character of the surrounding residential development.
- 6.3.3 Improvements to the overall design of the development have also been secured which include hard surface treatment, incorporating block paving, and the use of brick walls on boundaries adjacent to public areas. A bay window has also been added to the building on plot 1 to improve natural surveillance over the entrance of the site.
- 6.3.4 Landscaping is focused on retaining the mature woodland character of the site with 20 trees proposed to be felled out of a total of 109 (as per the Outline approval) and, thus, the general character of the area as contributed by large mature trees, will still be retained. As such, the scheme's impacts upon the setting of the Grade II listed Church are again deemed to be acceptable.
- 6.3.5 The proposed scale, appearance and landscape works are considered to be in keeping with the character and appearance of the area and accord with saved LDF Policy CS13.
- 6.4 Residential amenity
- 6.4.1 The minor changes to the layout do not have a significant effect on garden sizes or house size which will still achieve the minimum recommended sizes set out in the Nationally Described Space Standards and Residential Design Guide SPD (2006).
- 6.4.2 The separation distances to neighbouring residential properties will also still be acceptable so that both future residents and existing neighbours enjoy privacy distances that accord with the standards set out in the Residential Design Guide - 21m between directly opposite properties that back onto one another - or exceed them.
- 6.4.3 All habitable rooms within the proposed buildings will also still have access to good outlook, daylight and will achieve appropriate ventilation.
- 6.4.4 The two-storey scale of development means that visual impact experienced from neighbouring gardens and habitable rooms would be acceptable given the suburban location, separation distance and vegetative boundaries. The development would not have a harmful shadowing impact on neighbouring properties given that there are large mature trees on the boundaries of the site to the southwest (properties fronting Brownlow Avenue) and due to the orientation/juxtaposition with adjacent neighbours. The appearance of the buildings will not be visually harmful to neighbours and the landscaping proposals will also not have a significantly detrimental impact.

- 6.4.5 Therefore, the proposed development is still considered to offer suitable residential accommodation offering family homes, whilst having an acceptable relationship with neighbouring properties and the scheme has, therefore, been assessed as compliant with LPR Policy SDP1(i).
- 6.5 Parking highways and transport
- 6.5.1 The minor changes to layout results in improved access for refuse collection and emergency vehicles.
- 6.5.2 The minor changes to the layout have also resulted in changes to the parking on site. Previously 2 car parking spaces were provided for each dwelling and 4 visitor spaces were provided. The 4 visitor spaces have since been allocated to the larger detached houses as it is reasonable to assume larger houses would have a higher parking demand and there is no policy requirement for visitor parking. This provision meets the requirements of the Southampton Parking Standards.
- 6.5.3 26 car parking spaces are proposed for use by the church; 2 less than approved under the outline consent. This reduction is needed to facilitate access into the Multi-Use Games Area (MUGA). In high accessibility areas the 'Parking Standards SPD' allows 1 car parking space for each 5 fixed seats in addition to 1 parking space for each 20 sq.m of open hall. Officers note that the church is in a high accessibility area, however the wider application site is outside. The existing main church has pews with a max capacity of 360 persons which would allow up 72 parking spaces. If the pews are not fixed 20 additional car parking spaces would be allowed on the basis of an open hall floor area of 385sq.m (321sqm sq.m in the main hall and 64sq.m granted under application 19/00123/FUL). Therefore, in total a maximum of 92 car parking spaces could be allowed on site.
- 6.5.4 The proposed scheme provides 26 spaces for the Church, which is broadly similar to the existing (and that consented at Outline). It is appreciated that the existing parking layout is somewhat informal and, therefore, is difficult to accurately quantify and falls well below the maximum car parking allowance when considering the maximum capacity. Proposals don't need to achieve the maximum level permitted by policy in order to be supported. Therefore, based on the parking provision proposed the scheme is considered to be policy compliant and, again, it is important to consider the location which can be reached by public transport and is likely to be within walking distance of a significant proportion of church members.
- 6.5.5 No objection to the scheme has been received from the Council's Highways Team. Overall, the changes are considered acceptable from the perspective of parking, highway safety and transport.
- 6.6 Trees and ecology
- 6.6.1 20 trees in total will need to be felled to facilitate the development, as agreed under the outline planning permission. No further tree removal is proposed as part of this reserved matters application. 10 of the trees to be removed are due to building constraints and sufficient tree information has been submitted to allow the tree conditions linked to the outline permission to be discharged, as supported by the Council's Tree Team. Lost trees will need to be replaced on a two for one basis. The Council's Urban Design Manager and Tree Team both support the

landscaping proposals and tree planting.

- 6.6.2 The Council's Ecologist is satisfied with the proposed ecological mitigation measures, which have already been submitted and allow the ecological condition applied to the outline consent to be discharged.

6.7 Mitigation of direct local impacts

- 6.7.1 The required planning obligations to mitigate the impact of this development were secured as part of a s106 agreement under the outline planning approval. This reserved matters approval does not create any new additional impacts and therefore no further mitigation or further legal agreements are required.

6.8 Likely effect on designated habitats

- 6.8.1 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.

7.0 Summary

- 7.1 The principle of the development has been accepted at outline stage and does not form part of the assessment of reserved matters.

- 7.2 The development will result in positive benefits which include delivery of housing, that includes family homes; improved surveillance, improved public access to sporting facilities and job creation (at construction stage). These benefits have been weighed against the concerns raised by residents previously about parking pressure, highway safety, impact on neighbours, impact on trees and ecology and loss of existing sports facilities/open space.

- 7.3 The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance. In terms of the remaining matters for consideration this report has set out why the proposed scale, landscaping and proposed design/external appearance meet the requirements of the current Development Plan and associated guidance.

8.0 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and, as such, it is recommended that the reserved matters permission is granted subject to relevant 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 Mathew Pidgeon,12/09/2023 PROW Panel

PLANNING CONDITIONS

01. Reserved Matters Timing (Performance)

The development hereby permitted for the Reserved Matters Permission comprising appearance, landscaping and scale shall begin no later than three years from the date of the Outline Permission (*reference 19/00838/OUT, dated 04.01.2023*).

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

02. Approved Plans (Performance)

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

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

03. Residential Parking (Pre-Occupation)

The parking spaces for the dwellings; and access, to them shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the occupants and their visitors; and for no other purposes other than indicated on the approved plans. At no time shall visitor spaces be allocated to residential properties and at no time shall any of the residential properties be allocated more than 2 car parking spaces each.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

04. Church Parking (Pre-Occupation)

The parking spaces for the church; and access to them, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the church and its visitors; and for no other purposes other than indicated on the approved plans unless otherwise agreed in writing by the local planning authority. Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

23/00367/REM - Appendix 1

Habitats Regulations Assessment (HRA)

Application reference:	23/00367/REM
Application address:	Bitterne Parish Church Office Whites Road Southampton
Application description:	Reserved matters application seeking approval for appearance, landscaping and scale following outline planning permission ref: 19/00838/OUT for redevelopment of the Bitterne Parish Church site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area, following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (departure from local plan).
HRA completion date:	3 April 2023

HRA completed by:

Lindsay McCulloch
Planning Ecologist
Southampton City Council
Lindsay.mcculloch@southampton.gov.uk

Summary

The project being assessed is as described above.

The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.

The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.

Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that **the significant effects, which are likely in**

association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.

Section 1 - details of the plan or project

<p>European sites potentially impacted by plan or project: European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website</p>	<ul style="list-style-type: none"> ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ River Itchen SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- **This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and Ramsar site.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 63(1)(a) of the Habitats Regulations.

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

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

The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

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

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

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

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

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as ‘moderate’ while its chemical status classified as ‘fail’. In addition, demolition and construction works would result in the emission of coarse and fine dust and exhaust emissions – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust,

and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

Disturbance

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

Collision risk

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

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

New Forest SPA/Ramsar site/ New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler

Sylvia undata, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

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

Woodlark

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

Dartford warbler

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

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

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

Mitigation

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle

routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

Solent and Southampton Water SPA/Ramsar site

The Council has adopted the Solent Recreation Mitigation Partnership’s Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city’s population and there is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. A contribution to the Solent Recreation Mitigation Partnership’s mitigation scheme will enable the recreational impacts to be addressed. The developer has committed to make a payment prior to the commencement of development in line with current Bird Aware requirements and these will be secured ahead of occupation – and most likely ahead of planning permission being implemented.

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

Conclusions

The following conclusions can be drawn from the evidence provided:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

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

Demolition and Construction phase

- Provision of a Construction Environmental Management Plan, where appropriate.
- Use of quiet construction methods where feasible;
- Further site investigations and a remediation strategy for any soil and groundwater contamination present on the site.

Operational

- Contribution towards the Solent Recreation Mitigation Partnership scheme. The precise contribution level will be determined based on the known mix of development;
- 4% of the CIL contribution will be ring fenced for footpath improvements in Southampton's Greenways network. The precise contribution level will be determined based on the known mix of development;
- Provision of a welcome pack to new residents highlighting local greenspaces and including walking and cycling maps illustrating local routes and public transport information.
- 1% of the CIL contribution will be allocated to the New Forest National Park Authority (NFNPA) Habitat Mitigation Scheme. A Memorandum of Understanding (MoU), setting out proposals to develop a Service Level Agreement (SLA) between SCC and the NFNPA, has been agreed. The precise contribution level will be determined based on the known mix of development with payments made to ensure targeted mitigation can be delivered by NFNPA ahead of occupation of this development.
- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

As a result of the mitigation measures detailed above, when secured through planning obligations and conditions, officers are able to conclude that there will be no adverse impacts upon the integrity of European and other protected sites in the Solent and New Forest arising from this development.

References

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

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

Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

Protected Site Qualifying Features

The New Forest SAC

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

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

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

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

The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

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

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent Maritime SAC

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

Solent and Southampton Water SPA

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

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

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

- Black-tailed Godwit *Limosa limosa islandica*

- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

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

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

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

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

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
SDP17	Lighting
SDP22	Contaminated Land
HE3	Listed Buildings
HE6	Archaeological Remains
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 2019

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

19/00838/OUT - Outline application for the redevelopment of the site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans). Conditionally Approved 04.01.2023

1627/E15 - 6 x 8m Floodlight poles at tennis court. Conditionally Approved 1993.

871647/E - Erection of a single storey extension to Holy Saviours Church. Conditionally Approved, 1988.

1504/E24 - ERECTION OF TIMBER CLUB HOUSE AT BOWLING GREEN, Conditionally Approved, 1976

1492/E20, PREFAB BUILDING FOR MEETINGS AT CHURCH HALL HOLY SAVIOURS CHURCH, Conditionally Approved, 1975

1355/P18 NEW CHURCH HALL AND CAR PARKING (CHURCH HALL), Conditionally Approved, 1968

1299/P41, ERECTION OF NEW VICARAGE AND METHODIST CHURCH ON LAND IN GARDEN, Conditionally Approved, 1965

1289/P7, REBUILD VICARAGE REDEVELOPMENT OF GARDEN FOR METHODIST CHURCH AND CAR PARKING CAR PARKING IMPROVEMENTS FOR BITTERNE CHURCH (VICARAGE AND METH CHURCH SITES), Conditionally Approved, 1965

1139/48, ERECTION OF SECTIONAL TIMBER HUT FOR STORAGE (CHURCH HALL), Conditionally Approved, 1961

1573/E41, ERECTION OF A SINGLE STOREY MEETING ROOM (CHURCH HALL) Conditionally Approved, 1960.

1137/T, ERECTION OF SECTIONAL TIMBER HUT FOR STORAGE (CHURCH HALL), (Temp exp 31/12/1960), Conditionally Approved 1958

932/18, REBUILD INSTITUTE (CHURCH HALL) (Prev Ref - Code 14884), Conditionally Approved, 1949

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 22 JUNE 2021

Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Windle and J Payne

Apologies: Councillors Magee

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

It was noted that following receipt of the temporary resignation of Councillor Magee from the Panel the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor J Payne to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 1st June 2021 be approved and signed as a correct record.

8. **PLANNING APPLICATION - 19/00838/OUT - BITTERNE CHURCH OFFICE - WHITES ROAD**

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

Outline application for the redevelopment of the site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans).

Lois Lawn and Stuart Barnes (local residents/ objecting), Gareth Jenkins (agent), Reverend Tony Palmer (supporter) and Councillor Houghton (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition statements were received, circulated and noted from Caroline Dawkins, Wendy Hall, Sue Hamilton, Kathy Bush and Asley Gilroy.

The presenting officer reported number of amendments to conditions and these are set out below.

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

The Panel then considered the recommendation to delegate authority to the Interim Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Interim Head of Planning and Economic Development to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions 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 SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - c. Submission of a construction traffic management plan to ensure that construction traffic causes minimal potential congestion on the local highway network.
 - d. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) including an Affordable Housing Viability Review Clause reflective of the DVS appraisal.
 - e. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - f. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - g. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - h. Provision of a Multi-Use Games Area (MUGA) to be managed through a community use agreement to mitigate against the loss of playing pitches (bowling green and ball court) on the site.
 - i. A plan for tree replacement to mitigate the loss of trees in connection with the Development

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

Additional conditions

36. Highway Design Further Details – (Pre-Commencement Condition)

Notwithstanding the approved plans detailed design of the pedestrian and vehicular access arrangement for the site; and in particular from Whites Road, shall be submitted to and approved in writing by the local planning authority prior to any works commencing on site. The details shall include either; refuse vehicle tracking and physical measures to prevent the likelihood of informal parking which would likely obstruct refuse collection vehicles from accessing refuse collection points and turning areas associated with all dwellings proposed on site; potentially amending the width of parts of the site access along with bollards and double yellow lines; or details securing private refuse collection for the site. Once agreed the development shall be carried out in accordance the agreed details prior to occupation and maintained throughout the lifetime of the development.

REASON: To secure details in the interests of highway safety and to provide suitable access arrangements for all vehicles (including refuse collection vehicles) and pedestrians along with minimising opportunities for informal parking that would potentially obstruct refuse vehicle access.

37. Waste Management. (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the development shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail use of suitably sized vehicles that will be capable, including evidence, that turning onsite will be achieved and at no time other than collection day shall refuse be stored on the Whites Road public highway.

REASON: In the interest of visual and residential amenity and to ensure highways safety by preventing the need for refuse vehicles to reverse onto the public highway (Whites Road).

38. Development parameters. (Performance Condition)

As identified in the approved plans and the description of development outline permission is granted for the redevelopment of the Bitterne Parish Church site for 15 x two storey houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area.

REASON: For the avoidance of doubt.

39. Noise Report – (Pre-Occupation Condition)

Prior to the occupation of the hereby approved multi use games area an acoustic report shall be submitted to and approved in writing buy the local planning authority.

Once agreed the development shall be carried out in accordance the agreed details including all recommendations covering the following aspects of the proposal where appropriate:

- Installation of acoustic barrier which will be built outside the perimeter fence, so they are protected from being hit by balls generating impact noise;
- All fencing must be securely clamped with resilient fixings to prevent vibrations;
- No signage shall be added to the fencing around playing pitches which might otherwise generate vibration and noise if the fence is struck by balls etc;
- All access routes should be located away from the adjacent housing, so far as is practical; and
- Facilities shall be managed to avoid antisocial behaviour and unnecessarily raised noise levels.

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

40. Multi use games area flood lighting (Pre-Occupation Condition)

Prior to the erection and use of any floodlighting associated with the multi-use games area further details, including mitigation measures to prevent light spill over sensitive adjacent bat foraging areas and adjacent residential properties/gardens, shall first to be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented and thereafter retained as approved. The flood lighting shall be switched off when the multi-use games area is either not in use or outside of the approved operational hours of the multi-use games area.

REASON: In the interest of residential amenity/to minimise the impact on protected species.

41. Multi Use Games Area hours of use (Performance Condition)

The multi-use games area and flood lighting approved shall not be available for use outside of the following hours:

9am to 8.30pm Monday to Friday; and

9am - 7pm Saturday and Sunday

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

42. Vehicular Access limitation (Performance Condition)

At no time shall the pedestrian access from the site through to the A3024 spur road be converted to provide vehicular access

REASON: In the interests of highways safety.

9. PLANNING APPLICATION - 20/00947/FUL - 50 OXFORD STREET

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

Erection of a roof top bar – description amended following validation.

Ian Knight (agent), was present and with the consent of the Chair, addressed the meeting. In addition Statements from Cllr Bogle (Ward Councillor) and Colin Beaven objecting were read out at the meeting.

The Panel then considered the recommendation to refuse to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1.Reason for Refusal - Noise and disturbance

The proposed development, by way of its night time use, shared access arrangements with residential properties and open and exposed position on upper floors, would be detrimental to the amenities of neighbouring properties (including residents within the same building) by reason of noise, safety and disturbance. The proposal would therefore be contrary to 'saved' policies SDP1, SDP16 and RE17 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2019.

2.Reason for Refusal - Lack of Section 106 to secure planning obligations.

In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas and is, therefore, contrary to Policy CS25 of the adopted LDF Core Strategy (2015):

- i) Late Night Community Safety Contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015); and
- ii) CCTV contribution to address the wider implications of late night uses within the City Centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015)

10. **PLANNING APPLICATION - 20/01676/FUL - 248 PRIORY 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.

Retrospective alterations to site layout to allow an additional parking space resulting in a reduced garden size for block B and alterations to the landscaping to the front of block D to enable sufficient space for emergency vehicle turning and for loading and unloading for pontoon users (Amended Description)

Penny King (agent) was present and with the consent of the Chair, addressed the meeting. Additionally statements from Tony Scorey and Barry Bowerman were received, circulated and presented to the Panel.

The presenting officers reported the in the light of additional information received after the report was published there was a need to change the recommendation as set out

below. In addition amendments to conditions 2 and 5, as set below, were explained to the Panel.

The Panel then considered the amended recommendation to delegate authority to the Head of Planning and Economic Development grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors L Harris, Prior, J Payne and Coombs

AGAINST: Councillor Windle

RESOLVED that the Panel delegated authority to the Head of Planning and Economic Development to issue permission following further investigation/checks regarding land ownership, with any necessary notifications to follow if the original certificate is found to be incorrect and needs amending. If any new material considerations are identified as a result, which were not presented/discussed by Panel, the application shall be reconsidered by the Planning & Rights of Way Panel ahead of final determination. If further notification is needed and no new material issues are identified, within the requisite timeframe then delegated permission will follow.

Amended Conditions

2.Landscaping, lighting & means of enclosure detailed plan (Within 1 month).

Notwithstanding the submitted details, within 1 month of the date of this permission a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) 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;
- (ii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (iii) a landscape management scheme: and
- (iv) knee rails to prevent loading and unloading from occurring on landscaped areas outside of the emergency vehicle parking area.

The approved hard and soft landscaping scheme for the whole site shall be carried out during the first planting season following the date of this planning permission. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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.

5. Car Parking Management Plan (Within 1 month).

Within 1 month of the date of this permission a Car Parking Management Plan (CPMP) to include management arrangements, and details of signage to prevent fly parking within the site access and turning areas to control usage of the additional parking area and loading/unloading areas, shall be submitted to and agreed in writing by the Local Planning Authority. The management arrangements and signage shall be carried out, installed and retained as agreed for the lifetime of the development within 1 month from the date of formal approval by the Local Planning Authority. At no time shall the marina loading area/emergency vehicle turning area be used as a permanent, long stay and/or overnight parking area for use by either residents or by boat owners, marina staff and members of the public whilst accessing the moorings, pontoons and slip way fronting the River. Details of such controls shall be repeated in the submitted CPMP.

REASON: In the interests of pedestrian safety and the visual amenities of the area and to ensure that loading/unloading space close to the marina is free and available to use; particularly by the emergency services if required.

11. **PLANNING APPLICATION - 20/00024/FUL - MANSEL PARK**

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.

Erection of standing/seated stands.

Mark Sennitt (agent), and Councillor Spicer (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition a statement from Mary McAuley objecting to the application was received and read out at the meeting

The presenting officer reported amendments to Condition 5, as set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

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

Amended condition

Condition 5 – Travel (Pre-occupation)

Prior to the first use of the development hereby approved, an updated Match Day Traffic Plan and Transport Statement shall be submitted to the Local Planning Authority for approval in writing. The statement shall include details of parking numbers and locations, match day stewardship to avoid parking overspill and a review mechanism. The development shall not commence use until such details are agreed and once commenced shall operate in accordance with the agreed details.

REASON: In the interest of the amenities of the surrounding residents and highway safety, particularly on match days

12. **PLANNING APPLICATION - 20/01548/FUL - 12 MAYFLOWER 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 from a dwelling house (class C3) to a 5-bed house in multiple occupation (HMO, class C4) (Retrospective)

The presenting officer informed the Panel that an additional condition detailing the occupancy limit should be added to the Planning Permission, as set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

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

Additional Condition

Occupancy limit (Performance Condition)

The C4 small HMO use hereby approved shall be occupied by no more than 5 persons.

REASON: In the interests of protecting the character and amenity of the local area and to ensure appropriate shared space is available.

13. **PLANNING APPLICATION - 21/00162/OUT - ST JOHNS CHURCH**

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

Redevelopment of the site. Erection of 4 semi-detached houses, with associated access from St. James Road, parking and gardens, following demolition of the existing St John's Centre building (Outline application seeking approval for access, layout and scale) (Resubmission 20/00851/OUT)

Robin Reay (agent), and Councillors Leggett and Shields (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

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

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.

