

# Planning and Rights of Way Panel

Tuesday, 21st November,  
2023  
at 6.00 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](mailto:maria.mckay@southampton.gov.uk)

Democratic Support Officer  
Ed Grimshaw  
Tel: 023 8083 2390  
Email: [ed.grimshaw@southampton.gov.uk](mailto:ed.grimshaw@southampton.gov.uk)

Head of Transport and Planning  
Pete Boustred  
Email: [pete.boustred@southampton.gov.uk](mailto: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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**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	3 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 meeting held on 12 September 2023 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 THE MAKING OF THE SOUTHAMPTON (WOOLSTON INFANT SCHOOL) TREE PRESERVATION ORDER** (Pages 11 - 38)

Report of the Head of Service detailing objections to the making of a tree preservation order.

### **6 23/01255/FUL 382 WINCHESTER ROAD** (Pages 39 - 106)

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.

### **7 23/01174/FUL REAR OF 92 MERRYOAK ROAD** (Pages 107 - 142)

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 23/00882/FUL 48 SEAFIELD ROAD** (Pages 143 - 156)

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.

Monday, 13 November 2023

Director – Legal, Governance and HR

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2023

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Present: Councillors Savage (Chair), Windle (Vice-Chair), Beaurain, Mrs Blatchford, A Frampton and M Bunday

Apologies: Councillor Cox

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

The Panel noted the apologies of Councillor Cox, who was represented by Councillor M Bunday for the purposes of the meeting.

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

**RESOLVED:** that the minutes for the Panel meetings on meetings held on 27 June 2023 and 11 July 2023 were approved and signed as a correct record at the previous meeting.

23. **PLANNING APPLICATION - 23/00668/R3CFL- ALBION PLACE & CASTLE WAY**

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 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].

Mr Raymond Shave - Southampton Masonic Hall in Albion Place, Denis Gilbert (local residents/objecting), Nicholas Askew, Head of Public Realm, Green City & Infrastructure, SCC (supporter) and Councillor Noon (ward councillors/supporting) were present and with the consent of the Chair, addressed the meeting. In addition, the Panel noted that a statement had been received, circulated, and read by the Panel and posted online from Ros Cassy, Old Community Town Forum.

The presenting officer reported no amendments to the report.

During discussion on the item, members raised issues about the loss of a Lime tree and the ongoing maintenance of newly planted trees. Officers agreed to amend their recommendation by the variation to the condition 15, as set out in full below.

The Panel then considered the recommendation that the application be conditionally approved subject to criteria listed in the report, as amended. Upon being put to the vote the recommendation was unanimously carried.

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

## Changes to conditions

Condition 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 *including a minimum of 9 replacement trees*; 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 **approved 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 **applicant Developer** shall be responsible for any **new and replacement trees, and their ongoing maintenance, for during** the lifetime of the development ~~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 **whilst ensuring suitable ongoing mitigation for the loss of the Lime tree 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.*

## 24. PLANNING APPLICATION - 23/00367/REM - BITTERNE PARISH CHURCH

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 the criteria listed in the report.

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).

Stuart Barnes (local resident objecting), and Philip Dudley, Director, Vivid Design Studio (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the final sentence of condition 3, which related to Residential Parking (Pre-Occupation), would be deleted. The updated condition is noted below. The presenting officer also reported that condition 1 would be deleted.

During discussion on the item, Councillors requested further discussion with the applicant to identify if the ball court could be retained during construction. The officer agreed to consult the applicant following the meeting but explained that embedded within the agreement was the plan to provide a better sports facility on the site (condition 5.5).

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

The Panel then considered the recommendation that the application be conditionally approved subject to criteria listed in the report (as amended). Upon being put to the vote the recommendation was unanimously carried.

#### **RESOLVED:**

1. to confirm the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. that Planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

#### **Changes to conditions:**

Delete last sentence of condition 3, so that it now reads:

#### **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.

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

Delete recommended condition 1.

#### 25. **PLANNING APPLICATION - 22/01710/FUL - 271 WINCHESTER RD (WICKES)**

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 the criteria listed in the report.

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).

The presenting officer advised that there were three changes to her recommendation:

- (1) In recommendation i, to delete “and/or undertakes” and replace with “to undertake”.
- (2) Amendments to condition 12 as set out in full below; and
- (3) New conditions to reimpose existing restrictions on the Wickes retail unit.

Kerry and Alex Harman (local residents objecting) attempted to join the hybrid meeting, several times, without success. However, the residents had submitted three detailed objections during the consultation process, and the Officer summarised these objections for members of the Panel on behalf of the residents. Mr Alan Williams (agent), was present and with the consent of the Chair, addressed the meeting.

During discussion on the item, members raised the issue that 1 cargo cycle parking space be sought within the cycle parking provision. The Officer agreed to negotiate this with the Applicant under delegation, advising the Panel that officers would have more control with a specific Local Plan policy on the issue.

The Panel then considered the recommendation that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report (as amended) and was unanimously carried.

**RESOLVED** that authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and any additional or amended conditions or planning obligations set out below.

#### Changes to recommendation/conditions

##### Changes to Recommendation

No change to the recommendation itself, but a correction to the wording – delete “and/or undertakes” and replace with “to undertake”:

- i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site 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).

## Amended Conditions

- Cllr Savage requested that 1 cargo cycle parking space be sought within the cycle parking provision to be agreed under Condition 11. The Case Officer will negotiate this with the Applicant under delegation.
- Amend Condition 12 Refuse & Recycling - Replace “development” with “newly created retail unit”:

### **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 newly created retail unit 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.

Add conditions to reimpose existing restrictions on the Wickes retail unit:

### **Opening Hours (Performance Condition)**

The retail unit identified as “Wickes” on the Site Layout as Proposed (ref: 190809-1300 Revision P7) shall not be open for business outside the hours specified below, unless otherwise agreed in writing by the Local Authority:

Monday to Saturday 07:00 to 20:00 (7:00am to 8:00pm)

Sundays & Public Holidays 10:00 to 17:00 (10:00am to 5:00pm)

Reason: to safeguard the amenities of occupiers of nearby residential properties.

### **Delivery of goods, use of personal address system and external use of forklift trucks (Performance Condition)**

The delivery of goods, use of the personal address system or Tannoy machine, and the external use of fork lift trucks in relation to the retail unit identified as “Wickes” on the Site Layout as Proposed (ref: 190809-1300 Revision P7) only, shall not take place outside the hours specified below, unless otherwise agreed in writing by the Local Authority:

Monday to Saturday 07:00 to 19:00 (7:00am to 7:00pm)

Sundays & Public Holidays 10:00 to 17:00 (10:00am to 5:00pm)

Reason: to safeguard the amenities of occupiers of nearby residential properties.

### **Retail Use Restriction (Performance Condition)**

The retail unit identified as “Wickes” on the Site Layout as Proposed (ref: 190809-1300 Revision P7) shall only be used for retail sales within the following categories, and shall not be used for any other purpose whatsoever including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended):

DIY and Building Supplies

Garden Centres

Boat Warehouses selling bulky leisure goods

Car parts centres

Carpet, ready assembled and self-assembly furniture centres

Domestic appliances  
Clothing (up to 743 m<sup>2</sup> (8000 ft<sup>2</sup>) total floorspace)

Reason: To prevent the establishment of a further Class E food retail unit in this position which would be prejudicial to the District Centres and City Centre established retail areas.

26. **PLANNING APPLICATION - 23/00829/FUL - 2-4 WODEHOUSE ROAD**

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 the criteria listed in the report.

Erection of a 1-bed detached house, following demolition of existing building.

Gary Pengelly (local resident objecting), and Councillor Keogh (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that a statement had been received, circulated, and read by the Panel and posted online from Cynthia and Herman Where (local residents objecting).

The presenting officer reported deleted conditions regarding water efficiency and energy efficiency, and additional conditions as set out in full below.

During discussion on the item, members raised the issue that separate planning permission would be required to turn the property into an HMO. And that in demolishing and developing the property the Applicant should curtail damage to neighbouring properties.

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

**RECORDED VOTE**

FOR: Councillors Beaurain, Blatchford, M Bunday, Savage, Windle.  
ABSTAINED: Councillor Frampton

The Panel then considered recommendation (2) that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report] (as amended). Upon being put to the vote the recommendations (as amended) were carried, following the casting vote of the Chair.

**RECORDED VOTE**

FOR: Councillors M Bunday, Savage, Windle.  
AGAINST: Councillors Beaurain, Blatchford, Frampton.

**RESOLVED**

1. To confirm 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 any additional or amended conditions or planning obligations set out below.

### Changes to recommendation/conditions

#### **Deleted conditions, additional conditions, note to applicant, informative (By Officer)**

##### Deleted conditions:

###### 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 100Litres/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).

##### Additional Conditions

###### **6) Water & Energy [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 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).

###### **7) 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).

### **13) 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.

### **15) 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 development hereby approved first coming into use or occupation.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

### **19) Lamp column relocation**

Prior to the first occupation of the dwelling hereby approved the lighting column shall be moved beyond the access to the garage

Reason: To ensure safe access to the garage and in the interests of highway safety.



Note to applicant

Permission is required to move the lighting column to facilitate access to the garage. This can be arranged by emailing [LightingDesign@enerveo.com](mailto:LightingDesign@enerveo.com)

Informative

Southern Water – Sewerage Connection

A formal application for connection to the public sewerage system is required in order to service this development. Please read our Southern Water's 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>

27. **PLANNING APPLICATION - 23/00859/FUL - MOORLANDS CRESCENT**

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

Erection of a 6ft fence around front of property (retrospective).

Mr and Mrs Jamie Risk (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an update had been provided both in writing and verbally to amend paragraph 8.1 of the officer recommendation to confirm that the recommendation was to refuse on the basis of the harm the proposal caused to the character and appearance of the area.

During discussion on the item, Councillors noted sympathy for the Applicants but also that the impact of the fence on the area was severe.

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

RECORDED VOTE to refuse planning permission.

FOR: Councillors Blatchford, M Bunday, Frampton, Savage, Windle.

AGAINST: Councillor Beaurain

**RESOLVED** to refuse planning permission for the reasons set out below.

Reason for Refusal (in full)

The 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 fence 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 2023 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.

# Agenda Item 5

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	Objection received regarding the making of The Southampton (Woolston Infant School) Tree Preservation Order 2023
<b>DATE OF DECISION:</b>	21 <sup>st</sup> November 2023
<b>REPORT OF:</b>	David Tyrie – Head of City Services

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Place	
	<b>Name:</b>	Adam Wilkinson	Tel: 023 8083 3005
	<b>E-mail</b>	Adam.Wilkinson@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	City Tree Officer	
	<b>Name:</b>	Gary Claydon-Bone	Tel: 023 8083 3005
	<b>E-mail</b>	Gary.Claydon-Bone@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>	
NONE	
<b>BRIEF SUMMARY</b>	
To consider the objections received in relation to the making of the Tree Preservation Order.	
<b>RECOMMENDATIONS:</b>	
	(i) To confirm The Southampton (Woolston Infant School) Tree Preservation Order 2023.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	A staff member at the school informed tree officers from the City Council that there is a possibility that they may fell 4 or 5 of the large mature trees within the school grounds as they are cracking the surface of the playground and impacting a boundary wall.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not protecting the trees. With no formal protection of these trees, the landowner can fell the trees and can do so with no notification or any formal notice or permission. This would not only have a negative impact to the local street scene, it would also negatively impact the environmental and ecological benefits that the trees provide to the wider location.
<b>DETAIL (Including consultation carried out)</b>	
3.	11 <sup>th</sup> May 2022 – An email was sent by a member of staff of the school to the council’s tree team in which they identified that ‘ <i>The roots are taking over the playground and are now beginning to be a serious trip hazard and I think it’s only a matter of time before they effect the back wall more</i> ’. (Appendix 1)

4.	23 <sup>rd</sup> May 2022 – A tree officer met with a member of staff from the school to review the damage to the hard surface of the playground.
5.	At this visit, two possible options were given. One option was to remove the damaged area of tarmac and fill the area with sharp sand to raise this above the roots, then relay tarmac, however this would leave an uneven surface. The other option given was to remove the damaged tarmac and to install TigerMulch® around the tree.
6.	TigerMulch® is a branded name for a system whereby recycled waste HGV and bus tyres are shredded to produce a bark like material. This comes in a variety of colours, depending on what the customer is wishing to achieve and conforms to the British and European standards for children’s play surfaces. The proposal of the product for this location appears suitable as it can flex, unlike tarmac.
7.	The member of the staff commented on this proposal and informed the officer that the cost to purchase and install this product will be very much budget dependent.
8.	6 <sup>th</sup> June 2022 – A telephone conversation was held between a tree officer and a member of the school trust. In this conversation, the cost element of the repair was discussed. In this conversation, it was highlighted to the tree officer that another option being considered was the complete removal of two large mature trees that are causing the damage. The member of the trust wished to consider all options and would like information regarding repairs before a is reached.
9.	29 <sup>th</sup> November 2022 – A site meeting was held and in attendance were two council tree officers, an operations manager from landscape and play from the City Council, three members of school staff and a member of the Hamwic trust.
10.	During this meeting, the damage to the hard surface was discussed and the school wished to have a quotation to repair the playground surface. Also, at this meeting it was made clear that one option being considered was to remove trees. It was indicated that this would be two large trees on the rear boundary (T5 & T6) two alders near an enclosed play area (T2 & T3) and ideally a third tree to prevent damage in the future (T4) The school proposed planting replacement trees in the grassed area to the east of the school building. This location appears to be the only enclosed grassed area that children can play and may not be suited for multiple tree planting of large canopy tree species as it would restrict its use.
11.	The benefits of trees were highlighted to the school by the tree officers, such as the shade they give to the classrooms and the play area due to these trees sitting almost directly to the south of these areas. The school suggested that they could erect a shelter for the children to use during the summer months, so they have an area out of direct sunlight.
12.	Another point put forward by the school to support the felling of the trees was that many children at the school live in high-rise apartment blocks or other areas where they do not have an outdoor area to play. The school playground may be the only area they are able to run around and play sports.
13.	The officers did understand this position but again highlighted the benefits of retaining the trees and working toward a successful resolution whereby the trees remain and the play area open to its full capacity.
14.	It was also highlighted to the school staff that by removing the trees, due to an issue that they produce, rather than working around it and retaining the trees,

	may give a negative impression to the young children and parents of the school. Given that the school had already highlighted that some of the children have no access to outdoor space, it is the officer's opinion that the school play area should therefore include elements of the natural environment, rather than a featureless area of tarmac.
15.	Due to the heightened possibility that the trees may be removed, it was considered expedient in the interest of amenity that the trees required protection by a Tree Preservation Order.
16.	22 <sup>nd</sup> December 2022 – The Southampton (Woolston Infant School) Tree Preservation Order 2022 was made and served on the required properties.
17.	The order consists of 8 individual trees, identified within the order as T1 through to T8. Two tree groups, identified as G1 and G2 and a small, wooded area, identified as W1.
18.	A new Tree Preservation Order has a provisional validity of 6 months from the date of creation and if there are objections received that the tree team are not able to resolve, then the order will expire at the 6-month point. Any objections that cannot be resolved require the matter to be referred to the Planning & Rights of Way panel whereby members, after considering the objections received and the reason for making the order, can give the approval to confirm the Tree Preservation Order.
19.	The original order, which was referenced as T2-757 and had the title 'The Southampton (Woolston Infant School) Tree Preservation Order 2022' had objections from neighbours and the school. The officer dealing with the case was not able to resolve the objections, therefore the matter required to be reviewed at a Planning & Rights of Way meeting. Unfortunately, due to other work commitments, the matter was not able to be presented to the members of a Planning & Rights of Way meeting in time before the order would naturally expire on the 22 <sup>nd</sup> of June 2023.
20.	Due to the expiration of this order, on the 23 <sup>rd</sup> of June 2023, a new Tree Preservation Order was created and served on the relevant properties. This order protected the same trees as the previous, and has the same name as before, however the year the order was made has changed from 2022 to 2023. The new order has reference number T2-771 and has the title 'The Southampton (Woolston Infant School) Tree Preservation Order 2023'. (Appendix 2)
21.	23 <sup>rd</sup> June 2023 – Objection email received from resident highlighting the concerns over the damage to the playground surface and the wall. The issues raised in the objection email were the following: -  1. They 'fail to see how the loss of any of these trees would have a " detrimental impact on the amenity of the area and the enjoyment by the public " being a school ground, with no access for the public.  2. 'The damage caused by some of these trees to the surrounding walls and play areas for the children are also not being taken into account'(Appendix 3)
22.	This objection received was a repeat to one received from the resident in relation to the original order. At that time, emails were sent to the resident to outline the reason the order was made and to give a response to the issues

	<p>raised. The resident chose to uphold their objection; therefore, it was the officers view that the objection received to the making of this new Tree Preservation Order, on the same grounds as previous, is not likely to be able to be resolved. On this basis it was decided to take the matter to a PROW meeting and inform the resident the date and time of the meeting, should they wish to attend and make a representation.</p>
23.	<p>The officer can provide members with a response that covers the two points of the objection.</p> <ol style="list-style-type: none"> <li>1. The impact that the trees will have to the local amenity is subjective. Amenity within the Tree Preservation Order legislation has not been defined; therefore, amenity can extend beyond what can be seen. It is the officer's opinion that the loss of the trees would have a detrimental impact to the local visual amenity, combined with the loss to the local ecology and environmental benefits that trees provide.</li> <li>2. The damage to the wall and play surfaced have been given consideration. The council open spaces team have been in discussion with the school regarding a resolution to the issues with the tarmac. The damage to the wall can be assessed by a suitable expert and to review construction methods that can be employed to safely retain the wall.</li> </ol>
24.	<p>30th June 2023 – The Council received an objection letter from the head of Woolston Infant School. The objection was not against the entire Tree Preservation Order, but was raised against trees T2, T3, T5 and T6 within the order.</p> <p>The issues raised in the objection letter were the following: -</p> <ol style="list-style-type: none"> <li>1. Tarmac impacting the hard surfaces in the playground and footpath resulting in a detrimental impact on the way that the playground is used.</li> <li>2. All trees have been effectively managed by the school without the requirement for a Tree Preservation Order and that nothing has changed on this point and that the additional control is not necessary.</li> <li>3 The 'blanket' TPO places an 'unreasonable burden' on the owners of the site and additional costs in managing the land/site.</li> <li>4. The damage to the boundary wall puts the school at risk due to the potential for it to fail. (Appendix 4)</li> </ol>
25.	<p>As with the resident objection in paragraph 21, the school objected to the previous order and the officer was not able to resolve the issues raised. Therefore, it was the officers view that it is highly unlikely that the school would remove their current objection. On this basis it was decided to take the matter to a PROW meeting and inform the school member of staff the date and time of the meeting, should they wish to attend and make a representation.</p>
26.	<p>The officer can provide members with a response that covers the four points of the objection.</p> <ol style="list-style-type: none"> <li>1. The councils open spaces team have been working with the school to advise on possible solutions on how the playground surface can be repaired and offer a longer-term solution. With the correct method employed, the trees can remain to</li> </ol>

	<p>provide a great benefit to the play area as well as the school building. The trees sit to the south of the school and currently give protection from the direct sunlight entering the school during periods of the year, thus keeping it cooler during the summer months. The trees also provide essential shade to the young children playing in the open area during hot sunny days. Both attributes should be viewed as a benefit that help the school and protect children and not to be considered as a negative asset due to the issues relating to the play surface and wall.</p> <p>2. The protection of these trees was regarded as necessary due to the comments made by school staff members in which several of the largest trees on site were deemed to be at threat of felling. Without formal protection, the school would be permitted to fell any of the trees on the site.</p> <p>3. The placement of a Tree Preservation Order, in the officer's opinion, will not make the management of the trees an 'unreasonable burden' or make the management of the site more costly. The application process for trees subject to a Tree Preservation Order is free of charge and can be submitted electronically or via the post. If the application, in part or in full, is refused, the applicant has a right to appeal this decision and can submit an appeal to the Planning Inspectorate. Currently this appeal process to the inspectorate is free of charge. A tree owner is not required to select from a list of tree surgeons who specialise in work on trees protected by a Tree Preservation Order. Any tree surgeon can carry out agreed works, however, will be subject to conditions, such as being completed to the British Standard for tree works, BS3998 and completed within 12 months of the date of the decision notice.</p> <p>It is for these reasons, that the officers view that the 'burden' is not 'unreasonable' and is same requirement for any person within England who have a tree subject to a Tree Preservation Order.</p> <p>4. The damage to the boundary wall is visible, however at the time of making the original Tree Preservation Order, the area was covered by an area of wooden decking. This has now been removed and damage is visible. It is the officers view that regardless of whether the tree is removed or remains, there will be a requirement to undertake some form of repair or replacement of a section of the wall. Therefore, the consideration should be to retain the tree and look at how a wall or fence can be installed in the damaged section whilst incorporating the tree roots. Taking this step is likely to be less costly than the approach of having both trees felled with the additional cost of repairing or replacing the wall.</p>
27.	<p>It is clear to the officer that there are issues, and that it is probable that the damage to the wall and playground surface is root related is attributed to the trees. However, it is also the officer's opinion that all available options need to be explored with the removal of the trees being the very last option to consider (Appendix 5)</p>
28.	<p>It is the officer's opinion that the preferred approach from the school was to fell the trees as this represented the best long-term option. A staff member from the Hamwic trust however, stated that the trust will consider all options, but it may still result in the removal of the trees.</p>

29.	This is a difficult case as damage can be seen, however, it is the officers view that the trees should remain protected, and options explored. Removing the Tree Preservation Order, has the probable result of the trees being felled. This would have a detrimental impact to the local visual amenity, ecology, and environment.
30.	The officer invites the members to consider all parts of this case, in order that they be able to form a view as to whether they feel that the benefits of retaining the trees, given all of the points raised in this report, outweighs the justification to fell.

