

Planning and Rights of Way Panel

Tuesday, 11th April, 2023
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Coombs (Chair)
Councillor Savage (Vice-Chair)
Councillor Blatchford
Councillor Magee
Councillor J Payne
Councillor Prior
Councillor Windle

Contacts

Democratic Support Officer
Maria McKay
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Head of Transport and Planning
Pete Boustred
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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

Southampton: Corporate Plan 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.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

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

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

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

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

Dates of Meetings: Municipal Year 2022/2023

2022	
24 May	20 September
21 June	11 October
12 July	1 November
2 August	22 November
23 August	13 December

2023	
24 January	11 April
21 February	
14 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 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 14 March 2023 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

Please note: Agenda timings are indicative only and may be subject to change on the day of the meeting. Anyone with an interest in an agenda item is advised to join the meeting from the start.

5 PLANNING APPLICATION 23/00136/FUL 145 CHESSEL CRESCENT, SOUTHAMPTON (Pages 11 - 38)

Report of the Head of Transport and Planning recommending to grant planning permission subject to criteria listed in the report for the proposed development at the above address.

6 PLANNING APPLICATION 23/00101/FUL 22 GROSVENOR ROAD, SOUTHAMPTON (Pages 39 - 50)

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.

Thursday, 30 March 2023

Director – Legal, Governance and HR

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 MARCH 2023

Present: Councillors Coombs (Chair), Savage (Vice-Chair), Blatchford, Magee, J Payne, Prior and Windle

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

RESOLVED: that the minutes for the Panel meetings on 24 January and 21 February 2023 be approved and signed as a correct record.

51. **PLANNING APPLICATION - 22/00351/FUL - MAYFIELD CARS, ARCHERY RD**

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

Redevelopment of site with the erection of 8 x dwellings (6 x 3-bed and 2 x 4-bed) and associated access and parking.

Richard Darch (applicant) and Councillor W Payne (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. A statement from Mrs Julie Barker (local Resident) was circulated to the Panel and read ahead of the meeting. The statement was published online prior to the meeting.

The presenting officer reported additional correspondence had been received following a 14 day notification of amended plans that made comment in regard to the application's relationship to: forthcoming traffic calming scheme in Archery Road; waste storage; and the installation of bat boxes. It was noted that a number of conditions required to be amended and added, as set out below.

In addition the officer noted that the published recommendation would need to be amended reflecting the changes to the conditions and additional comments.

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

The Panel then considered the 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 at the meeting and recommendations (3) and (4) . Upon being put to the vote the recommendations were 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

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to:

- (a) the receipt of an amended site plan to show convenient refuse storage for general, glass and recycling;
 - (b) the planning conditions recommended at the end of this report and any amended or additional conditions set out below; and
 - (c) the completion of a S.106 Legal Agreement to secure:
 - (i) Completion of a successful Traffic Regulation Order (TRO), with the applicants to pay all the Council's reasonable administrative charges in connection therewith, for double yellow lines within Archery Road on both sides of the street down to Weston Lane roundabout.
 - (ii) Either the developer enters into an agreement with the Council to provide a financial contribution towards sustainable transport measures in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
 - (iii) Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - (iv) Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

CHANGES TO CONDITIONS

Amended Conditions

07. Landscaping (Pre-Commencement)
- Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:
- (i) proposed finished ground levels or contours; provision of low level security lighting for the northern parking area; hard surfacing materials to include a non-permeable surfacing to prevent surface water run off onto the adjoining parking courtyard;

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

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

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

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

12. Access & Parking (Pre-occupation)

Prior to the occupation of the dwelling hereby approved, the approved access and parking shall be provided in accordance with the approved plans, and shall thereafter be retained for the duration of the lifetime of the development. Parking shall be allocated at 1 parking space maximum per dwelling. In particular, the access provided shall be a vehicle crossover in existing footway in accordance with the agent's email received on 20th September 2022. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking or re-enacting that Order within Schedule 2, Part 2, Class A, no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level adjacent to the site entrance where otherwise shown on the approved plans.