- (ii) Delegated authority 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 or S.111 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iii) Delegated authority to the Head of Planning & Economic Development to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

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Agenda Item 6

Planning and Rights of Way Panel 22nd June 2021 Appendix 2 Planning Application Report of the Head of Planning & Economic Development

Application address: Bitterne Parish Church Office, Whites Road, Southampton			
Proposed development: Outline application for the redevelopment of the site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans).			
Application number:	19/00838/OUT	Application type:	Outline
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	29/06/2021. (ETA)	Ward:	Peartree
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors:	Cllr Keogh Cllr Bell Cllr Houghton
Referred to Panel by:	Cllr Keogh	Reason:	Owing to the number of objections raised, particularly in relation to highways impact.
Applicant: Mr M Cranston		Agent: Studio Four Architects Ltd	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & 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 including housing need, impact on neighbouring amenity, trees/ecology, on street car parking pressure and open space provision have been considered and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, HE3, HE6 H1, H2, H7 and REI5 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Viability Appraisal

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:
 - i. Financial contributions 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 SPD relating to Planning Obligations (September 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 of a construction traffic management plan to ensure that construction traffic causes minimal potential congestion on the local highway network.
 - iv. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) including an Affordable Housing Viability Review Clause reflective of the DVS appraisal.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - viii. Provision of a Multi-Use Games Area (MUGA) to be managed through a community use agreement to mitigate against the loss of playing pitches (bowling green and ball court) on the site.
 - ix. A plan for tree replacement to mitigate the loss of trees in connection with the Development.

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 Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Background

The applicants have indicated that this scheme would represent 'enabling' development to assist in funding the church extension to Holy Saviour Church, approved under permission 19/00123/FUL although this does not form part of the planning assessment.

The overall project seeks to rationalise the site, bringing all activity spaces together onto the Holy Saviour Church site and making land which is now surplus to requirements available for housing development.

This application has evolved following engagement with the Diocese, Methodist Church, local Councillors, local community and the Local Planning Authority as part of the strategic review of options for this site.

Amended plans have been received following the initial submission which have reduced the scale of the housing from three to two-storeys and a flatted block comprising 15 flats has been replaced with five x 2 bed dwellings. The layout of the site has also changed with internal road and parking improvements having been made. The orientation of one of the houses on the entrance to the site has also been swapped; the houses having been turned through 180 degrees and now fronts Whites Road.

The development triggers the need for a Section 106 legal agreement to secure financial contributions to mitigate the impact of the development. A viability appraisal has been carried out on the scheme which has confirmed that an affordable housing contribution would fail to make the proposal viable. The current affordable housing viability / development completion deadline is February 2022 and therefore if the scheme is not completed by this date a new viability appraisal will be required.

1 The site and its context

- 1.1 The site has an area of 1.01 hectares and is located within Bitterne, situated between the residential area to the south and the District Centre to the north-west. Directly north-west of the church site is a large surface car park behind Sainsbury's supermarket; to the south-west the houses of Brownlow Avenue back onto the site and to the south-east and north-west the site is bounded by Whites Road and Bursledon Road respectively.
- 1.2 The site is directly to the south-east of the Holy Saviours Church and its associated graveyard. Holy Saviours Church dates from 1853 and is grade II listed. The main church was extended in the 1990's to the south with a single storey meeting room.
- 1.3 The site comprises the following elements:
 - Holy Saviours Church vicarage and garden.
 - Holy Saviours Church parish hall with its associated dedicated car parking area.

- The Wesley Centre also with its own associated/dedicated car parking.
- A disused bowling green with small ancillary buildings.
- A ball court.

- 1.4 The Wesley Centre dates from the 1970's. The Wesley Centre was constructed to accommodate a separate Methodist Church congregation. The building is single storey and accommodates a large congregation/worship hall, a large multi-purpose room and several smaller meeting rooms. Until relatively recently the Wesley Centre was also used by the Parish Church as additional hall/office accommodation however all church activities now take place within Holy Saviours church. The building is currently in poor repair and would require significant investment to allow it to be properly used again.
- 1.5 Vehicular access to the Vicarage, Parish Hall and the Wesley Centre are all achieved from Whites Road via two separate access points. Access to the Vicarage can also be achieved from Bursledon Road. All accesses into the site are achieved along private un-adopted tracks. There is a route through the site which leads from the access to the Vicarage (from Bursledon Road) to the car park serving the Wesley Centre. The route passes between the bowling green and the Vicarage. The route is not, however, a public right of way.
- 1.6 There are 9 dedicated parking spaces serving the Parish Hall and there are 20 dedicated car parking spaces serving the Wesley Centre. The access and car park serving the Wesley Centre is also used to access the Vicarage. The car park is regularly used as a pedestrian short cut from Whites Road to the car park in Angel Crescent although it is not defined as a right of way.
- 1.7 The Parish Hall is a single storey 1950's building accommodating a large multi-purpose space, kitchen and storage. The building, whilst structurally sound, would also require significant investment to allow it to be properly used again. Located behind the Parish Hall is the former bowling green which was regularly used until 2016 when the bowling club moved off site. The green was not competition standard in terms of size and had been damaged by nearby trees. Adjacent to the green is the tarmac ball court enclosed by chain-link fencing and has seen little use in recent years.
- 1.8 A defining characteristic of the site are large mature trees and other soft landscape features. Of the 109 trees on the site only 15 are not covered by tree preservation order.

2 Proposal

- 2.1 The application seeks outline approval for matters of access and layout with details of appearance, scale and landscaping reserved. The proposal seeks redevelopment following the demolition of the Parish Hall and the Wesley Centre; reconfiguring the ball court, re-providing car parking for the church (28 spaces) with new access from Bursledon Road; and constructing 15 houses with vehicular access from Whites Road. In total 30 car parking spaces will be provided to serve the 15 houses. Parking for the Vicarage will remain unchanged.
- 2.2 The layout results in the felling of 20 trees. 10 of these are due to building constraints and 10 are due to their poor condition. Of the 20 trees, 8 are covered by tree preservation orders.

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 2**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 The scheme follows planning permission for an extension to Holy Saviours Church which gained approval in March 2019 (19/00123/FUL).
- 4.2 The planning history for the site includes the construction and minor alteration of buildings positioned on site along with the erection of floodlight poles within the ball court in 1993 and car parking alterations in 1968. The current application represents the first proposal for significant layout, use and building construction works on site since the planning records began.
- 4.3 A schedule of the planning history for the site is set out in **Appendix 3** 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, placing a press advertisement 31.05.2019 and erecting a site notice 29.05.2019. At the time of writing the report 60 representations have been received (**30 objections, 30 in support [including city of Southampton society]**)
The following is a summary of the points raised:

IN SUPPORT:

- 5.2 **Approval would facilitate the extension of the church and re-provide a fit for purpose facility which can be used by various community groups as well as groups directly associated with Church.**
- 5.3 **Low density family housing with gardens and off-road car parking areas are in keeping with local character and the street scheme of Whites Road.**
- 5.4 **Mature trees are retained on site.**

Response - 20 trees in total will need to be felled out of a total number of 109 trees on site; 8 of the 20 to be felled are covered by tree preservation orders. This is a relatively small percentage of overall tree cover on the site and where possible the scheme has been designed to limit its impact on existing protected trees. Appropriate conditions will be added.

5.5 **The community facilities including ball court are subject to antisocial behaviour and are in a poor state of repair. The proposal will allow modernisation resulting in community facilities that are fit for their intended purpose.**

5.6 **Good Design with low visual impact**

Response - External Appearance is a reserved matter and is therefore not being assessed as part of the planning application. Whilst scale is also a reserved matter the proposed two storey scale is deemed acceptable in principle.

5.7 **In keeping with listed building.**

5.8 **Housing compliments and underpins the proposals for the redevelopment.**

Response – Not a material planning consideration.

5.9 **Increase safety and security of the vicarage.**

5.10 **Makes good use of previously developed land.**

AGAINST

5.11 **Overdevelopment of the site and wider area/proposed residential density is too high.**

Response - The density of the development (15 dwellings per hectare) is acceptable. Each dwelling has adequate garden space and suitable space for refuse, cycle and car parking. National Planning Policies encourage efficient use of previously developed land.

5.12 **Objection to the change from ball court to parking area (already sufficient car parking in the area, loss of community sports area, since its original construction the ball court has halved in size [some being sold for construction of the adjacent garage]). The existing ball court will also be reduced in size (approximately 50%).**

Response - A community use agreement between the Church and SCC will be required (secured by legal agreement) to ensure that a sports pitch/ball court (MUGA) is maintained so that it can be used more frequently/intensively than it is currently.

5.13 **3 storey block of flats would not blend in with the surrounding area.**

Response – The plans have been amended resulting in no three storey properties being proposed as well as there no longer being any no flatted blocks proposed.

5.14 **Increase the vehicle traffic flow in the surrounding area; in particular Whites Road and Bursledon Road).**

Response – It is not considered that the proposed development will have significant impact on the local highway network. Objections have not been received from the Highways Team.

- 5.15 **Parking pressure (including from visitors).**
Response – The proposed level of parking provided for each dwelling is deemed to be acceptable and appropriate given location and size of the housing. The Council also has maximum parking standards; and owing to the distance to Bitterne District Centre, where there are numerous public transport points, it is also not necessary to own a car to access public amenities necessary for day to day living.
- 5.16 **Reduced highways safety.**
Response - Provided that vehicle drivers behave reasonably there should not be a significant impact on highways safety.
- 5.17 **Air pollution.**
Response - Air pollution is controlled by separate legislation.
- 5.18 **Housing backing onto residential properties fronting Whites Road – privacy concerns.**
Response - 3 storey houses have been removed/replaced by 2 storey housing to reduce impact. Separation distances between the proposed houses and existing houses on Whites Road achieve the separation distances required by the Residential Design Guide (21m for two storey buildings backing onto one another). It is however important to note that there would also be a new landscaped buffer between the properties.
- 5.19 **Housing backing onto residential properties – shadowing concerns.**
Response – Owing to separation distances and juxtaposition with neighbouring properties, and in particular due to the orientation, the proposed dwellings are not expected to cause significant impact on neighbouring amenity in terms of over shadowing. Shadow diagrams accompany the application.
- 5.20 **Housing backing onto residential properties fronting Whites Road – reduced housing value.**
Response - Not a material planning consideration.
- 5.21 **Additional noise.**
Response - Provided that residents behave reasonably there should not be a significantly harmful impact. Furthermore, a community use agreement will include restrictions to mitigate and control noise impacts arising from the proposed community facilities.
- 5.22 **Impact on ecology.**
Response - The scheme has been supported by the Council's Ecologist. There are ecological mitigation measures proposed which will need to be controlled by condition.
- 5.23 **Impact on trees; including from accidental; and purposeful damage during construction.**
Response - The Council's Tree Officer supports the proposal. The development will need to be carried out in accordance with relevant planning conditions. Developers can be prosecuted for unauthorised damage and removal of protected trees. The Council's Planning Enforcement Team and Tree Team rely upon the public to inform them of unauthorised work; including to trees. There are only 15 trees on site that are not covered by the tree preservation order.

5.24 **Effect on/of Bitterne Police Station site.**

Response - The police station site is currently unoccupied. Potential future development cannot be considered in the assessment of this application. Each application must be considered in its own merits. The police station site does not have a planning consent or site allocation that would be prejudiced by the proposed development.

5.25 **Will there be an affordable housing provision?**

Response – No. Affordable housing viability has been tested, the conclusion of which is that the scheme is not viable if it includes the provision of affordable housing.

5.26 **Is there protection against multiple occupation?**

Response – Southampton has a citywide article 4 direction which requires Planning permission for the change of use from a Class C3 dwelling house to a Class C4 HMO where between three and six unrelated people share a kitchen and/or a bathroom.

5.27 **Concerns over the alterations to the existing public right of way across the site.**

Response – There is not a formal right of way across the site although it is clear that the public do currently enjoy informal access across the site from north to south and via which a short cut is achieved from Whites Road to Angel Crescent (also achieved by walking through the graveyard).

Consultation Responses

5.28 **SCC Planning Policy** - It is anticipated that sports facilities in this part of the city (Peartree) will be under the minimum standard as per the 1ha per 1,000 of the population in the Green Spaces Strategy (although have noted Sport England won't object since this is a local facility that doesn't provide a city wide catchment) and there is also a below average amount of open space overall in the Peartree ward (and sports pitches) when looking at the 2015 Open Space Study. The Policy Team would expect a proposal to either retain a reasonable amount of on-site open space which would be of wider benefit and usable to the residents it would serve or for it to be re-provided elsewhere.

5.29 **SCC Open Spaces** - Looking at the history of this site, the tennis court and bowling green area was allotment gardens in the 1890's it then became tennis courts in the 1930's and later became a bowling green and tarmacked tennis courts. So as far as I can see it has been used by the community since at least 1890 (over 120 years). The fencing around the courts has been in poor repair for many years and as far as I can see there has been no unhindered use for a number of years.

5.30 Given there will be a net increase in population and that the dwellings are proposed to be family houses there will be an increased burden of the limited open space available in the Bittern area.

5.31 No objection is raised provided that a MUGA is provided on site which is accessible by the public and controlled by community use agreement set out in the Section 106 legal agreement and suitable planning conditions.

- 5.32 **SCC Highways** - The principle of development in terms of its nature in this location is considered acceptable. Conditions will be needed to resolve the following points:
- 5.33 Whites Road Access: There is some concern over the access at busy times when traffic is backed up from the traffic lights on Bursledon Road however keep clear signs can be secured under the legal agreement (site specific highways works) to overcome this. A condition is needed to secure sightlines for pedestrians and vehicles.
- 5.34 Bursledon Road Access: The access has been improved and is now acceptable as amended plans have moved it further north. Again, a condition is needed to secure sightlines.
- 5.35 Parking: The number of residential parking spaces proposed (2 spaces for each house and 4 x visitor spaces) is policy compliant. The 28 proposed parking spaces for use by the church complies with the parking standards SPD.
- 5.36 Internal Road Layout: The re-submitted plans address the previous concerns regarding width of access and sufficient internal road layout space for refuse vehicle access.
- 5.37 Cycle Parking: Storage will need to comply with the Parking SPD, 2011 in terms of quantum and design.
- 5.38 **SCC Ecology** – No objection in principle however the proposed mitigation needs to be improved. Apply recommended conditions.
- 5.39 Bats: Emergence surveys have been undertaken. No bat roosts were found but foraging activity by was recorded. The reduction in the extent of available bat foraging habitat will need to be mitigated. In addition, any external lighting should be carefully designed to ensure that it doesn't illuminate surrounding vegetation.
- 5.40 Reptiles: A survey has been undertaken and a low population of slow worm was recorded. Mitigation measures proposed are through use of two of the new gardens. It is not possible to guarantee the retention of suitable habitat in these gardens in the longer term and the proposed mitigation is therefore not acceptable. Slow worm mitigation needs to be delivered on areas that will remain within the control of the church. Detailed mitigation proposals set out in a biodiversity mitigation plan are required.
- 5.41 **SCC Trees** – If minded to grant consent, updates to the Arboricultural Impact Assessment and Method Statement along with a detailed landscape plan will be required in addition to the recommended tree protection conditions.
- 5.42 **SCC Employ** - An Employment and Skills Plan is required. An obligation will be sought via the S.106.
- 5.43 **SCC Flooding** – Insufficient information in relation to the management of surface water at the site has been provided however if the case officer is minded to approve the application conditions are recommended to overcome the concerns raised.
- 5.44 **SCC Sustainability Team** – No objection subject to conditions.

- 5.45 **SCC Archaeology** - The archaeological potential of the site is unknown due to a lack of formal archaeological fieldwork in the area. However, given the large size of the site (total area 1.05 hectares), it is appropriate to carry out an archaeological investigation to mitigate damage to possible archaeological deposits. The archaeological investigation will take the form of a watching brief on the groundworks, with provision to excavate if archaeological deposits are uncovered. Groundworks includes all level reductions, foundations, services/soakaways, etc.
- 5.46 **SCC Environmental Health (Pollution & Safety)** – No objection, apply recommended conditions.
- 5.47 **SCC Environmental Health (Contaminated Land)** - The subject site is located on/adjacent to the following existing and historical land uses - Garage (Adj to NE) – which is associated with potential land contamination hazards. Accordingly apply recommended conditions.
- 5.48 **Sport England** – No objection. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.
- 5.49 **Southern Water** – No objection subject to recommended conditions and informatives.

6 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;
 - Loss of open space
 - Air Quality and the Green Charter;
 - Trees and Ecology;
 - Mitigation of direct local impacts; and
 - Likely effect on designated habitats.

Principle of Development

- 6.2 The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. In particular policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development.
- 6.3 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 10 family units with acceptable private garden space and, as such, accords with this policy (equates to 66%).

- 6.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50 - 100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 15 d.p.h which, whilst falls below 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.
- 6.5 Whilst the proposed density is 15 dwellings per hectare the scheme is judged to be compliant with policy CS5 given the character of the immediate local area; any more development proposed on the site is likely to result in the removal of additional protected trees and also result in the loss of car parking spaces and open space. The chosen design and quantum of development is sensitive to this context and acceptable in that respect.
- 6.6 It is also noted that the City has a housing need; as detailed in Policy CS4, whereby an additional 16,300 homes need to be provided within the City between 2006 and 2026 and the proposal will help to achieve this target.
- 6.7 The buildings proposed to be demolished (Wesley Centre and Parish Hall) are designated for community use under policy CS3 and the NPPF. Paragraph 92 of the NPPF states that the Council should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Policy CS3 states that proposals resulting in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the same neighbourhood.
- 6.8 One of the main aims of the overall project is to enhance the church's established practice of community partnership and co-operation to further encourage other agencies, societies, clubs and individuals to promote and run community activities. Whilst the net effect of the proposal reduces the net floor area of available space the space created by the extension to Holy Saviours church will make the spaces significantly more flexible and better suited to host a range of community activities. Locating all of the community spaces in and around Holy Saviour's Church will also allow much greater efficiency in the use of ancillary spaces as well as reducing running costs. The space will also be modern and fit for purpose whereas the existing facilities within the Wesley Centre and Parish Hall are currently in a poor state of repair.
- 6.9 Although no up to date marketing evidence has been provided to show the viability of the continued use of the buildings, their loss is not considered to significantly impact on the day to day needs of the local community to access other similar community use facilities which will be further enhanced once the extension to Holy Saviours Church has been completed.
- 6.10 In principle the scheme is, therefore, considered to be acceptable in this location as it would result in making efficient and effective use of land in a sustainable location as required by the NPPF and local planning policies.

Design and effect on character

- 6.11 External appearance, scale and landscaping details are reserved matters and therefore should not be considered as part of this assessment. Layout and access are however to be considered and will have an impact on character.
- 6.12 The scheme would result in one access onto Whites Road replacing two existing accesses. In terms of visual appearance and character of the street scene of Whites Road the proposal represents a betterment.
- 6.13 Since the original submission the layout of the scheme has been amended with the aim of reducing dead frontages, backs/sides of properties without windows overlooking the street, from facing onto Whites Road. This is also considered to be a betterment in terms of impact on local character.
- 6.14 Whilst there is not a significant amount of back land development in the local area the existing nature of the buildings within the site are themselves unusual and replacing them with housing is not considered to be at odds with the existing character nor would they harm the setting of the listed church to the north due to the separation distance and vegetative boundaries; in addition the design of the houses is a reserved matter.
- 6.15 The footprint of the houses, the amount of garden proposed; and space around each dwelling (or group of dwellings), is also not significantly different to that of housing development within the neighbourhood. The proposed layout also takes careful account of trees on and around the site with only 20 proposed to be felled out of a total of 109 and thus the general character of the area, as contributed by large mature trees, will be retained.
- 6.16 Whilst scale is a reserved matter the site plan does indicate the number of bedrooms proposed for each dwelling and the indicative floor plans provided demonstrate that all dwellings proposed are now (following amendments) two storey. The revised indicative floor plans and site plan (showing proposed footprints to the buildings) demonstrate that the proposal reflects local design characteristics in terms of footprint and building to plot ratio and the Council will have the opportunity to comment on the overall design at the reserved matters stage.
- 6.17 The proposed dwellings are therefore judged not to appear out of character within the plot or look out of place nor squeezed into an inadequate or inappropriate location and accord with LDF Policy CS13.

Residential amenity

- 6.18 All dwellings will have sufficient garden areas that will be usable, and it is considered that the degree of shadowing by surrounding trees overall will be acceptable taking into account the nature of the site and the canopies of the trees on and around the site. The proposed gardens will also achieve the minimum recommended sizes set out in the Residential Design Guide (10m depth with 70sq [semi-detached] & 50sq.m [terraced]).
- 6.19 The separation distances to neighbouring residential properties will be acceptable so that both future residents enjoy privacy distances that accord with the standards set out in the Residential Design Guide, 21m between directly opposite properties that back onto one another, or exceed them.