### **RESOURCE IMPLICATIONS**

#### **Capital/Revenue**

Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.

#### **Property/Other**

If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.

### **LEGAL IMPLICATIONS**

#### **Statutory power to undertake proposals in the report:**

In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke, and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received, then the Planning and Rights of Way Panel are the appropriate decision-making panel to decide whether to confirm the order or not.

#### **Other Legal Implications:**

The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law

### **RISK MANAGEMENT IMPLICATIONS**

NONE

### **POLICY FRAMEWORK IMPLICATIONS**

NONE

<b>KEY DECISION?</b>	<b>Yes/No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	
<b><u>SUPPORTING DOCUMENTATION</u></b>	



<b>Appendices</b>	
1.	Email from school regarding damage caused by tree
2.	Tree Preservation Order
3.	Objection received from neighbouring property
4.	Objection received from Woolston Infant School
5.	Site photographs

**Documents In Members' Rooms**

1.	
2.	

**Equality Impact Assessment**

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	<b>No</b>
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**Data Protection Impact Assessment**

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	

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### Appendix 1

The two large trees in my playground (2023 & 2025) are beginning to present rather a hazard and I wondered if you had any suggestions as to what steps we can take.

The roots are taking over the playground area and are now beginning to be a serious trip hazard and I think it's only a matter of time before they effect the back wall more.

Please see my hours below if a site visit is possible.

Many thanks,

Regards, \*\*\*\*.


\*\*\*\*

07\*\* \*\*\*\*\*

My hours are \*\*\*\*\*

(Holiday periods \*\*\*\*\*

Please contact school outside these hours 023 80\*\*\*\*

 **Think Green... and view on screen!**

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## **Form of Tree Preservation Order Town and Country Planning Act 1990 The Southampton (Woolston Infant School) Tree Preservation Order 2023**

Southampton City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

### **Citation**

1. This Order may be cited as The Southampton (Woolston Infant School) Tree Preservation Order 2023

### **Interpretation**

2. (1) In this Order “the authority” means the Southampton City Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

### **Effect**

3. (1) Subject to article 4, this Order take effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
  - i. cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - ii. cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

### **Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 21st June 2023

Signed on behalf of Southampton City Council

A handwritten signature in black ink, appearing to be 'D. King', written in a cursive style.

Authorised by the Council to sign in that behalf

# SCHEDULE 1

## The Southampton (Woolston Infant School) Tree Preservation Order 2023

### Individual Trees (encircled black on the map)

No. on Map	Description	Situation
T1	Wych Elm	Located by front entrance to school.
T2	Alder	Located south of the main building adjacent to playground.
T3	Alder	Located south of the main building adjacent to playground.
T4	Silver Maple	Located near southern boundary of site, adjacent to rear of 83 Obelisk Road.
T5	Lime	Located on southern boundary of site, adjacent to rear of 79-81 Obelisk Road.
T6	London Plane	Located on southern boundary of site, adjacent to rear of 79-81 Obelisk Road.
T7	Judas Tree	Located in grassed area to the north of main building.
T8	Lime	Near northern boundary adjacent to side of the garden for 25 West Road.

### Groups of trees (within a broken black line on the map)

No. on Map	Description	Situation
G1	Alder	4 x Alder near eastern boundary adjacent to rear of 21 and 23 West Road
G2	Mixed Broadleaf Species	2 x Sycamore, 1 x Alder, 1 x Hornbeam in south east corner near to pedestrian entrance from Obelisk Road

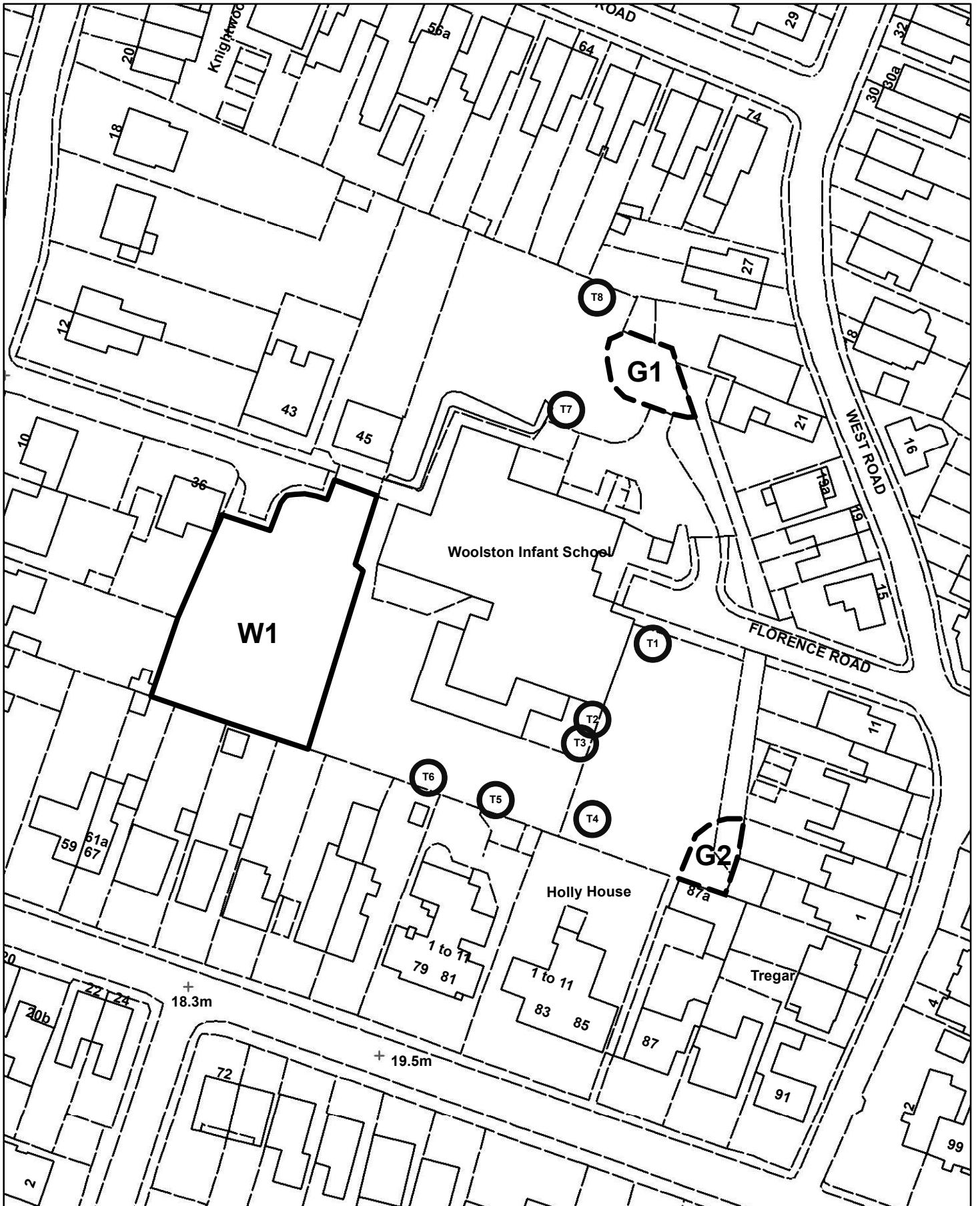
### Woodlands (within a continuous black line on the map)

No. on Map	Description	Situation
W1	Mixed Broadleaf Species	All broadleaved species withing W1 located on land west of main school to rear of properties in Oak Road and Obelisk Road






**Trees Specified by Reference to an Area**  
(within a dotted black line on the map)

<b>No. on Map</b>	<b>Description</b>	<b>Situation</b>
	NONE	





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 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

- Key**
-  Individual Trees
  -  Group
  -  Woodland
  -  Area
  -  Not TPO'd

The Southampton (Woolston Infant School) Tree Preservation Order 2023

TPO Ref: T2-771		Department: Trees team	
Drawn: GCB		Scale: Not to scale	



David Tyrrie  
 Head of City Services  
 Transactions and Universal Services  
 Southampton City Council  
 Southampton SO14 7LY

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### Appendix 3

Dear sir

Please accept this email as proof of my objection to the above preservation order.

I agree that we should be careful about preserving trees, but fail to see how the loss of any of these trees would have a " detrimental impact on the amenity of the area and the enjoyment by the public " being a school ground, with no access for the public.

The damage being caused by some of these trees to surrounding walls and play area's for the children are also not being taken into account.

Kind regards

\*\*\* \*\*

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### Appendix 4

Dear Sir,

#### **Provisional Tree Preservation Order 2022 – Woolston Infant School**

Thank you for your letter and formal notice with regards to the above Tree Preservation Order dated 21/06/2023.

As stated in your letter, I write to make an objection towards this order, that meet regulation 4 of The Town and Country Planning (Trees) Regulations 2012.

The objections that we, as a school, have are towards the following trees, T2,T3,T5 and T6 which were highlighted on the map.

T2 and T3 which are located adjacent to the playground and main pathway which parents and children use to access the school. These trees are currently lifting the tarmac both to the pathway and also the outside play area which is used by our youngest members of the school in the preschool. The damage that has already been caused has meant this area has had to be restricted as it currently is a risk to the 3 and 4 year old children who use this area.

T5 and T6 are located at Southern end of the boundary adjacent to Obelisk Road. These trees are having a detrimental impact on the way we are able to use the playground area due to the risk they possess. The roots have cracked the tarmac and there are numerous sufficient cracks in the playground which we have had to cordon off. There have been numerous minor incidents where children have tripped on the cracking tarmac, resulting in cuts and grazes. There has also been a major incident where one child has fallen over the lifted tarmac resulting in a broken limb. In response, I did receive a letter from concerned parents in regards to this incident and the safety of the playground.

All the trees, including those mentioned above, have been managed by the school effectively to date without the requirement for a TPO and it is not considered that anything has changed that necessitates additional control now being imposed.

The blanket TPO will affect the school's ability to undertake tree work where appropriate without submitting an application for consent. This places an unreasonable burden on the owners of the site and additional costs in managing the land/site.

There is also evidence to suggest that T5 and T6 have affected the boundary wall behind the trees. This poses a huge risk to the school community with the wall in potential danger of falling into the school grounds, putting all school users at risk.

I look forward to your response.

Yours sincerely

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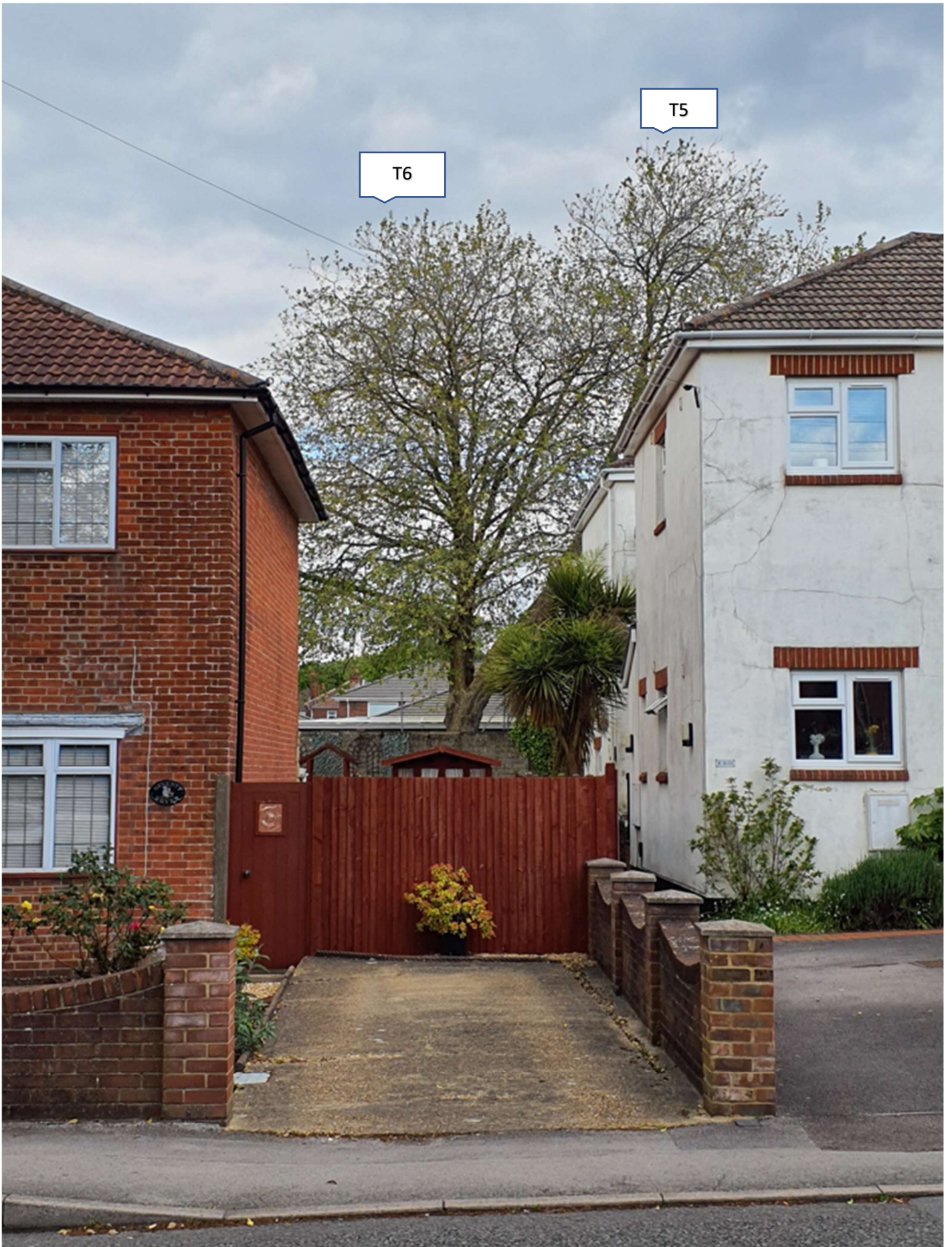
T6





Roots of T5







Aerial View



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**Planning and Rights of Way Panel 21<sup>st</sup> November 2023  
Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 382 Winchester Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of a part two, part three storey Apart Hotel (Class C1) comprising 20 serviced rooms with staff office, cafe/meeting space, car parking (10 spaces), secure cycle storage and e-scooter docking station at ground floor, following demolition of existing offices (Revised application to 23/00079/FUL) (amended description).			
<b>Application number:</b>	23/01255/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	26.12.2023	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Blackman Cllr Chapman Cllr Wood
<b>Applicant:</b> Sabre Commercial Investments Ltd		<b>Agent:</b> Luken Beck	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2023). Policies – CS13, , CS18, CS19, CS20, CS22, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, and SDP14 of the City of Southampton Local Plan Review (Amended 2015). Policies BAS 1, BAS 2, BAS 3, BAS 4, BAS 7, BAS 9, BAS 12, BAS13 and BAS 14 of the Bassett Neighbourhood Development Plan (2016).

<b>Appendix attached</b>			
1	Development plan policies	2	Previously refused plans: 23/00079/FUL & Panel Minutes
3	Habitats regulations Assessment	4	Compass House appeal decision

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## **Background**

This resubmission for a 20-bed apart-hotel follows the previous refusal of 34-bed and 26-bed hotel schemes on this site (applications 22/00737/FUL and 23/00079/FUL) as considered by Panel on the 1<sup>st</sup> November 2022 & 6<sup>th</sup> June 2023. In seeking to address the previous reasons for refusal this revised scheme has reduced the number of guestrooms and increased the number of onsite parking spaces. The scale and massing of the revised hotel building has also reduced. The following table provides a summary of the changes:

	<b>22/00737/FUL</b>	<b>23/00079/FUL</b>	<b>23/01255/FUL</b>
Floors	3/4	3	2/3
Corner section max height	15m	13m	13m
Mid section max height, 4.4m – 4.8m from boundary	10.4m	9.4m	6.5m
Northern section max height	12m	11.6m	8.6m
Bedspace	34	26	20
Parking spaces	8	9	10
Parking spaces per bedspace	0.24	0.35	0.5
Maximum Parking Standard	39	31	25

## Recommendation

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 to secure:
  - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site, including 3m wide footway, 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.
  - iii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites (including the New Forest SPA/Ramsar site) in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - iv. The submission, approval and implementation of a Travel Plan for staff and customers of the hotel to promote sustainable modes of travel in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
  - v. Restrictions to ensure that maximum stay duration for hotel customers is 3 months.



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

## **1.0 The site and its context**

- 1.1 The application site is located on the prominent corner of Winchester Road and Hill Lane with vehicular access achieved from Hill Lane. Informal car parking is available for approximately 9 - 10 vehicles. The site is occupied by 2 no.2 storey buildings one of which was originally a family dwelling house; both of which have most recently been in office use (use class E). The site is located opposite, but outside of the defined Winchester Road Local Centre, which provide a range of uses and services for the local community. On street parking adjacent to the site is prevented by Traffic Regulation Order and the section of Hill Lane directly in front of the site forms part of an Air Quality Management Area (AQMA). The site is located within an area of lower accessibility in relation to Public Transport.
- 1.2 The wider surrounding area is largely residential, comprised of a mix of terraced, semi-detached and detached houses although there are some larger flatted blocks to the north on Winchester Road, including the direct neighbour Nirvana Place which has three floors of accommodation. Southampton Common is less than 100m to the south, and Southampton Sports Centre is less than 500m to the north.

## **2.0 Proposal**

- 2.1 The application seeks permission for the redevelopment of the site to form a part two, part three storey apart hotel fronting onto Winchester Road and Hill Lane. An apart hotel functions in a similar way to a traditional hotel, but rooms are offered with their own cooking facilities meaning that they are, effectively, self-contained with the option of using the communal offer.
- 2.2 10 parking spaces are proposed and the building would accommodate 20 serviced apartments, a ground floor café which will be open to the public, a gym only available to guests, bin and cycle storage and associated back of house facilities for staff. The proposal would lead to 2 x full time jobs (1 onsite manager and 1 x working remotely) and 2 x part time cleaners. A staff room and shower facilities are included. The proposal includes small landscaped areas facing Hill Lane and Winchester Road. As stated above an aparthotel comprises serviced apartments using a hotel-style booking system. It is similar to renting an apartment, but with no fixed contracts and occupants can "check out" whenever they wish, subject to the applicable minimum and maximum length of stay. An apart hotel room usually offers a complete fully fitted apartment with serviced laundry and cleaning. The Local Planning Authority requires a 3 month occupancy restriction for Apart hotels to distinguish the C1 hotel use from a C3 dwellinghouse which requires different residential environment/amenity considerations. The applicant has agreed to limit the maximum duration of occupancy for all units to 3 months.

## **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). Policies BAS1, BAS2, BAS3, BAS4, BAS5, BAS7, BAS9, BAS12, BAS13 and BAS14 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006), are also material to this case. 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 Paragraph 81 of the National Planning Policy Framework (NPPF) sets out the national policy approach for supporting economic development. This states that:-

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

3.4 The National Planning Policy Framework (NPPF) was revised in 2023. 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 most recent and relevant planning history for the site is the refusal of an application for redevelopment by demolition and erection of a three-storey 26 bedroom apart hotel including flexible cafe/function space, private gym/studio, secure cycle parking, 9 associated on site car parking spaces, landscaping and space for public e-scooter/e-bike docking station. The application was refused by planning Panel on 6<sup>th</sup> June 2023 for three separate reasons and the details of this application, and Panel Minutes, are set out in **Appendix 2** of this report for comparison:

##### **Reason for Refusal - Parking**

As a direct consequence of the location of the proposed hotel; which is outside of a City, Town, District or Local Centre and the Council's defined area of 'high accessibility'; and based on the information submitted, including the number of car parking spaces proposed on site, the number of bedrooms proposed and a parking stress survey, it has not been adequately demonstrated that the parking demand of the proposed development would not cause harm to the amenity of nearby residential neighbours through increased direct/indirect competition for existing on-street car parking, where high demand already exists, and/or be detrimental to the viability of the Southampton Sports Centre following the expected loss of its car parking spaces within the nearby unrestricted car park. The development would, therefore, be contrary saved policy SDP1(i) of the amended City of Southampton Local Plan Review (2015), saved policy CS19 of the amended Southampton Core Strategy Development Plan Document (2015), policy BAS 7 2. of the adopted Bassett Neighbourhood Plan (2016) and the relevant parts of the adopted Parking Standards Supplementary Planning Document

(2011).

**Reason for Refusal - Impact on Neighbours' Amenity**

The proposed development by reason of its height, mass, bulk and depth of projection within close proximity to the common boundary would have an overbearing and unduly dominant impact on existing residential amenity when viewed from Nirvana Place, leading to an overbearing sense of enclosure and unacceptable level of shade cast over the rear garden. The proposal would therefore harm the residential amenity of the neighbouring occupiers, and demonstrates symptoms of an overdeveloped site. As such, the proposal would be contrary to saved policy SDP1(i), SDP7(v), SDP9(v) of the amended Southampton Local Plan Review (2015) as supported by paragraphs 2.2.1 to 2.2.2 of the Council's approved Residential Design Guide SPD (approved 2006).