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

15. Ecological Mitigation Statement (Pre-Occupation)

Prior to occupation of the development hereby approved, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme prior to occupation. This shall include a swift nesting brick in each dwelling, native species as part of the soft landscaping planting scheme, and bat boxes. The agreed mitigation measures shall be thereafter retained as approved for the lifetime of the development.

REASON: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.
Note to applicant: The Hampshire Swifts have requested that this mitigation incorporates swift boxes.

19. Stop up access (Performance)

Prior to the first occupation of the dwelling hereby approved, the existing lowered kerb accesses from the site to Archery Road shall be raised up with the installation of new kerb stones and thereafter retained in this manner for the lifetime of the development.

REASON: In the interests of highway safety.

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

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

REASON: In the interests of highways safety.

ADDITIONAL CONDITIONS

External Lighting Scheme (Pre-Occupation)

Prior to the development hereby approved first coming into occupation, external lighting for the car park on the northern part of the site shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved for the lifetime of the development.

REASON: To minimise the impact on protected species.

Arboricultural Method Statement (Pre-Commencement)

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

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures;
- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) Specification of underground services and utilities including electric vehicle charging to be installed within the tree protection area;
- (vi) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vii) An arboriculture management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
- (viii) Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

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

Glazing - soundproofing from external noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Archery Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There shall be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON: In order to protect occupiers of the flats from traffic noise.

52. **PLANNING APPLICATION - 23/00014/FUL - 17 LORDSWOOD 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 subject to criteria listed in the report.

Erection of detached single storey garage with communal storage for 2 flats and refuse storage enclosure

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

The presenting officer reported a change to Condition 2, as set out below.

Upon being put to the vote the recommendation was carried unanimously.

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

AMENDED CONDITIONS

Condition 2: Use of garage - domestic ancillary use (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As amended) or any other order amending, revoking or re-enacting that order, the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the occupiers of the flats at 17 Lordswood Road and for associated incidental domestic

storage, as confirmed in the applicant's correspondence received on 13/03/2023. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

REASON: To protect residential amenity and to ensure the use is in accordance with correspondence of the applicant dated 13/03/2023

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 11th April 2023 4pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
Approximate start time: 4.05PM				
5	SK	DEL	5	23/00136/FUL 145 Chessel Crescent
Approximate start time: 4.30PM				
6	TB	CAP	5	23/00101/FUL 22 Grosvenor Road

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

Case Officers:

SK – Sam Kushner

TB – Tom Barnett

Southampton City Council - Planning and Rights of Way Panel

Report of Head of Transport & Planning

Local Government (Access to Information) Act 1985

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

Background Papers

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

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

3. **Statutory Plans in Preparation**

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

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

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

5. Documents relating to Highways and Traffic

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

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2
- (j) Bus Service Improvement Plan (BSIP) 2021.

6. Government Policy Planning Advice

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

7. Other Published Documents

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

Planning and Rights of Way Panel 11th April 2023
Planning Application Report of the Head of Transport and Planning

Application address: 145 Chessel Crescent, Southampton			
Proposed development: Erection of a part 2-storey, part single storey side/rear extension to facilitate conversion into 2x semi-detached houses with associated parking and cycle/refuse storage			
Application number:	23/00136/FUL	Application type:	FUL
Case officer:	Sam Kushner	Public speaking time:	5 minutes
Last date for determination:	21/04/2023	Ward:	Peartree
Reason for Panel Referral:	The applicant is a Ward Councillor and also a member of the Planning and Public Rights of Way Panel	Ward Councillors:	Cllr Alex Houghton Cllr Eamonn Keogh Cllr Joshua Payne
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr & Mrs Willson		Agent: RS Studio	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS4, CS6, CS13, CS14,, CS15 CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, TI2 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached

1	Habitats Regulations Assessment	2	Development Plan Policies
3	Relevant Planning History		

Recommendation in Full:

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement, or similar, to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that 2. Is not completed within a reasonable timescale delegation also given to refuse the scheme for non-compliance with the relevant policies and Regulations listed.