- 6.20 All habitable rooms within the proposed buildings will have access to outlook, daylight and will achieve appropriate ventilation.
- 6.21 Access to each dwelling will also be acceptable. Conditions will be needed to ensure that the route is acceptable for wheelchair and pushchair users; and also, to improve lighting for security purposes. The layout is expected to be in a home zone style where surfaces are shared.
- 6.22 In summary the occupants of the proposed dwellings, and the existing vicarage, will all experience a high-quality living environment typical of family dwellings in suburban settings.
- 6.23 Furthermore, the proposed development will not adversely affect neighbouring properties, being set sufficiently away from the site boundaries. Whilst only indicative floor plans have been provided the two-storey form of development means that visual impact experienced from neighbouring gardens and habitable rooms would be acceptable given the suburban location, separation distance and vegetative boundaries. It is also not anticipated that the neighbours would be harmed as a result of shadowing caused by the proposed dwellings given that there are large mature trees on the boundaries of the site to the south west (properties fronting Brownlow Avenue) and due to the orientation/juxtaposition with adjacent neighbours. A community use agreement would be secured to ensure the community facilities are appropriately managed to prevent adverse noise and disturbance to neighbouring housing.
- 6.24 Therefore, in all respects the proposed development is anticipated as having an acceptable relationship with neighbouring properties/owners. Harm has been avoided by designing the scheme to reflect the dominant pattern of development in the local area. In addition, the quality of the proposed residential environment is considered to be acceptable and the scheme has, therefore, been assessed as compliant with LPR Policy SDP1(i).
- 6.25 There is also merit to the development in terms of the safety and security of the vicarage with increased natural surveillance and the proposal includes natural surveillance over the proposed public areas of the development.

Parking highways and transport

- 6.26 The site is within a medium accessibility area with residents' day-to-day needs capable of being reached by foot and bicycle. Access to Bitterne District Centre is achievable by foot and bicycle and Southampton City Centre is available by public transport.
- 6.27 Access to the proposed development by vehicles will be via a reconfigured site entrance from Whites Road. Pedestrian access will also be achieved Whites Road as well as from the existing route through the site from Bursledon Road which will become a pedestrian route only. Pedestrians would also be able to access the footpath through the adjacent church graveyard.
- 6.28 Sightlines will need to be secured by planning condition and site-specific highways works are anticipated. A construction management plan will also be required to

ensure that there is suitable space on site for construction related vehicles and to prevent deliveries at peak traffic times.

- 6.29 Parking will be provided on the basis of 2 car parking spaces per dwelling which, critically, does not exceed the Council's maximum standards. Secure cycle parking can be accommodated in rear gardens. This provision meets the requirements of the Southampton Parking Standards.
- 6.30 28 car parking spaces are proposed for use by the church. In high accessibility areas the parking standards SPD allows 1 car parking space for each 5 fixed seats in addition to 1 parking space for each 20 sq.m of open hall. Officers note that the church is in a high accessibility area however the application site is outside. The existing main church has pews with a max capacity of 360 persons which would allow up 72 parking spaces. If the pews are not fixed 20 additional car parking spaces would be allowed on the basis of an open hall floor area of 385sq.m (321sqm sq.m in the main hall and 64sq.m granted under application 19/00123/FUL). Therefore, in total 92 car parking spaces could be allowed on site.
- 6.31 The proposed scheme provides 28 spaces for the Church, which is broadly similar to the existing; it is appreciated that the existing parking layout is somewhat informal and therefore is difficult to accurately quantify and falls well below the maximum car parking allowance when considering the maximum capacity. Proposals don't need to achieve the maximum level permitted by policy in order to be supported. Therefore, based on the parking provision proposed the scheme is policy compliant and again it is important to consider the location which can be reached by public transport and is likely to be within walking distance of a significant portion of church members.
- 6.32 No objection to the scheme has been received from the highways development management team following amended plans to improve the access for refuse vehicles. Refuse and cycle storage, as well as parking on site, can also be successfully achieved and secured by condition and at the reserved matters stage.

Loss of open space

- 6.33 In the centre of the site is a former bowling green (now disused) and a tarmac ballcourt; both of these are owned by the church.
- 6.34 The former bowling green is located behind the Parish Hall. This was in regular use until 2016 when the club folded, and existing/remaining members choose to join alternative clubs nearby (Vospers in Hamble); the green and pavilion building have not been in use since. The green is not large enough to be used for competition; in addition, the green is increasingly compromised by tree roots resulting in an uneven surface.
- 6.35 The bowling club had enjoyed many years of use of the land, owned by the church, at a 'peppercorn' rent and discussions had started between the church and club to both formalise the agreement, and to agree more realistic rates. However, the club themselves took the decision to close before this discussion had been concluded.
- 6.36 With the closure of the bowling club, there is no longer demand for the bowling green and so the scheme does not propose to replace the bowling green.

- 6.37 Adjacent to the green is a tarmac ball court enclosed by a chain-link fence which is also within the ownership and use of the church. Although informal use of the ball court has occurred in the past it has not formally been permitted for use by the general public rather it has only formally been used for church-based activities, albeit ones with a community focus (such as a youth club).
- 6.38 The proposal seeks to redevelop the existing ball court and turn it into a car park for the church. A ball court will then be re-provided adjacent to the car park. The area of the proposed ball court would however represent a 16% reduction in floor area (from 997sqm to 840sq.m).
- 6.39 The loss of the bowling green and 16% reduction of ball court represents a departure from the development plan (CS21) and NPPF paragraph 97, which seek to ensure no net loss of space.
- 6.40 In line with the Government's NPPF (including Section 8); and PPG (Health and wellbeing section), consideration should also be given to how the new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.
- 6.41 To mitigate the impact of the overall loss of open space the proposal would improve the quality of the available open space on the site; and would also ensure that the church manage the open space so that wider community groups are able to able gain access. The space will therefore be able to be used more frequently and by greater numbers of people than the existing bowling green and ball court. A legal agreement associated with the planning application will be used to manage the 'community use agreement' and a planning condition will be added to ensure that the ball court is re-provided on site prior to the occupation of the flats and retained on site throughout the lifetime of the development.
- 6.42 The loss of the open space on site is considered to be outweighed by the positive aspects of the proposal.

Air Quality and the Green Charter

- 6.43 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.44 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.45 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by

ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth

- 6.46 The application has/will address the effect of the development on air quality and the requirements of the Green Charter by achieving compliance with the Councils adopted climate change mitigation policy CS20 (Tackling and Adapting to Climate Change) by ensuring that the dwellings achieve improved energy and water efficiencies. The scheme will also have to incorporated sustainable urban drainage systems to combat potential flooding. The proposal also works with the trees on site and where tree felling is necessary the legal agreement will require two for one replacement planting.

Trees and Ecology

- 6.47 20 trees in total will need to be felled to facilitate the development. 10 of these are due to building constraints and another 10 are due to their poor condition. Of these 20 trees, 8 are covered by tree preservation orders and only one of these (T094) is due to building constraints. The other seven are either in poor condition, dead or a stump. Any TPO'd tree will need local authority permission before they can be felled. TPO'd trees that will be retained will need to be protected during construction works. Appropriate conditions will be needed as recommended by the Council's Tree Team and lost trees will need to be replaced on a two for one basis. Replacement trees may need to be located offsite and as such would be controlled by legal agreement.
- 6.48 The proposed tree loss is considered to be outweighed by the positive aspects of the proposal.
- 6.49 The Council's Ecologist is not satisfied with the proposed ecological mitigation measures with particular regard to slow worm habitat loss mitigation. The Council's Ecologist is, however, satisfied that there are alternative options available to ensure that the impact of the development can be appropriately mitigated. Conditions have been recommended and will be included if the scheme is supported.

Mitigation of direct local impacts

- 6.50 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted 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 will be secured via a Section 106 legal agreement. These works will be improvements to pedestrian and cycle facilities within the vicinity.

- 6.51 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. In terms of the 15 dwellings there is an expectation that 6 flats (35%) will be provided on site.
- 6.52 Policy CS15 suggests that *‘the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)’*. The applicants have submitted a detailed viability appraisal of their scheme, which includes no affordable housing. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 4**.
- 6.53 The assessment provided by DVS on the viability on the proposed scheme including the provision of nil Affordable Housing identifies that the scheme is showing a deficit of **£234,359** which converts to a reduced profit of **£582,891 (approximate 12%)** which is significantly below the stated profit mark of **17.5% (£817,250)** used by DVS and the NPPF.
- 6.54 Given the deficits involved it would be right to question why the scheme is coming forward at the current time. Clearly, this is a matter for the applicant and as the scheme is at outline stage it will be some time yet before the full development potential will be realised on the ground, by which time circumstances may change and affordable housing becomes viable. The s.106 clauses will build in review mechanisms in line with our normal practices; if the development has not completed by the deadline of February 2022 an additional viability would therefore be required.
- 6.55 Whilst failing to secure Affordable Housing is a weakness of the application proposal, the adopted Development Plan allows for viability to be considered when determining the level of affordable housing. The proposal also brings other benefits to the city including the delivery of homes, ten of which are family units, regeneration of this site and improved community facilities. As such, and in light of the advice from the DVS, it is recommended that the development be supported on the basis of the current viability position which does not support Affordable Housing. Alternatively, the Panel may decide that it would be better to wait for the economic conditions to improve and seek affordable housing to meet our significant need when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant. A refusal on this basis could also result in an appeal where the Council would need to justify its reasons in light of the DVS findings.
- 6.56 The scheme also triggers the need for Community Infrastructure Levy (CIL).

Likely effect on designated habitats

- 6.57 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 The scheme represents a departure from the development plan on the basis of the loss of open space. The scheme also results in the loss of 20 trees, 8 of which are protected by Tree Preservation Orders and further ecological mitigation measures are needed to ensure that significant harm to slow worms on site does not occur. These negative aspects of the scheme need to be judged against the positive which include housing delivery, family homes, improved surveillance and improved public access to sporting facilities. In other respects, the proposal strikes a balance between the delivery of housing (including 10 houses capable of accommodating families) protection of the amenities of nearby residents, parking requirements of the Church and a layout which does not compromise highways safety.
- 7.2 Having taken all material planning considerations into account, as listed in the above report, on balance the scheme is considered to be acceptable.

8 Conclusion

- 8.1 It is recommended that outline 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)

MP for 22/06/2021 PROW Panel

PLANNING CONDITIONS

1. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas and the means of access (vehicular and pedestrian) into the site and the buildings is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:

- the appearance and architectural design specifying the external materials to be used;
- the scale of the buildings indicating massing and building bulk and;
- the landscaping of the site specifying both the hard, soft treatments and means of enclosures including ongoing maintenance

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 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 as part of the submission, 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.

3. 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 (The enlargement, improvement or other alteration of a dwelling house)

Class AA (enlargement of a dwelling house by construction of additional storeys)

Class B (additions etc to the roof of a dwelling house)

Class D (porches),

Class E (buildings etc incidental to the enjoyment of a dwelling house)

Class F (hard surfaces incidental to the enjoyment of a dwelling house)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site which is significantly constrained by protected trees; and in the interests of the comprehensive development and visual amenities of the area.

4. 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.

5. 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. means of enclosure/boundary treatment,
- ii. car parking layouts,
- iii. vehicle pedestrian access and circulations areas,
- iv. hard surfacing materials,
- v. structures and ancillary objects (refuse bins, lighting columns etc.),

- vi. 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; and tree pit design.
- vii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance),
- viii. a landscape management scheme; and
- ix. measures to prevent unmanaged parking within root protection areas.

The approved hard and soft landscaping scheme (including parking) 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. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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.

Within root protection zones there must be a no dig solution to physical structures including road formation and kerb formation. Measures shall also be included in the landscaping plan to demonstrate how informal parking on roof protection areas will be prevented.

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

6. Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained (taking account of plan 321 55 rev C 'tree protection plan' April 2020).
2. Specification for the installation of any additional root protection measures.
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

7. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

8. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

9. Replacement trees (Pre-commencement)

Any trees to be felled pursuant to this decision notice will be replaced with species of trees first to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority; details of species, size, location, pit design and management shall be included within the submission. Preferred locations will be adjacent to Whites Road and Bursledon Road to cover the loss in these areas. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To 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, to mitigate loss of trees necessary to facilitate the development and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

10. Demolition/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 Demolition & 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) method of demolition required in order to prevent damaged to protected trees. 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, highway safety and protected trees.

11 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.

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

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

13. 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.

14. 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.

15. Energy & Water (Pre-Commencement)

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

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

16. Energy & Water (performance condition)

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

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

17. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

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

18. Archaeological watching brief investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

19. Archaeological watching brief work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

20. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

21. Sightlines specification (Performance)

Sight lines, measuring 2m by 2m from the back edge of the footway shall be provided for both vehicular access proposed (Whites Road and Bursledon Road) before the occupation of any building hereby approved commences and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays

Reason: To ensure that vehicle drivers have sufficient sightlines out over the public highway and into the site in the interests of safety.

22. Residential Parking (Pre-Occupation)

The parking spaces for the dwellings; and access, to them shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the occupants and their visitors; and for no other purposes other than indicated on the approved plans. At no time shall visitor spaces be allocated to residential properties and at no time shall any of the residential properties be allocated more than 2 car parking spaces each.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

23. Church Parking (Pre-Occupation)

The parking spaces for the church; and access to them, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the church and its visitors; and for no other purposes other than indicated on the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

24. Delineation of car parking spaces, (Performance condition)

In the demarcation of the car parking spaces hereby approved shall be formed by block paving of a different colour/tone to the main block paving material used for the hard-surfacing areas of the site and as show on the approved plans.

Reason: In the interests of the visual amenity of the development and in order to achieve a high-quality finish.

25. Servicing vehicle turning area [Performance Condition]

The turning area for servicing vehicles as indicated by the approved plans (Refuse vehicle tracking plan, 32129 dwg no.53, Oct 2019, received 08/06/2021 & Site plan as proposed, 32129 dwg no. 32 revision CC Jan 2016, received 08/06/2021) shall be kept available at all time for the manoeuvring of servicing vehicles and shall therefore remain unobstructed by solid boundary treatment, landscaping features, signage, furniture or any other physical features in perpetuity once the development hereby approved is occupied.

Reason: In the interests of highways safety.

26. On site signage (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved details of on-site signage (including position and design) shall be submitted to and approved in writing by the local planning authority. The signage will need to identify the following in accordance with the approved plans:

- o the allocation of parking spaces.
- o that the access road and 'turning area' shall not be used for parking purposes.

Once approved the signage shall be erected on site in accordance with the approved plans and retained whilst the development is occupied for residential purposes.

Reason: To ensure that residents and visitors to the site are aware of parking restrictions in the interests of visual amenity and highway safety.

27. 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.

28. 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.

29. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit an updated programme of habitat and species mitigation and enhancement measures which should cover the impacts identified in the Ecological Appraisal March 2017 as well as the Phase 2 Bat and Reptile Report, October 2019; and which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity; and in particular because residential gardens are not suitable locations for slow worm mitigation as they will not remain in control of the church and as such cannot be secured in perpetuity.

30. 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

31. External Lighting Scheme (Pre-Commencement)

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

Reason: In the interest of residential amenity/to minimise the impact on protected species.

32. Road Construction (Pre-Commencement)

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:

1. A specification of the type of construction proposed for the highway including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management plan which will maintain these areas in the future, and a bond will be required to support this process.
4. The construction of the highway shall use no dig methods within the root protection areas of trees onsite.

The development shall be carried out in accordance with the approved specification prior to the occupation of the development hereby approved.

Reason: To ensure that the highway is constructed in accordance with standards required by the Highway Authority.

33. Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the private external amenity spaces shall be made available for use in accordance with the plans hereby approved. The amenity spaces shall thereafter be retained for the use of the occupiers of the dwellings and shall not be further subdivided without further grant of planning permission.

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

34. Ball Court/MUGA Details.

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing a specification for the design of the ball court/Multi Use Games Area (MUGA) hereby approved, including materials, means of enclosure, surface treatment, sports facilities/infrastructure, pitch marking and maintenance details. The Ball Court/MUGA shall be erected on site in accordance with approved details and retained throughout the lifetime of the development in accordance with approved details unless planning permission is granted for the Ball Court/MUGA to be used for another purpose. The Ball Court/MUGA shall also be available to use by the public in accordance with the community use agreement as secured by Section 106 legal agreement which accompanies this decision.

Reason: To mitigate the net loss of open space.

35. 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.

36. Highway Design Further Details – (Pre-Commencement Condition)

Notwithstanding the approved plans detailed design of the pedestrian and vehicular access arrangement for the site; and in particular from Whites Road, shall be submitted to and approved in writing by the local planning authority prior to any works commencing on site. The details shall include either; refuse vehicle tracking and physical measures to prevent the likelihood of informal parking which would likely obstruct refuse collection vehicles from accessing refuse collection points and turning areas associated with all dwellings proposed on site; potentially amending the width of parts of the site access along with bollards and double yellow lines; or details securing private refuse collection for the site. Once agreed the development shall be carried out in accordance the agreed details prior to occupation and maintained throughout the lifetime of the development.

Reason: To secure details in the interests of highway safety and to provide suitable access arrangements for all vehicles (including refuse collection vehicles) and pedestrians along with minimising opportunities for informal parking that would potentially obstruct refuse vehicle access.

37. Waste Management. (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the development shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail use of suitably sized vehicles that will be capable, including evidence, that turning onsite will be achieved and at no time other than collection day shall refuse be stored on the Whites Road public highway.

Reason: In the interest of visual and residential amenity and to ensure highways safety by preventing the need for refuse vehicles to reverse onto the public highway (Whites Road).

38. Development parameters. (Performance Condition).

As identified in the approved plans and the description of development outline permission is granted for the redevelopment of the Bitterne Parish Church site for 15 x two storey houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area.

Reason: For the avoidance of doubt.

39. Noise Report – (Pre-Occupation Condition)

Prior to the occupation of the hereby approved multi use games area an acoustic report shall be submitted to and approved in writing by the local planning authority. Once agreed the development shall be carried out in accordance the agreed details including all recommendations covering the following aspects of the proposal where appropriate:

- o Installation of acoustic barrier which will be built outside the perimeter fence, so they are protected from being hit by balls generating impact noise;
- o All fencing must be securely clamped with resilient fixings to prevent vibrations;
- o No signage shall be added to the fencing around playing pitches which might otherwise generate vibration and noise if the fence is struck by balls etc;
- o All access routes should be located away from the adjacent housing, so far as is practical; and
- o Facilities shall be managed to avoid antisocial behaviour and unnecessarily raised noise levels.

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

40. Multi use games area flood lighting (Pre-Occupation Condition)

Prior to the erection and use of any floodlighting associated with the multi-use games area further details, including mitigation measures to prevent light spill over sensitive adjacent bat foraging areas and adjacent residential properties/gardens, shall first to be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented and thereafter retained as approved.

The flood lighting shall be switched off when the multi-use games area is either not in use or outside of the approved operational hours of the multi-use games area.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

41. Multi Use Games Area hours of use (Performance Condition)

The multi-use games area and flood lighting approved shall not be available for use outside of the following hours:

9am to 8.30pm Monday to Friday; and

9am - 7pm Saturday and Sunday

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

42. Vehicular Access limitation (Performance Condition)

At no time shall the pedestrian access from the site through to the A3024 spur road be converted to provide vehicular access.

Reason: In the interests of highways safety.

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.

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

endorsed by Natural England.

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

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

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
SDP17	Lighting
SDP22	Contaminated Land
HE3	Listed Buildings
HE6	Archaeological Remains
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 2019
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

871647/E - Erection of a single storey extension to Holy Saviours Church. CAP, 1988.

1627/E15 - 6 x 8m Floodlight poles at tennis court. CAP 1993.

1573/E41, ERECTION OF A SINGLE STOREY MEETING ROOM (CHURCH HALL) CAP, 1960.

1504/E24 - ERECTION OF TIMBER CLUB HOUSE AT BOWLING GREEN CAP, 1976

1492/E20, PREFAB BUILDING FOR MEETINGS AT CHURCH HALL HOLY SAVIOURS CHURCH, CAP, 1975

1355/P18 NEW CHURCH HALL AND CAR PARKING (CHURCH HALL), CAP, 1968

1299/P41, ERECTION OF NEW VICARAGE AND METHODIST CHURCH ON LAND IN GARDEN, CAP, 1965

1289/P7, REBUILD VICARAGE REDEVELOPMENT OF GARDEN FOR METHODIST CHURCH AND CAR PARKING CAR PARKING IMPROVEMENTS FOR BITTERNE CHURCH (VICARAGE AND METH CHURCH SITES), CAP, 1965

1139/48, ERECTION OF SECTIONAL TIMBER HUT FOR STORAGE (CHURCH HALL), CAP, 1961

1137/T, ERECTION OF SECTIONAL TIMBER HUT FOR STORAGE (CHURCH HALL), (Temp exp 31/12/1960), CAP 1958

932/18, REBUILD INSTITUTE (CHURCH HALL) (Prev Ref - Code 14884), CAP, 1949

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Studio Four Architects Ltd
Mr Gareth Jenkins
Tollgate Estates
Stanbridge Earls
Romsey
SO51 0HE
Hampshire

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

OUTLINE APPLICATION - CONDITIONAL APPROVAL

Proposal: Outline application for the redevelopment of the Bitterne Parish Church site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area, following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans).

Site Address: Bitterne Parish Church Office, Whites Road, Southampton SO19 7NS

Application No: 19/00838/OUT

Subject to the following conditions:

1. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas and the means of access (vehicular and pedestrian) into the site and the buildings is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the appearance and architectural design specifying the external materials to be used;
 - the scale of the buildings indicating massing and building bulk and;
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures including ongoing maintenance
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 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 as part of the submission, 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.

3. 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 (The enlargement, improvement or other alteration of a dwelling house)

Class AA (enlargement of a dwelling house by construction of additional storeys)

Class B (additions etc to the roof of a dwelling house)

Class D (porches),

Class E (buildings etc incidental to the enjoyment of a dwelling house)

Class F (hard surfaces incidental to the enjoyment of a dwelling house)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site which is significantly constrained by protected trees; and in the interests of the comprehensive development and visual amenities of the area.