**Reason for refusal - Mitigation; S.106 Legal Agreement**

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Southampton Amended Core Strategy Development Plan Document (2015) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- a) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18 & CS25 of the amended Core Strategy Development Plan Document (2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured;
- b) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network;
- c) In the absence of an alternative arrangement the lack of a financial contribution towards the Solent Disturbance Mitigation Project (SDMP) and towards measures to reduce pressures from guests of the hotel visiting the New Forest SPA in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the Amended Local Plan Review (2015), CS22 of the Amended Core Strategy Development Plan Document (2015) and the Planning Obligations SPD (2013) as supported by the current Habitats Regulations;
- d) A Training & Employment Management Plan committing to adopting local labour and employment initiatives has not been secured in accordance with Policies CS24 & CS25 of the amended Core Strategy Development Plan Document (2015) and the adopted SPD relating to Planning Obligations (September 2013) and, as such, the scheme fails to deliver local targeted employment opportunities;
- e) The submission and implementation of a Staff & Customer Travel Plan has not been secured to support strategic transport initiatives including those within the Local Transport Plan in an effort to promote and secure alternative transport modes to the private car;
- f) In the absence of a use restriction clause for the apart hotel accommodation, with

time limited occupations, the proposed self-contained nature of the development (where residents have access to all the necessary requirements to meet their day to day needs within their apartment) could be occupied akin to a residential use with wider implications that have not been fully assessed.

4.2 Before this there was another application submitted for an apart hotel. The scheme sought permission for a part three/part four storey building with 34 bedspaces and 8 parking spaces. The scheme was refused by the Planning Panel for five reasons which can be summarised as follows:

- Harmful overspill parking,
- Harmful impact on the residents of Nirvana Place in terms of shade cast over the garden and its overbearing/dominant impact of Nirvana Place,
- Poor quality of residential environment owing to a proposed occupancy of up to 6 months,
- Failure to mitigate direct impacts (s.106) and
- Failing to provide electric vehicle charging facilities.

4.3 In 2007 planning permission was granted for redevelopment by demolition and erection of a part two/part three-storey building (including basement car park) consisting of eight flats (three x one-bed and five x two-bed) on first and second floor levels and offices at ground floor level (reference 07/01624/FUL). However this planning permission was not implemented.. The length of time available to implement the permission was also extended in 2011 (reference 10/01514/TIME).

4.4 In August this year, planning permission was granted for the redevelopment of the Sports Centre to improve sporting facilities and create a 275 space car park accessed via Dunkirk Road. This is relevant in the context of this Apart-Hotel application because the Sports Centre is located in close proximity (0.3miles to the north-east) and part of the justification for the additional car park is to reduce pressure on local roads when sporting events take place (LPA ref: 23/00153/FUL).

## **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 13.10.2023 and erecting a site notice 13.10.2023. At the time of writing the report **65 representations** (39 objections & 26 support) had been received from surrounding residents with comments and objections from Cllr Blackman, the Old Bassett Residents Association and the City of Southampton Society. It should be noted that many of these comments, particularly in Support, are not from the same ward as the application and whilst they are nevertheless material to the Panel's decision, the application is brought to Panel due to the number of objections received.

The following is a summary of the points raised:

### **5.2 Cllr Blackman**

I am writing again to formally express my objection to the development proposal at 382 Winchester Road.

My concerns primarily relate to the inadequacy of parking provision within this development, which I believe presents significant issues for the community, residents, and the wider area.

The proposed reduction in the number of flats from 26 to 20 is indeed an interesting and welcome change, one that could hold the potential to alleviate some of the concerns raised by residents. However, the persistent provision of only 9 parking spaces for these 20 flats is a clear and significant cause for concern. This allocation of parking is inadequate to accommodate the potential parking demands of the residents, their guests, other users of the building and the surrounding area, thus raising the question: What level of parking provision would we, as a community, deem acceptable?

On reviewing the Parking Standards Supplementary Planning Document (SPD), it is evident that the developers are referring to a ratio for a C1 development, which suggests one parking space per 3 units. However, it is important to note that the SPD also outlines different requirements for areas with varying accessibility. 382 Winchester Road does not meet the criteria for a "highly accessible area" according to the SPD, and therefore, a more stringent parking provision should be enforced. Given the location's lower accessibility rating, the proposal should, at the very least, adhere to the 1:1 ratio for parking spaces, in line with the document's guidelines.

Inadequate parking provision, as proposed in the current development plans, will undoubtedly result in further parking congestion in the area. This can lead to a wide range of issues, including a reduced quality of life for residents who will encounter difficulties in finding parking, increased traffic, and adverse environmental impacts.

I therefore urge you to consider the well-being of the community and also the future residents of 382 Winchester Road. It is essential that any development in our neighbourhood meets the parking needs and standards appropriate for the area.

5.3

**Old Bassett Residents Association (OBRA) (Summarised)**

**Objection on multiple grounds including:**

- principle of hotel use;
- inadequacy of on-site parking which fails to meet maximum parking standards and the parking spaces are too small and no disabled spaces are provided.
- inadequacy of parking survey;
- contrary to Bassett Neighbourhood Plan;
- no consultation with community prior to submission;
- contrary to local character and scale and massing out of keeping;
- overdevelopment;
- inadequacy of public consultation exercise undertaken by the Council;
- fails to achieve minimum space standards for residential units; and
- insufficient cycle parking;
- operational noise; and
- drainage

The representation also criticises officer's interpretation of relevant policy & guidance; and also criticises the accuracy & quality of the submitted planning application and associated documents.

**Officer Response:**

*Where appropriate, officers have summarised comments and provided responses below. Material planning considerations are also discussed in more detail within the planning considerations section, also below.*

5.4 **City of Southampton Society:**

We recognise that there is demand for an Apart / Hotel in this area for use by temporary employees of both The General Hospital and The University of Southampton.

However, we feel that the reasons for Refusal of the two previous applications have not been fully addressed.

The proposed building is overbearing an unduly dominant by virtue of its position occupying the corner site overlooking the roundabout. Although the use of white cladding helps to reduce its impact, this colour is out of keeping with the predominately red brick buildings in the vicinity.

Although the Transport Statement states that "It is possible to walk / cycle or travel by bus to connect to Southampton Central Rail Station" (7.1.5), there is no regular bus route direct to the rail station. The proposed new hotel is not well served by public transport for guests arriving or leaving each week.

Whilst we agree with the sentiments of many supporting this application as it provides accommodation for temporary employees of both the hospital and the university, on purely planning terms we feel that we have little option but to recommend again the Refusal of this application.

Summary of OBJECTIONS received:

5.5 ***Weak planning justification for out of centre hotel, no overarching policy need. The sequential assessment fails and there are no valid grounds for allowing a C1 generic hotel development at this location, which would be contrary to Council policy.***

**Response**

The NPPF defines hotels as a main town centre use and the application is supported by a sequential test and needs assessment to demonstrate that this site is appropriate (in principle). The Council's Planning Policy Team, who have also taken account of the agreed 3 month maximum stay duration, are again satisfied that this submission demonstrates the potential need, targeted clientele, clear and logical reasoning for the identification of the site and has carried out an assessment of alternative sites to serve the identified need, of which there are none. Therefore, the principle of hotel use in this edge of (local) centre location is supported. On this basis, the development should be assessed more broadly in relation to its design, amenity and transport impacts. This did not form a previous reason for refusal.

5.6 ***Hotel use is contrary to Bassett Neighbourhood Plan policy BAS 1 which requires housing.***

**Response**

Policy BAS 1 does not prevent non-residential uses and instead encourages a range of dwellings, particularly family dwellings, in Bassett. This did not form a previous reason for refusal.

5.7 ***Contrary to paragraph 5.2 of the Bassett Neighbourhood Plan and policy CS16 of the Core Strategy as the scheme results in the loss of a former family dwelling.***

**Response**

Whilst one of the buildings on site was likely to have been capable of accommodating a family in the past the building does not currently contain bathrooms or kitchens necessary to facilitate use as a dwelling. Furthermore, reverting to a family dwelling house from the current office use would require separate approval and it is not certain whether this would be granted. As such there are no guarantees that the property would be available as a family home in the future, even if permission were sought. For these two reasons redevelopment in the form of an apart hotel is not considered contrary to policy CS16 or the Bassett Neighbourhood Plan.

5.8 ***No affordable housing is proposed.***

**Response**

Hotel & apart hotel uses are subject to a limited occupancy period of a maximum of 3 months and fall outside of residential planning use and therefore affordable housing requirements are not applicable. This did not form a previous reason for refusal.

5.9 ***Impact of overspill parking***

- ***Contrary to Bassett Neighbourhood Plan policy BAS 7 and paragraph 13.6 as the scheme fails to achieve maximum off road parking numbers.***
- ***Most pressure on closest residential streets with unrestricted parking.***
- ***Harm to economic viability of retail units as customer parking will be further limited.***
- ***Reduced availability of parking linked to the sports centre & consequential impact on uptake of sports and recreation/health and wellbeing.***
- ***Reduced on street parking available for parents during school drop off and pick up times.***

**Response**

- Policy BAS 7 does not seek refusal of development that does not meet the maximum parking standards it instead requires development to comply with the maximum parking standards, as set out within the 2011 Parking Standards SPD. Paragraph 4.3.1 of the Parking Standards SPD states that '*provision of less than the maximum parking standard is permissible. Developers should demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount, or a lower quantity*'. This 'demonstration' is achieved through parking stress surveys.
- Whilst logically more pressure would be felt by the closest residential properties this could also potentially occur now through full occupation of the buildings as their lawful use as offices.
- Harm to viability of commercial units' opposite is not a concern given that parking restrictions are in place including 'no waiting at any time' and restricted bays Mon – Sat 8am – 6pm 2 hours max (no return within 2 hours) and the temporary accommodation is also likely to increase local trade.
- Reduced parking availability at the sports centre is also a concern, particularly when the sports facilities are in full use (particularly at the weekend when hotel demand tends to be higher). The reduction to 20 bedspaces and increase to 10 parking spaces with the latest Apart Hotel proposal will reduce the potential for parking displacement into surrounding streets; as will the new 275 space sports

centre car park once it is delivered.

- Impact on reduced availability of parking for visitors to nearby schools (drop off and pick up times) is not a material consideration, although associated highway safety clearly is.

- 5.10 ***Traffic/congestion increase, including impact caused by customer drop offs and pickups, deliveries and refuse collection. Effecting emergency vehicle movement. Bassett Neighbourhood Plan (BNP) 13.7 recognises Winchester Road as having a high volume of traffic.***

**Response**

No objection received from the Council's Highway Engineers.

When compared to the existing office use the proposed apart hotel would not generate a significant increase in traffic or congestion at network peak hours and whilst there is a potential for some localised highway disruption caused by kerbside servicing, including taxi drop off and pick up; and deliveries, this would not cause a significantly harmful impact to other highway users. Where necessary site-specific highway works could be delivered through the Section 106 legal agreement process. Refuse collection would likely occur at times of the day outside of peak traffic hours limiting impact and the Council's Highway Engineers have confirmed that refuse collection can take place from the public highway. These details can be secured by condition. This did not form a previous reason for refusal.

- 5.11 ***Parking spaces measure 4.8m x 2.4m but the minimum size standard required by the Council's parking standards SPD is 5m x 2.5m. Since the majority of the proposed parking is in an undercroft space, and the Parking SPD has a different and larger, minimum standard for undercroft parking, requiring a minimum of 5.5x2.9m (SPD 4.3.1.5) the application should be refused.***

**Response**

The guidance within the Parking Standards SPD prescribes larger undercroft parking spaces so that spaces can be accessed more easily due to other potential obstructions, for example supporting pillars. Following this objection the plans have been amended to create more space for each car parking space and each space, measuring 2.4m wide and 5m in length. There is also extra space around some of the spaces to help vehicle and pedestrian movement. Overall, it is considered that the spaces are now conveniently usable, and the undercroft space is fit for parking purposes.

- 5.12 ***The parking survey calculation is based entirely on the false premise of a 5.5m road length allocation per space.***

**Response**

There is no parking survey methodology that has been formally adopted by the Council. By using 5.5m sections of kerblines for the survey the applicant has complied with the London Borough of Merton (LBM) parking survey methodology which the Council's Highways Officers consider reasonable; and similar assessments (also using 5.5m as the basis for the calculation) have regularly been accepted by the Council on previous occasions.

- 5.13 ***Harm to highway safety, including lack of turning space & reversing onto the highway.***

**Response**

Currently there is space for approximately 9 or 10 vehicles to be parked on site and the



proposal includes a similar parking provision (10 spaces) and also formalises the parking layout and on-site turning space providing some benefit to highway safety. Removal of office will also likely reduce trips generated during network peak hours. Considering these points, the Council's Highways Engineers are satisfied with the layout and level of trips proposed. This did not form a previous reason for refusal.

5.14 ***There is a requirement for 3x disabled parking spaces.***

**Response**

There is no requirement for 3x disabled parking spaces because the development provides less than 20 car parking spaces and therefore does not trigger a requirement for disabled car parking space provision. This did not form a previous reason for refusal. That said, parking space P8 has space around it to enable disabled drivers to park conveniently in the undercroft.

5.15 ***Potential for light reflection caused by bronze cladding having harmful impact on highway safety.***

**Response**

No objection raised by the Council's Highway Engineers. Specific details of materials proposed could be secured by condition.

5.16 ***Contrary to Bassett Neighbourhood Plan in terms of height and appearance.***

**Response**

The height of the building has been reduced. The Council's Urban Design Manager raises no objection to the proposed architectural design and scale of development which will bookend this prominent corner site. The BNP does not stipulate the height restrictions for this particular site.

5.17 ***The position of building is forward of neighbouring building line.***

**Response**

There is a staggered building line for properties fronting Hill Lane and the Council's Urban Design Manager is not concerned by the position of the building in its plot and juxtaposition with neighbouring buildings and their building line. This did not form a previous reason for refusal.

5.18 ***Overdevelopment.***

**Response**

The revised layout, scale and massing of the development is now considered acceptable for the reasons set out within the considerations section below. The site is capable of accommodating refuse, cycle storage, and car parking to meet the demands of this development.

5.19 ***Impact on neighbours; overlooking.***

**Response**

Louvers are proposed to serve windows that would otherwise overlook the rear garden and rear facing windows of Nirvana Place. Conditions can be used to ensure that the louvers are installed prior to first occupations and maintained throughout the lifetime of the development. Overall, it is considered that impact on neighbouring privacy has been addressed.

5.20 ***Impact on neighbours; loss of light & increased shadowing.***

**Response**

The application has been supplemented with a Daylight, Sunlight and Overshadowing Report which confirms the development will result in no significant loss of sunlight or daylight to any neighbouring habitable rooms. Previously impact on the garden serving Nirvana Place formed a reason for refusal and this relationship is now considered acceptable and is discussed further in the Planning Considerations section below.

5.21 ***Impact on neighbours; overbearing to neighbours and public realm.***

**Response**

The reduced scale of the building, now proposed to be part three and part two storey, is no longer considered to have a significantly overbearing impact on neighbours; this is discussed in more detail in the considerations section of this report. In relation to the street scene and public realm it is considered that this prominent corner can accommodate a transition in scale to bookend the street.

5.22 ***Not in compliance with BNP paragraph 8.5 which states that developers are 'expected to work closely with those directly affected by their proposals'.***

**Response**

Paragraph 8.5 of the BNP does not explicitly require public consultation or refusal of applications which have not taken local views into account. Officers recommend public engagement with the local community, and it is up to the applicants how far they engage. The Planning Department has undertaken its own statutory consultation.

5.23 ***Harmful living environment due to air quality.***

**Response**

Impacts can be mitigated by conditions including, for example, mechanical ventilation in the event that permission is supported. This did not form a previous reason for refusal.

5.24 ***What do CIL officers consider a 'temporary basis'?***

**Response**

3 months/90 days.

5.25 ***Nitrates, impact on protected habitats.***

**Response**

Nitrates neutrality can be achieved by securing credits from an off-setting scheme.

5.26 ***Poor sustainability.***

**Response**

No objection raised by the Council's sustainability officer and conditions are recommended.

5.27 ***Needs of disabled users not adequately included.***

**Response**

All development has a duty to meet the needs of all users as required by the Equalities Act. Furthermore, the current Building Regulations will manage access arrangements including the needs of the disabled; a lift is also proposed which will allow access to the majority of apartments (80%). An Equality Impact Assessment is not a requirement for the planning purposes although the decision is bound by the requirements of the Act and the scheme is deemed to be broadly compliant. 16 of the 20 flats achieve lift access.

5.28 **Noise assessment doesn't take account of the gym or café.**

**Response**

The Council's Environmental Health Team have not objected and planning conditions can be used to limit the noise impact of the gym or café. Statutory noise nuisance is also controlled by separate legislation.

5.29 **Safety and security.**

**Response**

Conditions can be used should the application be supported.

5.30 **Impact on sewers.**

**Response**

Southern Water raise no objection to the proposal and, as such, it is anticipated that an engineering solution could be achieved if permission is granted. This did not form a previous reason for refusal.

5.31 **Proximity of building to neighbouring building and maintenance impacts.**

**Response**

This is a civil matter rather than a material planning consideration.

Summary of SUPPORTIVE comments received:

5.32 **Will meet market demand particular from visiting university and hospital professionals and students.**

5.33 **Little impact on traffic or local parking pressure expected.**

5.34 **Improves design.**

**Consultation Responses**

5.35

<b>Consultee</b>	<b>Comments</b>
Planning Policy	<p><b>No objection.</b></p> <p>The proposed development of an apart-hotel is considered to fall within Use Class C1. We consider short stay occupancy to be no more than 90 days. Because the proposed development is over 750msq.m gross floorspace and not within an identified centre a sequential test is required and is noted to be included as part of the planning statement. The assessment clearly demonstrates the potential need, targeted clientele, clear and logical reasoning for the identification of the site and an assessment of alternative sites to serve the identified need, of which there are none. We are satisfied that the sequential test has been adequately conducted and we are in support of the edge of centre location proposed. In addition, we would like to note that the prominent location of this site offers the chance to create a new local landmark in the city, again which we are highly supportive subject to high quality design and support from the Council's Urban Design Manager.</p> <p><b><u>Officer Response</u></b></p> <p><i>A condition/s.106 clause restricting the use to C1 and maximum</i></p>

	<i>stay duration to 3 months/90 days is recommended.</i>
SCC Urban Design Manager	<p><b>No objection.</b></p> <p>This development represents a positive and appropriate design helping to define a prominent corner site within the wider urban landscape. It will assist by means of its scale and architectural aesthetic to enhance the local context by visually reducing the negative impacts of the existing roundabout which blights the identity of the immediate area. This development provides a well-considered marker building which will help refocus identity on the built form rather than current focus which is dominated by the large extent of highways infrastructure.</p>
SCC Highways Engineer	<p><b>No objection.</b></p> <p><u>Uses:</u> For highways assessment purposes we consider that the café is not a completely separate use to the hotel due to the layout and design of the scheme being integral. It is noted that the hotel is open to the public, but we do not consider the café to be a destination in itself, which will generate a significant level of new vehicle trips. Most trips are predicted to be either linked, pass-by or from a local catchment accessible by foot.</p> <p><u>Traffic impact and servicing:</u> When compared to the existing office use, the overall trip impact is not considered to be significant. Overall, there may be a small increase in trips throughout the day and week but fewer trips during the network peaks where local roads are at its busiest.</p> <p>Due to the change of use, there will likely be an increase in servicing vehicles at the site. Due to the lack of on-site space, it is envisaged that servicing would take place on kerb side and footway close to the site access where the footway is wider. However, there are concerns to the impact this would have for footway users and road traffic along Hill Lane including bus movements. It is not desirable to have any servicing kerb side near the roundabout of Winchester road due to the narrower carriageway and pedestrian crossing.</p> <p>As such, it is requested that some further mitigation works are provided including a small strip of private land fronting Hill Lane to be offered up for adoption. This would allow space for a 3m strip of footway and allow 7.5 tonne vans to be able to mount the footway without obstructing the flow of footway and carriageway. A sketch has been forwarded to the case officer. The adoption of this section of the site and resulting widening of the footway will provide a much safer and wider footway linking up with the crossing on Winchester Road.</p> <p><u>Parking:</u> It is noted that although informal, the hardstanding areas on site have been historically used for parking. Total number of</p>

spaces is difficult to determine but it would seem there have been times when up to 10 vehicles have been parked on site.

The proposed parking area is accessed via an undercroft area which limits the sizes of vehicles able to access the site. Furthermore, the open hardstanding area is reduced compared to the existing use which further restricts larger vehicles being able to turn on site.

The parking spaces now measure 2.4m x 5m, with a 6m aisle width for turning.

It is noted there are some concerns regarding overspill parking. The Traffic Assessment provides a study on comparable hotel sites using TRICS and have gathered the parking data at the start of the day to predict the level of hotel users parking overnight. This resulted in 0.69 cars per bedroom. When applied to the current proposal (20 bedrooms), it would suggest that the demand would likely be 14 spaces. With 10 spaces being provided, only 4 spaces are predicted to likely overspill onto the surrounding areas.

A separate parking survey had been conducted which suggests that there is sufficient capacity in the local area to accommodate any overspill. The survey was conducted from 19:00 which covers any overspill of the nearby Sports Centre, going into around midnight – time when most local residents are likely to be in.

EV charging should be provided at 15% active (fully installed and ready to be used) and the rest to be passive (infrastructure installed such as ducting/wiring/access points etc. so that future charging points can be installed readily and easily).

Access: The vehicular access remains similar to the existing whereby it utilises an existing access off Hill Lane. This is considered acceptable considering that the level of trips and number of parking spaces remain broadly the same.

Cycle Parking: 10 long stay and 2 short stay cycle spaces are being provided. The policy requirement is for 1 long stay space for every 10 employees and 1 short stay for every 10 bedrooms. Therefore, the level provided exceeds the policy requirement.

The location of the short stay cycle spaces can be improved by moving them nearer to the café so that they benefit from natural surveillance.