4. 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.

5. 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. means of enclosure/boundary treatment,
- ii. car parking layouts,
- iii. vehicle pedestrian access and circulations areas,
- iv. hard surfacing materials,
- v. structures and ancillary objects (refuse bins, lighting columns etc.),

- vi. 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; and tree pit design.
- vii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance),
- viii. a landscape management scheme; and
- ix. measures to prevent unmanaged parking within root protection areas.

The approved hard and soft landscaping scheme (including parking) 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. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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.

Within root protection zones there must be a no dig solution to physical structures including road formation and kerb formation. Measures shall also be included in the landscaping plan to demonstrate how informal parking on roof protection areas will be prevented.

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

6. Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained (taking account of plan 321 55 rev C 'tree protection plan' April 2020).
2. Specification for the installation of any additional root protection measures.
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

7. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

8. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

9. Replacement trees (Pre-commencement)

Any trees to be felled pursuant to this decision notice will be replaced with species of trees first to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority; details of species, size, location, pit design and management shall be included within the submission. Preferred locations will be adjacent to Whites Road and Bursledon Road to cover the loss in these areas. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To 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, to mitigate loss of trees necessary to facilitate the development and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

10. Demolition/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 Demolition & 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) method of demolition required in order to prevent damaged to protected trees. 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, highway safety and protected trees.

11 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.

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

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

13. 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.

14. 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.

15. Water & Energy [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum 100 Litres/Person/Day internal water use. A water efficiency calculator

shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

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

16. Water & Energy [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 Litres/Person/Day internal water use in the form of a final water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

Reason:

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

17. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

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

18. Archaeological watching brief investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

19. Archaeological watching brief work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

20. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

21. Sightlines specification (Performance)



Sight lines, measuring 2m by 2m from the back edge of the footway shall be provided for both vehicular access proposed (Whites Road and Bursledon Road) before the occupation of any building hereby approved commences and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays

Reason: To ensure that vehicle drivers have sufficient sightlines out over the public highway and into the site in the interests of safety.

22. Residential Parking (Pre-Occupation)

The parking spaces for the dwellings; and access, to them shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the occupants and their visitors; and for no other purposes other than indicated on the approved plans. At no time shall visitor spaces be allocated to residential properties and at no time shall any of the residential properties be allocated more than 2 car parking spaces each.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

23. Church Parking (Pre-Occupation)

The parking spaces for the church; and access to them, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the church and its visitors; and for no other purposes other than indicated on the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

24. Delineation of car parking spaces, (Performance condition)

In the demarcation of the car parking spaces hereby approved shall be formed by block paving of a different colour/tone to the main block paving material used for the hard-surfacing areas of the site and as show on the approved plans.

Reason: In the interests of the visual amenity of the development and in order to achieve a high-quality finish.

25. Servicing vehicle turning area [Performance Condition]

The turning area for servicing vehicles as indicated by the approved plans (Refuse vehicle tracking plan, 32129 dwg no.53, Oct 2019, received 08/06/2021 & Site plan as proposed, 32129 dwg no. 32 revision CC Jan 2016, received 08/06/2021) shall be kept available at all time for the manoeuvring of servicing vehicles and shall therefore remain unobstructed by solid boundary treatment, landscaping features, signage, furniture or any other physical features in perpetuity once the development hereby approved is occupied.

Reason: In the interests of highways safety.

26. On site signage (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved details of on-site signage (including position and design) shall be submitted to and approved in writing by the local planning authority. The signage will need to identify the following in accordance with the approved plans:

- o the allocation of parking spaces.
- o that the access road and 'turning area' shall not be used for parking purposes.

Once approved the signage shall be erected on site in accordance with the approved plans and retained whilst the development is occupied for residential purposes.

Reason: To ensure that residents and visitors to the site are aware of parking restrictions in the interests of visual amenity and highway safety.

27. 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.

28. 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.

29. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit an updated programme of habitat and species mitigation and enhancement measures which should cover the impacts identified in the Ecological Appraisal March 2017 as well as the Phase 2 Bat and Reptile Report, October 2019; and which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity; and in particular because residential gardens are not suitable locations for slow worm mitigation as they will not remain in control of the church and as such cannot be secured in perpetuity.

30. 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

31. External Lighting Scheme (Pre-Commencement)

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

Reason: In the interest of residential amenity/to minimise the impact on protected species.

32. Road Construction (Pre-Commencement)

Prior to the commencement of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

1. A specification of the type of construction proposed for the roads, cycle ways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

3. Details of a management process which will maintain these areas in the future.

The road and footways shall be completed and maintained in accordance with the agreed details before the development first comes into occupation and thereafter retained as approved for the lifetime of the development.

Reason: To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority and thereafter properly maintained.

33. Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the private external amenity spaces shall be made available for use in accordance with the plans hereby approved.

The amenity spaces shall thereafter be retained for the use of the occupiers of the dwellings and shall not be further subdivided without further grant of planning permission.

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

34. Ball Court/MUGA Details.

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing a specification for the design of the ball court/Multi Use Games Area (MUGA) hereby approved, including materials, means of enclosure, surface treatment, sports facilities/infrastructure, pitch marking and maintenance details. The Ball Court/MUGA shall be erected on site in accordance with approved details and retained throughout the lifetime of the development in accordance with approved details unless planning permission is granted for the Ball Court/MUGA to be used for another purpose. The Ball Court/MUGA shall also be available to use by the public in accordance with the community use agreement as secured by Section 106 legal agreement which accompanies this decision.

Reason: To mitigate the net loss of open space.

35. 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.

36. Highway design further details - (Pre-Commencement Condition)

Notwithstanding the approved plans detailed design of the pedestrian and vehicular access arrangement for the site; and in particular from Whites Road, shall be submitted to and approved in writing by the local planning authority prior to any works commencing on site. The details shall include either; refuse vehicle tracking and physical measures to prevent the likelihood of informal parking which would likely obstruct refuse collection vehicles from accessing refuse collection points and turning areas associated with all dwellings proposed on site; potentially amending the width of parts of the site access along with bollards and double yellow lines; or details securing private refuse collection for the site. Once agreed the development shall be carried out in accordance the agreed details prior to occupation and maintained throughout the lifetime of the development.

Reason: To secure details in the interests of highway safety and to provide suitable access arrangements for all vehicles (including refuse collection vehicles) and pedestrians along with minimising opportunities for informal parking that would potentially obstruct refuse vehicle access.

37. Waste management. (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the development shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail use of suitably sized vehicles that will be capable, including evidence, that turning onsite will be achieved and at no time other than collection day shall refuse be stored on the Whites Road public highway.

Reason: In the interest of visual and residential amenity and to ensure highways safety by preventing the need for refuse vehicles to reverse onto the public highway (Whites Road).

38. Development parameters. (Performance Condition).

As identified in the approved plans and the description of development outline permission is granted for the redevelopment of the Bitterne Parish Church site for 15 x two storey houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area.

Reason: For the avoidance of doubt.

39. Noise report - (Pre-Occupation Condition)

Prior to the occupation of the hereby approved multi use games area an acoustic report shall be submitted to and approved in writing by the local planning authority. Once agreed the development shall be carried out in accordance the agreed details including all recommendations covering the following aspects of the proposal where appropriate:

- o Installation of acoustic barrier which will be built outside the perimeter fence, so they are protected from being hit by balls generating impact noise;
- o All fencing must be securely clamped with resilient fixings to prevent vibrations;
- o No signage shall be added to the fencing around playing pitches which might otherwise generate vibration and noise if the fence is struck by balls etc;
- o All access routes should be located away from the adjacent housing, so far as is practical; and
- o Facilities shall be managed to avoid antisocial behaviour and unnecessarily raised noise levels.

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

40. Multi use games area flood lighting (Pre-Occupation Condition)

Prior to the erection and use of any floodlighting associated with the multi-use games area further details, including mitigation measures to prevent light spill over sensitive adjacent bat foraging areas and adjacent residential properties/gardens, shall first to be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented and thereafter retained as approved.

The flood lighting shall be switched off when the multi-use games area is either not in use or outside of the approved operational hours of the multi-use games area.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

41. Multi use games area hours of use (Performance Condition)

The multi-use games area and flood lighting approved shall not be available for use outside of the following hours:

9am to 8.30pm Monday to Friday; and

9am - 7pm Saturday and Sunday

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

42. Vehicular access limitation (Performance Condition)

At no time shall the pedestrian access from the site through to the A3024 spur road be converted to provide vehicular access.

Reason: In the interests of highways safety.

Note to Applicant

Southern Water



WEBCHAT

southampton.gov.uk Page 148



@sotoncc



@southamptoncc

DX115710 SOUTHAMPTON 17

A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

A formal application for connection to the water supply is required in order to service this development.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.

Ecology:

Bat emergence surveys of the Parish Hall, Wesley Centre and Parish Office buildings have been undertaken. No bat roosts were found but foraging activity by common pipistrelle, *Pipistrellus pipistrellus*, and noctule, *Nyctalus noctula*, bats was recorded. The proposed housing will result in a reduction in the extent of available bat foraging habitat and I would expect to see this loss mitigated. In addition, any external lighting should be carefully designed to ensure that it doesn't illuminate surrounding vegetation. I would expect lux levels around tree canopies to be no greater than 0.5lux. In addition, external lighting should be LED using warm white (2700k to 3000K) luminaires with a peak higher than 550nm.

A reptile survey has been undertaken and a low population of slow worm was recorded. The proposed development will result in the loss of some of the slow worm habitat and although mitigation measures have been proposed I am concerned that the majority of it is being delivered through use of two of the new gardens. It is not possible to guarantee the retention of suitable habitat in these gardens in the longer term and the proposed mitigation is therefore not acceptable. Slow worm mitigation needs to be delivered on areas that will remain within the control of the church, for example the church yard. I would expect to see detailed mitigation proposals set out in a biodiversity mitigation plan.

The submitted ecology reports still do not address how the loss of habitat will be addressed. This will need to be set out in a biodiversity mitigation plan.

Lighting in the interest of biodiversity (inparticular bats):

The Council's Ecologist would expect lux levels around tree canopies to be no greater than 0.5lux. In addition, external lighting should be LED using warm white (2700k to 3000K) luminaires with a peak higher than 550nm.

Trees:

- The tree protection must also include a clear specification which is referenced back to BS5837.
- The use of Netpave is not appropriate for ground protection as it will not prevent soil compaction.

- Appropriate ground protection for the expected use is detailed within BS5837.
- The use of Cellweb is appropriate for use within the RPA of the retained trees, however consideration must be given to how the installation on the existing ground level will join with the made surfaces outside of the RPA.
- No excavation shall be undertaken within any RPAs without prior written agreement from the Local Planning Authority

Bin storage details:

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.
Access road to be constructed to an adoptable standard.

Reason for granting planning permission

The development is acceptable considering the policies and proposals of the Development Plan as set out within the Officers 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 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).

Additional Note: Should you require new addresses to be created for your development you are advised to use the following link at the appropriate time:

<http://www.southampton.gov.uk/planning/planning-permission/getting-street-names-numbers.aspx>

4 January 2023



Pete Boustred
Head of Transport and Planning

If you have any further enquiries, please contact:
Mathew Pidgeon

PLANS & INFORMATION CONSIDERED

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Status:
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32129, 55C	Tree Protection Plan)	Other Plans	Approved
Enviro Plant Report	Arb Impact Assessment _ Method Statement	Other Plans	Approved
32129, 00A		Location Plan	Approved
32129, 32EE		Site Plan	Approved
32129, 45B		Floor Plan	Approved
32129, 53B	Vehicle tracking plan	General Plan	Approved

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001

Design of buildings and their approaches to meet the needs of disabled people code of practice.

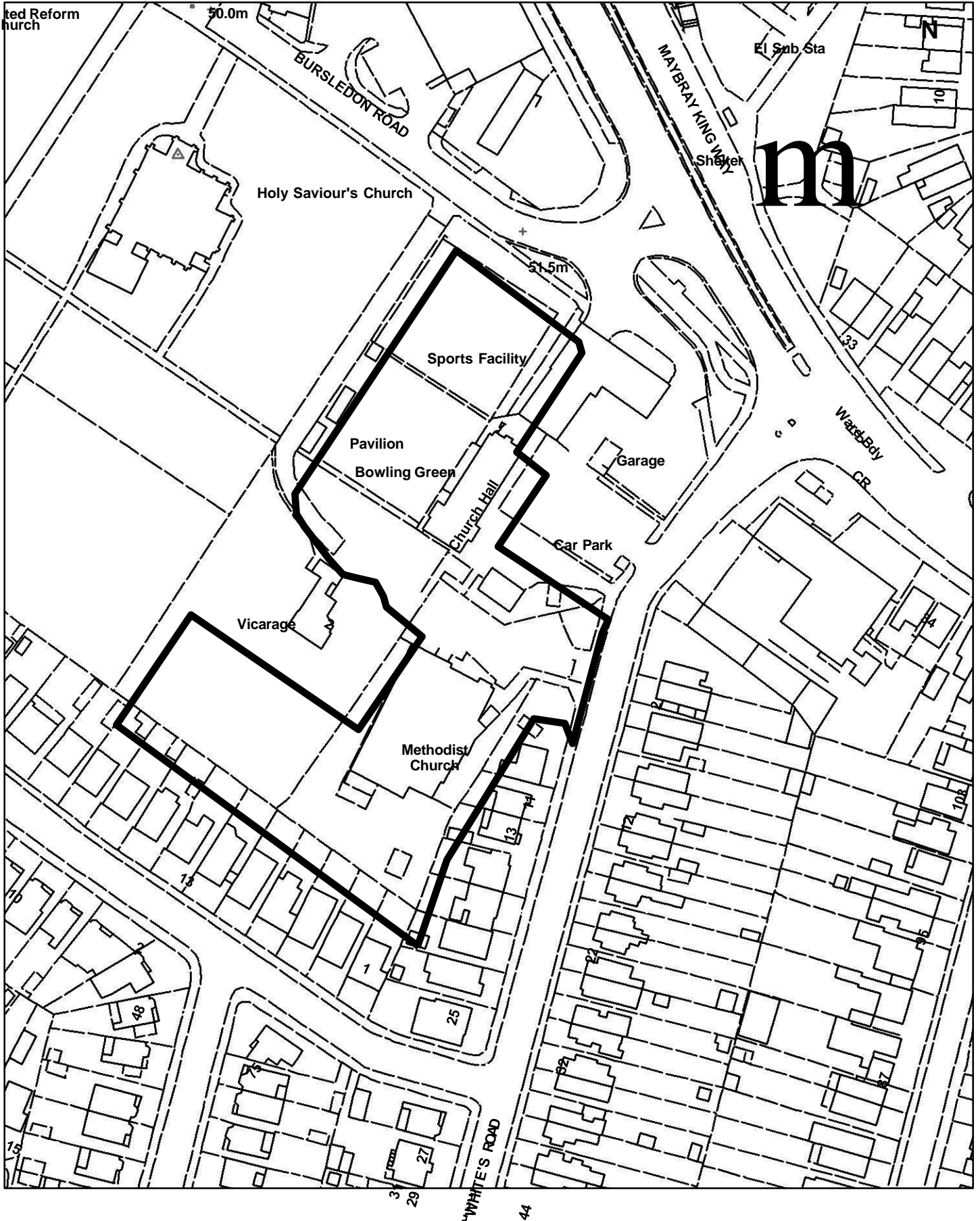
9. Your attention is drawn to the conditions this consent is subject to:

Pre-commencement conditions require the full terms of the condition to be approved by Local Planning Authority before any development starts. In order to discharge these conditions a formal application is required by the applicant and a time period of at least 8 weeks should be allowed for a decision to be made. If the conditions are not met, the Local Planning Authority has the power to take enforcement action.

10. If the application site is within an existing Resident Parking Zone. Under the Council's Residents Parking Policy, new residential units (which include new developments, subdivisions of existing properties and changes of use of existing properties) given planning consent after March 2001, do not qualify for a Residents Parking Permit within an existing Resident Parking Zone. Please see more details under the Council's Residents Parking Policy.

11. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to:
Development Management, Southampton City Council, Civic Centre, Southampton, SO14 7LY.



Scale: 1:1,250

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

Application address: 271 Winchester Road, Southampton			
Proposed development: Subdivision of the existing retail unit into 2 x retail units with new first floor mezzanine to create additional retail space associated external alterations, erection of 2.5m high acoustic fence, reconfiguration of car park and landscaping works (amended after validation to include acoustic fence)			
Application number:	22/01710/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	29.09.2023 Extension of time	Ward:	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors:	Cllr Quadir Cllr Kaur Cllr Winning
Referred to Panel by:	n/a	Reason:	n/a
Applicant: Aldi Stores Limited		Agent: Mr Jack McLean, Planning Potential	

Recommendation Summary	Delegate to the Head of Transport and Planning 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 – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17 and REI8 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS6, CS7, CS13, CS18, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached

1	Development Plan Policies	2	Planning History
3.	Parking Survey		

Recommendation in Full

1. Delegate to the Head of Transport and Planning to grant planning permission subject to (a) the planning conditions recommended at the end of this report and (b) 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 and/or undertakes a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site including junction improvements, an additional turning lane and improved pedestrian crossings/environment around the existing junction 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 (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
2. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
3. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site comprises a large existing retail unit next to Shirley Retail Park, which is a small retail park located approximately 870m to the northeast of Shirley Town Centre. The site forms part of a group of 5 adjacent retail units of varying sizes with associated car parking fronting Winchester Road. This application relates to the largest of the 5 units, to the north-east of the retail park, which is currently occupied by Wickes, a building materials supplier. The unit has a gross internal floorspace at ground floor of 4,384sq.m with an additional 245sq.m GIA at first floor. The Council owns the freehold of this building, but is not the applicant.
- 1.2 There are neighbouring residential properties to the northwest of the site (on the opposite side of Winchester Road) and to the northeast and east of the site (immediately adjoining the site boundary). To the rear of the site are the sports courts and playing fields of Upper Shirley High School, with a new sports hall under construction close to the rear site boundary.

- 1.3 The application site has a dedicated entrance from Winchester Road, forming part of a signalised junction. The main car park is to the front of the unit with additional parking to the northeast and an enclosed servicing, delivery and goods storage yard behind this. The main customer entrance is currently to the southwest corner of the building and the trade entrance is to the northeast corner.
- 1.4 The front boundary is formed of a low wall with mature trees and shrubs in a large planting bed behind. There are existing tree pits forming a central spine through the front car park and additional trees and shrubs forming a barrier between the additional parking area and the servicing / goods yard to the northeast of the unit.

2. Proposal

- 2.1 The proposed development comprises the subdivision of the existing Wickes retail unit into 2 units, with the new retail unit to be used as a discount food store operated by Aldi, the applicant. Ordinarily the subdivision of an existing retail store (Class E use class) for an additional retailer wouldn't require planning permission, but in this case the existing Wickes building has a restrictive Planning condition in respect of food retailing and this triggers the application so that impact can be properly assessed. There are associated internal and external alterations including the installation of a new mezzanine floor to the retained Wickes unit and changes to the shopfronts to incorporate the new store entrances for the retained Wickes unit and the new discount food store unit.
- 2.2 The external site changes include reconfiguration of the car park to provide additional parking, a 2.5m high acoustic fence around the servicing yard at the north-eastern corner of the site, and landscaping works. The proposal increases the total number of onsite parking spaces from 131 to 172, with an offer of 4 active electric vehicle charging points.
- 2.3 Servicing and deliveries for both units will remain within the existing yard in the northeastern corner of the site. The trees forming the central spine through the front car park will now be retained following negotiation. The 3 existing trees currently separating the smaller car parking area and the servicing yard to the northeast will be removed to accommodate the reconfiguration of the car park, however there are planting and landscaping improvements along the front boundaries to offset this loss.

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**. These policies are supported by the National Planning

Policy Framework and an established approach to dealing with retail impacts upon established centres. This issue is dealt with fully below with input from SCC Planning Policy.

- 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 full planning history for this site is included in **Appendix 2**. The most recent planning record relates to an appeal decision in 2009, which allowed variation of conditions 05 and 06 of previous planning permission ref. 06/00306/VC to allow the delivery of goods to the premises, use of the personal address system and external use of fork lift trucks between the hours of 0700 and 19.00 Monday to Saturday and 10.00 and 17.00 on Sundays and Bank Holidays. This application was originally refused in October 2008 under ref: 08/01169/VC, but was then subsequently allowed at appeal in March 2009.
- 4.2 The warehouse building itself was granted consent in 1987 under ref: 860110/W (outline) and 870225/W (reserved matters) for non-food retailing. Since then, there have been various permissions granted for advertisement signage, minor external alterations to the building and re-configuration of the car park and service area.
- 4.3 Also of note, there have been previous consents for variation to the consented opening hours in 2006, allowing opening 7am – 8pm Monday to Saturday including public holidays (06/00306/VC) and for a hot food takeaway van sited in the car park (07/01711/FUL).

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 (13.01.2023). At the time of writing this report **13 individual objections and 1 supporting comment** have been received from surrounding residents (some residents submitted multiple comments in objection and where this has happened they have been counted as one objection).
- 5.2 Local residents were again notified on 15.06.2023 for 14 days to comment on the amended plans received, and the amended description (to include 2.5m acoustic fence). The following is a summary of the points raised:
- 5.3 ***It will be very useful to local residents to have a budget-friendly retail shop in the area. I see no reason that food deliveries would be any noisier than***

trade / DIY deliveries.

Response

Supporting comments are noted.

- 5.4 ***Overdevelopment of the site – the site is not large enough to provide parking and servicing necessary for two large retail units.***

Response

The submitted plans show amendments to the existing parking and servicing layout to accommodate the new retail unit. The Council's Highways Officer is satisfied that the proposal can provide sufficient parking and servicing space to serve both the existing and proposed retail units, subject to a condition to secure a servicing and delivery management plan.

- 5.5 ***Retail Impact – There are already enough food retailers in the local area, including Aldi and Lidl shops nearby, we don't need another.***

Response

The retail impact of the new food retail unit has been considered and discussed in detail with the Council's Policy Team, and further market evidence was sought from the applicant. The Policy Team are now satisfied to withdraw their previous objection regarding the retail impact of the new unit and the proposal is considered acceptable in principle.

- 5.6 ***Highway safety – The additional traffic caused by customers and HGV lorries to the new retail unit will exacerbate existing problems with safety and congestion at the Winchester Road / Bladon Road junction. Residents request 4-way traffic light controls and yellow box junction markings.***

Response

The concerns from neighbours around highway safety and congestion are noted. The Highways Officer has raised no objection to the impact of the development on highway safety, subject to a Section 106 legal agreement to secure a scheme of works to make improvements to the junction, and subject to conditions to secure a servicing and delivery plan and travel plan for the development. Junction improvements will include a right turn lane, and four new traffic light controlled pedestrian crossings.

- 5.7 ***Parking – There are existing parking problems due to hospital staff and local retail staff parking in surrounding residential roads. Public transport along Winchester Road is poor. There is insufficient parking provided for customers and staff of the new unit.***

Response

Residents' concerns regarding parking are noted. The Council's Highways Officer has no objection to the level of parking provision as part of this application. They note that the level of parking is under the maximum standards set out in the Council's Parking SPD when considering the site as a whole, however a parking survey for the existing site, and additional data from Parking Eye have been provided by the applicant to demonstrate Aldi's parking demand based on existing Aldi stores including one in Southampton (Bursledon Road). The submitted data suggests that the level of parking provided is reasonable and sufficient to accommodate both unit's demand.

- 5.8 **Noise Impact – Concerns for the impact of noise due to an increase in the number of HGV delivery lorries and the extension of delivery times to include earlier mornings and later evenings, beyond those currently allowed by planning conditions for Wickes. Concerns for the location of air source heat pumps and gas cooler equipment adjacent to the rear boundary near residential properties.**

Response

The existing external storage space at Wickes will become the service yard for the building. To ensure the control of noise and disturbance due to HGV movements, and the external air source heat pumps and gas cooler equipment, a 2.5m high acoustic fence around the side and rear boundaries of the servicing yard has been specified within the submitted noise report and shown on an amended site plan. Justification for the location of the air source heat pumps and gas cooler equipment was sought from the applicant, including why the equipment could not be sited elsewhere, and was found acceptable to the Environmental Health Officer. The acoustic fence will be secured via condition, along with full details of a servicing and management plan to manage disturbance from HGV movements.

- 5.9 **Noise Survey - Concerns that the noise survey gives false readings due to nearby construction noise from the school sports hall & due to reflected noise issues once the sports hall is constructed.**

Response

Following concerns raised by residents about the effects of the construction of, and reflected noise from, the new sports hall being constructed in the playing fields of Upper Shirley High School, the Council's Environmental Health Officer sought further evidence from the applicant's noise consultant to demonstrate that these effects had been taken into consideration. An amended noise survey was submitted including confirmation that these additional impacts have been considered and accounted for within the noise assessment. The Environmental Health Officer is satisfied with these conclusions and the noise environment is deemed to be within acceptable tolerances.

- 5.10 **Air pollution – The increase in customer car trips and HGV lorry deliveries will increase air pollution in the local area, harming residents and local wildlife.**

Response

The application site is not located within an Air Quality Management Area (AQMA) itself, but there are AQMA's nearby (500m to the northeast at the junction with Hill Lane and 1.1km to the southwest at the junction with Romsey Road). An Air Quality Assessment was submitted by the applicant at the request of the Council's Air Quality Officer. The impact of the new retail unit on local air quality has been considered in detail by the Air Quality Officer and further information was sought from the applicant. The Air Quality Officer is now satisfied that the development will not have a harmful impact on local air quality.

- 5.11 **Residents in Pentire Avenue were not consulted on this application.**

Response

Properties on Pentire Avenue were not consulted initially, however following concerns raised by residents, a new full 3 week consultation was commenced

for the 4 closest neighbouring residents on Pentire Avenue, so they had equal time to consider and comment on the application.

Consultation Responses

5.12	Consultee	Summary of Comments
	Planning Policy	<p>No objection following further evidence and information submitted by the applicant.</p> <p>The cumulative convenience impact of the Aldi proposals is predicted to be 38.5% on the Shirley Lidl, and 11.1% on Shirley town centre overall.</p> <p>I have previously noted that this is the impact on total turnover / trade, not just a percentage of stores' profit margins; that the supermarkets in the town centre are likely to draw people in who then go on to shop in other stores, and so there is likely to be some 'knock on' effect on the centre's wider trade; and that convenience trade plays an important part in the centre's overall role. The applicant has previously noted that this is just the impact on the convenience trade, the impact on the overall trade in the centre will be lower (predicted to be 6.5%). It is also worth noting that Shirley town centre will still act as its own draw, and so a range of the trips to the centre may still occur even if not linked to the Lidl. The centre is in reasonably good health and is supported by a large urban catchment.</p> <p>Critically, further evidence has been provided by the applicant, and checked by the Council. This indicates that where an out of centre Aldi and another discount store has opened with similar predicted cumulative impacts on the nearby town centre, that centre has continued to trade successfully supported by a range of convenience stores and with low overall vacancies. The applicant has also provided 3 other examples where two out of centre Aldi / discount stores operate in urban areas with the nearby centre continuing to operate successfully (the Council has been able to check one of these).</p> <p>The threshold for what constitutes a significant adverse effect is an 'on balance' judgement. Whilst no two set of circumstances are precisely the same, the extra evidence provided by the applicant regarding other locations indicates that the predicted cumulative impact of the current proposal is less likely to represent a significant adverse impact on Shirley town centre overall. Whilst there will inevitably be some impacts and risks, on balance it is considered that</p>

		Shirley as an overall town centre is likely to continue to trade successfully.	
	Highways	<p>No objection subject to a Section 106 legal agreement to secure improvements to the existing junction at the entrance to the site, and subject to securing a Servicing and Delivery Plan and Travel Plan via condition.</p> <p>These mitigation measures are required in order for the application to be supported, due to the significant level of traffic and poor connectivity for non-vehicular modes. It is felt that such mitigation measures could be feasibly designed and provided here which would help alleviate the development impact.</p> <p><u>Location and principle</u> The proposed development is situated within an area of mixed uses. There are bus services along Winchester Road and is within walking distance to many residential catchment areas. In principle, the proposal is considered acceptable but is subject to addressing points raised below.</p> <p><u>Access</u> The site is accessed off an existing signalised junction on Winchester Road which is an important arterial route and subject to high volume of traffic throughout the day. The pedestrian crossing across this junction is not controlled. It is envisaged that the use will generate a lot of walking trips to the site, so should consider introducing a pedestrian controlled crossing which would have an impact on the signal phasing.</p> <p>Officer Note <i>This is being sought via Section 106 legal agreement, in negotiation with the Highways Officer – see recommendation above.</i></p> <p>The geometry of the signalised junction and site access allows for easy turning of larger vehicles and should accommodate the needs of the development. However, it is noted that with the western arm of Winchester Road, traffic turning right into the site, if queuing, may impact on the 'straight ahead' traffic (eastbound).</p> <p>Officer Note <i>A dedicated right turn lane is sought via S106 legal agreement, in negotiation with the Highways Officer – see recommendation above.</i></p> <p>Car Parking</p>	

The proposal will revise the current car parking layout and will be shared between the existing Wickes and proposed Aldi store. The level of parking is under the maximum standards set out in the Council's Parking SPD when considering the site as a whole. A survey was conducted to gauge the current parking demand for Wickes site to ensure sufficient parking is allocated. Additional data sourced from Parking Eye has also been provided to demonstrate Aldi's parking demand based on existing Aldi stores including one in Southampton (Bursledon Road). The submitted data suggests that the level of parking provided is reasonable and sufficient to accommodate both unit's demand.

4no. Electric vehicle charging points are provided but should be increased to meet the Council's standard approach whereby 15% of total spaces should be active (installed ready to be used) and the rest to be passive (infrastructure installed such as ducting/conduits so future connection points can be easily and readily installed).

Officer Note

Additional Electric Vehicle charging spaces will be secured via condition and the applicant has the right to appeal the condition if they feel that more than the 4 spaces offered is unreasonable.

Cycle Parking

The proposed level of cycle parking is under the policy requirements. Justification seems to be that this is simply replicating other store's standard approach. This is not considered to be sufficient justification to not meet Council policy standards and therefore would request that provision is increased including long stay staff cycle parking. There is no mention of cycle parking for Wickes and the same should be applied.

Officer Note

Additional cycle parking is being sought via condition and the applicant has the right to appeal the condition if they feel that more cycle parking than that offered is unreasonable.

Servicing

The servicing yard is shared between Wickes and Aldi which raises concerns over management and keeping turning areas clear. The tracking diagram shows that the Aldi delivery lorry would need most of the service yard to be able to turn on site. If servicing is required for Wickes at the same time, this could cause problems where the lorry would get obstructed and as a worst case scenario, result in the lorry having to reverse out through the car park and onto Winchester Road.

		<p>Tracking and information on servicing needs for Wickes should be provided to ensure that the service yard would be large enough for both units and allow for turning areas to be kept clear. Ideally, each unit's service yard could be segregated to make managing it easier. The car park data provided suggests less parking would still be able to accommodate both unit's demands.</p> <p>Officer Note <i>A Servicing and Delivery Plan is being sought via condition.</i></p> <p><u>Trip Impact assessment</u> The traffic addendum report provided some updated trip rates for the Aldi store. It was noted that the methodology changed from the original TA which used the standard TRICS approach whereas the addendum has used Parking Eye data. Whilst there are differences between Parking Eye and TRICS data, a worst-case scenario should be considered, and we consider that the right turn movements into the site are still significant. As such, a new right turn lane will likely be required as a priority.</p> <p>Junction surveys have been carried out as requested. The surveys have come back suggesting that although the proposed Aldi will increase the level of traffic, the junction appears to still be operating within its capacity.</p> <p>Due to the poor pedestrian and cycle environment, we would consider it imperative that pedestrian crossings (all red phase) would be needed at this junction. This would likely have an impact on the capacity further but is considered necessary given the high level of non-vehicular trips the proposed Aldi store would generate.</p> <p>Officer Note <i>This is being sought via Section 106 legal agreement, in negotiation with the Highways Officer – see recommendation above.</i></p>	
	<p>SCC Design team</p>	<p>No objection, however the existing trees along the central spine of parking to the front of the unit should be retained.</p> <p>Officer Note <i>The amended site and landscaping plans now show these trees retained.</i></p>	

Environmental Health	<p>No objection following additional information provided by the applicant regarding placement of the air source heat pumps and refrigeration plant, noise impacts from the new sports hall in the grounds of Upper Shirley High School, and impacts of external lighting proposed. They requested that the additional noise impact details be included in an updated noise assessment, agreeing that they demonstrate that the noise impacts would not be excessive and could be attenuated sufficiently by the acoustic wall if suitably located, fitted and maintained. Condition requested:</p> <ul style="list-style-type: none"> • Construction Management Plan <p><u>Officer Note</u> <i>The requested condition has been included below and the recommendations of the noise assessment, the 2.5m acoustic fencing, and the external lighting plan will be secured via further conditions.</i></p>
Air Quality	<p>No Objection. Officers are satisfied with the methodology used in the submitted Air Quality Assessment, and the conclusions made using it.</p> <p>Construction phase - There is potential for air quality impacts due to construction, if unmitigated, so officers recommend a condition to secure mitigation via a Construction Environment Management Plan.</p> <p>Operational phase - While it's recognised that the development is unlikely to result in a significant risk to compliance with Air Quality Objectives, officers request a precautionary approach is taken and mitigations should be considered. Recommend a condition to secure a Servicing and Delivery Management Plan. The plan should require all HGVs to be Euro VI diesel as a minimum. It should also include a plan for reducing congestion associated with the development by planning routes and timings of vehicles and involve investigating and utilising a Sustainable Distribution Centre, if viable.</p> <p>Officers would also support the requirement for new electric vehicle charging points on site, to include a minimum of two 'rapid' charge points and a management plan which sets out how the charge points will be utilised fully.</p> <p><u>Officer Note</u> <i>The requested conditions have been included below.</i></p>
SCC Tree Officer	<p>No Objection following receipt of amended Arboricultural Impact Assessment and landscaping plan.</p>

The new AIA shows removal of 3 trees instead of 9. This is welcome, although the suggestion of changing the car parking area to the Northeast to retain those trees (G4) has not been considered, in particular the biggest tree, as you see it when you drive in. If this cannot be achieved, then the loss of just 3 trees is much better and allows for the retention of trees within the actual site rather than just along borders. The landscaping proposal would mitigate against the loss of the 3 trees.

A Tree Protection Plan is required to protect tree canopies from damage from large plant and machinery. A specification of proposed canopy works is required regarding group G5 - Some of these trees are protected by the TPO.

Conditions requested:

- o Tree Protection Plan - Pre commencement
- o Landscaping condition to secure current plan
- o Schedule of works to facilitate access etc
- o Landscaping maintenance condition.

Comments following receipt of updated Landscaping and Site Plans to reflect the new layout within the AIA:

Minor changes requested to the Soft Landscape Proposals plan, and Landscape Management Plan as follows.

- The 3no. Quercus cerris species shown on the Soft Landscape Proposals plan shall be replaced with an equal number of a species that has the greatest capacity to improve air quality, such as common alder, field maple or silver birch.
- Item 5.1 of the Landscape Management Plan shall be updated to specify a 5-year post-planting replacement period, in line with our standard conditions.
- Section 6 of the Landscape Management Plan shall be updated to read:

Subject to prevailing weather conditions it will be necessary to make provision for more frequent attendance. All plants shall be watered following 10 days without rain and then weekly until natural rainfall during June – August.

New trees to be watered regularly, especially over the summer months. New trees to receive at least 50 litres of water per week during the summer months for the first 3 years after planting.

	<p>The air source heat pumps and cooling units are located beneath the adjacent trees and may be subject to debris falling. Any request to heavily prune or remove the trees would likely be refused, so the applicant should consider either relocating the plant, or protecting it from falling debris.</p> <p><u>Officer Note</u> <i>The requested conditions have been included below. It has been demonstrated that the location of the external fixed plant equipment cannot be easily relocated, so the applicant will need to consider appropriate protection from debris.</i></p>
Sustainability	No objection. As the additional floor area is under 500m ² , no conditions are required.
CIL Officer	The development appears to be CIL liable as over 100 sq. m of new retail floor area is being created by the mezzanine in combination with other works. With an index of inflation applied the retail CIL rate is £68.15 per sq. m (from 01/01/2023), to be measured on the Gross Internal Area floorspace of the building.

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;
- Impact on air quality;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport and;
- Impact on protected trees.

6.2 **Principle of Development**

6.2.1 The proposal is in an out of centre location and provides a retail unit with greater than 750 sq m gross floor area. In accordance with policy CS3, the NPPF (e.g. paras. 87 – 91) and associated NPPG, the key tests for this application relate to the sequential test and any significant adverse impacts.

6.2.2 Sequential Test - The sequential test requires that new developments should first consider locations within an existing town centre or other defined retail centre. If no suitable locations are available, they are then guided to edge of centre locations, followed by out of centre locations that are ideally well connected and accessible. This principle is to protect the vitality and viability of existing centres. The applicant has provided sufficient evidence to demonstrate that alternative sites have been considered, and why they have been discounted. As such, officers are satisfied that this application has passed the sequential test.

- 6.2.3 Significant Adverse Impact Threshold - The applicant's retail assessment sets out the cumulative convenience impact of this proposal (with the Aldi already permitted at Tebourba Way) on Shirley town centre. This is predicted to be 38.5% on the Lidl and 11.1% on the town centre overall. The discussion and consideration have focussed on whether these impact figures reach the policy threshold of a 'significant adverse impact' on Shirley town centre.
- 6.2.4 At the Council's request, the applicant has provided further information relating to examples in other locations. First, examples where out of centre Aldi stores have been permitted with similar levels of predicted cumulative impact. Second, and more generally, examples where two out of centre discount stores are already trading in proximity to a town or district centre within a wider urban area. This data has been considered and checked by the Council's Planning Policy Team and indicates that, where an out of centre Aldi and another discount stores have opened with similar predicted cumulative impacts on the nearby town centre, that centre has continued to trade successfully supported by a range of convenience stores and with low overall vacancies.
- 6.2.5 The Council's Policy Officer has advised they are now content not to raise a policy objection, explaining: *"The threshold for what constitutes a significant adverse effect is an 'on balance' judgement. Whilst no two set of circumstances are precisely the same, the extra evidence provided by the applicant regarding other locations indicates that the predicted cumulative impact of the current proposal is less likely to represent a significant adverse impact on Shirley town centre overall. Whilst there will inevitably be some impacts and risks, on balance it is considered that Shirley as an overall town centre is likely to continue to trade successfully"*. These comments, taking within the context of both local and national retail Planning policy are afforded significant weight in this recommendation.
- 6.2.6 The site is still recorded as being safeguarded for general industry and warehouse uses under saved Local Plan policy RE10, however it already has planning permission for a long-established alternative retail use, and it is unlikely to be put back into general industrial use. Permission was granted in 1987 for a non-food retail warehouse (the existing Wickes building) under application refs: 860110/W (outline) and 870225/W (reserved matters). Subsequent applications then granted consent to add the sale of discount clothing and the sale of alcoholic gift packs to the list of retail uses.
- 6.2.7 Saved policy RE10 states that *"redevelopment proposals for similar employment uses may be acceptable, providing they are not harmful to existing industrial or warehousing users on the safeguarded site"*. There are no other industrial or warehousing uses remaining within this safeguarded site and the existing consented retail use is a material planning consideration. As such, the proposed subdivision of the existing unit, and creation of a new retail unit would be acceptable in principle.

6.3 Impact on air quality

6.3.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

6.3.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

6.3.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive -up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

6.3.4 The application site itself is not located within an Air Quality Management Area (AQMA), but there are AQMA's nearby (500m to the northeast at the junction with Hill Lane and 1.1km to the southwest at the junction with Romsey Road). An Air Quality Assessment was submitted by the applicant at the request of the Council's Air Quality Officer. The conclusions of this report and the impact of the new retail unit on local air quality were considered in detail by the Air Quality Officer and further information was sought from the applicant. Upon receipt of the additional information, and subject to requested conditions, the Air Quality Officer is now satisfied that the development will not have a harmful impact on local air quality.

6.4 Design and effect on character

6.4.1 The proposal utilises an existing large retail unit and the external changes proposed are relatively minor in the context of the surrounding retail area. Regarding the existing building on site, there would be additional signage for the new retail unit, along with reconfigured entrances for both the existing and new retail units. Given the relatively minor scale of these proposed changes, they would not appear out of character with the local area.

6.4.2 Regarding the areas surrounding the building, the existing parking areas and service yard will be reconfigured to provide additional parking and ancillary

objects such as trolley bays, with some changes to the front fencing enclosing the service yard and the addition of a 2.5m high acoustic fence around the northeastern side and rear boundaries of the service yard. Landscaping changes involve the loss of 3 trees near the service yard, however there is additional planting along the front boundary to either side of the site entrance and more along the side boundaries of the site. Officers are satisfied that, whilst the loss of existing trees is regrettable, no objection is raised in terms of visual impact, given the additional planting proposed.

6.4.3 Overall, the changes would be in keeping with the character and layout of the surrounding retail area and the proposed development is not considered to adversely affect the visual amenity of the local area.

6.5 Residential amenity

6.5.1 The main impacts on the amenity of neighbouring residents centre on the noise, air quality, lighting and parking impacts of the development. In terms of noise, the main impact comes from the increase in the number of HGV lorry movements on site, the extended delivery hours from 7am to 11pm, and the external fixed heating and cooling plant equipment. The proposal is supported by a noise assessment report which recommends suitable mitigation measures to control these impacts to a level that would be in line with WHO limits and would not result in significant harm for neighbouring residents.

6.5.2 The conclusions and recommendations of the noise assessment report, including a 2.5m high acoustic fence surrounding the side and rear of the service yard, a servicing and delivery management plan, and a condition to control noise levels of the fixed plant equipment, are agreed by the Council's Environmental Health Officer and will be secured via condition. On this basis, whilst there will be an impact on neighbouring residential properties in terms of noise, this impact is not considered to be significantly harmful when assessed against current guidelines.

6.5.3 As noted further above, the air quality impacts of the development have been assessed by the Council's Air Quality Officer, following submission of an Air Quality Assessment. As such, officers are satisfied that the proposed development will not result in a harmful impact on the amenity of local residents in terms of air quality.