Furthermore, E-scooters are being proposed on site which is supported.

Summary: Overall, the proposed application is considered acceptable provided that site specific highways measures are secured if the application is recommended for approval.

	<p><b><u>Officer Response</u></b>  <i>Amended plans for the parking layout have been submitted and it now meets the full requirements as set out above.</i></p>
Environmental Health	<p><b>No objection</b> subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Further details of noise mitigation between gym and 1st floor.</li> <li>• Details of plant equipment if needed in association with café.</li> <li>• Lighting details to prevent harm to neighbours.</li> <li>• Control of opening and delivery times for the café and gym.</li> <li>• A demolition and construction management plan.</li> </ul>
Sustainability (Air Quality)	<p><b>No objection</b> subject to the following planning conditions to secure mechanical ventilation and sealed windows on the ground floor; &amp; a construction environment management plan.</p> <p>While the operational impacts of the development are modelled as being compliant with currently objectives, The Council would request that the developer provides a delivery and servicing plan.</p> <p>The plan should as a minimum require all HGVs servicing the site 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 delivery timings; and involve investigating and utilising a Sustainable Distribution Centre if viable.</p> <p><b><u>Officer Response:</u></b>  <i>The requested conditions relating to vehicles used for servicing and construction deliveries are not enforceable; additionally separate legislation manages vehicle emissions. There is also no strong policy position to require the use of a sustainable distribution centre.</i></p>
Sustainability	<p><b>No objection.</b>  Pleased to see that there is now incorporation of some PVs and an extensive green roof. Request conditions relating to energy and water building performance.</p>
Sustainability (Flood Risk)	<p><b>No objection.</b>  The Drainage Strategy was revised in September 2023 to match the latest site proposals, but the proposals remain largely the same as previous, with flows from all storm events up to the 1 in 100 year plus 40% climate change restricted to 5l/s.</p> <p>If the case officer is minded to approve the application, it is recommended that sustainable drainage is secured by the following planning conditions: Sustainable Drainage (pre-commencement) &amp; Verification Report (pre-occupation).</p>

Ecology	<p><b>No objection.</b> The application site consists of a building, an area of hardstanding, amenity grassland and a line of shrubs around the boundaries. An ecology report supporting the planning application confirmed that the existing building does not support any bat roosts. The boundary vegetation has potential to support nesting birds so any vegetation removal must be timed to avoid the nesting season (March to August).</p> <p>The new development must compensate for loss and to achieve a net gain in biodiversity. The replacement vegetation should be of value to wildlife. In addition, bat and swift boxes should be incorporated into the building. No objection subject to recommended conditions.</p>
Employment and Skills	<p><b>No objection.</b> Build value expected to be below the thresholds for an Employment and Skills Plan obligation.</p>
Contamination	<p><b>No objection</b> subject to a conditions to secure a full land contamination assessment and any necessary remediation measures.</p>
Housing Management	<p><b>No objection.</b> Assuming Planning are satisfied the proposal meets the definition of an apart-hotel and the maximum length of stay permitted is consistent with what has been allowed on other similar schemes in the city (as opposed to a term more akin to a residential let) we would not seek affordable housing, but would look for a use restriction to be put in place.</p> <p><b><u>Officer Response</u></b> <i>The applicant has agreed to a maximum stay duration of 3 months which could be secured by condition or legal obligation. This is consistent with the Council's approach for aparthotel uses in the city.</i></p>
Trees & Open Spaces	<p><b>No objection.</b> With regards impact to trees, this is very similar as the last submission. Still unclear exactly what impact there may be to street tree on Winchester Road and there is a potential for new foundations to be within close proximity to the RPA of this tree and therefore there may be a need for specialist ground protection. An impact assessment is needed to determine the impact, this would then dictate the need and layout of a tree protection plan.</p>
Archaeology	<p><b>No objection</b> subject to conditions to secure archaeological watching brief.</p>
CIL Officer	<p><b>No objection.</b> Duration of stay for a C1 Hotel use is considered to be no longer than 3 months/90 days. The proposed use class is not CIL liable.</p>

Crime Prevention Design Advisor	<b>No objection.</b>
Southern Water	<b>No objection.</b> Apply recommended conditions and informatives securing foulds and surface water drainage and safeguard public sewer.
Natural England	<b>OBJECTION</b> Objection on the following grounds: <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b><u>Officer Response</u></b> <i>The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). However hotels are not CIL liable and therefore a contribution (equivalent to the CIL rate) will be secured as part of the s106 agreement and this approach has been agreed with the applicants. The attached Habitats Regulations Assessment has been updated to explain how this mitigation can be provided.</i></p>

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are whether this revised Apart Hotel scheme has addressed the previous reasons for refusal relating to car parking and residential amenity impacts.

6.2 There are no material changes in circumstances that alter the previous assessment in terms of the principle of development, design and effect on character, trees and ecology, flood risk, likely effect on designated habitats or highways safety (as set out again below). As such the assessment and conclusion as set out in the previous panel reports for the meetings on 1<sup>st</sup> November 2022 and 6<sup>th</sup> June 2023 for these subject areas remain largely unchanged:

### Principle of Development

6.3 The current proposal differs from the previously refused scheme because there are no longer any units which would have occupancy of longer than 3 months. This change does not significantly alter the assessment in terms of the principle of development and there are no other material changes in circumstances that effect the assessment set out below. It should also be noted that the previous scheme was not opposed in principle.

6.4 The site is not safeguarded for a specific policy allocation and is located opposite, but not within, Winchester Road Local Centre as defined by Local Plan policy REI 6 (Local centres).



- 6.5 The existing buildings on site accommodate office floor space and whilst policy CS7 (Safeguarding employment sites) of the Core Strategy safeguards existing employment uses it does not specifically require the retention of office floorspace in this location. Likewise, policy CS8 of the Core Strategy (Office location) does not specifically support office development outside of city, town or district centres so loss of the office accommodation is not opposed in principle.
- 6.6 The National Planning Policy Framework (2023) (NPPF) defines hotels as ‘main town centre uses’ and, as supported by Core Strategy policy CS3, applies a sequential approach that seeks to direct hotels to city, town or district centres if there are sites which are available, viable and suitable. The applicant has therefore undertaken a sequential assessment based on an agreed location criteria focused on proximity to both the University Hospital Southampton and the Highfield Campus - Southampton University. Officers are satisfied that the sequential test has been adequately conducted and no other alternative available sites within the area, which are more suited to the proposed hotel use, have been identified. The principle of the proposal has also been supported by the Council’s Planning Policy Team who have reviewed the sequential test and have confirmed that there have been no material changes in circumstance since the refusal of applications 22/00737/FUL and 23/01255/FUL.
- 6.7 The NPPF requires planning decisions to promote an effective use of available land. Development of the site has the potential to improve the site’s appearance through building design & landscaping, increase flood mitigation by removing impermeable hard surfacing & incorporating sustainable urban drainage systems, improve site biodiversity, provide a location for community groups to gather and create employment opportunities.
- 6.8 The proposal now seeks to limit the occupancy to a maximum stay duration of 3 months meaning that whilst the proposal is slightly different to a typical hotel in its operation, in planning terms it is agreed that the use falls within the C1 use class (hotel). On this basis the assessment again does not need to take account of residential standards.
- 6.9 Taking account of the above there are no reasons to oppose the development in principle.

#### Parking highways and transport

- 6.10 Section 13 of the Bassett Neighbourhood Plan acknowledges that Bassett experiences high volumes of traffic and parking pressure is an issue for the whole ward; partly due to the proximity to Southampton University Hospital and the recognised need for personal transport given that the area is relatively deprived of public transport; and development needs to take this into account when considering how many parking spaces to provide to not cause significant harm to neighbouring amenity by overspill parking.
- 6.11 Parking: As outlined in section 4 above two previous applications have been refused based on overspill parking, this was principally because there was judged to be too few onsite parking spaces when compared to the number of hotel bedspaces and the resulting impact on the closest residential occupiers.
- 6.12 Officers now consider that an appropriate level of parking is proposed owing to the reduced number of bedspaces, increased number of onsite parking spaces when compared to previously refused schemes, the results of the parking survey, the location that is outside of a highly sustainable location (this is not a local, district, town or city

centre location); and the potential to still arrive by sustainable means. As such a minimum number of on-site car parking spaces of 10 is judged to be acceptable and not causing significant harm to local residential amenity through overspill parking pressure. This is discussed in more detail below.

6.13 The site is a little over 2 miles from the central train station and it is likely that some customers will arrive by train to Southampton and travel to the site by taxi which, would be relatively affordable. It is also feasible that some customers will arrive by train and then cycle or catch a bus to the hotel; this is notwithstanding the point that the hotel is not on a direct bus route from the station - but bus travel is still possible and Winchester Road is served by Unilink. In all there are six main bus routes between the train station and the site, three of which require a change and three require a 10 or more-minute walk. The table below summarises these journeys:

Bus service	Journey notes (not including potential waiting times)
Bluestar 1	walk 6 min, bus 13 min, walk 14 min
Bluestar 17 (from Art Gallery)	Walk 4 min, bus 25 min & walk 16 min
Bluestar 17 (from Art Gallery) & Unilink U9	Walk 4 min, bus 7 min, walk 10 min, bus 8 minutes
Unilink U2B/U2 (from Art Gallery) & Unilink U6H	Walk 4 min, bus 14 min, walk 1 min, bus 8 min, walk 1 min
Unilink U6H	Walk 2 min, bus 44 min, walk 1 min

6.14 Having regard to the potential to travel to the site by sustainable means and considering that transport method preference will change from person to person it is reasonable to conclude that a range of travel methods will be used by hotel guests, so providing some on-site parking is appropriate; and not achieving the maximum is also reasonable.

6.15 The maximum parking standards set out in the Parking Standards SPD are as follows; it is however also important to note that these are maximum parking levels (not minimum) and a lower quantum on site can be justified by parking surveys if there are concerns that overspill could cause unwanted negative effects:

Use type	Maximum provision
Offices	1 space per 30sq.m
Hotels (Accounting for staff and guests)	1 space per bedroom
Cafe	1 space per 20sq.m

6.16 The following table provides a summary of parking for the site (including planning history):

	Existing Office	22/00737/FUL (34 bedspaces & 90sq.m of café)	23/00079/FUL (26 bedspaces & 95sq.m of café)	23/01255/FUL (20 bedspaces & 95sq.m of café)
Maximum parking standard	13	39	31	25
On site parking spaces	10	8	9	10
Overspill	3	31	22	15

6.17 It is also noteworthy that the parking provided on site would be located within an undercroft area at ground floor level and that these do not meet the recommended size listed in point 5 of section 4.3.1 of the Parking Standards SPD (5.5m x 2.9m). However, it is considered that the spaces should contribute to parking availability on site. Tracking diagrams have been provided to demonstrate the spaces measure at least 5m x 2.4m and are usable. Amended plans show an improved layout, accommodating 10 parking spaces, with a distance between each row of 6m to enable reversing and turning manoeuvres. It is also noted that the layout provides a larger area around 8 of the spaces which will enable easier vehicle and pedestrian movements. The undercroft area is therefore judged to be fit for parking purposes and the highways team do not object.

6.18 The parking survey results are summarised below (200m assessment area):

Survey Date	Spaces Available (of a total of 141)
Wednesday 8 <sup>th</sup> September 2021 (19:00)	47
Thursday 9 <sup>th</sup> September 2021 (00:00)	37
Thursday 12 <sup>th</sup> January 2023 (00:24)	30

6.19 From looking at the parking survey summary table above, which discounts the triangle, the results suggest that there are sufficient free spaces in neighbouring streets to accommodate the potential 15 vehicle overspill.

6.20 It is also noted that the Council's highways team do not expect the café to generate a significant level of localised parking pressure. This is because it is anticipated that most of these customers will not be driving specifically to the café and rather would be combining trips to the café with other trips locally. A high proportion of café customers are also likely to be from the local catchment and travel by foot. Part of the reason for this assumption is lack of a dedicated car park for customers which is overlooked from the café itself. Additionally, the expected busiest times of day for the café would, likely, be when there is greater local parking capacity due to residents using their vehicles for work purposes and it is noteworthy that the proposed hours of operation of the café are 07:30 – 18:00 Monday to Saturday and 09:00 – 17:00 Sunday and therefore overnight parking pressure caused by the café is not expected. This has been considered when judging whether the proposed level of on site parking is acceptable in amenity terms.

6.21 When coming to the conclusion that the current ratio of bedspaces to parking spaces is acceptable the need for the use of a private car whilst staying at the hotel has also been considered. The site is judged to be conveniently positioned in between the university and hospital; and as staff visiting these organisations are the main target customer base for the proposal it should be noted that both are within relatively easy walking distance of the site for many people. The adjacency of shops opposite will also mean that groceries can easily be acquired by customers on foot. For those who wish to do so cycle parking is also available and e-scooter facilities are located within easy walking distance of the site too. Therefore, use of a private vehicle would not be necessary to access goods and services necessary for day to day living or to access the university and hospital.

6.22 The appeal scheme at Compass House has also been considered. 382 Winchester Road is different to the Compass House appeal, because the closest streets where unrestricted parking is available are not cul-de-sac's where the displacement of parking and noise and disturbance caused by customers would have a disproportionately greater effect on local residents. Instead, streets immediately adjacent to the Winchester Road

site all have the ability for vehicles to circulate without manoeuvring using a turning head. Thus, drivers can travel along these streets whilst looking for available parking spaces, so impact is more likely to be more evenly distributed along each street. That said at times the most acute effect will likely still be the closest residential occupiers which is why a minimum of 10 onsite parking spaces is considered appropriate and reasonable.

6.23 Overall, officers now consider the ratio of parking spaces to hotel bed spaces to be appropriate for this specific site and development. This is because there are other sustainable travel options available and not all hotel guests will necessarily choose to, or be able to, travel by private car so it would be unreasonable to require the maximum parking provision to be provided on site. Further to this it is also considered that, based on the now lower number of hotel bed spaces, the parking survey, maximum parking standards and the location outside of a high accessibility area, 10 parking spaces for this particular scheme is judged to be a reasonable minimum number needed to justify this development in terms of neighbour impact caused by overspill parking.

6.24 Trip Generation & Servicing: Furthermore, as the development would replace an office use the Council's Highways Engineers are of the opinion that the development would not cause significant highway impact in terms of trip generation or congestion. The proposal is also expected to have limited impact on the highway from its servicing requirements, in terms of obstruction, with it being agreed that kerbside refuse collection is adequate. In addition, if the application is approved site specific highways works would be required to improve the adjacent highway network including a 3m wide footway to link with the pedestrian crossing over Winchester Road. This is a significant positive aspect of the proposal and future proofs the highway network in front of the site, potentially allowing for further highway improvement works in the future, benefiting the local community.

6.25 Servicing requirements of the development are also considered acceptable; these too would benefit from the wider footway allowing servicing vehicles to avoid obstruction of the carriageway. It is also noted that an ancillary laundry is proposed on site, the number of bedspaces proposed is not likely to generate significant delivery requirements and the café would not have proportionally high associated delivery demands during peak traffic hours. The existing use of the site for office accommodation has also been considered which would have a greater potential trip generation at peak traffic hours.

6.26 On balance, it is considered that the scheme has now addressed previous parking and servicing concerns and delivers regeneration on this prominent corner.

#### Design and effect on character

6.27 The building design remains acceptable to officers and is not considered to harm the character and appearance of the area. Previously the Planning Panel did not raise an objection to the proposed design. The proposal has been amended principally by removing part of the second floor, adding a 10<sup>th</sup> car parking space and rearranging the ground floor layout. As such the remainder of the design and effect on character section of this report remains largely unchanged from the previous report.

6.28 Along with the policies set out in the Local Plan and Core Strategy (SDP1, SDP7, SDP9 & CS13) the development also needs to be judged against relevant policy that includes the Bassett Neighbourhood Plan (2016). Key policies in terms of character are BAS1

and BAS4 in particular:

- 6.29 BAS1 New Development: *Development proposals should be in keeping with the scale, massing and height of neighbouring buildings and with the density and landscape features of the surrounding area.*
- 6.30 The Urban Design Manager, did not previously and has not again, raised the scale of the building as a concern. The Planning Team appreciates how the building proposes to create a transition from 2 storey dwellings on Hill Lane up to 3 storeys on the corner and round to the adjacent flatted block on Winchester Road by use of pitched roofs. The link between the two main elements on the Hill Lane elevation helps to reduce the mass and bulk proposed. The road layout in front of the building also provides a suitable setting which enables the Winchester Road elevation to be taller than the majority of other buildings nearby. The prominent corner also assists in justifying the scale proposed and in this case the guidance set out in paragraph 3.6.10 of the residential design guide is deemed to be relevant and supportive of the proposal: *'Taller buildings may be considered at street corners...'* The scheme also seeks to include a buffer within the site ensuring that the elevations do not meet the pavement edge; this will also help to balance the scale in the surroundings. Therefore, whilst the proposal does not match exactly the scale, massing and height of neighbouring buildings taking other relevant guidance into account the scheme is not judged to be significantly harmful to the overall appearance and character of the Winchester Road and Hill Lane corner position. Density is also less relevant as the use proposed is within use class C1 – hotel, rather than C3 residential.
- 6.31 BAS4 Character and Design: *New development must take account of the densities set out in Policy BAS 5 and the existing character of the surrounding area. The design of new buildings should complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties.*
- 6.32 For the reasons set out above in the response/commentary to BAS1 the proposal is also not deemed to be significantly at odds with BAS4. There is scope to bookend the street with a 3-storey scale building on this prominent corner and for variety including increase in scale provided that certain principles are followed. In this particular instance the transition of building height is considered sympathetic, and use of pitched roofs reflect other properties in the location. The street is not homogenous and there are other buildings in the area which differ to the traditional two storey housing. It must also be recognised that the Council are under increasing pressure to accept larger scale and higher density for residential schemes, so the proposed building height and mass is considered appropriate in this context. There are also other buildings in the neighbourhood of similar scale.
- 6.33 Having considered all aspects of the proposal and the characteristics of the location the Urban Design Manager remains confident that the scheme will make a valuable contribution to the appearance of the neighbourhood; Officers do not disagree, but the Panel are free to reach a different conclusion although it should be noted that the defence of a design-led reason for refusal would be difficult for officers to defend in light of the above commentary and previous decisions.
- 6.34 The existing site is significantly covered by buildings and hard surfacing and therefore the proposal, which also seeks a significant building to plot ratio, is not opposed in principle.

### Neighbouring residential amenity

- 6.35 Saved policies SDP1(i), SDP7, SDP9 of the Adopted Local Plan Review (2015) and the principles contained in the approved Residential Design Guide (2006), amongst other things, seek to ensure that development will only be granted where it does not unacceptably affect the amenity of existing residents; integrates into the local community and respects its surroundings in terms of scale and massing.
- 6.36 The proposal is now considered to have overcome the overbearing and dominance impact caused to Nirvana Place because of the reduced height of the middle section of building. For this section there is now proposed to be only two floors of accommodation (maximum height 6.5m), rather than three floors of accommodation (maximum height 9.4m). The impact, due to the separation of this section of building from the boundary (ranging from 4.8m to 4.4m) is no longer considered to be significantly worse than the existing a relationship/juxtaposition of adjacent buildings and the amenity space serving Nirvana Place.
- 6.37 The reduced scale has also had the effect of reducing the amount of neighbouring garden that is overshadowed. The survey results show currently 76% of the rear garden receives 2 hours of direct sunlight on the spring equinox; the proposal reduces this to 58% (a 24% reduction); the target set out in the BRE guidance is no less than 50%. Therefore, the shadowing effect now complies with the relevant guidance as more than 50% of the garden would receive direct sunlight for two hours on the spring equinox. This is generally considered to be an acceptable level.
- 6.38 The submitted BRE Daylight and Sunlight Assessment also confirms no significant loss of sunlight or daylight to any neighbouring habitable rooms.
- 6.39 The proposal has addressed previous overlooking/loss of privacy concern as the windows within the rear elevation now include louvers to protect neighbouring privacy and/or can be obscurely glazed. As such occupants within the rear garden of Nirvana Place would no longer suffer from a significant loss of privacy. Impact on occupiers of 171 Hill Lane also remains acceptable.

### Quality of accommodation

- 6.40 The proposed layout would likely provide reasonable levels of privacy and outlook for occupiers of the proposed accommodation units. All units would also achieve acceptable daylight and ventilation. Air quality and noise impacts from the adjacent highway, the ground floor café and gym; and any required plant equipment, can be mitigated by Building Regulations and/or a planning condition.
- 6.41 As the maximum stay duration will not exceed three months the proposal will no longer need to be judged against the internal Nationally Described Space Standards that apply to residential accommodation.

### Air Quality and the Green Charter

- 6.42 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.

- 6.43 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.
- 6.44 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/m<sup>3</sup>. 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.
- 6.45 The application has partially addressed the Green Charter and the air quality impact of the development by identifying an acceptable sustainable drainage system for the site and planning conditions can be used to secure energy and water efficiency improvements along with biodiversity enhancement measures.