6.5.4 There is additional external lighting proposed as part of this development, as shown on the submitted external lighting site plan. Additional details were sought from the applicant regarding the lighting proposed and the Environmental Health Officer is satisfied that, as the lighting will be low level and on an as-needed basis, it is unlikely to result in light nuisance or light pollution. As such, whilst there will be an impact on the amenity of neighbouring residents in terms of additional lighting on site, this impact is not considered to be significantly harmful.

6.5.5 Parking is a significant concern for neighbouring residents and has been considered in detail by the Highways Officer. As discussed further below, the

proposed parking provision is considered acceptable and, whilst there may be an impact on the amenity of local residents in terms of parking, this impact is not considered to be significantly harmful.

6.5.6 In terms of the visual impact of the development on neighbouring residents, the proposed changes are relatively minor in scale. The most significant structure is the 2.5m high acoustic fence, which would run close to properties on Fuchsia Gardens and Pentire Avenue, however given the space retained between this structure and the boundaries of neighbouring residential properties and the intervening mature vegetation, the acoustic fence will not result in harmful overshadowing or overbearing impacts for neighbouring residents.

6.6 Parking highways and transport

6.6.1 The existing access to the site is unchanged. The parking layout has been reconfigured to provide an additional 41 parking spaces on site, including the applicant's offer of 4 no. electric vehicle charging spaces, additional disabled parking bays and click and collect parking bays for both the existing and proposed retail units.

6.6.2 The Highways Officer has confirmed they have no objection to the proposed parking provision of 172 spaces in total. The combined maximum parking standard for both the new and existing retail units is 234 parking spaces overall (106 spaces for the new retail unit and 128 spaces for the existing unit) as set out in the Parking Standards SPD. Whilst the proposed parking provision is lower than the maximum standard, the Parking Standards SPD explains that a lower provision may be acceptable, if the developer can demonstrate that this is sufficient by way of a parking survey. As such, the applicant has provided a parking survey of the current Wickes site, and of comparable ALDI retail units, within the Transport Statement Addendum, which demonstrates that the proposed 172 parking spaces would be sufficient, suggesting "a reasonable operating margin of 18% spare" parking spaces. A copy of this parking survey is included as **Appendix 3**. Given the above, the parking provision is considered acceptable.

6.6.3 The applicants have offered 4no. active electric vehicle charging points (EVCPs). The Council's approach to EVCPs is to seek 15% of the total parking spaces as active EVCPs with the rest being passive spaces with cables or trunking infrastructure in place, but no active upstand. In this particular case, the Highways Officer has offered a compromise of 15% of just the peak parking uptake for Aldi (89 parking spaces) as identified in the submitted parking survey, which would equate to 13 EVCPs. A condition will be imposed to secure this level of EVCP parking.

6.6.4 8 short stay cycle parking spaces are currently shown to the front of the new retail unit on 4 sheffield-type stands, and further staff long stay cycle parking spaces are referenced as being internal to the store in the Transport Statement Addendum, however the number and location of proposed staff long stay spaces are not identified. Further cycle parking spaces are required to meet our cycle parking standards and the Highways Officer has requested a bank of 10

sheffield-type stands for short-stay cycle parking. Further details of both long and short-stay cycle parking spaces can be secured via condition.

6.6.5 The Highways Officer notes that the shared HGV servicing and delivery area is tight and that a robust servicing and delivery management plan will be required to ensure the area is managed to maintain HGV turning space and avoid conflict between users. This would include measures such as co-ordinating delivery times such that arrivals are staggered, and banksmen to marshal HGVs during manoeuvres. A condition to secure a servicing and management plan is recommended further below.

6.6.6 In terms of trip generation, the Highways Officer notes that the proposal will generate a significant increase in traffic in the local highway network and at the signalised junction. The current modelling and 5 year assessment of the junction provided within the Traffic Statement Addendum show that the junction currently operates within capacity, but would be near capacity in 5 years without mitigation. As such, improvements to the junction are being sought via a section 106 legal agreement including provision of a dedicated right-turn lane and a formal pedestrian crossing with its own phase of the lights. Subject to securing these mitigation measures, the trip impacts of the development are considered acceptable.

6.7 Impact on protected trees

6.7.1 The Arboricultural Impact Assessment and landscaping plans were updated during the course of this application to secure retention of all existing trees within tree pits in the central spine of parking across the front of the building, as requested by the Council's Tree Officer.

6.7.2 The request to retain 3 existing trees within group G4 near the service yard could not be accommodated, however, due to the required alterations to the parking and servicing layout. Whilst the loss of these trees is regrettable, the Trees Officer notes that the proposed new planting to either side of the site entrance and planting to both the northeastern and southwestern side boundaries is in excess of our standard 2 for 1 replacement ratio, and would offer improvements to the streetscene to offset the loss of trees elsewhere.

6.7.3 The Tree Officer has requested some minor changes to the amended Soft Landscaping Proposal plan to swap the proposed 3x *Quercus cerris* for another species due to air quality impacts; to update point 5.1 of the management plan to state trees will be replaced within a 5 year period, rather than a 1 year period; and to specify a more frequent watering schedule for plants and trees in dry weather. The above details can be secured via conditions, along with the requested condition to secure an Arboricultural Method Statement including a Tree Protection Plan and specification of any tree works to facilitate the development.

7. Summary

7.1 The principle of subdividing the existing retail unit to provide a new retail unit,

and an additional mezzanine floor to the existing unit, is considered acceptable. It has been demonstrated that the proposal passes the sequential test for retail impact and would not result in a significant adverse impact on Shirley town centre. In addition, the application site already has a long-established permission for retail use and the proposal would provide additional local jobs.

- 7.2 The Council's Highways Officer is satisfied that the highways impacts of the development can be sufficiently mitigated to a point that the development would not cause harm the local highway network and that the site has the capacity to accommodate servicing and deliveries to both units, subject to adequate management. In addition, it has been demonstrated that sufficient parking is provided and further detail on electric vehicle and cycle parking can be secured via condition.
- 7.3 The Council's Air Quality and Environmental Health Officers are satisfied that the air quality, noise and lighting impacts of the development can all be sufficiently mitigated to a point that would not cause significant harm to the amenity of local residents or to the wider environment, subject to suitable recommended conditions.
- 7.4 The Council's Tree Officer is satisfied that, subject to conditions, the protected trees on site can be adequately protected during construction and operation of the development, and that a suitable level of replacement planting has been provided to replace trees to be lost. In addition, the proposed new retail unit and reconfigured parking and servicing areas would not be out of character with the local area.

As such, the proposed development is deemed to satisfy the requirements of the Development Plan, with favourable commentary by key consultees and the application is recommended for approval accordingly.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement to secure site-specific highway contributions and surveys, and 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) (f) 4. (g) (vv) 6. (a) (b) 7. (a)

Anna Coombes for 12.09.2023 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 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. 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. 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. Approved Plans

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

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

04. Construction Environment Management Plan (Pre-Commencement)

Prior to commencement of the development hereby approved, a Construction Environment Management Plan (CEMP), including a Construction Traffic Management Plan, shall be submitted to and approved in writing by the Local Authority. The CEMP should include:

- Detail on how the mitigation measures listed in Appendix E of the submitted Air Quality Assessment will be implemented, monitored and enforced.
- Details of how the CEMP will be monitored and enforced. A monitor which can monitor PM10 should be installed for at least the duration of construction. The monitoring equipment chosen, and monitoring approach, should be agreed with the Council's Air Quality Officer prior to installation and should include use of a reasonably reliable monitor and open access to data from the council.
- The traffic management plan should include the requirement for Euro VI diesel HGVs as a minimum and should include provision for reducing congestion associated with the development through planning routes and timings of movements.

The CEMP shall also include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- (d) details of temporary lighting
- (e) storage of plant and materials, including cement mixing and washings, used in constructing the development;

- (f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (h) details of construction vehicles wheel cleaning; and,
- (i) details of how noise emanating from the site during construction will be mitigated.

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

Reason: To ensure residual dust impacts are compliant with the nPPF and nPPG and are non-significant. In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area, and the local environment and highway safety.

05. Arboricultural Method Statement (Pre-Commencement)

No development associated with the newly created retail unit shall take place until a site specific Arboricultural Method Statement has been first submitted to and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works associated with the newly created retail unit on site. The Method Statement will include the following:

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures;
- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vi) An arboriculture management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
- (vii) Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

The Arboricultural Method Statement shall be fully adhered to throughout the course of the development associated with the newly created retail unit.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

06. Landscaping scheme (Pre-Commencement Condition)

Prior to commencement of the development hereby approved, a plan of hard surfacing materials to be used, an amended Soft Landscape Proposals plan, and

amended Landscape Management Plan shall be submitted to and approved in writing by the Local Authority. These plans shall include the following:

- The 3no. *Quercus cerris* species shown on the Soft Landscape Proposals plan shall be replaced with an equal number of a species that has the greatest capacity to improve air quality, such as common alder, field maple or silver birch.
- Item 5.1 of the Landscape Management Plan shall be updated to specify a 5-year post-planting replacement period.
- Section 6 of the Landscape Management Plan shall be updated to read:

Subject to prevailing weather conditions it will be necessary to make provision for more frequent attendance. All plants shall be watered following 10 days without rain and then weekly until natural rainfall during June – August.

New trees to be watered regularly, especially over the summer months. New trees to receive at least 50 litres of water per week during the summer months for the first 3 years after planting.'

The approved hard and soft landscaping scheme (including parking) for the application site shall be carried out prior to occupation of the newly created retail unit or during the first planting season following the full completion of building works associated with the newly created retail unit, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The tree planting shall be retained for the lifetime of the development. Any new 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 operator of the newly created retail unit 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 operator of the newly created retail unit 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

07. No storage under tree canopy (Performance Condition)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

08. Parking and Access (Performance Condition)

The car parking spaces and access shall be provided in accordance with the plans hereby approved before the newly created retail unit first comes into use and thereafter shall be retained as approved for use in connection with the store hereby approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

09. Electric Vehicle Charging Points (Pre-Use Condition)

Before the newly created retail unit hereby approved first comes into use, parking spaces with charging facilities for a minimum of 13 electric vehicles shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The charging points shall be thereafter retained and maintained as approved.

Reason: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

10. Management of Trolleys (Pre-Use Condition)

Before the newly created retail unit hereby approved first comes into use, a scheme for the storage and management of supermarket trolleys shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to ensure that trolleys are returned to appropriate collection points and storage positions and not otherwise left or abandoned. The approved scheme shall operate from the first opening of the store and thereafter adhered to at all times. The effectiveness of the scheme shall be reviewed in accordance with a programme to be included in the scheme and such changes to the scheme as are necessary and approved by the Local Planning Authority shall be introduced in accordance with an agreed timescale.

Reason: To protect the character of the area and to avoid circulation problems which might otherwise be caused by abandoned trolleys.

11. Cycle storage (Pre-Use Condition)

Before the newly created retail unit hereby approved first comes into use, secure and covered storage for bicycles for both employees and customers shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. A minimum of 10 sheffield style stands for customer cycle parking spaces should be provided and should be covered and secure. Separate staff cycle parking should be positioned within a secure and weatherproof storage area. All cycle facilities should be located within areas that benefit from natural surveillance. Lockers shall also be provided for staff. The approved scheme shall be thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

12. Refuse & Recycling (Pre-Use Condition)

Before the newly created retail unit hereby approved first comes into use, 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 first comes into use 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 nearby properties and in the interests of highway safety.

13. Litter Bins (Pre-Use Condition)

Before the use of the newly created retail unit hereby approved commences, litter bins shall be provided in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be retained and managed during the lifetime of the development.

Reason: To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this development.

14. Servicing and Delivery Management Plan (Pre-Use Condition)

Prior to the newly created retail unit hereby approved first coming into use, a servicing and delivery management plan for both the new retail unit and the amended existing retail unit, currently occupied by Wickes, shall be implemented in line with a document to be first submitted to and approved in writing by the Local Planning Authority. This management plan shall incorporate measures for mitigating noise and disturbance to neighbouring residents. Deliveries and servicing shall subsequently be carried out in accordance with the approved plan.

The plan should, as a minimum, require all HGVs servicing the site to be Euro VI diesel. It should also include a plan for reducing congestion associated with the newly created retail unit by planning routes and timings for vehicles.

Reason: In the interests of residential amenity and highway safety, and to improve efficiency of freight movements, to help mitigate the risk of non-compliance with the Air Quality Standards Regulations.

15. Travel Plan (Pre-Use Condition)

Prior to the newly created retail unit hereby approved first coming into use, a travel plan for the newly created retail unit shall be implemented in line with details to be first submitted to and approved in writing by the Local Planning Authority. This travel plan shall incorporate measures for encouraging alternative modes of transport. The newly created retail unit shall subsequently operate in accordance with the approved travel plan.

Reason: To encourage alternative forms of transport, in the interests of local parking amenity and highway safety.

16. Hours of Use & Delivery (Performance Condition)

The newly created retail unit hereby approved shall not operate outside of the hours hereby set out:

- 7am and 10pm (Monday to Saturday) and
- 10am and 5pm Sundays, Bank and/or Public Holidays

No deliveries shall be taken or despatched outside the hours hereby set out:

- 7am - 11pm (Monday - Sundays and recognised public holidays)

Reason: In the interests of existing and proposed residential amenity

17. Noise Mitigation Measures (Performance)

The noise mitigation measures including the approved 2.5m high acoustic fence, shall be provided in accordance with the submitted Noise Assessment hereby approved before the newly created retail unit first comes into use/occupation and shall thereafter be retained for the lifetime of the development.

The rating level of the sound emitted from fixed plant equipment shall not exceed 40 dBA between 0700 and 2300 hours and 34 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.

Reason: In the interests of residential amenity

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

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.

19. Lighting scheme (Performance Condition)

The external lighting scheme shall be installed in accordance with the plans hereby approved before the use of the newly created retail unit first commences and thereafter retained as approved. No subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure a safe and secure development

20. Boundary Treatment (Performance Condition)

Before the newly created retail unit hereby approved first comes into use, the boundary treatment of the site shall be provided in accordance with approved plans. The boundary treatment shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

21. Active frontages (Performance Condition)

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the newly created retail unit hereby approved shall retain clear glazing on the ground floor along the majority of the length of the north west elevation of the new retail unit hereby approved (without the installation of window vinyl, shutters or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development

POLICY CONTEXT

Core Strategy (as amended 2015)

CS3	Town, District and Local Centres
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
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	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
REI8	Shopfronts
REI10	Industry and Warehousing

Supplementary Planning Guidance

Developer Contributions SPD (April 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

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

Planning History

Case Ref:	Proposal:	Decision:	Date:
08/01169/VC	Variation of Conditions 05 and 06 of previous planning permission ref. 06/00306/VC to allow the delivery of goods to the premises, use of the personal address system and external use of fork lift trucks between the hours of 0700 and 19.00 Monday to Saturday and 10.00 and 17.00 on Sundays and Bank Holidays. Appeal allowed under ref: APP/D1780/A/08/2087716/NWF	Refused *Appeal Allowed*	03.10.2008 20.03.2009
07/01804/ADV	Retention of four externally illuminated signs to front and side elevations and installation of various non-illuminated fascia and freestanding signs.	Conditionally approved	27.12.2007
07/01711/FUL	Retrospective application for the siting of a hot food takeaway van in the car park (opening between 07:30 hours and 18:00 hours Monday to Saturday and between 10:00 hours and 16:00 hours on Sunday).	Temporary consent	18.12.2007
07/00479/FUL	Additional windows on front elevation	Conditionally approved	22.05.2007
07/00476/FUL	Alterations to external door positions and associated works.	Conditionally approved	23.05.2007
07/00074/FUL	Erection of steps to SW boundary to comply with building regulations and in line with consented drawing 8096-24 Application ref 05/01752/FUL and 06/00306/VC	Conditionally approved	05.03.2007
06/01173/ADV	Installation of internally illuminated fascia lettering to north west elevation and installation of various non-illuminated fascia signs.	Conditionally approved	13.10.2006
06/00306/VC	Variation of Condition 2 of previous planning consent ref: 931062/906/W to allow opening hours of 07:00 to 20:00 Monday to Saturdays (including public holidays).	Conditionally approved	25.05.2006
05/01752/FUL	Refurbishment of existing building including external alterations and re-configuration of car park and service area (amendment to previous planning permission ref. 05/01167/FUL).	Conditionally approved	31.01.2006
05/01167/FUL	Refurbishment of existing unit, including external alterations and re-configuration of car park and service area	Conditionally approved	28.09.2005
05/01159/VC	Variation of condition 2 of previous planning permission ref: 931062/906/W to allow opening hours of 8.00am - 8.00pm Monday to Saturday & 10.00am - 5.00pm on Sundays	Conditionally approved	28.09.2005
04/01755/VC	Variation of condition 10 of appeal ref	Refused	24.12.2004

	T/APP/Y1755/A94/239446/P5 to add the sale of alcoholic gift packs to the list of retail uses.		
940262/WX	Relief from condition 12 of planning permission 860110/906/W - add the sale of discount clothing to the list of retail uses. Appeal allowed under ref: APP/Y1755/A94/239446/P5	Refused *Appeal allowed*	11.05.1994 17.01.1995
931062/W	Relief from condition 15 of planning permission 860110/906/W - to enable trading to continue on Sundays and bank holidays.	Conditionally approved	03.11.1993
870225/W	Erection of a non-food retail warehouse (Reserved Matters)	Approval	14.09.1987
860110/W	Redevelopment of site by the erection of a non-food retail warehouse with associated car parking and landscaping (OUTLINE).	Conditionally approved	04.09.1987

Parking Survey - Extract from Transport Statement Addendum

Proposed Aldi Food Store, 271 Winchester Road Southampton SO16 6TP

TRANSPORT STATEMENT ADDENDUM

March 2023

1. Introduction

1.1. This Transport Assessment Addendum has been prepared by Entran Ltd in support of a planning application for a food retail development at 271 Winchester Road Southampton SO16 6TP, planning reference 22/01710/FUL.

1.2. The proposal comprises;

Existing

- Existing 4,408 sqm Class E non-food retail unit (Wickes) with a park wide 131 car parking spaces including 6 blue badge spaces and no cycle parking spaces.

Proposed

- 2,496sqm GFA Class E Non-Food store and 1,912 sqm GFA Food Store with a marginally reconfigured car park to provide:
 - Total Site - 172 spaces
 - 147 no. standard spaces
 - 6no. - Disabled
 - 7no. - Parent & child
 - 4no. - EVCP (Aldi)
 - 6no. - Click and Collect
 - 3no. - Van spaces for Wickes
 - 8 customer cycle parking spaces are also proposed with staff parking provided internal to the warehouse.

1.3. This addendum seeks to address matters raised by the Council as they relate to the submitted TS.

1.4. These matters were;

- Access and Parking
- Cycle Parking
- Servicing
- Trip Generation and Impact

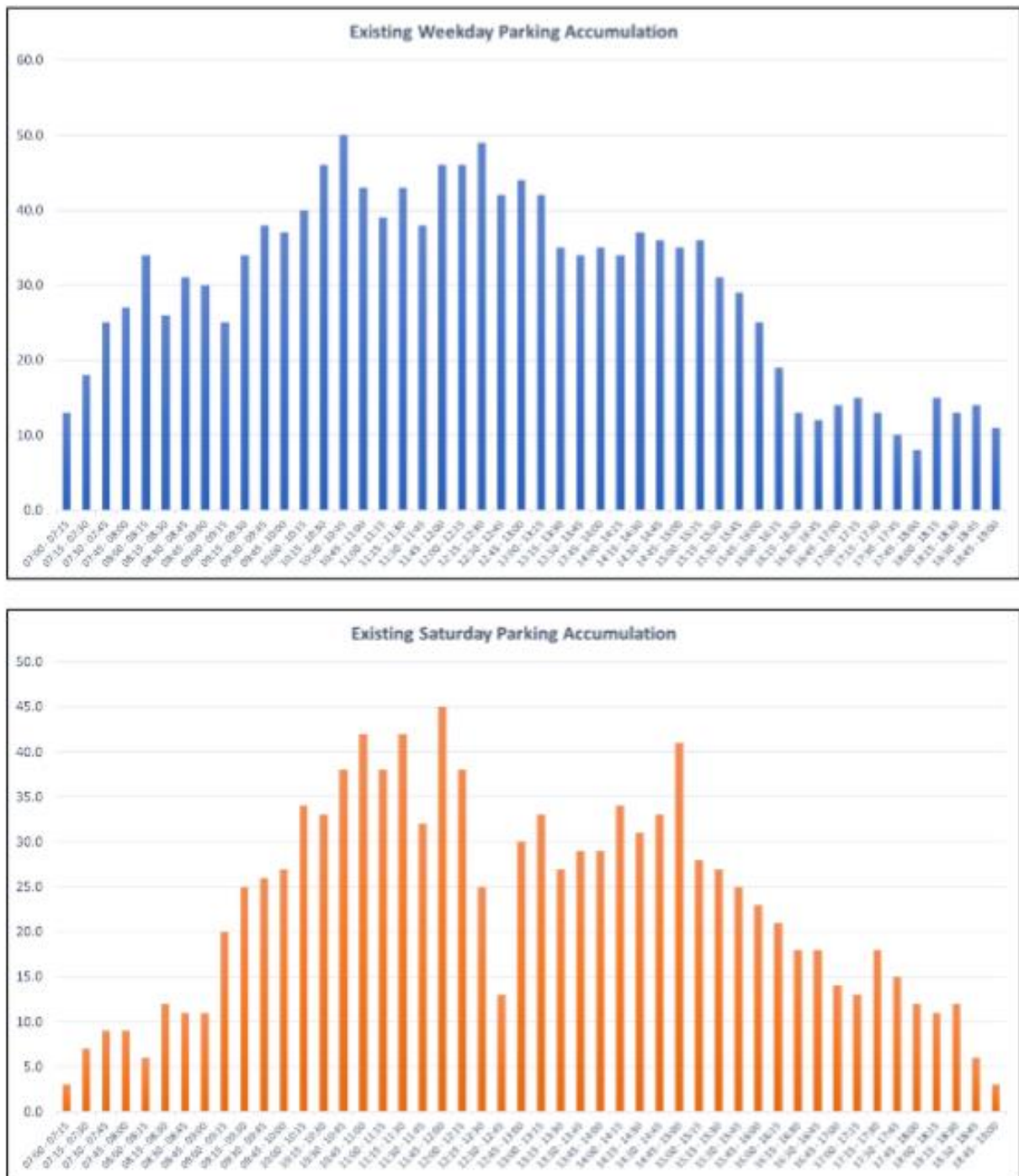
1.5. These matters are dealt with below.