#### Mitigation of direct local impacts

- 6.46 The application also 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 Developer Contributions Supplementary Planning Document. Given the impacts associated with a development of this scale, the package of contributions and obligations required would be limited to the following:
- i. financial contributions towards site specific transport improvements in the vicinity of the site.
  - ii. a highways condition survey to make good any possible damage to the public highway in the course of construction.
  - iii. Solent Disturbance Mitigation Project (SDMP) and New Forest Mitigation.
  - iv. Staff & customer travel plan.
  - v. Obligations to limit duration of occupation (3 months).
- 6.47 Impact on Special Protection Areas/Habitats Regulations: The proposed development, as it provides overnight accommodation, 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 3**. Furthermore, all overnight accommodation has been found to have an impact on the water quality being discharged into our local watercourses that are of protected status. The ‘harm’ caused can be mitigated by ensuring that the development complies with the principles of ‘nitrate neutrality’, and a planning condition is recommended to deal with this as explained further in the attached Habitats Regulations Assessment. 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 an apart hotel has been accepted in the past, and the previous concerns relating to adequate car parking on site and pressure for on street parking have been addressed by reducing the number of bed spaces and increasing on site car parking to 10. Additionally, the maximum depth of projection of the second floor of the proposed building has reduced which is now judged to sufficiently reduce the visual impact; which, as a consequence, also reduces shadowing to an acceptable level. The redevelopment of this vacant site is considered to represent a positive design solution for this prominent location. The application has demonstrated a need for Apart Hotel accommodation and would be available for staff and visitors to the hospital. Planning obligations can also be secured to offset the impact of the development locally, including widening of the footway in front of the site. There are also economic benefits and job creation, in the form of 2 x full time jobs (an onsite manager and 1 x working remotely) and 2 x part time cleaners, linked to this site development. As the scheme is considered to have addressed the previous concerns the application is now recommended for approval, subject to a s.106 legal agreement.

## **8.0 Conclusion**

8.1 The previous reasons for refusal are judged to have been successfully addressed and the positive aspects of the scheme now outweigh the negative.  
It is therefore recommended that planning permission is 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) 4.(a) (b) (c) (d) (e) (f) (g) (r) (ll) (vv) 6 (a) (b)

**Mathew Pidgeon** for 21/11/2023 PROW Panel

### **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. 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

### **03. Restricted Use (Performance)**

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (Hotel, use class C1, with a maximum of 20 bedrooms and maximum stay duration of 3 months) and not for any other purpose.

Reason: In the interest of the amenities of neighbouring occupiers.



#### **04. Café: Hours of Use (Performance)**

The café use hereby approved shall not operate outside of the hours hereby set out:  
07:30 – 18:00 Monday to Saturday and 09:00 – 17:00 Sunday.

Reason: In the interests of existing residential amenity.

#### **05. Servicing and Delivery Management Plan (Pre-Use)**

Prior to the development first coming into use, a servicing and delivery management plan shall be submitted to and approved in writing by the Local Planning Authority for both the hotel and café uses. This management plan shall incorporate measures for mitigating noise and disturbance to residents. Deliveries and servicing shall subsequently be carried out in accordance with the approved plan.

Reason: In the interests of residential amenity, parking pressure, highway safety and to avoid servicing during times of the day when the highway network is at its busiest.

#### **06. Security Measures [Pre-Occupation Condition]**

Prior to the operation of the development hereby approved details of security measures capable of ensuring that the hotel and gym areas of the building are not accessible by members of the public when using the café shall be installed and shall remain operational throughout the lifetime of the development.

Reason: In the interests of public safety and to reduce the potential for crime & antisocial behaviour.

#### **07. Gym Limited use (Performance)**

At no time shall the gym hereby approved be used by anyone other than hotel staff and hotel customers.

Reason: In the interests of residential amenity by reducing localised parking pressure through overspill parking.

#### **08. Details of building materials to be used (Pre-Commencement)**

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

#### **09. Window Louvers (Pre-occupation)**

Prior to the development hereby approved first coming into use the windows louvers shall be installed in accordance with the approved plans. The window louvers shall thereafter be retained as approved throughout the lifetime of the development.

Reason: In the interest of neighbouring privacy.

#### **10. Details of external appearance [Pre-Commencement]**

No development shall take place until detailed drawings to a scale of 1:20 showing a typical section of glazing, roof construction and roof drainage has been submitted to and approved in writing by the Local Planning Authority and the reveals for the windows hereby approved shall

be at least 100mm deep. The development shall be implemented in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.  
To ensure satisfactory design of the building.

**11. No other windows or doors other than approved (Performance)**

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 of development hereby permitted without the prior written consent of the Local Planning Authority.

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

**12. Obscure Glazing (Performance)**

All windows facing northeast serving the stair core and 'unit 9' at first floor level of the hereby approved development, shall be obscurely glazed and fixed shut before the development is first occupied. The windows shall be thereafter retained in this manner throughout the lifetime of the development.

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

**13. 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/proposed boundary treatment (not to be timber close boarded where visible from the public realm), retaining walls,
- ii. hard surfacing materials,
- iii. structures and ancillary objects (cycle hoops, refuse bins, benches, lighting columns etc.),
- iv. 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;
- v. a landscape management scheme.

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, shall be replaced within 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 and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

**14. On site vehicular parking; 10 spaces [Pre-Occupation]**

The 10 approved vehicular parking spaces (measuring at least 5m x 2.4m) and adjacent vehicular manoeuvring space (measuring at least 6m wide) shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the hereby approved development. Throughout the occupation of the development hereby approved the parking spaces and manoeuvring space adjacent shall not be used for any other purpose other than for the parking of vehicles associated with hotel customers and staff.

Reason: To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed; and to

remove confusion of occupants in the interests of discouraging car ownership by a large proportion of residents by not providing car parking spaces free for any occupant to use.

#### **15. Electric Vehicle Spaces (Performance)**

Prior to the development hereby approved first coming into use at least 2 parking spaces (15% rounded up) with charging facilities for electric vehicles shall be provided in accordance with the details hereby approved. The spaces and charging infrastructure shall be thereafter retained as approved and made available for use by electric vehicles throughout the lifetime of the development.

Reason: In the interest of reducing emissions from private vehicles and improving the city's air quality.

#### **16. Cycle storage facilities [Performance]**

Before the development hereby approved is first occupied, secure and covered storage for bicycles shall be provided in accordance with the plans hereby approved and thereafter retained as approved. At all times 1 dedicated cycle storage space per ten employees and 1 dedicated cycle storage space per 10 beds (2 in total) shall be retained and made available for customers and staff and those cycle storage spaces shall be retained for that purpose thereafter throughout the lifetime of the development.

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

#### **17. Refuse & Recycling [Performance]**

Before the development hereby approved is first occupied the storage of refuse and recycling shall be provided in accordance with the hereby approved plans and the details listed below, and thereafter retained as approved throughout the lifetime of the development.

- The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.
- Internal lighting must operate when doors are open.
- Tap and wash down gulley must be provided with suitable falls to the floor.
- Internal doors/walls/pipework/tap/conduits must be suitably protected to avoid damage caused by bin movements.
- The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m.
- The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used.
- A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.
- The developer must contact the City Council's refuse team eight weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. Email [waste.management@southampton.gov.uk](mailto:waste.management@southampton.gov.uk).

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.

#### **18. Ecological Mitigation Statement (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place where appropriate. The habitat and species mitigation and enhancement measures shall include:

- Swift nesting boxes incorporated into the building.

- Bird and bat boxes (tree mounted).
- Native planting.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

### **19. 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

### **20. 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 Management Plan for the development. The Construction Management Plan shall include details of:

- a) parking of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction;
- f) 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, the character of the area and highway safety.

### **21. 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.

### **22. Wheel Cleaning Facilities (Performance)**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

### **23. Restricted use of flat roof area [Performance Condition].**

The roof area of the building hereby approved which incorporates a flat roof surface shall not be used for storage purposes, as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason: In order to protect the privacy of adjoining occupiers.

#### **24. Staff showings facilities [Performance]**

Before the development hereby approved first comes into occupation, the staff shower/washing/changing facilities shall be made available on site for staff to use in accordance with the approved plans and thereafter retained as approved for those purposes throughout the lifetime of the development.

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

#### **25. External Lighting Scheme (Pre-Use)**

Prior to the use of any external lighting details of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved throughout the lifetime of the development.

Reason: In the interest of residential amenity.

#### **26. Land contamination investigation and remediation (Pre-Commencement & Occupation)**

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

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

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

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

#### **27. 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 development hereby approved first coming into use or occupation.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development

**28. 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.

**29. Archaeological watching brief work programme [Performance Condition]**

The developer will secure the completion of a programme of archaeological work as set out in the submitted written scheme of investigation from Wessex Archaeology dated October 2021 and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

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

Prior to the first use of the ancillary gym and public café hereby approved sound insulation measures, against internally generated noise and vibration generated by the equipment needed to facilitate the gym and café, shall first be submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter retained as approved whilst the café and gym are in operation.

Reason: In the interests of the amenity and to prevent harmful noise generation.

**31. Ventilation System [Pre-Above Ground Works Condition]**

No above ground works shall begin until details of an acoustically treated mechanical ventilation system for all elevations fronting Winchester Road and Hill Lane, a user guide and maintenance schedule arrangement, have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed prior to the occupation of the building hereby approved and subsequently retained and maintained in accordance with agreed maintenance schedule throughout the lifetime of the development. The details of the system shall include location of air intake (which must be from the rear of the building) and confirmation that ground and first floor windows on the elevations fronting Winchester Road and Hill Lane will remain sealed and fixed shut. The agreed user guide shall also be presented to guests upon commencement of occupation.

Reason: In order to protect occupiers of the hotel and cafe from air pollution generated by road traffic on Winchester Road due to proximity to the air quality management area.

**32. Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]**

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed hotel accommodation from traffic noise from Winchester Road and Hill Lane have been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:

Glazing Type A: 10 mm glass: 12 mm cavity (minimum): 8.8 mm laminated glass e.g. Stadip Silence or equivalent; or

Glazing Type B: 4 mm glass: 12 mm cavity (minimum): 4 mm glass.

Once approved, that glazing shall be installed before the hotel is first occupied and thereafter retained at all times throughout the lifetime of the development.

Reason: In order to protect occupiers of the hotel from traffic noise.

### **33. 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, clear glazing shall be retained for all windows at ground floor 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.

### **34. Green Roof Implementation (Pre-commencement)**

Prior to the commencement of the development hereby approved, a specification and management plan for the green roof shall be submitted to and agreed in writing by the Local Planning Authority. The green roof must be installed to the approved specification before the building hereby approved first comes into use 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. If the green roof dies, fails to establish or becomes 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 reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

### **35. 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).

### **36. 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).

### **37. Sustainable Drainage (pre-commencement)**

No development shall take place until full detailed details of the Drainage Strategy have been submitted and approved by the Local Planning Authority. The Drainage Strategy should

include the final detailed design drawings showing all components that form part of the surface water drainage system, supported by cross sections drawings, locations of all inlets, outlets and flow control structures and appropriate drainage calculations. Confirmation of the final point of discharge (with written approval to connect to the public sewer from Southern Water) and management and maintenance plan identifying who will be responsible for the maintenance over the design life.

Reason: To secure inclusion of sustainable drainage to manage surface water on site, meeting the requirements of the National Planning Policy Framework and Policy CS20 of the Southampton Core Strategy (amended 2015)

### **38. Sustainable Drainage Verification Report (pre-occupation)**

Prior to the first occupation of the development, a Drainage Verification Report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) with as built drawings and photographs showing that the key components have been installed (i.e. surface water attenuation devices/areas, flow restriction devices and outfalls etc). The full details of the appointed management company or person(s) who will be responsible for the ongoing management and maintenance of the drainage system should also be included, with appropriate evidence for example a letter or contract agreement.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS and will be maintained appropriately over the lifetime of the development.

### **39. Nitrate Mitigation – 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.

### **40. Tree Retention and Safeguarding (Pre-Commencement)**

Prior to the commencement of the development hereby approved, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period

### **41. Lift (Performance)**

Prior to the development hereby approved first coming into use the lift shall be provided in accordance with the details hereby approved. The lift shall thereafter be retained as approved and made available for use by customers and staff throughout the lifetime of the development.

Reason: In the interest of disabled access and convenience of use by staff and customers.





**POLICY CONTEXT**

Core Strategy - (as amended 2015)

- CS13 – Fundamentals of Design
- CS18 – Transport
- CS19 – Car and Cycle Parking
- CS20 – Tackling and adapting to Climate Change
- CS22 – Biodiversity and Protected Species
- CS25 – Delivery of Infrastructure and Developer Contributions

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

- SDP1 – Quality of Development
- SDP4 – Development Access
- SDP5 – Parking
- SDP6 – Urban Design Principles
- SDP8 – Urban Form and Public Space
- SDP9 – Scale, Massing and Appearance
- SDP10 – Safety and Security
- SDP11 – Accessibility and Movement
- SDP12 – Landscape and Biodiversity
- SDP13 – Resource Conservation
- SDP14 – Renewable Energy
- H2 – Previously Developed Land

Bassett Neighbourhood Development Plan 'made' 2016

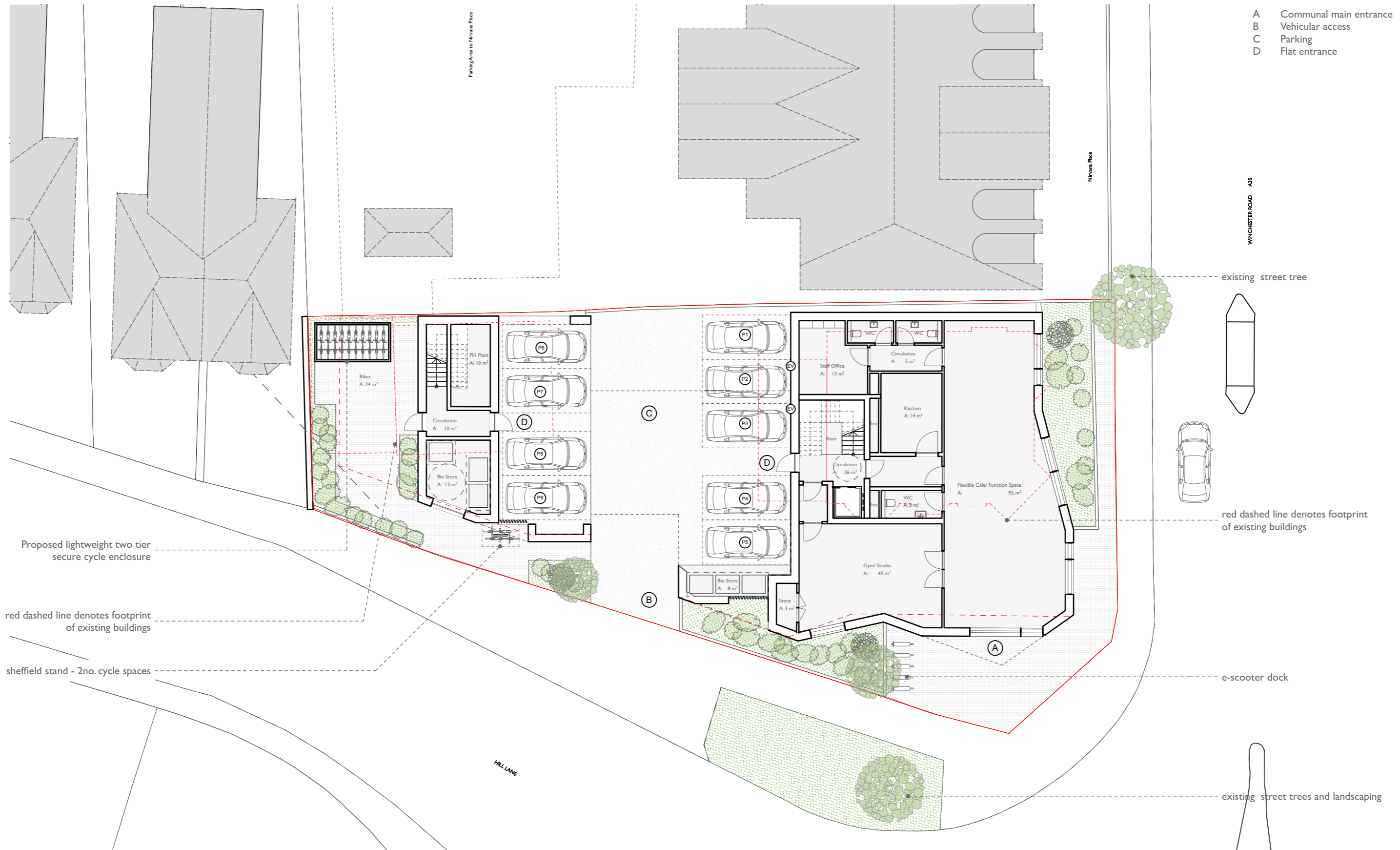
- BAS 1 New Development
- BAS 2 Consultation
- BAS 3 Windfall Sites
- BAS 4 Character and Design
- BAS 7 Highways and Traffic
- BAS 9 Trees
- BAS 12 Business and Industry
- BAS13 Southampton Sports Centre and Southampton City Golf Course
- BAS 14 Drainage

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 CIL Charging Schedule (September 2013)



1:200  
Ground Floor GA Plan Proposed



Scale @ A3: 1:200



NOTE: This drawing is to be scaled for planning purposes only

Project: 382 Winchester Road  
Address: Shirley, Southampton, SO16 7DH  
Client: Spring Acre Property Group

Drawing: Ground Floor GA Plan Proposed  
WR - OBA - 00 - GF - DR - A - 0250 - P05  
Status: PLANNING OBA proj no: 310

rev	description	date
P05	Planning 02	19/01/2023

**OB ARCHITECTURE**

The Dispensary, 5-6 The Square, Winchester, SO23 9ES  
6a Maltings Place, 169 Tower Bridge Road, London, SE1 3JB  
01962 865344 info@obarchitecture.co.uk www.obarchitecture.co.uk

Agenda Item 6  
Appendix 1



Dashed line denotes footprint of previous planning application Ref: 22/00737/FUL

1:200  
First Floor GA Plan Proposed



Scale @ A3: 1:200



NOTE: This drawing is to be scaled for planning purposes only

Project: 382 Winchester Road  
Address: Shirley, Southampton, SO16 7DH  
Client: Spring Acre Property Group

Drawing: First Floor GA Plan Proposed  
WR - OBA - 00 - 01 - DR - A - 0251 - P05  
Status: PLANNING OBA proj no: 310

rev	description	date
P05	Planning 02	19/01/2023

**OB ARCHITECTURE**

The Dispensary, 5-6 The Square, Winchester, SO23 9ES  
6a Maltings Place, 169 Tower Bridge Road, London, SE1 3JB  
01962 865344 info@obarchitecture.co.uk www.obarchitecture.co.uk



Dashed line denotes footprint of previous planning application Ref: 22/00737/FUL

1:200  
Second Floor GA Plan Proposed



Scale @ A3: 1:200



NOTE: This drawing is to be scaled for planning purposes only

Project: 382 Winchester Road  
Address: Shirley, Southampton, SO16 7DH  
Client: Spring Acre Property Group

Drawing: Second Floor GA Plan Proposed  
WR - OBA - 00 - 01 - DR - A - 0252 - P05  
Status: PLANNING OBA proj no: 310

rev	description	date
P05	Planning 02	19/01/2023

**OB ARCHITECTURE**

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01962 865344 info@obarchitecture.co.uk www.obarchitecture.co.uk



1:200  
Proposed South West Street Elevation, Hill Lane



1:200  
Proposed South East Street Elevation, Winchester Road

Scale @ A3: 1:200



NOTE: This drawing is to be scaled for planning purposes only

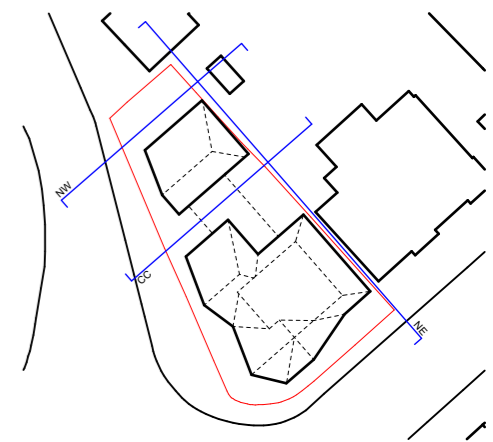
Project: 382 Winchester Road  
Address: Shirley, Southampton, SO16 7DH  
Client: Spring Acre Property Group

Drawing: Proposed Street Elevations  
WR - OBA - 00 - ZZ - DR - A - 0450 - P04  
Status: PLANNING OBA proj no: 310

rev	description	date
P04	Planning 02	16/01/2023
P03	Planning 02	06/12/2022

**OB ARCHITECTURE**

The Dispensary, 5-6 The Square, Winchester, SO23 9ES  
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- Key:
- a white brick
  - b white brick soldier course
  - c bronze coloured window & door frames
  - d grey fibre cement tile
  - e bronze coloured cladding panels
  - o obscured glazing

1:200  
Proposed North East Elevation

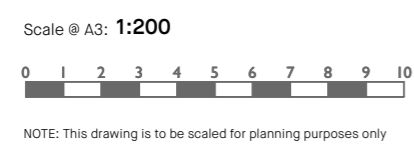
Page 79



1:200  
Proposed North West Elevation



1:200  
CC Section



Project: 382 Winchester Road  
 Address: Shirley, Southampton, SO16 7DH  
 Client: Spring Acre Property Group

Drawing: Proposed Elevations  
**WR - OBA - 00 - ZZ - DR - A - 0451 - P04**  
 Status: **PLANNING** OBA proj no: 310

rev	description	date
P04	Planning 02	16/01/2023
P03	Planning 02	06/12/2022

**OB ARCHITECTURE**  
 The Dispensary, 5-6 The Square, Winchester, SO23 9ES  
 6a Maltings Place, 169 Tower Bridge Road, London, SE1 3JB  
 01962 865344 info@obarchitecture.co.uk www.obarchitecture.co.uk

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 6 JUNE 2023

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Present: Councillors Savage (Chair), Beaurain, Mrs Blatchford, Cox, A Frampton and Shields

Apologies: Councillor J Baillie

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

It was noted that following receipt of the temporary resignation of Councillor Powell-Vaughan and Windle from the Panel the Director – Legal, Governance and HR acting under delegated powers, had appointed Councillor Shields and J Baillie to replace them for the purposes of this meeting. Apologies from Councillor J Baillie were received.

2. **ELECTION OF VICE-CHAIR**

**RESOLVED** that this item be deferred until the meeting of 27 June 2023.

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

**RESOLVED:** that the minutes for the Panel meeting on 11 April 2023 be approved and signed as a correct record.

4. **THE SOUTHAMPTON (SWIFT HOLLOW) TREE PRESERVATION ORDER 2022**

The Panel considered the report of the Head of City Services

Jurgita Smulskiene was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that the Panel confirm the Southampton (Swift Hollow) Tree Preservation Order 2022, with amendments as set out in the report.

5. **PLANNING APPLICATION - 23/00153/REG3 - SOUTHAMPTON SPORTS CENTRE**

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 authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report.

Redevelopment of the Sports Centre to provide a new community hub and indoor tennis and netball facility, new Alpine snowsports centre, new family zone, new athletics pavilion and grandstand, new 275 space woodland car park accessed via Dunkirk Road following the removal of a cricket pitch. Together with the provision of new and upgraded football pitches and retention and upgrade of cricket and hockey pitches, improved facilities for cycling and walking and enhanced landscaping. (Departure from Development Plan).

Richard Plume, Simon Reynier- City of Southampton Society, Yvette Rumbold, Michael Hickey (local residents objecting), Tina Dyer-slade, Richard Millard, (applicant), Chris

Grainger, Tracey Jones, Dave Johnston, Lyn Brayshaw (supporters) and Councillors Blackman and Wood (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an additional objection had been received from Councillor A Bunday in relation to the provision of cricket pitches. It was noted that Hampshire Constabulary had responded to the proposed application and advised that they had raised no objection to the application advising that they would require further details of the access gates to be secured and noted that Condition 11 would be amended to reflect this. In addition it was noted that both the Environment Agency and the Council's Flooding team were reviewing the issues in regard to flood and drainage and these matters would be delegated to resolve the technical matters.

The Planning officer noted that a number of Conditions would need to be amended as set out below.

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

### **RESOLVED**

1. Delegated to the Head of Transport and Planning to grant planning permission subject to;
  - a. the planning conditions recommended at the end of the report along with any amendment detailed at the meeting and,
  - b. the receipt of satisfactory amended plans and technical mitigation on flood and drainage (providing the submission does not significantly alter the proposed scheme's layout and form).
2. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the conditions as necessary.
3. In the event that the flood risk objection is not overcome within reasonable timescales, delegate to the Head of Transport and Planning to refuse planning permission.

### **Amended Conditions**

#### 3. Unilateral undertaking agreement (Pre-Commencement Condition)

- i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site – as detailed in the Highway Team's response to the planning application - 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) – these works to be delivered prior to first occupation of the new development;
- 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;
- iii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives with financial contributions

towards supporting these initiatives during both the construction and operational phases (as applicable), 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);

- iv. 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);
- v. The submission, approval and implementation of a Travel Plan for the facilities (where applicable) to promote sustainable modes of travel in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy – This plan is to be delivered prior to first occupation of the new development and following notification/consultation with Ward Councillors and the posting of site notices;

REASON: Planning permission can be issued following the resolution of the Planning and Rights of Way Panel as the site is currently within Council ownership. Furthermore, as the development will create localised impacts the suggested mitigation is required in the interests of the proper planning of the area and to mitigate the impact of the development in accordance with Policy CS25 of the amended City of Southampton Core Strategy (2015).

#### 6. Hours of Use (Performance Condition)

The buildings hereby approved shall not operate outside of the hours hereby set out:  
06.00am and 11pm (Monday to Saturday) and  
06.00am and 10pm Sundays, Bank and/or Public Holidays

REASON: In the interests of existing and proposed residential amenity

#### 11. Boundary Treatment (Pre-Occupation)

Before the development hereby approved first comes into occupation, any proposed changes to boundary treatment including access gates shall be first submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment/access gates 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.

#### 12. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate, external lighting, structures and ancillary objects (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;
- (iii) The Green Space Factor Tool;

- (iv) 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 including a range of trees sizes including heavy standards (a five-for-one basis as offered by the applicant unless circumstances dictate otherwise and agreed in advance);
- (v) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme.

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 25 years following its complete provision, with the exception of boundary treatment and external lighting 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 25 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 25 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.

#### 19. Green Roof / wall Specification (Pre-Commencement Condition)

Details of the biodiversity (green/brown) roof(s) and wall shall be submitted to and approved in writing by the Local Planning Authority prior to the superstructure works for each building hereby approved commencing on site.

The biodiversity (green/ brown) roof(s) and walls shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plans hereby approved;
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum)
- d) The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- e) The biodiversity roof(s) and walls shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter by a qualified maintenance company.

The green/brown roofs must be installed to the approved specification before the building hereby approved first comes into use or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for the lifetime of the development following its complete provision. If the green roof dies, fails to establish or becomes damaged or diseased it 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 the lifetime of development from the date of planting.

REASON: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy

CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13.

6. **PLANNING APPLICATION - 23/00079/FUL - 382 WINCHESTER ROAD**

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.

Re-development of the site to provide a three-storey 26-bedroom apart hotel providing short-term serviced accommodation, including residents gym/studio, cafe, secure cycle parking, 9 associated on site car parking spaces, space for public e-scooter or e-bike docking station and landscaping (Resubmission 22/00737/FUL).

June Vear, Simon Reyneir -City of Southampton Society, Dave Johnston - Old Bassett Residents' Association (local residents/ objecting), David Jobbins (agent), Max Easton (applicant) and Councillor Blackman (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that additional correspondence from the Applicants Agent had been received and posted online. It was noted that an amended plan had been received on the 5<sup>th</sup> June 2023 detailing the location of a laundry. The officer explained that in the event of the recommendation to refused be overturned and planning permission had been granted, the Council would have prepared a Habitats Regulations Assessment, which would have concluded that this form of overnight accommodation would have an impact upon designated Special Protection Areas. It would then have required the development to secure nitrate credits to mitigate the impact of the development, and its effect on nitrogen loading within the Solent, and a planning condition would have been used to secure those credits. The officer also detail an amendment was required to paragraph 6.12 of the report in order to list the correct results of parking surveys undertaken on the 8<sup>th</sup> and 9<sup>th</sup> September.

Upon being put to the vote the recommendation to refuse planning permission was carried unanimously.

7. **PLANNING APPLICATION - 22/01716/FUL - 2 VICTORIA ROAD**

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.

Change of use from retail to a learning centre and religious worship (class F)  
(Retrospective)

Ibrahim Sen (supporter) was present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statements had been received, circulated to the Panel and posted online from Barry Hatton and Bob Brunnen.

The presenting officer reported the need for an additional condition that would restrict the use of premises as set out below. During the discussion on the item, Members

raised issues relating to Condition 3 of the application officers agreed to amend their recommended condition as set out below.

Upon being put to the vote, the amendment to 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**

#### **Restricted Use (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting those Orders, the development hereby approved shall only be used for place of worship and ancillary educational learning; and for no other purpose whatsoever (including any other purpose in Class F1; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

REASON: In the interests of protecting residential amenity and highways safety.

### **AMENDED CONDITION**

#### **Condition 3 - Premises management plan (Regularisation)**

Within 2 months of the date of the decision notice, a 'Premises Management Plan' shall be submitted to and agreed in writing by the local planning authority setting out measures to manage the use including, but not limited to:-

- The dispersal of attendees leaving the premises – particularly at closing;
- Activities permitted within the internal space and external rear area;
- Closure of windows and doors during noisy activities *if deemed appropriate; and*
- *Storage and collection of refuse bins.*

The use thereafter shall be operated in accordance with the approved 'Premises Management Plan' for the lifetime of the use.

REASON: In the interests of residential amenity, means of escape and highway safety

## **8. PLANNING APPLICATION - 23/00317/FUL - 10 HOLYROOD 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 the application be conditionally approved.

Erection of a single storey rear extension.

The Panel received a statement from the High Fields Resident's Association objecting to the application and noted that this had been posted online.

The presenting officer reported that no changes or updates were required to the report.

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.

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<b>Habitats Regulations Assessment (HRA)</b>	
<b>Application reference:</b>	23/01255/FUL
<b>Application address:</b>	382 Winchester Road Southampton SO16 7DH
<b>Application description:</b>	Redevelopment of the site. Erection of a part two, part three storey Apart Hotel (Class C1) comprising 20 serviced rooms with staff office, cafe/meeting space, car parking (10 spaces), secure cycle storage and e-scooter docking station at ground floor, following demolition of existing offices (Revised application to 23/00079/FUL) (amended description).
<b>HRA completion date:</b>	10 <sup>th</sup> November 2023

<b>HRA completed by:</b>
Lindsay McCulloch Planning Ecologist Southampton City Council lindsay.mcculloch@southampton.gov.uk

<b>Summary</b>
<p>The project being assessed is as described above.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</b></p>

## Section 1 - details of the plan or project

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



However hotels are not CIL liable and therefore a contribution (equivalent to the CIL rate) will be secured as part of the s106 agreement and this approach has been agreed with the applicants.

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 full workings have been provided by the applicant as part of the planning application submission. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development. This is based on the additional population from the overnight accommodation using 110litres of wastewater per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount of nitrogen is made.

### **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

- An equivalent 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;
- Equivalent 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.

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## Appeal Decision

Site visit made on 13 October 2020

by **D.R McCreery MA BA (Hons) MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 03 November 2020

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**Appeal Ref: APP/D1780/W/20/3249427**

**Compass House Car Park, Romsey Road, Southampton SO16 4HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Margulies (BMR Compass Ltd) against the decision of Southampton City Council.
  - The application Ref 19/00726/FUL/4647, dated 18 April 2019, was refused by notice dated 6 January 2020.
  - The development proposed is re-development of the site to create a three-storey hotel containing 73 rooms with associated works including 34 car parking spaces.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are:
  - The effects of the proposed development on the living conditions of nearby residents, when particular regard is paid to demands for on-street car parking.
  - Whether the it would make adequate provision for improvements to other local infrastructure in order to mitigate its effects.

### Reasons

*Demands for on-street car parking.*

3. The proposal includes 34 car parking spaces to serve the new hotel. The Council consider that this would not be adequate to meet the demand of a 73 bedroom hotel and that the proposed development would have negative effects on the local highway network, in particular levels of parking stress that would be harmful to the living conditions of those living nearby.
4. Whilst outside of a commercial centre as defined by the local plan, the site has good access to public transport, particularly by bus. There are bus stops within close walking distance that provide frequent services to the City Centre and other locations. Although it is outside the areas of high accessibility identified in the Parking Standards Supplementary Planning Document the edge of this area would be within walking distance for many.

5. The area around the appeal site provides a safe and convenient environment for walking and cycling, in part due to recent development and the changing nature of the surroundings from its former commercial context to one that is more residential. Whilst the immediate surroundings are relatively flat, the land slopes more steeply as it moves towards the City Centre. Given the nature of the proposed use and likelihood that many would visit with luggage, this would limit the realistic opportunities to access the hotel by means of predominantly walking and cycling.
6. The Appellant's points about further improvements to public transport happening in the future are noted. Given the timeline and scale of these improvements and the evidence presented it is not possible to attribute significant weight to them in an assessment of accessibility.
7. Notwithstanding the relatively good access to public transport links and general accessibility of the site, I note the concerns raised by the Council and those living in the area about the levels of car parking stress already experienced.
8. The Appellant relies on a car parking accumulation assessment that anticipates that 25 of the 34 spaces proposed would be occupied at the time when they are most in demand. This equates to an occupancy level of 73% and suggests that the proposed development would not be reliant on overspill parking outside the site, including in surrounding roads.
9. The assumptions in the assessment relies on data about parking from 5 hotels located elsewhere in town centre locations, and 2 at the edges of town centres. Whilst the appeal site has relatively good access to public transport I do not regard it to be in a town centre, giving the words their ordinary meaning. As only 2 edge of centre hotels are selected for inclusion the assessment is heavily skewed in favour of town centre comparisons for reasons which are not adequately explained.
10. I appreciate that the pool of comparison sites may have been limited. However, due to the likely differences between parking demands in a town centre location and an area such as the appeal site, the assessment does not provide a reliable basis for predicting the likely parking demands that would result from the proposed development.
11. Further, the assessment includes data on expected parking occupancy between the hours of 7am and 10pm, anticipating that the peak hour would be between 9pm and 10pm. Little detail is provided on night time parking occupancy, the time at which it is logical to expect that parking would be in higher demand given the nature of the proposed hotel use.
12. For the above reasons, and taking account of the Appellants other points on this matter, the evidence does not indicate that the parking demands of the proposed development would be accommodated within the site. Given the shortfall between the number of parking and bed spaces proposed, the number of users of the hotel reliant on overspill parking outside the site could be significant at times. This would be the case even when some allowance is made for those choosing to use public transport and other means beyond the private motor car. There would also be additional demand resulting from the needs of employees and servicing.

13. The Appellant's parking survey identifies in excess of 240 available on-street car parking spaces within a 500 metre walking distance of the site. In terms of the suitability of parking locations, it is logical that most drivers would at least initially seek out spaces as close as possible to the hotel that they perceived to be safe. This would particularly be the case if they were carrying luggage and planned to leave the vehicle overnight.
14. As such, the impacts of the need for overspill parking associated with the proposed development would be most keenly felt by those living closest. In these locations, and in particular the smaller residential streets closer to the site, the displacement of parking and noise and disturbance as a result of additional vehicles and associated waiting and movements would have an unreasonable effect on the living conditions of residents.
15. Mercator Close is one of the roads closest to the site that, amongst others nearby, many drivers would logically go to seek out a parking space if none were available on site. I note that this road is a cul-de-sac and already serves as access for residents and users of the small supermarket. From my site visit I observed significant numbers of vehicle movements around this area. The comments of residents suggests that the road operates at near capacity to what is tolerable to those living close to it in terms of disturbance and pressure for parking.
16. As such, I judge that the impact of the proposed development on those living close to this area would be particularly severe. I note that the Appellant has excluded an assessment of parking available on Mercator Close and some other roads on the grounds that they are new developments where the road has not yet been adopted. Nevertheless, those unfamiliar with the area and local parking restrictions would make no such distinction when looking for spaces on a speculative basis.
17. The Appellants suggestion that, following adoption, the Council could manage overspill parking associated with the proposed development through the use of double yellow lines or other such measures is inadequate in terms of managing the effects.
18. For the reasons set out, the proposed development would have a harmful effect on the living conditions of nearby residents, when particular regard is paid to resulting demand for on-street car parking. Consequently, I find conflict with policies in the Local Plan, including Policy SDP1 of the Southampton Local plan in relation to ensuring that development has acceptable effects on the amenity of citizens and Policy CS19 regarding car parking and taking account of the scale, travel needs, location, and level of public transport accessibility when considering development proposals.

*Other local infrastructure provision*

19. The Council's second reason for refusal refers to completion of a legal agreement aimed at mitigating various effects of the proposed development, including those relating to local highway improvements and contributions to public art. The Appellant has submitted a draft agreement as part of the appeal that seeks to address the reason for refusal. However, as an executed and certified copy of the agreement has not been provided, I am unable to attribute weight to its contents.

20. Notwithstanding this, as I find harm in relation to the first reason for refusal and the contents of the agreement would not have overcome the harm, the lack of a completed agreement has not had a bearing on the outcome of this appeal.

*Planning balance*

21. I have found harm in relation to the effects of the proposed development on the living conditions of nearby residents, when particular regard is paid to resulting demands for on-street car parking. I have paid regard to the benefits of the proposed development as set out by the Appellant, including the potential role it could play in supporting tourism in the area, job creation, and spend it may generate in the local economy. However, the benefits when taken as a whole do not overcome the harm identified.

**Conclusion**

22. For the above reasons the appeal is dismissed.

*D. R. McCreery*

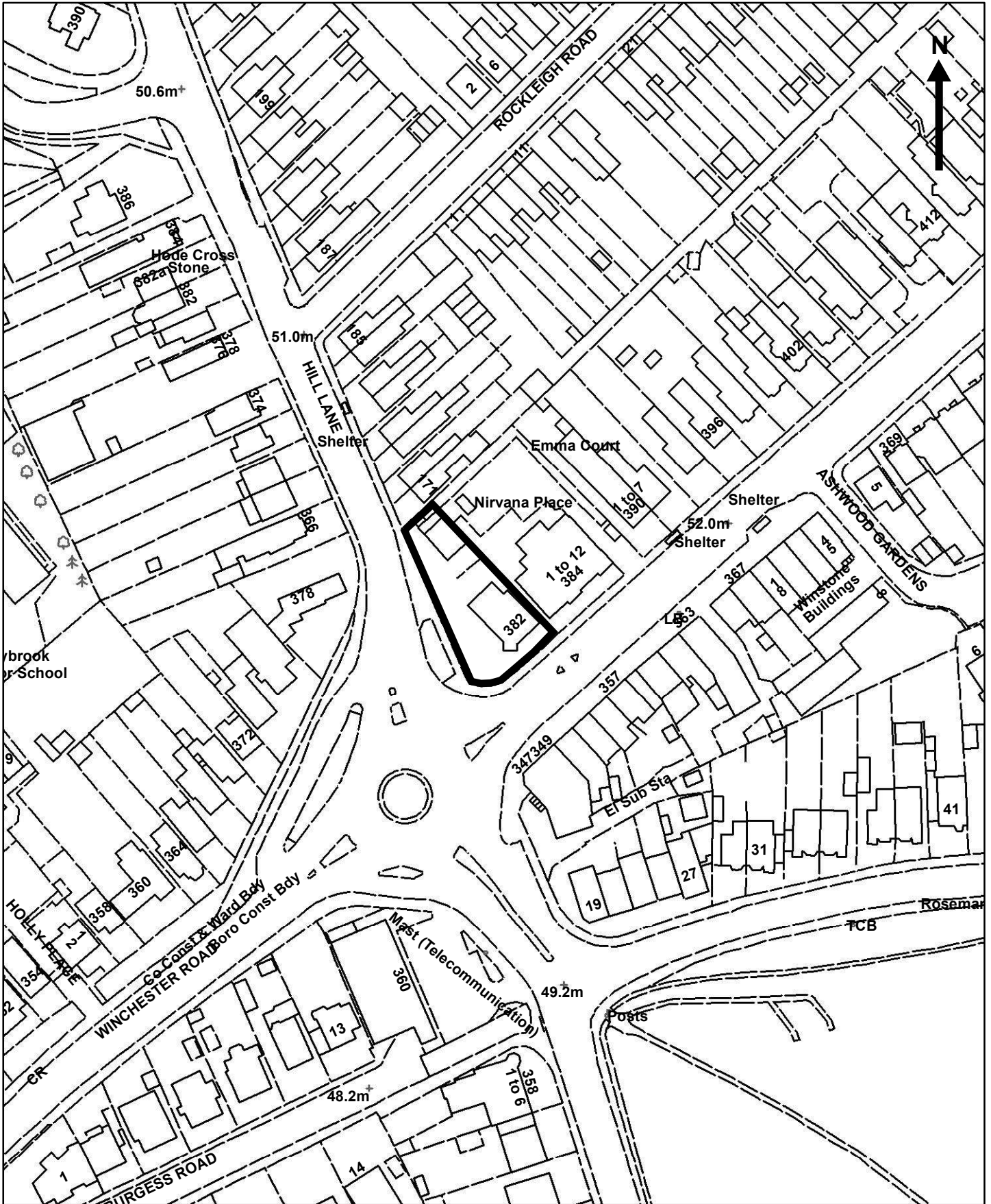
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# Agenda Item 6

# 23/01255/FUL

Appendix 5



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**Planning and Rights of Way Panel 21<sup>st</sup> November 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> Rear of 92 Merryoak Road, Southampton			
<b>Proposed development:</b> Erection of 2x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Resubmission ref 22/01104/FUL)			
<b>Application number:</b>	23/01174/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	01.12.2023	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received	<b>Ward Councillors:</b>	Cllr Keogh Cllr Houghton Cllr Letts
<b>Applicant:</b> Mr & Mrs C Andrews		<b>Agent:</b> MDT Design	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2023). Policies – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>
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1	Habitats Regulation Assessment	2	Development Plan Policies
3	Planning History inc. details of previously refused scheme for 7 flats (22/01104/FUL)		

### 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 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 relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

- 1.1 This site currently contains a detached dwellinghouse fronting Merryoak Road, which is currently vacant. The rear of the site is currently used for the open storage and distribution of coal with a number of associated single-storey buildings (including a site office). The site is laid out with hardstanding to the front and rear and a wide vehicular access to the rear is provided to the side of the dwelling. The site clearly appears commercial and based on aerial photos from 1999 the use has operated from the site (an historic use of land without planning permission) for at least 23 years.
- 1.2 The surrounding area is characterised as suburban residential with two-storey dwellings of mixed appearance. Although the prevailing character comprises street-frontage dwellings with rear gardens, back-land dwellings also form part of the established character of the area, including the cul-de-sac Pycroft Close to the north-east of the site. There are no local parking permit street controls.

### **2. Proposal and background**

- 2.1 The current application follows an unsuccessful application from last year for the demolition of the existing dwelling and the erection of a two-storey building containing 4x1-bed flats and a 3-storey building containing 3x2-bed houses (reference 22/01104/FUL).