2. Response to Matters Raised

Car Parking

2.1. In order to assess level of parking provision required as associated with this application, the existing car park was monitored and a car park accumulation exercise based on traffic count data. Accordingly, MCCs were undertaken during the time period 0700-1900 for both Wednesday 22nd February 2023, and Saturday 25th February 2023. Data attached as Appendix A, and summarised in Figure 2 1

Figure 2.1 - Existing Parking Accumulations



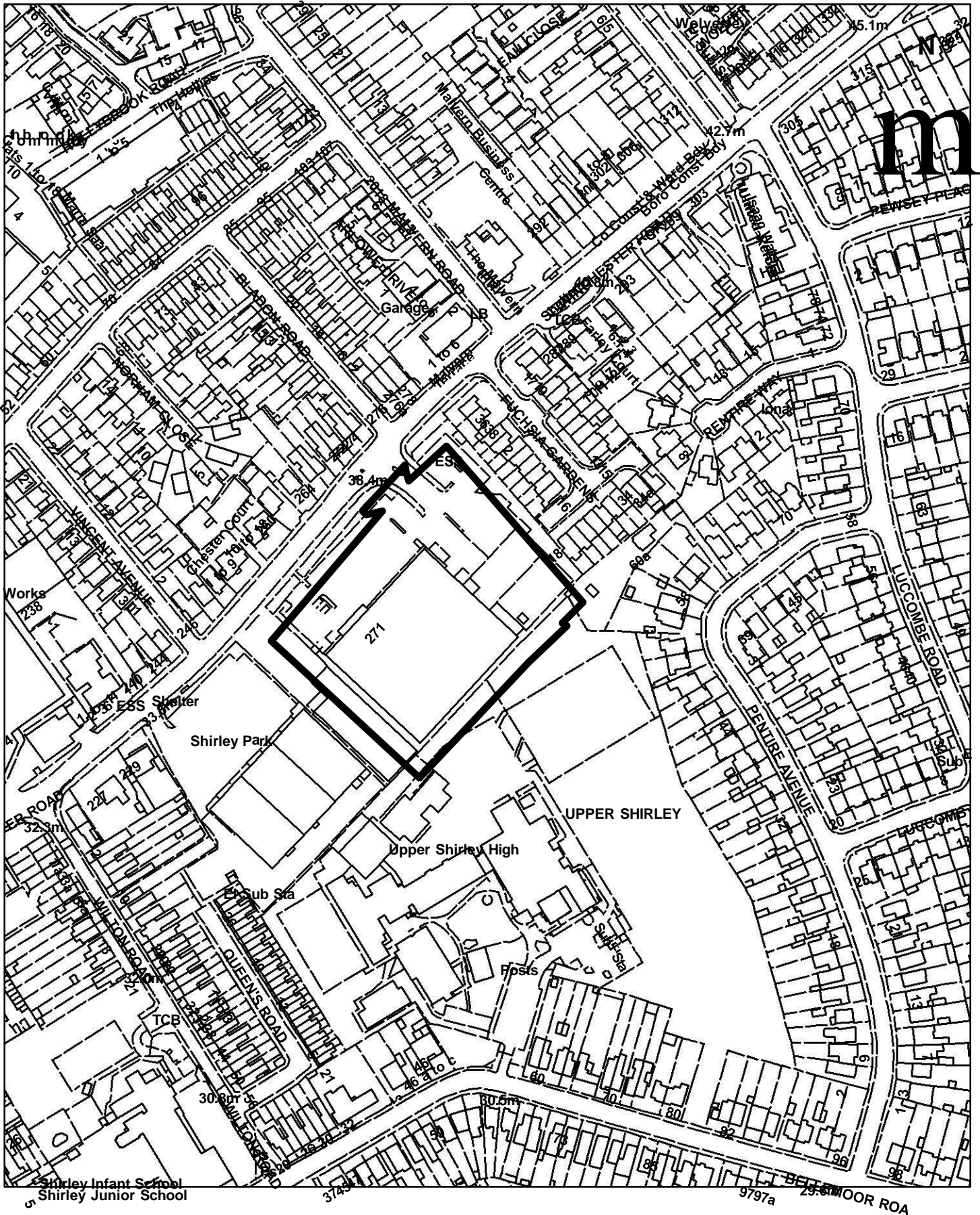
- 2.2. This information demonstrates that the maximum accumulation over any given 15-minute period on the Wednesday was 50 vehicles (1030-1045), leaving what will be 122 spaces available to ALDI. On a Saturday this figure was 45 (1145-1200) leaving 127 spaces available to ALDI.
- 2.3. In order to determine the parking demand for the proposed ALDI store, trip rates for 4 similar sized Aldi stores have been determined via the use of Parking Eye arrival and departure data across all 24 hours of the day. This analysis includes an Aldi store at Burlesdon Road in Southampton, and as such provides localised, current and bespoke Aldi trip rates for both a Weekday and a Saturday.
- 2.4. The collected in and out flow data from the existing ALDI stores suggests that the maximum parking accumulation from the busiest store would be 64 on a weekday and 69 on a Saturday.

2.5. However, the data, and the Wickes existing parking data does not fully reveal parking bay turnover or overlap of which the majority is expected to occur within each hour period. This is revealed by the fairly balanced in and out movements within each hour period during the busy periods. A reasonable allowance (and one witnessed at other stores) would be to assign a 30% uplift to the numbers. Figure 2.2 provides a summary of the data, as added to the Wickes store parking demand.



Figure 2.2 – ALDI Winchester Road Expected Parking Accumulations

- 2.6. The data demonstrates that the capacity of the proposed 172 space reconfigured car park would not be exceeded and there would be a reasonable operational margin of 18% spare to cater for parking seek and allow safe and uncongested operation of the bays and aisles, also during unusually busy periods e.g. during holidays.
- 2.7. This exercise clearly demonstrates that the proposed car park provision, should be adequate and commensurate to serve the needs of the proposed development and should not result in overspill parking on surrounding roads, nor overprovide car parking supply to the development.



Scale: 1:2,500

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

Application address: Storage Building adjacent 2-4 Wodehouse Road, Southampton			
Proposed development: Erection of a 1-bed detached house, following demolition of existing building.			
Application number:	23/00829/FUL	Application type:	FUL
Case officer:	Sam Kushner	Public speaking time:	5 minutes
Last date for determination:	04.09.2023	Ward:	Peartree
Reason for Panel Referral:	Request by Ward Cllr	Ward Councillors:	Cllr Alex Houghton Cllr Eamonn Keogh Cllr Simon Letts
Referred to Panel by:	Cllr Keogh	Reason:	Character and neighbour amenity
Applicant: Sunthar Lal		Agent: Parkers Design	

Recommendation Summary	Delegate to the Head of Transport and Planning 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, CS6, CS13, CS14,, CS15 CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, TI2 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History		

Recommendation in Full

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

2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement, or similar, to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that 2. is not completed within a reasonable timescale delegation also given to refuse the scheme for non-compliance with the relevant policies and Regulations listed.

1. The site and its context

- 1.1 The application site is an area of land currently used for the storage of goods and waste for the adjacent convenience store. The storage building is separated from the convenience store by a rear service road, and is accessed directly off Wodehouse Road. The area is typified by dense terraced housing and has a suburban character. Whilst most of the housing is single family dwellings, there are also some flatted properties nearby.

2. Proposal

- 2.1 Planning permission is sought for a one bedroom, two storey detached house to replace the existing storage building. Rear/side amenity space is provided as is cycle and bin storage. Parking is provided in an integral garage accessed from the side alleyway. Amended plans have been received since validation.

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 dated 20 July 2023. At the time of writing the report **3 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The bedroom windows could overlook neighbouring properties***

Response

Amended plans have been received altering the internal layout to protect privacy of neighbours. All first floor windows facing properties on Bishops Road have now been obscure glazed.

5.3 ***The additional height of the new dwelling in comparison to the existing storage unit could cause loss of light and overshadowing***

Response

The proposed building would be approximately 2.1m higher at its highest point compared to the existing building. However, the existing building is on the boundary of the property whereas the new dwelling would be separated by 4.4m to the neighbouring boundary and, therefore, the existing loss of light should not be significantly or harmfully impacted. In terms of overshadowing, a shadow diagram has been provided which demonstrates that the orientation of buildings would prevent overshadowing to neighbouring residential properties.

5.4 ***The existing property forms part of the boundary treatment***

Response

Suitable boundary treatment can be secured by the suggested condition

5.5 ***Concerns about health and safety from the demolition and construction processes***

Response

This is not a material planning consideration and is covered by other legislation, however the comments of the contaminated land officer are detailed below and controls over the construction phase can be secured by the suggested conditions (in terms of hours etc.)

Consultation Responses

5.6

Consultee	Comments
Cllr Eamonn Keogh	Objection. 1. The height of the proposed building is more double that of the current structure and this in my opinion would mean it is excessive in terms of bulk and appearance when viewed from neighbouring properties on Bishops Road. 2. The height of the proposed building is likely to have an overshadowing impact on neighbouring properties in Bishops road given its height and scale. 3. This building does seem excessive for a 1 bed detached house. It does not seem appropriate to have the kitchen on the ground floor and the living room in the first floor. This coupled with the provision of two bathrooms and a downstairs toilet might suggest the plan is to accommodate more people to occupy than permission is granted for. At a later stage the applicant could apply for the property to become a two bed room one retrospectively. 4. The proximity of the outdoor space is in my opinion too close to neighbouring properties in Bishops road.

		<p>5. The rear first floor windows does look out on to the neighbouring properties in Bishops road and this harms their amenity.</p> <p>6. The nearby shop is now open to 12am midnight and this could impact on the amenity of residents in the property.</p> <p>If officers were mindful to approve I would recommend that is submitted to the planning and rights of way committee for final approval. I would have like to have seen more information about how the applicant would deal with the demolition of the building and the protecting party walls with neighbours - none of which is mentioned in the application.</p> <p>It is for the above reasons that I object to this application and would recommend it is refused.</p>
	<p>SCC Community Infrastructure Levy Officer</p>	<p>No Objection</p> <p>The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is £110.94 per sq. m to be measured on the Gross Internal Area floorspace of the building.</p> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.</p>
	<p>SCC Environmental Health</p>	<p>No Objection</p> <p>I have looked at the application and I can confirm that the Environmental Health Neighbourhoods Team have no objections to this application if the working hours are restricted to standard hours and noise, dust and vibration are minimised throughout demolition and construction - as to minimise the likelihood of nuisance to neighbours</p>
	<p>SCC Highways Development Management</p>	<p>No Objection.</p> <p>The proposed development is considered acceptable in principle subject to the following conditions. As an additional point, it is difficult to judge from the plans but it is recommended to clarify where the street lighting column is and whether there are any impacts relating to the development especially with access to the garage.</p>

		<p>Conditions:</p> <p>1) Boundary Treatment. NO boundary treatment surrounding the front yard to exceed 600mm in height. Reason: to secure pedestrian sightlines across and in the interest of highway safety.</p> <p>2) Garage doors not to open outwards onto the unadopted highway.</p>
	<p>SCC Sustainability</p>	<p>No Objection.</p> <p>It is recommended that the following guidance is followed in regards to energy: Southampton City Council Energy Guidance for New Developments 2021-2025 www.southampton.gov.uk/sustainability</p> <p>It is unclear what the energy strategy for the development is, this should avoid fossil fuel energy sources, and provide an efficient solution which does not result in high fuel bills for future occupiers.</p> <p>The applicant should optimise the roof orientations and area in order to facilitate photovoltaics and/or solar thermal panels in the future, even if they are not planning to include them in the design. It is expected that any planning application will show that this has been addressed. If air source heat pumps are to be provided, they must be integrated into the design, for example the position of the units considered and compatible heating appliances such as underfloor heating, or larger radiators specified.</p> <p>It is recommended that the attached form is completed by the applicant prior to approval to avoid the need for a pre-construction condition. However, If the case officer is minded to approve the application, the following conditions are recommended in order to ensure compliance with core strategy policy CS20</p> <ul style="list-style-type: none"> • Water & Energy [Pre-Construction] • Water & Energy [Performance]
	<p>Southern Water</p>	<p>Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p> <p>I</p> <p>n situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.</p> <ul style="list-style-type: none"> - Reuse - Infiltration - Watercourse

	<ul style="list-style-type: none"> - Storm sewer - Combined Sewer <p>It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.</p>
Natural England	<p>Objection with the regards to the impact on nearby Special Protection Areas and ecology impacts.</p> <p><i>Note:</i> <i>The objection is addressed by the attached Habitats Regulations Assessment and the mitigation through Solent Bird Aware, CIL and a condition to secure nitrates credits</i></p>
SCC Land Contamination	<p>Comments awaited – a verbal update will be provided at the meeting if comments are received.</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 and effect on character;
- Residential amenity;
- Parking highways and transport;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The principle of additional housing is supported. The site is not allocated for additional housing, but the proposed dwelling(s) would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our saved policies, seeks to maximise previously developed land potential in accessible locations.

6.2.2 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

[the so-called "tilted balance"]

6.2.3 There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the

Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling, and its subsequent occupation, and these are set out in further detail below to enable the Panel to determine 'the Planning Balance' in this case.

6.2.6 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 51 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 Policy CS13 of the Core Strategy states development should "respond positively and integrate with its local surroundings", and SDP7 of the Local Plan seeks to prevent "development which would cause material harm to the character and/or appearance of an area."

6.3.2 The area surrounding the application is site comprises of terraced two storey properties, with their rear gardens being accessed by rear service roads. Existing residential properties that are located on a corner plot, have rear outbuildings and garages with egress on to Wodehouse Road. The proposed development would involve the demolition of an existing single storey outbuilding fronting Wodehouse Road and result in the erection of a two storey one bedroom dwelling.

6.3.3 The proposed two storey development would introduce a new residential corner plot, with direct access on to Wodehouse Road. Whilst the majority of residential plots run parallel with Wodehouse Road there are sporadic examples of such frontages within the area. The proposed development would be two storey in scale, which would respect the existing scale of residential development. In addition, the design of the dwelling would reflect the form, materials and design of other properties within the area. It is not considered that the proposals would introduce an incongruous or harmful form of development within the area. In addition, the proposals would replace a flat roof outbuilding with a utilitarian appearance that adds little to the street scene. The proposals would represent an improvement to the street scene whilst also making efficient use of land and providing additional housing. Therefore, the proposals are considered to be an acceptable and appropriate form of development and the design policies listed are met.

6.4 Residential amenity

6.4.1 The key issues in this respect is whether the proposal would impact on neighbouring houses and gardens in terms of:

- The level of daylight and sunlight currently enjoyed;
- The level of privacy and;
- The outlook.

6.4.2 In general, having regard to the guidance set out in section 2 of the Residential Design

Guide, it is considered that the proposal would have an acceptable relationship with neighbouring properties. It is not considered that the amended proposals would have a harmful impact on the amenities of neighbouring properties either side of the host dwelling.

6.4.3 The proposed new dwelling is small in scale with only 1 bedroom. The comings and goings associated with this size of dwelling are not considered to present a significantly harmful impact on neighbouring residents in terms of noise and disturbance.

6.4.4 Although the application site is smaller than existing residential plots, the layout and design of the proposed dwelling would ensure that there is no overlooking to neighbouring properties. The first floor windows on the elevation facing towards Bishops Road is obscure glazed and serves a non habitable rooms, being a landing. It is noted that neighbours objected on the basis of overlooking, however amended plans have been received which rectify this issue. A shadow diagram has also been provided showing that due to the orientation there will be no overshadowing of residential buildings. Potential loss of light is mitigated by the siting and layout of the proposed building, as it would be located further away from the boundary than the existing outbuilding. As such, through changes sought during the application process, concerns relating to loss of amenity to neighbouring properties have been mitigated and would not substantiate a reason for refusal.

Future Living Conditions

6.4.5 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) 1 bed 2 storeys = 58sqm for occupancy of 2 persons, and the minimum garden sizes of 90sqm, 10m length set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). The access to outlook, light and privacy are considerations under paragraph 2.2.1 of the Residential Design Guide. The following assessment of each flat has been made below:-

Floor Size sqm	Garden size sqm	Compliance
Whole house: 82 Bedroom 1: 10.5	40	Discussed below

The proposed internal floorspace for the new dwellings would comply with the minimum floor space sizes given in the National Described Space Standards. It is worth noting that the Council have not formally adopted these space standards; however they are used as a general indicator of the suitability of living accommodation. The bedroom is suitable for single occupancy at 10.5sq.m.

6.4.6 The garden size is 40 sqm, which is below the standards as advised within the residential design guidance. However, due to the dense nature of the surrounding area, many properties also have amenity space of limited size. It is considered that 40sqm with access to good levels of sunlight is still adequate outdoor space for drying clothes etc. and exceeds the required amenity space for many other one bedroom properties such as flats. Furthermore, the application site is approximately 300m from Veracity Recreation Ground, meaning that further amenity space is available nearby.

6.4.7 Given the above, the proposal is not considered to have a significantly harmful impact on the amenity of neighbouring residents, and it would provide a suitable quality of living environment for future occupants of the new dwelling.

6.5 Parking highways and transport

6.5.1 The Highways Officer has raised no objection to the proposed layout and access in terms of the impact on highways safety. The proposed dwelling would incorporate a garage to provide 1 on site parking space. This is deemed acceptable for a one bedroom dwelling and would comply with the Council's maximum car parking requirements for a new dwelling. The Highways Officer does not raise objection to this arrangement subject to a condition ensuring the front boundary wall does not exceed 0.6m in height and the garage doors do not to open outwards onto the unadopted highway. The proposals are therefore considered acceptable in terms of parking and highway impacts.

6.5.2 Cycle storage facilities are indicated for the new dwelling comprising of a secure store at the rear of the amenity space. This is considered to be an acceptable arrangement for the new dwelling. The proposed plans also show an appropriate bin store to the side of the bike store, which is also considered to appropriate for the development.

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 The principle of new residential development is considered acceptable. It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development it is considered that any harm caused by granting planning permission, particularly in terms of the external amenity space standards, 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. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a mitigation payment towards the Solent Bird Aware/SDMP being secured and 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 **Sam Kushner** 12.09.2023 PROW Panel

PLANNING CONDITIONS to include:

1) Full Permission Timing (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) Residential Permitted Development Restriction (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, 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),

Class D (porch),

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

Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development with regard to the amenities of the surrounding area.

3) No Other Windows or Doors (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the 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.

4) Obscure Glazing (Performance)

All windows in the elevations labelled south elevation and west elevation, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

5) Materials in accordance with submission (Performance)

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 be in accordance with the submitted plans and information hereby approved.

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.

6) Boundary Treatment (Pre-Occupation)

Before the development hereby approved first comes into occupation, boundary treatment shall be erected in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be thereafter retained as approved for the lifetime of the development.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

7) Water Efficiency (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 100 Litres/Person/Day internal water use the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/ fittings to be installed as specified.

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

8) Energy Efficiency - Conversion (Pre-Commencement)

Confirmation of the energy strategy, that will achieve a reduction in CO2 emissions of at least 15% or a minimum Energy Efficiency Rating of 70 post refurbishment (an EPC rating C), must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. 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).

9) Amenity Space Access (Pre-Occupation)

The external amenity space and pedestrian access to it shall be provided in accordance with the plans hereby approved before the development first comes into occupation/use and 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 dwellings.

10) Parking (Performance)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation/use and the garage shall thereafter be retained for the parking of vehicles as approved for the lifetime of the development.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

11) Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

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

12) Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

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

13) 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.

14) 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.

15) Nitrates Emissions Offset (Pre-occupation)

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council Nutrient Offset Scheme for the development has been submitted to the council.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

16) Demolition/Construction Management Plan (Pre-Commencement)

Before any development works are commenced, a Demolition/Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

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

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

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

17) Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved

plans listed in the schedule attached below.

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

Habitats Regulations Assessment (HRA)

Application reference:	23/00829/FUL
Application address:	Storage Building adjacent 2-4 Wodehouse Road Southampton
Application description:	Erection of a 1-bed, detached house, following demolition of existing building.
HRA completion date:	17 July 2023

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk

Summary

The project being assessed is as described above.

The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.

In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.

Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that **the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.**

Section 1 - details of the plan or project

**European sites potentially impacted by plan or project:
European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website**

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar Site
- Solent Maritime Special Area of Conservation (SAC)
- River Itchen SAC
- New Forest SAC
- New Forest SPA
- New Forest Ramsar site

Is the project or plan directly connected with or necessary to the management of the site (provide details)?

No – the development is not connected to, nor necessary for, the management of any European site.

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?

- Southampton Core Strategy (amended 2015) (<http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf>)
- City Centre Action Plan (<http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx>)
- South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm)

The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.

Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.

Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the

development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- **This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and Ramsar site.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- Deterioration in water quality caused by nitrates from wastewater

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 63(1)(a) of the Habitats Regulations.

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

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

The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential

impact.

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

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

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

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

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as 'moderate' while its chemical status classified as 'fail'. In addition, demolition and construction works would result in the emission of coarse and fine dust and exhaust emissions – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

Disturbance

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the intertidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

Collision risk

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

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

New Forest SPA/Ramsar site/ New Forest SAC

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

Nightjar

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

Woodlark

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

Dartford warbler

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

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New

Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

Mitigation

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as suitable mitigation measures, particularly as the research indicates that the number of

visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The

initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

Solent and Southampton Water SPA/Ramsar site

The Council has adopted the Solent Recreation Mitigation Partnership’s Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city’s population and there is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. A contribution to the Solent Recreation Mitigation Partnership’s mitigation scheme will enable the recreational impacts to be addressed. The developer has committed to make a payment prior to the commencement of development in line with current Bird Aware requirements and these will be secured ahead of occupation – and most likely ahead of planning permission being implemented.

Water quality

Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site

Natural England highlighted concerns regarding, *“high levels of nitrogen and phosphorus*

input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”

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

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

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

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

A methodology provided by Natural England has been used to calculate a nutrient budget and the calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant's submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (provided by Natural England) and the Council's own bespoke occupancy predictions and can be found using Public Access: <https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);

- The key aspects of Southampton’s specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council’s Cabinet in June 2022;
- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton’s administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council – tbc with applicant Nutrient Offset Scheme for the development has been submitted to the council.

Reason:

To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

With these measures in place nitrate neutrality will be secured from this development and as a consequence there will be no adverse effect on the integrity of the protected sites.

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

Conclusions

The following conclusions can be drawn from the evidence provided:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.
- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

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

Demolition and Construction phase

- Provision of a Construction Environmental Management Plan, where appropriate.
- Use of quiet construction methods where feasible;
- Further site investigations and a remediation strategy for any soil and groundwater contamination present on the site.

Operational

- Contribution towards the Solent Recreation Mitigation Partnership scheme. The precise contribution level will be determined based on the known mix of development;

- 4% of the CIL contribution will be ring fenced for footpath improvements in Southampton's Greenways network. The precise contribution level will be determined based on the known mix of development;
- Provision of a welcome pack to new residents highlighting local greenspaces and including walking and cycling maps illustrating local routes and public transport information.
- 1% of the CIL contribution will be allocated to the New Forest National Park Authority (NFNPA) Habitat Mitigation Scheme. A Memorandum of Understanding (MoU), setting out proposals to develop a Service Level Agreement (SLA) between SCC and the NFNPA, has been agreed. The precise contribution level will be determined based on the known mix of development with payments made to ensure targeted mitigation can be delivered by NFNPA ahead of occupation of this development.
- A Grampian condition, requiring evidence of purchase of credits from the Eastleigh B C mitigation scheme prior to first occupation, will be attached to the planning permission. The mitigation measures will be consistent with the requirements of the Southampton Nitrogen Mitigation Position Statement to ensure nitrate neutrality.
- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

As a result of the mitigation measures detailed above, when secured through planning obligations and conditions, officers are able to conclude that there will be no adverse impacts upon the integrity of European and other protected sites in the Solent and New Forest arising from this development.

References

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

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

Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

Protected Site Qualifying Features

The New Forest SAC

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

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

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

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

The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

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

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent Maritime SAC

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

Solent and Southampton Water SPA

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

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

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

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

- Teal *Anas crecca*

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

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

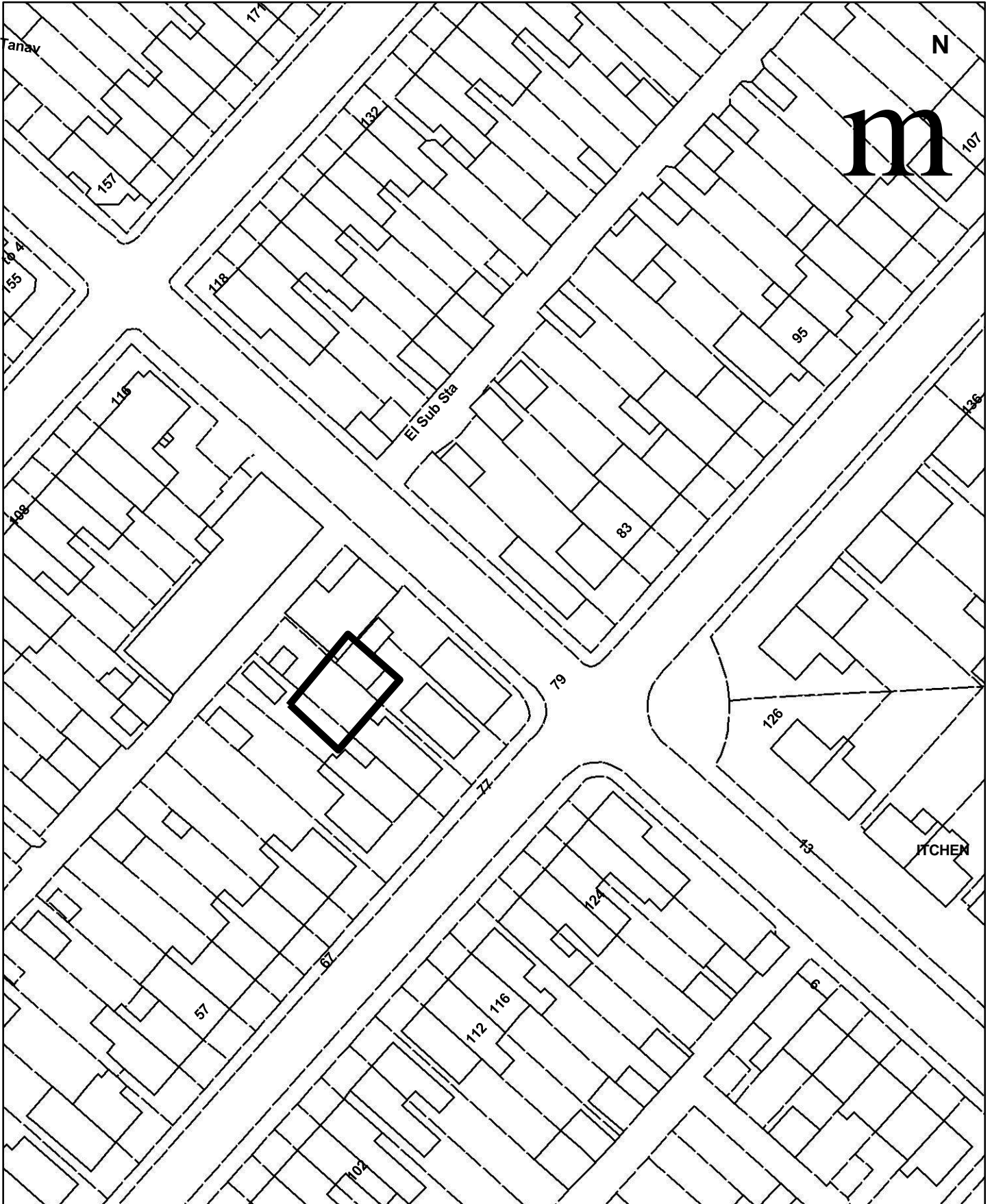
The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
00/01254/FUL	Installation of new sliding doors, new trolley bay, and alterations to the front of the shop.	Conditionally Approved	13.12.2000
00/01489/ADV	Installation of illuminated fascia and projecting signs.	Conditionally Approved	22.01.2001
02/00516/FUL	Installation of an ATM	Conditionally Approved	31.05.2002
02/00517/ADV	Installation of internally illuminated projecting sign and ATM illuminated surround	Conditionally Approved	31.05.2002
02/01244/FUL	Installation of a 1 metre diameter satellite dish	Conditionally Approved	22.11.2002
970088/EA	INSTALLATION OF ILLUMINATED FASCIA AND PROJECTING SIGNS	Conditionally Approved	20.03.1997
970831/E	ALTERATIONS TO SHOPFRONT	Conditionally Approved	01.09.1997
970950/EA	INSTALLATION OF AN ILLUMINATED FASCIA SIGN	Conditionally Approved	09.09.1997
05/01850/FUL	Installation of new shopfront (retrospective)		16.02.2006
07/00928/ADV	Installation of 1x illuminated non static fascia sign and 1x illuminated double sided projector sign to the front elevation of premises.	Conditionally Approved	10.08.2007
11/01305/FUL	Installation of new refrigeration plant units following removal of redundant air conditioning unit and plant area.	Conditionally Approved	15.11.2011
21/01759/CONSUL	SCC Licensing Consultation - New Premises Licence	No Objection	21.01.2022
22/01032/FUL	Installation of refrigeration plant and machinery (retrospective)	Conditionally Approved	12.09.2022

E02/1663	Installation of acoustic louvres to existing refrigeration plant housing	Conditionally Approved	04.06.1985
1462/120	Shop front	Conditionally Approved	31.07.1973
1453/23	Alts to form supermarket	Conditionally Approved	13.03.1973
1388/24	Erection of a toilet at the rear	Conditionally Approved	24.02.1970
1381/P32	The preparation of food in connection with the conduct of an outside catering business at the former Co-Op Society Butchers Shop	Conditionally Approved	10.11.1969
1344/83	Alts to form office - UNCONDITIONAL PERMISSION GRANTED	Conditionally Approved	12.03.1956
1292/74R1	Alterations to an existing milk depot (revised) See also site code 5614	Conditionally Approved	09.11.1965
1292/74	Alterations to an existing milk depot See also site code 5614	Conditionally Approved	07.09.1965
1084/17	Additions to grocery store - See also site code 1625 for 2 Wodehouse Road		10.04.1956



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

Application address: 27 Moorlands Crescent, Southampton			
Proposed development: Erection of a 6ft fence around front of property (retrospective).			
Application number:	23/00859/FUL	Application type:	Full Planning
Case officer:	Craig Morrison	Public speaking time:	5 minutes
Last date for determination:	31.08.2023	Ward:	Harefield
Reason for Panel Referral:	Five or more letters of support have been received	Ward Councillors:	Cllr Peter Baillie Cllr Valerie Laurent Cllr Daniel Fitzhenry
Applicant: Mr Jamie Risk			

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full – Refuse for the following reason:

Reason for Refusal

The proposed fence by virtue of its height and siting is at odds with the prevailing character of Moorlands Crescent which primarily consists of open plan frontages with low level boundary treatments. The proposal therefore results in harm to the character of the area contrary to saved Policies SDP9, and SDP12 of the City of Southampton Local Plan Review (2015), saved Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) and the relevant guidance contained within both the Council's approved Residential Design Guide SPD (2006) and the National Planning Policy Framework 2021 in respect of good design. Any benefits to the applicant in terms of any perceived improvements to privacy and security would not outweigh the harm identified above. Furthermore, approval would set an unwanted precedent for other sites.

Note to applicant:

As the fence has been erected without planning permission the case will now be passed to Planning Enforcement to resolve.

1.	<u>The site and its context</u>
1.1	The application site is characterised by a 2 storey building containing 2 flats, one on the ground floor (number 27), and one on the first floor accessed from doors to the side of the building. The area to the front of the building serves as the front garden of the property.
1.2	Either side of the property are two similar properties. Elsewhere in Moorlands Crescent the properties are mostly detached dwellings from around the mid-twentieth century.

1.3 The applicant has provided examples of other walls and fences of between 1.8 – 2.0m in height as precedent in support of their application. Closest of these are 5 and 41 Cutbush Lane. These boundaries are on road junctions, and planning permissions have not been granted for these boundaries either. It appears that these are historic boundary treatments that would likely be immune now from planning enforcement action.

2. **Proposal**

2.1 The application is for the retention of a 1.8 metre timber fence that surrounds the front garden. The fence runs the length of the front of the property and sits at the back edge of the footway on Moorlands Crescent, on the shared boundary with number 29 and along the shared path that also serves 24 – 26 Moorlands Crescent. The fence is feather edge in construction with wooden posts.

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.

3.3 The approved Residential Design Guide (2006) offers guidance on how to deal with applications for fencing. It states the following, which should be afforded significant weight in the determination of this application:

3.11.1

The treatment of boundaries fronting the street will be in keeping with the treatment of other boundaries along the street.

3.11.2

Front boundary treatments should be robust and fit for purpose. Proposals might include hard landscape features such as walls or soft landscape feature such as hedges. The detailed design, materials and colours should be consistent with the predominant positive characteristics of existing boundaries in the street. The use of dwarf walls with pillars, with or without railings or vertical bar galvanised steel railings, and pedestrian entrance gates are encouraged where there is no strong precedent.

3.11.3

Close boarded, woven panelled, or post and rail timber fencing should not be used on or close to boundaries (either front or side) fronting the street.

3.11.4

This type of boundary treatment is not visually attractive nor robust enough for this location and does not allow natural surveillance. The use of dwarf walls and railings as described above is encouraged.

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. At the time of writing the report **8 representations** have been received from surrounding residents, including 6 letters in support and 2 letters in objection. The following is a summary of the points raised:

5.2 Fence would provide greater privacy and security (support) Response

This is acknowledged in this report, but needs to be balanced against other material considerations which are explored in this report.

5.3 Impact on the character of the area (Positive and negative comments received) Response

This is assessed in detail later in this report.

No Impact on Light (support)

Response

Agreed and explored later in this report.

Consultation Responses

5.4 None

6.0 Planning Consideration Key Issues

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

- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Other Matters;

6.2 Design and Effect on Character

6.2.1 Moorlands Crescent is characterised by houses with front gardens with regular set backs from the road and open front gardens. Where boundary treatments are present these are typically restricted to low boundary walls of less than half a metre in height. The exception to this is the side of the garden of 5 Cutbush Lane which is at approximately 1.8 metres in height, which lies on the south side of the road. There are no records of express planning permission for this fence and it appears the fence has been erected for more than 4 years. 'Permitted Development' (PD - with no need for planning permission) allows for up to 1m in height adjacent to a highway.

6.2.2 The proposal lies on the north side of the road. When viewing the fence it is seen in the context of other properties on that side of the road which have open frontages. The proposed fence is sited immediately at the edge of the pavement and is at a height

considerably in excess of other walls and boundary treatment on the north side of the road. It therefore represents an unduly prominent and alien feature in the streetscene.

6.2.3 The colour of the fence adds to its prominence. The colour could be altered by condition, however it is not considered that a more muted colour would overcome the overall harm identified above. For these reasons the proposal is contrary to saved Policies SDP9, and SDP12 of the City of Southampton Local Plan Review (2015), saved Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) and the relevant guidance contained within both the Council's approved Residential Design Guide SPD (2006) and the National Planning Policy Framework 2021 in respect of good design.

6.3 Residential Amenity

6.3.1 The height of the fence, when combined with the scale and bulk is not considered to result in an unacceptable loss of light or outlook to any neighbouring property.

6.4 Parking highways and transport

6.4.1 The proposal would be sufficiently far away from driveways at 30, and the access to the garages to the rear of the application site, to prevent any obstruction to the view of drivers. The proposal would not therefore have an impact on highway safety.

6.5 Other Matters

6.5.1 The applicant has stated that the fence was installed in order to provide greater privacy and security, and to prevent headlights shining in the windows of the property. It is understood that the front windows of the house contain the living room and kitchen. It is not unusual for these rooms to be on the ground floor of properties and for people walking past houses to be able to see into them and many people use blinds or net curtains to increase their privacy without having to have curtains closed. In regard to headlights, the property is located on a no-through road opposite a family property's driveway. It is not considered that the comings and goings past the house would justify approval of this boundary treatment, and its associated harm to the character and appearance of the area. Privacy within the front garden, which is understood to be the only outdoor space available to the property, could be improved using a fence of 1 metre or below (using PD) and/or a hedge that would have the same effect as the fence without the associated harm identified. For the reasons above, the benefits to the applicant in terms of privacy and reduced disturbance would not outweigh the harm to the character of the area as set out above.

7. Summary

7.1 The proposed fence by virtue of its height and siting is at odds with the prevailing character of Moorlands Crescent which primarily consists of open plan frontages with low level boundary treatments. The proposal therefore results in harm to the character of the area. Any benefits to the applicant in terms of any perceived privacy benefits would not outweigh the harm identified above.

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 Craig Morrison for PROW Panel 12.09.23

Application 23/00859/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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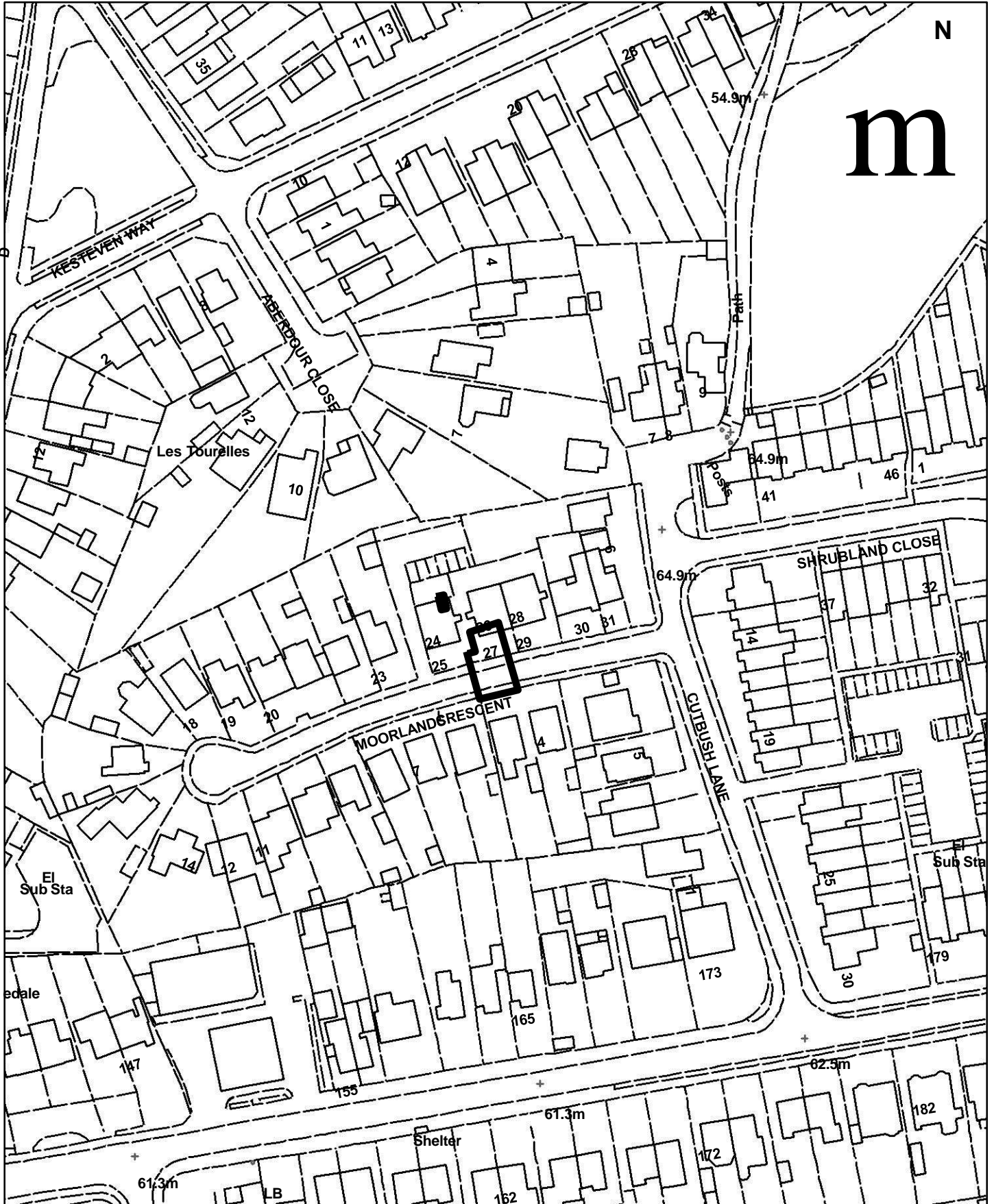
APPENDIX 2

Relevant Planning History

Case Ref	Proposal	Decision	Date
865/29R2/2 7	NEW STREETS SEWERS AND LAYOUT FOR 29 HOUSES REVISED	Conditionally Approved	12.06.1952
1239/10/27	THE ERECTION OF THREE BLOCKS COMPRISING TEN FLATS IN ALL AND TEN GARAGES ON LAND CORNER OF MOORLANDS CRESCENT AND CUTBUSH LANE	Conditionally Approved	26.03.1963
1253/P40/2 7	THE ERECTION OF 7 DETACHED DWELLINGS WITH GARAGES ON LANE CORNER OF MOORLANDS CRESCENT AND CUTBUSH LANE	Conditionally Approved	12.11.1963

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Agenda Item 9
23/00859/FUL



Scale: 1:1,250

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