This application was refused under delegated powers, and the following is a summary of the main issues:

- Out of character/overdevelopment (plot to coverage in terms of footprint,

proximity of the rear gable ended 3-storey terraced block to boundaries and depth of the front flatted block represented a cramped development).

- Impact on Residential Amenity (the development would have an overbearing impact due to scale, bulk and height in terms of loss of light and outlook of 94a/b Merryoak Road and 29-31 Margam Avenue).
- Poor living conditions (insufficient external amenity space provision and lack of privacy separation between the housing and flatted blocks).
- Road Safety (inadequate/insufficient evidence to demonstrate on-site turning to enable vehicles to safely ingress and egress in a forward gear).
- Insufficient parking (insufficient evidence to demonstrate that the parking demand from this development would not cause parking overspill and harm to amenity).

The full reasons for refusal are set out in **Appendix 3** of the report.

2.2 The current application seeks to address the reasons for refusal set out above. The revised scheme retains the existing residential dwelling to the front of the site and provides a pair of semi-detached, two-storey houses to the rear of the site, where the coal-yard is currently located. The existing house will retain two car parking spaces, with the remaining frontage being soft landscaped. The scheme has been amended slightly since first submitted to ensure that the new houses will also be served by 2 car parking spaces each, accessed via the existing side vehicular access.

2.3 The proposed dwellings have a simple appearance, constructed with brick elevations, hipped roofs and front porches. The semi-detached houses provide a lounge, kitchen/diner and w.c on the ground floor and at first floor, 3 bedrooms (one with an en-suite) and a bathroom would be provided. Refuse and cycle storage is located to the rear of the existing unit. All the units have the main entrance on the front elevation and separate entrance to the rear is also provided.

2.4 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Prescribed Space Standards (NDSS) (3 bed with 4 people 84 sq.m) and the minimum garden sizes of 10 metre garden depth and 70sq.m area set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). A comparison with the standards is set out as follows:

Plot	Proposed Floor Size (sq.m)	Garden size(sq.m)	Compliance
1	85	57	Y & N
2	85	60	Y & N

2.5 The proposed gardens are 9.6 m metre deep and slightly smaller than the 70 sq.m guidance for garden standards set out in the Residential Design Guide Supplementary Planning Document. However, it is important to note that the properties have a similar garden provision to properties both within Pycroft Close and some properties along Merryoak Road. Maximising the use of

previously developed land for housing is also relevant here. This is assessed as part of the 'Planning Balance' in section 6 below.

### **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 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 2023. 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 The only relevant history, as set out in section 2 above, relates to a more intense scheme for the redevelopment of the site which was refused under delated powers (reference 22/01104/FUL). The reasons for refusal are 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 **13.10.2023**. At the time of writing the report **5 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Not in keeping with the surrounding area due to the dwellings effectively being in rear garden area and two storeys in height.***

#### **Response**

As section set out in section 2 of this report, the character of the area includes two storey dwellings located to the rear of street-facing properties and, furthermore, the proposal is more sympathetic within a residential context than the previous commercial use.

5.3 ***Loss of light, privacy and a view for properties in Pycroft close and Merryoak Road. The development will overlook neighbouring occupiers and result in noise and disturbance.***

#### **Response**

Having regard to the separation distances proposed and the modest two-storey height of the dwelling, it is considered that the development would not result in a detrimental loss of light to neighbouring occupiers, nor loss of outlook or privacy.

The distance between the rear elevations of the properties in Pycroft Close and the side elevations of the proposed houses is between 18 - 19 metres. This is much greater than the 12.5 metres separation distance that the Residential Design Guide seeks for such situations.

With respect to the separation of the development to properties in Merryoak Road and Margam Avenue, the proposed distances are between 24-29 metres and 30-39 metres respectively. The Residential Design Guide seeks 21 metres separation for such back-to-back relationships, which the development comfortably exceeds.

There is no reason to suspect that two residential dwellings would generate greater noise and disturbance when compared with the existing commercial use of the site, particularly since that use is unfettered by any planning controls that would limit noise and disturbance (such as hours of operation). The main noise impact of the new development would result from vehicles using the access and parking and it is noted that there is existing vehicular access into the site associated with the commercial use. Construction noise and disturbance can be mitigated by the suggested planning conditions.

5.4 ***Intensification of site more trips and pollution***  
**Response**

Whilst the activity of the existing coal yard is now being reduced, it is a historic storage and distribution use, unfettered by planning controls. As such, the use could intensify or an alternative storage and distribution use could operate from the site without requiring planning permission. Such commercial uses typically generate greater vehicular movements, including by HGVs, when compared with residential properties. As such, the proposal is considered to be betterment in this respect.

5.5 ***Create further hardstanding which would provide drainage issues***  
**Response**

The proposal will reduce amount of hard standing, given the rear of the site is currently 100% developed, which will improve the permeability of the site, therefore reducing surface water run-off.

5.6 ***Over development of the site.***  
**Response**

The development would result in a density of 38 dwellings per hectare (dph), which accords with the density range of 35-50 d.p.h that Policy CS5 of the Core Strategy sets out as being acceptable in this location. Furthermore, the introduction of genuine soft-landscaping at the rear of the site is welcome and it is considered that the development provides a good balance of open space/garden area versus buildings and hardstanding.

5.7 ***Impact on tree on adjacent site.***

**Response**

Whilst there are no protected trees on or immediately adjacent to the site, a condition is imposed to safeguard trees on adjacent sites during construction.

- 5.8 ***Concerned about the location of the collection point for the refuse containers***

**Response**

The use of the bin collection point will be restricted to collection days only by planning condition and, therefore, would not result in harm to neighbouring properties.

- 5.9 ***The application does not note the potential for contamination given the site history***

**Response**

Noted, but the Council's Contamination team have been consulted and have raised no objection subject to relevant conditions being addressed prior to commencement.

- 5.10 ***Discrepancy on plan with respect to the ground floor glazing showing a door opening element within the third part glazed section this is not shown on the elevation.***

**Response**

Noted and this will be clarified verbally at the Panel meeting.

- 5.11 ***Request the introduction of a landscaped buffer zone between no 90 Merryoak Road and the site.***

**Response**

A landscaped area is proposed and will be secured by condition.

- 5.12 ***Concerned about parking overspill due to lack of on-street parking and issues of highway safety due to the proximity to schools/college***

**Response**

No highways objection has been received, and tracking information has been provided to demonstrate that all vehicles can turn within the site. In addition, the proposed use is less intense in terms of trips than the existing use which reduces the impact on the highway. The scheme has been amended to ensure that the new dwellings are each served by two car parking spaces which is the maximum amount permitted in this location by the Council's Adopted Parking Standards Supplementary Planning Document.

- 5.13 ***Potential impact on public sewerage system***

**Response**

Southern Water have raised no objection to the introduction of these units, whilst surface water management would be assessed by building regulations.

- 5.14 ***No mention about the existing dwelling***

**Response**

No works are proposed to the existing property bar works to improve the frontage by providing reducing the level of hardstanding through the introduction of soft landscaping between the parking spaces and exiting house.



5.15 ***Surrounding properties will be less secure and at higher risk of intruders if this site is opened up***

**Response**

The insertion of dwelling to the rear would provide a more active use during the evening/night time hours than the existing commercial use so would provide a betterment in this regard.

5.16 ***Concerned about the impact on neighbouring boundaries***

**Response**

This is a civil matter between the applicant and adjoining landowners.

**Consultation Responses**

5.17

Consultee	Comments
<p>SCC Highways Development Management</p>	<p>The proposed development is considered acceptable in principle. However, an amended plan reorienting the parking spaces is suggested to enable better access to the properties and given them some defensible space.</p> <p>In terms of trip impact, it is noted that there is a historic industrial/storage unit towards the rear. It is not clear what exact permitted land use it has but the current/previous operator would likely generate LGV/small HGV movements to the site. Therefore the change of use to residential is considered to be acceptable as it removes these types of vehicles which would have had a larger impact on the access and highway.</p> <p>It is noted that four spaces would be the maximum required for the proposal and three are provided. Although this does not lead to a highway safety issue it could be amenity issue as one on street space may be required.</p> <p>No objection subject to conditions relating to;</p> <ul style="list-style-type: none"> <li>• A refuse management plan;</li> <li>• Securing refuse and cycle storage;</li> <li>• Parking management plan; and</li> <li>• Restricting the height of the front boundary to 600mm in height</li> </ul> <p><b><i>Officer comment:</i></b> An amended plan has been received to address the comments raised above.</p>

<p>SCC Community Infrastructure Levy (CIL)</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><b>No objection raised</b> No objection subject to conditions relating to hours of work and measures to suppress dust and measures to control noise on site, in order to protect the local neighbourhood.</p>
<p>SCC Environmental Health (Contaminated Land)</p>	<p><b>No objection raised</b> No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.</p>
<p>Southern Water</p>	<p><b>No objection raised</b> Mo objection raised subject to the inclusion of an informative on the decision notice advising that a formal connection to the public sewer is required.</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; and;
- Likely effect on designated habitats.

### 6.2 Principle of Development

6.2.1 Saved Policy H1 of the Local Plan is supportive of residential development on sites occupied by an unneighbourly commercial uses within residential areas and the proposal to develop two houses on an existing, historic coal yard, which abuts residential gardens, is welcome as a more complementary use.

Furthermore, the proposal would assist the Council in meeting its targets for housing delivery. Moreover, the use of previously developed land to provide genuine family housing is supported by both local and national planning policies.

6.2.2 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

[the so-called “tilted balance”]

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

6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in low accessibility locations such as this, density levels should generally accord with the range of 35-50 d.p.h, although caveats 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 38 d.p.h which accords with the range set out (unlike the scheme for 7 flats previously refused).

### 6.3 Design and effect on character

6.3.1 Core Strategy Policy CS13 requires development to ‘*respond positively and integrate with its local surroundings*’ and ‘*impact positively on health, safety and amenity of the city and its citizens*’. Local Plan Policies SDP1, SDP7 (iii) (iv) and SDP9 (ii) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness.

6.3.2 The previous application was refused for its effect on the character of the area in terms of the effect of a 3-storey terrace of houses at the back of the site, the depth of a new proposed block of flats at the front of the site and the amount of building and hard-surfacing proposed on the site. As noted, the current application seeks to retain the existing dwelling at the front of the site, removing the harmful effects that the previously planned block of flats would have had on

the character of the area. In addition to that, replacing the 3x3-storey terraced houses to the rear of the site with a pair of semi-detached properties results in a development which is more sympathetic with the surrounding properties and has enabled the amount of building and hard-surfacing to be reduced. The proposal would result in a site coverage of approximately 55% which although is in excess of the guidance of 50% (paragraph 3.9.1-3.9.2 of the Residential Design Guide refers), is a significant betterment when compared with the existing and the refused scheme, which would have resulted in 65% being developed by building or hardsurfacing. Furthermore, the building-to-plot relationship is now more reflective of the layout of plots that are found within the vicinity of the site and the amount of building and hard-surfacing is not considered to be out-of-character.

6.3.3 The proposal is now much more sympathetic with the established character of the area with the reduction of height of the dwellings and the provision of a hipped roof form is more typical of the area and which reduces the massing and results in a more diminutive roof form. Furthermore, a semi-detached pattern of development is more typical within this location than the provision of a short terrace of dwellings.

6.3.4 Overall, the provision of two family dwellings on a hitherto intensively developed commercial site is considered to be a betterment to the character of the area.

#### 6.4 Residential amenity

6.4.1 The previous application on this site was refused in terms of the impact of the 3-storey scale and massing of the back block and the size frontage block of flats on the residential neighbours in terms of loss of light and outlook.

6.4.2 As set out above in section 5.3, the separation distances between the proposed dwellings and existing neighbours meet and, in some cases, exceed the standards set out in the Council's Residential Design Guide Supplementary Planning Document. The impact is not detrimentally harmful to the gardens of Pycroft Close given the open break between site and the edge of their gardens. Likewise, the separation distance between the backs of the Merryoak properties to the north-west will have an acceptable relationship. There will potentially be indirect views into the rear gardens of the neighbouring properties but this relationship is usual in suburban areas and does not result in a harmful loss of privacy for existing residents. A degree of mutual overlooking already occurs. The development is, therefore, considered to be acceptable in this respect.

6.4.3 The residential use of the site will result in noise disturbance along the back and side gardens of the adjoining properties from driveway vehicle movements. However, in comparison to the existing commercial activities taking place this is therefore not considered to have a significantly worse harmful impact to the neighbour's amenity. The use bin collection point is temporary on collection days and, therefore, will have a minimal impact from noise and odour nuisance subject to implementing a management plan for collection day.

6.4.4 In terms of the quality of the accommodation proposed, overall, the development provides good outlook and access to daylight and sunlight for proposed

residents together with good access to external amenity space and sufficiently spacious dwellings. It is noted that one dwelling would be served than less than the RDG recommended minimum standard of 70sq.m of external space. However, this deficit is marginal (5 - 10 sq.m) and overall, the garden provides a useable area that would have good access to sunlight throughout the day. Furthermore, as noted in section 5 of the report smaller gardens can be found in the local area (e.g. nos. 82 – 90 Merryoak Road and all the properties in Pycroft Close). As such, a pleasant residential environment will be achieved without compromising local context or proposed residential amenity.

6.4.5 The previous application also included a reason for refusal in relation to the poor separation between the front and the rear block and the inter-looking that would occur within the development. This has been overcome by retaining the existing dwelling, which has a shallower rearward projection than the previous scheme proposed for the front, and by reducing the height of the rear block to two-storey. The relationship between the existing dwelling and proposed houses is, therefore considered to be acceptable.

6.4.6 Overall, it is considered that the development is designed to provide a high-quality environment for future residents whilst ensuring a harmonious relationship with adjacent residential properties. The revised scheme addresses the previous second and third reason for refusal. Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, noise, loss of light and/or privacy and accords with Local Plan Review saved Policy SDP1(i).

## 6.5 Parking highways and transport

6.5.1 The previous scheme was refused for highway safety issues due to the failure to demonstrate vehicles could leave the site in a forward gear. The revised scheme provides turning for both the two spaces at the frontage and the four spaces to the rear. Therefore, addressing the previous reason for refusal. The scheme was also refused for failure to demonstrate that the proposed development would not cause unacceptable parking overspill onto adjacent roads to the detriment of neighbouring amenity due to potential for competition for spaces. The revised scheme provides two car parking spaces for each dwelling which is the maximum number permitted in this location. As such, this aspect of the previous reason for refusal has also been addressed.

6.5.2 A scheme for 2 dwellings doesn't attract a s.106 legal agreement (unlike the previous) and so the final reason for refusal has also been met.

## 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**. Furthermore, all overnight

accommodation has been found to have an impact on the water quality being discharged into our local watercourses that are of protected status. The 'harm' caused can be mitigated by ensuring that the development complies with the principles of 'nitrate neutrality', and a planning condition is recommended to deal with this as explained further in the attached Habitats Regulations Assessment. 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 acceptable and the replacement of a commercial use with family dwellings is more conducive to the residential character of the neighbourhood. The proposal has successfully addressed the Council's previous reasons for refusal. Whilst the coverage of the site by building and hard-surfacing is slightly more than the Council's guidance encourages, when considered in the round with the other benefits of the proposal, this is considered to be 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 dwellings, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited 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 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 the completion of a S.106 or S.111 Legal 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 Anna Lee for 21<sup>st</sup> November 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. Details of building materials to be used (Pre-Commencement)**

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

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

**3. 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 E (curtilage structures), including a garage, shed, greenhouse, etc., and

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.

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

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

**6. Refuse Management Plan (Pre-occupation)**

Before the development hereby approved first comes into occupation, a Refuse Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Refuse Management Plan shall provide details of a collection point for refuse and recycling and the movement of containers to and from the collection point on collection days. With the exception of collection days, the refuse and recycling containers shall be kept only within the approved storage areas.

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

**7. 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.

**8. Vehicular Sightlines specification (Performance Condition)**

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600 mm above carriageway level within the sight line splays as shown on the plans hereby approved.

Reason: To provide safe access to the development and to prevent congestion on the highway.

**9. Parking and access (Pre-Occupation Condition)**

The parking spaces (at a ratio of 2 spaces per dwelling including the retained



dwelling) and access hereby approved shall be provided prior to the development first coming into occupation. The parking spaces shall be 2.4m wide by 5m deep. The access shall be constructed to the dimensions shown within the approved site plan and thereafter retained as approved, unless agreed in writing by the Local Planning Authority. Parking shall not take place outside of the designated parking bays nor within the turning area at any time.

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

#### **10. Parking Management Plan (Pre-Commencement)**

Prior to commencement of the development hereby approved, a parking management plan shall be submitted to and be agreed in writing by the Local Planning Authority that sets out details of how the scheme is to be set out to prevent informal parking (parking other than the designated bays) across the entire site including the site access. The approved parking management plan/layout shall be implemented and adhered to at all times.

Reason: In the interests of highway safety.

#### **11. Nitrogen Neutrality Mitigation Scheme**

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.

#### **12. 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).

#### **13. 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).

#### **14. 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; car parking layout; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate and external lighting;
- (ii) planting plans; written specifications; schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) 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);
- (iv) a landscape management scheme.

Note: Until the sustainability credentials of artificial grass have been proven it is unlikely that the Local Planning Authority will be able to support its use as part of the sign off of this planning condition.

The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of boundary treatment and external lighting 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, shall be replaced by the Developer/owner 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 and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

#### **15. Tree Retention and Safeguarding (Pre-Commencement)**

Prior to the commencement of the development hereby approved, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

**16. 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.

**17. 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.

**18. 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 development hereby approved first coming into use or occupation.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

**19. 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.

**20. 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.

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

### **21. 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.

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.

### **22. 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.

### **NOTE TO APPLICANT**

#### Southern Water - Sewerage Connection

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water for further information.

Habitats Regulations Assessment (HRA)	
<b>Application reference:</b>	23/01174/FUL
<b>Application address:</b>	Rear of 92 Merryoak Road Southampton SO19 7QN
<b>Application description:</b>	Erection of 2x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Resubmission ref 22/01104/FUL).
<b>HRA completion date:</b>	1st November 2023

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed is as described above.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</b></p>

Section 1 - details of the plan or project	
<b>European sites potentially impacted by plan or project:</b>	<ul style="list-style-type: none"> <li>▪ Solent and Dorset Coast Special Protection Area (SPA)</li> <li>▪ Solent and Southampton Water SPA</li> </ul>

<p><b>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</b></p>	<ul style="list-style-type: none"> <li>▪ Solent and Southampton Water Ramsar Site</li> <li>▪ Solent Maritime Special Area of Conservation (SAC)</li> <li>▪ River Itchen SAC</li> <li>▪ New Forest SAC</li> <li>▪ New Forest SPA</li> <li>▪ New Forest Ramsar site</li> </ul>
<p><b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b></p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p><b>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b></p>	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a>)</li> </ul> <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development 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,
- 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 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.

### *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 full workings have been provided by the applicant as part of the planning application submission. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development. This is based on the additional population from the residential units using 110litres of wastewater per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount of nitrogen is made.

### **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.
- 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.



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
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 (2023)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

Case Ref	Proposal	Decision	Date
22/01104/FUL	Erection of a 2-storey building containing 4x 1-bed flats and a 3-storey building containing 3x 2-bed houses with associated parking and cycle/refuse storage, following demolition of existing dwelling	Application Refused	30.11.2022

**Reasons for refusal:****1. Out of character**

The proposed development by reason of its layout and level of plot coverage with buildings and hardstanding which exceeds the maximum 50% plot to coverage ratio as recommended in the Council's design guidance, would be out of keeping with the spatial character of the surrounding residential area. Moreover the proximity of the rear gable ended 3-storey terraced block to the site margins and deep footprint of the front flatted block and resultant small building to plot size ratio represents an overly cramped form of residential development and is symptomatic of a site over development As such, the proposal will be out of keeping with the character and context of the local area and therefore will be contrary to saved policies SDP7 and SDP9 of the Local Plan Review (March 2015 amended) and policy CS13 of the Core Strategy (March 2015 amended) as supported by the relevant guidance in section 3 of the Residential Design Guide (September 2006).

**2. Impact on Residential Amenity**

The proposed 3-storey rear block and 2-storey frontage block by reason of their scale, bulk, massing and proximity to the site margins would have an overbearing impact of the proposed two storey flatted block by reason of the height and position of the massing in close proximity to gardens and habitable spaces of nos. 94a/b Merryoak Road and 29-31 Margham Avenue will result in an undue loss of light and outlook enjoyed by the neighbouring occupiers. As such, the proposal would adversely affect the residential amenity of neighbouring occupiers, contrary to saved policies SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance in section 2 and 4 of the Residential Design Guide (September 2006).

**3. Poor living conditions**

The proposed development by reason of its layout and density provides a poor cramped living environment with insufficient external amenity space provision and lack of privacy separation between the housing and flatted blocks. This is contrary to saved policy SDP1(i) of the Local Plan Review (March 2015) as supported by relevant guidance set out in section 2 and 4 of the Residential Design Guide SPD (September 2006).

**4. Road Safety**

The application fails to demonstrate adequate on site turning to enable vehicles to safely ingress and egress in a forward gear based on the submitted parking space

and aisle width dimensions and lack of vehicle tracking diagrams. As such, the proposal will adversely affect highways safety and therefore would prove contrary to saved policy SDP1(i) of the Local Plan Review (March 2015 amended).

#### 5. Insufficient parking

Based on the information submitted, it has not been adequately demonstrated that the parking demand from this development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

#### 6. Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

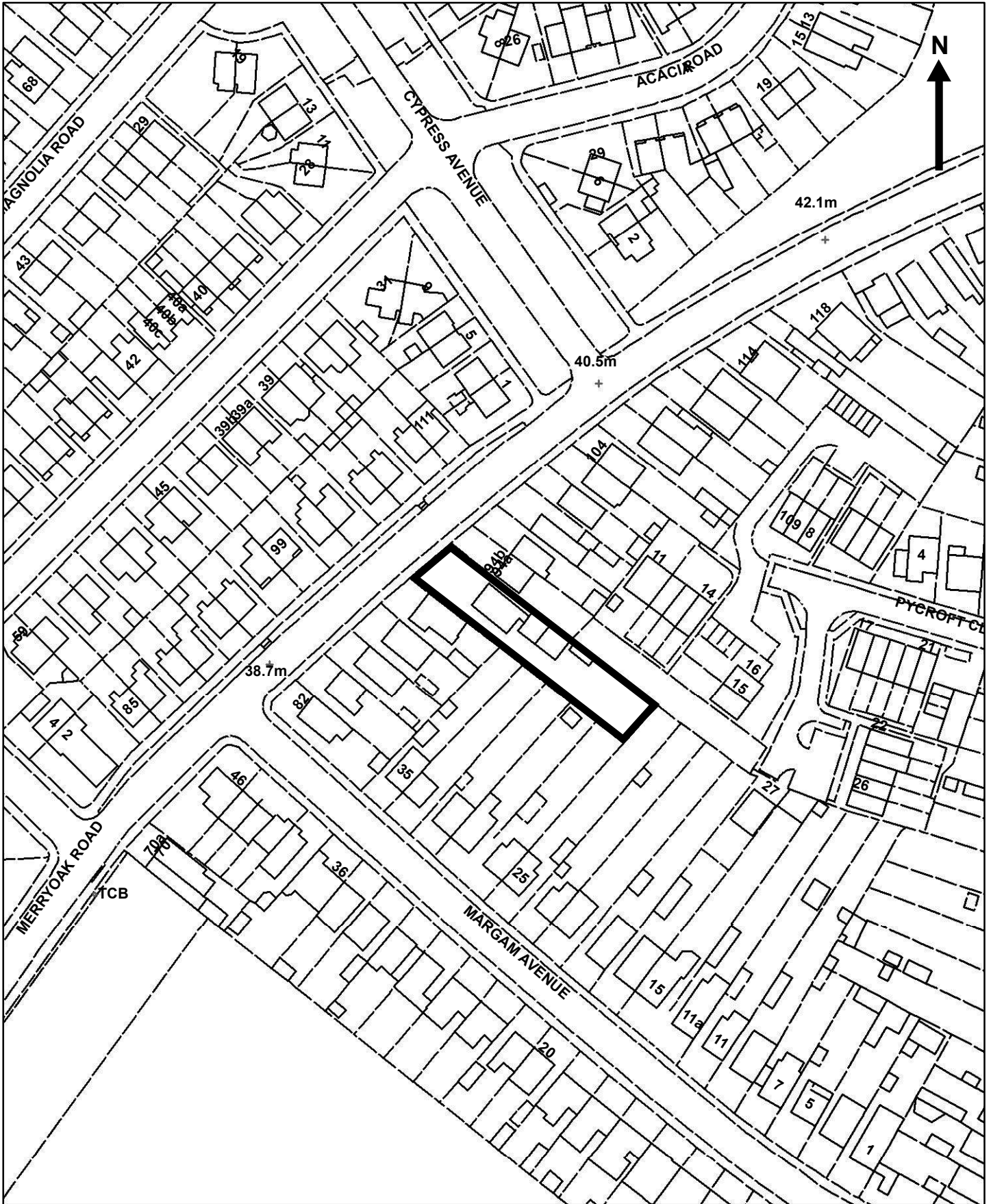
- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site including provision of a scheme of works to provide footway resurfacing and reinstatement of redundant dropped kerbs along the development site's front boundary and footway works to be carried out to adoptable highway standards. These works are in line with Policy SDP1, SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18, CS19 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. In the absence of an alternative arrangement the lack of a financial contribution towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.

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# Agenda Item 7

# 23/01174/FUL

Appendix 1



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**Planning and Rights of Way Panel 21<sup>st</sup> November 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 48 Seafield Road, Southampton			
<b>Proposed development:</b> Change of use of residential outbuilding to a beauty salon - use class Sui Generis (Submitted in conjunction with 23/00883/ADV) (Retrospective).			
<b>Application number:</b>	23/00882/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Connor Chalmers	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	11.09.2023	<b>Ward:</b>	Redbridge
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Catherine McEwing Sally Goodfellow Lee Whitbread
<b>Applicant:</b> Mr Saneev Sharma		<b>Agent:</b> N/A	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Permission:**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full**  
**Conditionally approve**

<b>1.</b>	<b><u>The site and its context</u></b>
1.1	The application site comprises of a two-storey semi-detached family dwelling house, a detached outbuilding situated to the side, and hardstanding driveway at the rear of the property.

1.2	The property is located in a residential area characterised by a variety of semi-detached and terraced dwelling houses in an urban setting. The area benefits from a number of green spaces and grass verges.
<b>2.</b>	<b><u>Proposal</u></b>
2.1	Retrospective planning permission is sought for the change of use of the outbuilding into a beauty salon (use class sui generis).
2.2	The applicant has stated that the business will operate by appointment only, with one client at a time and the occupant of the dwelling is the sole participant in the business.
2.3	The proposed hours of operation are 9am to 7pm Monday-Saturday. No trading is proposed on Sundays or public holidays.
<b>3.</b>	<b><u>Relevant Planning Policy</u></b>
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 <b>Appendix 1</b> .
3.2	The National Planning Policy Framework (NPPF) was revised in 2023. 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.
<b>4.</b>	<b><u>Relevant Planning History</u></b>
4.1	A schedule of the relevant planning history for the site is set out in <b>Appendix 2</b> of this report.
<b>5.</b>	<b><u>Consultation Responses and Notification Representations</u></b>
5.1	Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 21.07.2023. At the time of writing the report <b>6 representations</b> have been received from surrounding residents. The following is a summary of the points raised:
5.1.1	<b><u>Inappropriate Signage</u></b> <i>Response:</i> <i>Two applications have been submitted. This application relates only to the land use. A number of public comments made reference to the second application seeking advertising consent (LPA ref: 23/00883/ADV), but this is</i>



	<i>not for consideration as part of the landuse.</i>
5.1.2	<p><b>Building use changed prior to seeking consent.</b></p> <p><u>Response:</u>  <i>Section 73A of the Town and Country Planning Act 1990 permits retrospective planning applications to be made for developments, which have been carried out without permission, or which have been carried out without complying with some of the planning conditions imposed on a planning permission. In this instance the applicants have applied for planning consent upon being informed of their breach, and the Planning Panel should focus on the Planning merits of the proposals, rather than their retrospective nature.</i></p>
5.1.3	<p><b>Highway safety and parking concerns</b></p> <p><u>Response:</u>  <i>Highway safety and amenity will be addressed in Section 6 of this report.</i></p>
5.1.4	<p><b>Proposed operating hours and days are excessive</b></p> <p><u>Response:</u>  <i>Officers have negotiated with the applicant and the days of operation have been reduced from 7 days a week to 6 days a week; with the proposed Sunday and public holiday operations being removed. Regarding the proposed hours of operation, the applicant initially indicated operating hours of 9am-8pm also. In order to address neighbour amenity concerns these hours have been reduced to 9am – 7pm and an enforceable planning condition is recommended.</i></p>
5.1.5	<p><b>Overdevelopment.</b></p> <p><u>Response:</u>  <i>Concerns surrounding overdevelopment will be addressed in Section 6 of this report. This is an existing building and has been converted to accommodate the business.</i></p>
5.1.6	<p><b>Not in keeping with the existing character of the area</b></p> <p><u>Response:</u>  <i>A full assessment of how this proposal would reflect the existing character of the area will be given in Section 6 of this report.</i></p>
5.1.7	<p><b>Rise in anti-social behaviour</b></p> <p><u>Response:</u>  <i>Increased crime and a perceived fear of crime are material planning considerations, but there is no evidence currently to suggest that this retrospective business is directly accountable for any such rise. In any event this would be matter of the Police.</i></p>
5.1.8	<p><b>Businesses of this nature already exist in the local area</b></p> <p><u>Response:</u>  <i>It is not the purposes of the planning system to prevent competition, and there is no requirement in planning policy to demonstrate a need for an additional beauty salon.</i></p>

5.1.9	<b>Inappropriate waste disposal</b> <u>Response:</u> <i>Commercial waste storage and collection will be addressed in Section 6 below. A planning condition could be used to secure appropriate storage and management, although the proposed informative should suffice.</i>	
	<u><b>Consultation Responses</b></u>	
5.2	<b>Consultee</b>	<b>Comments</b>
	SCC Environmental Health	No Objection
	CIL Officer	The proposal does not appear to be CIL liable.
	SCC Highways	No Objection Due to the scale of the building, it is unlikely that the proposed use will generate significant impact on the highway. It would be good however, to understand how many customers the site would accommodate and where they would park. This would likely be on the highway and, therefore, may have an impact on the local parking stock. However, as this is more of an amenity issue rather than highway safety, this will hold limited weight on this recommendation. As such there are no highway objections.  <u>Response:</u> <i>It is not possible to know how successful this business will become, but conditions are proposed linked to a submitted management plan that indicate that the business owner will live on site and only one client at a time will be on site. As a consequence it is not considered that this level of activity will not give rise to excessive vehicle movements, highway safety concerns of amenity impacts.</i>
	Cllr Sally Goodfellow	Objection I will be objecting to this application due to parking concerns, and the signs causing a distraction to drivers on this already tight bend.
	Cllr Catherine McEwing	Objection Planning consent to run a business 7 days a week is unfair to the local residential area.

<b>6.0</b>	<b><u>Planning Consideration Key Issues</u></b>
6.1	<p>The key issues for consideration in the determination of this planning application are:</p> <ul style="list-style-type: none"> <li>- The principle of development;</li> <li>- Design and effect on character;</li> <li>- Residential amenity;</li> <li>- Parking highways and transport</li> <li>- Waste storage and collection.</li> </ul>
6.2	<b><u>Principle of Development</u></b>
6.2.1	It is possible for low-key business operations to take place from a dwelling without the need for planning permission. The application proposes the change of use of a residential outbuilding to a beauty salon. The proposed intensification in this case is deemed to warrant the need for planning permission and is not incidental to the enjoyment of the main dwelling.
6.2.2	<p>The applicant has provided additional information since the original planning application was lodged. A management plan offers the following restrictions:</p> <ul style="list-style-type: none"> <li>i) Business hours between 09:00-19:00 Monday – Saturday with no operations on Sundays or Public Holidays.</li> <li>ii) Visits to the property shall be pre-arranged via an appointment only basis.</li> <li>iii) Appointments shall be limited to one customer at any time.</li> <li>iv) A 15-minute gap between appointment times shall be implemented.</li> <li>v) No other employees with the exception to the applicant shall operate the business or visit the property.</li> </ul>
6.2.3	The operation of a beauty salon within a residential area is not considered unacceptable, in principle, and indeed many beauty salons and hair salons are often found within or alongside residential dwellings. The beauty salon would be operated by the occupier of the property and conditions are recommended to ensure that the business is only operated by the occupier of 48 Seafield Road. The key considerations of this application are whether or not the proposal would have an acceptable impact on the character of the area, the amenities of neighbouring properties, and highway safety and amenity issues.
6.3	<b><u>Design and effect on character</u></b>
6.3.1	The application proposes no external alterations to the outbuilding to significantly change the size and shape of the building. The visual impact of the proposed signage will be considered under the separate application for advertisement consent.

6.3.2	In terms of the impact of the change of use on the character of the area, it is not considered that the operation of a small-scale business from a residential property would be out of character with the area. Any significant change to the character of an area would derive from the scale and type of activity from the business. In this instance the business is contained to a relatively small outbuilding, with comings and goings minimised by a Management Plan (and enforced with a suggested planning condition). Notwithstanding the impact of the business activity on neighbour amenity it is not considered that the scale of the proposed business would result in significant impacts or harm to the character of the site and its residential surroundings.
6.3.3	Overall, it is not considered that the introduction of this beauty salon within a residential setting is a detriment to the existing character of the area.
6.4	<u>Residential amenity</u>
6.4.1	It is acknowledged that a key consideration of this application is the impact of the business use on residential amenity; in terms of noise and disturbance. The original proposals were to operate the beauty salon 7 days a week, between the hours of 9am to 8pm. Officers sought to address concerns relating to noise and disturbance by requesting a Management Plan from the application to detail how the activity of customers arriving/departing would be controlled. As well as reducing the days of operation to 6 days (Monday to Saturday) and the hours of opening from 9am to 7pm, the Management Plan includes additional controls as listed at 6.2.2 above.
6.4.2	It is considered that the reduction in the operating days and times would ensure that the business respects its residential surroundings. The proposed opening times are amenable to a working day with some limited opportunity for after work appointments. In addition, where visits are limited to pre-arranged appointments only and for one customer at each time, this would ensure noise and disturbance from the associated comings and goings would be minimised. This is further assisted where a 15minute gap between appointment times is incorporated into the management plan, which avoids crossover of clients and potential conflict for parking amenity. The measures outlined in the Management Plan are further supported by the comments received by the SCC Environmental Health Officer who have not raised any concerns about noise impacts. On this basis, subject to compliance with the measures outlined in the Management Plan, it is not considered that the proposal would have a significant impact on the amenity of neighbouring properties from additional comings and goings. Therefore, the proposals are considered to comply with Saved Policy SDP1(i) of the Local Plan Review.
6.5	<u>Parking highways and transport</u>

6.5.1	The site provides sufficient space for 3 vehicles to park at the rear of the property. The existing property has 3 bedrooms and therefore requires 2 car parking spaces to meet the parking standards of the Council's Parking Standards SPD. An additional space is therefore available on site to accommodate a visitor to the proposed beauty salon.
6.5.2	The Management Plan requires that customers are seen by appointment only and also requires that a gap of 15 minutes is left between appointments. This seeks to ensure that an overlap of customers does not occur, and avoids the need for them to park on the road and create parking conflict.
6.5.3	Regarding highway safety, it is not considered that a change of use of the building would alter existing levels of highway safety owing to the scale, footprint, and siting of the building remaining the same.
6.5.4	The proposal is considered to provide sufficient parking, and would not generate significant and adverse vehicular movements to and from the site. On this basis the proposals are considered to be acceptable in terms of highway safety and amenity.
6.6	<u>Waste storage and collection</u>
6.6.1	No details have been provided regarding the disposal of commercial waste. The applicant has included within their Management Plan that waste from the business use will continue to use the existing waste collection arrangements in place with the local authority. However, under Section 34 of the Environmental Protection Act 1990, all businesses have a duty of care for the disposal of all their recyclable materials and commercial waste. Business rates do not cover businesses for any recycling or waste collections and businesses are responsible for the management of all the waste they produce. On this basis the applicant will need to obtain a trade waste contract to dispose of the waste and to organise collections with the Council's commercial waste team or from a reputable contractor.
6.6.2	Commercial waste storage would be in the form of bins (similar to residential waste). The site contains areas outside of the building to the front and to the rear to accommodate these additional bins, therefore a specific waste storage area does not need to be secured through a condition. A note to applicant will be added to advise the applicant that a trade waste contract to dispose of the waste is needed.
7.	<b><u>Summary</u></b>
7.1	Overall, the application is considered to be acceptable in terms of its impact on the existing character and appearance of the area, and would not result in significant impacts on neighbour amenity or highway safety to warrant a refusal of planning permission, whilst noting the objections from the neighbouring properties.

8.	<b><u>Conclusion</u></b>
8.1	It is recommended that planning permission be granted subject to conditions set out below.

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

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

Case Officer: **Connor Chalmers** PROW Panel 21/11/23

**PLANNING CONDITIONS to include**

**Condition 1 – 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

**Condition 2 – Business Operation**

The use hereby approved shall operate in accordance with the details laid out in the management plan received on 17.10.2023. These details include but are not limited to the following key points:

- i. Business hours between 09:00-19:00 Monday – Saturday with no operations on Sundays or Public Holidays.
- ii. Visits to the property shall be pre-arranged via an appointment only basis.
- iii. Appointments shall be limited to one customer at any time.
- iv. A 15-minute gap between appointment times shall be implemented.
- v. No other employees with the exception to the applicant shall operate the business or visit the property.

Reason: In the interests of protecting residential amenity.

**Condition 3 - Consent Personal to Applicant**

The Sui-Generis use hereby permitted shall be carried out only by Seema Rall Sharma and shall be for the period during which 48 Seafield is occupied by Seema Rall Sharma. When the property ceases to be occupied by Seema Rall Sharma, the use hereby permitted shall cease and all materials and equipment brought on to the property in connection with the approved use shall be removed.

Reason: In the interests of residential amenity, parking and to ensure that the dwelling is retained as a family residence in the event that the applicant no longer resides at the property.

**Condition 4 – Parking**

A single parking space shall be made available onsite for customers of the beauty salon hereby approved.

Reason:

To discourage on-street car parking to the possible detriment of highways safety

**INFORMATIVE:**

Under Section 34 of the Environmental Protection Act 1990, all businesses have a duty of care for the disposal of all their recyclable materials and commercial waste. Businesses are responsible for the management of all the waste they produce. You will need to obtain a trade waste contract to dispose of the commercial waste and recyclable materials and to organise collections with the Council's commercial waste team or from a reputable contractor.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS6	Economic Growth
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP15	Air Quality
SDP16	Noise
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 (2023)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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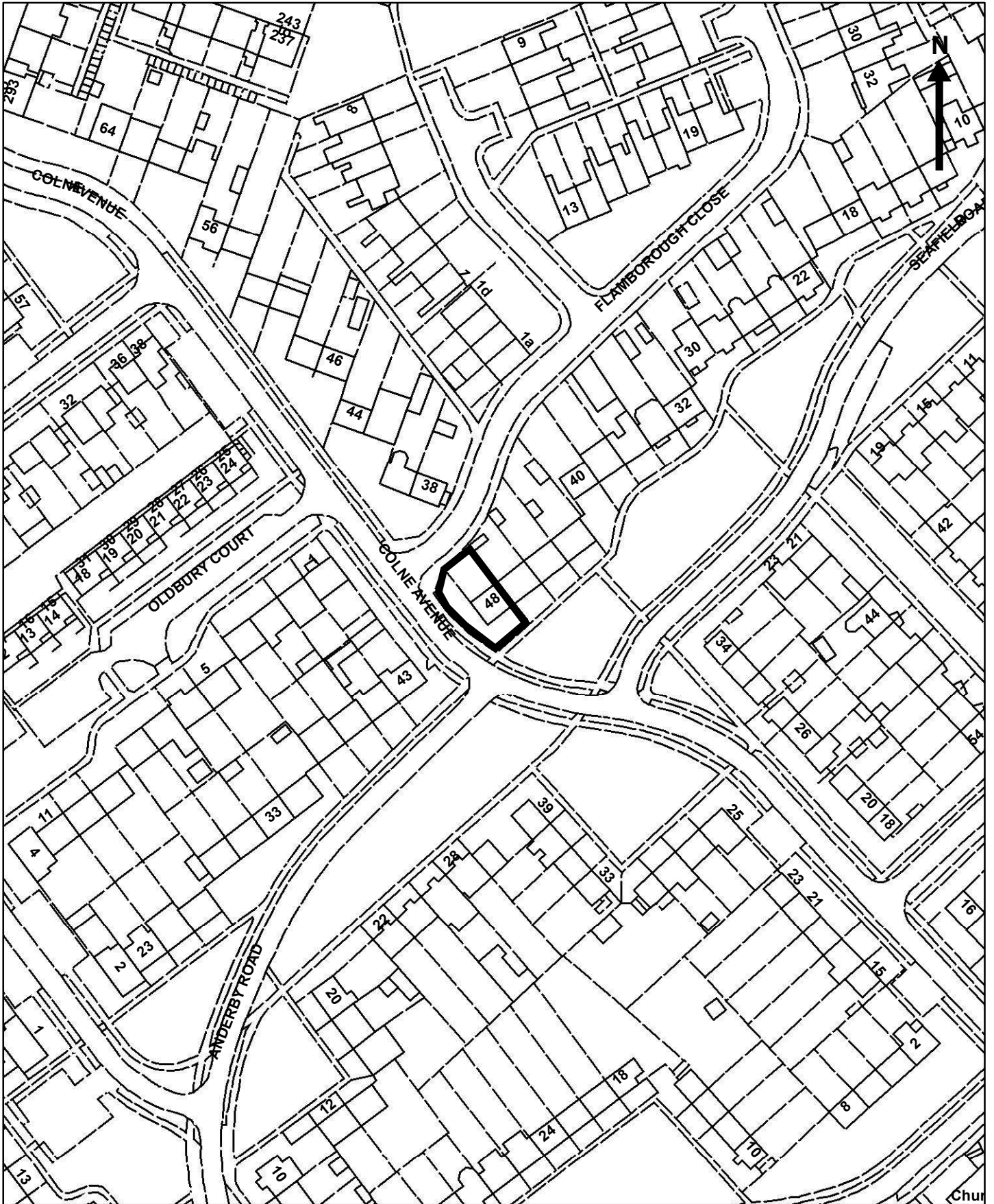
**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
22/00701/FUL	Erection of a single-storey outbuilding on the side elevation of the property (retrospective)	Conditionally Approved	01.07.2022
23/00883/ADV	Installation of 2x internally illuminated roof mounted signs and 4x wall mounted poster signs to outbuilding (Submitted in conjunction with 23/00882/FUL).		

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Agenda Item 8  
**23/00882/FUL**

Appendix 1



Scale: 1:1,250

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