1. The site and its context

- 1.1 The site has an existing two storey detached house positioned within a generous corner plot, with a total area of approximately 675 sqm. The existing house has three bedrooms and a spacious rear amenity area. The property itself has been extended through single storey additions and a first floor side dormer over the existing cat slide roof. Parking is currently facilitated by a driveway and garage, and a front boundary wall and hedging.
- 1.2 The housing typology is an eclectic mix, with detached and semi detached properties formed by bungalows and two storey buildings. Many properties in the area benefit from additions such as extensions and loft conversions.

2. Proposal

- 2.1 Planning permission is sought for a part two storey, part single storey side and rear extension to facilitate the conversion from one detached 3 bedroom house to two semi-detached houses. One half of the semi would be a three bedroom dwelling and the other semi would have 2 bedrooms and a study. Both would be provided with rear amenity space and parking to the front. Bin and cycle storage would also be provided within each plot.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City

Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.

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

4. Relevant Planning History

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

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 23/02/2023. At the time of writing the report **1 representation** has been received from surrounding residents. The following is a summary of the points raised:

5.2 ***There may have been a drone used during the surveying process***
Response

This is a private/civil matter and cannot be considered for the purposes of this application

Boundary line is unclear

Response

There are several lines indicating the boundary, levels, utilities etc. on the proposed plans, however the red line on the location plan is clear and accurate, with the new plot boundaries indicated clearly.

Highways safety concerns

Response

No objection has been received from the highways department, they are happy with the proposed parking arrangement and access.

Consultation Responses

5.3

Consultee	Comments
CIL Officer	The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the building. With an index of inflation applied the residential CIL rate is £110.94 per sq. m (from 01/01/2023), to be measured on the Gross Internal Area floorspace of the extension.

	Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.
Environmental Health	I can confirm that the Environmental Health Neighbourhoods Team have no objections to this application.
Highways Development Management	No highways objections to the above. The proposed extension to the existing dropped kerb access is acceptable to accommodate two parking spaces for 145 and one space for the proposed 145a. Bin storage and collection can continue as per existing arrangements and cycle storage is provided to the rear of both dwellings.
Natural England	Objection with the regards to the impact on nearby SPAs <i>Note: The objection is addressed by the attached Habitats Regulations Assessment and the mitigation through Solent Bird Aware, CIL and a condition to secure nitrates credits</i>
Sustainability	Whilst reuse of existing buildings is encouraged due to the embodied energy savings, additional dwellings will be created. No objection subject to planning conditions: 1. Energy Efficiency - Conversion 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. 2. Water efficiency With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 100 Litres/Person/Day internal water use the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its

	approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/ fittings to be installed as specified.
Southern Water	<p>Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.</p> <p>The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. It is possible that a sewer now deemed to be public could be crossing the development site.</p> <p>Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.</p>

6.0 Planning Consideration Key Issues

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

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

6.2 Principle of Development

6.2.1 The principle of additional housing is supported. The site is not allocated for additional housing, but the proposed dwelling(s) would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our saved policies, seeks to maximise previously developed land potential in accessible locations.

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

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

[the so-called 'tilted balance']

6.2.3 There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling, and 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 this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 33 d.p.h which, whilst in accordance with the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.

6.2.5 Policy CS16 of the Core Strategy resists the loss of family dwellings. The proposal would comply with these policies by retaining the existing 3 bedroom family dwelling within one of these pairs on site. The subdivision of the existing garden provides sufficient space and privacy to ensure the existing dwelling still qualifies as a family home. Due to the small scale of the development, there is no specific policy requirement for the new dwelling to also be a family dwelling, so the proposed 2 bedroom unit (albeit with a first floor study room) would comply with local policy.

6.3 Design and effect on character

6.3.1 Policy CS13 of the Core Strategy states development should "respond positively and integrate with its local surroundings", and SDP7 of the Local Plan seeks to prevent "development which would cause material harm to the character and/or appearance of an area." With regards to the roof alterations to create additional accommodation the Residential Design Guide (2006) provides advice in paragraphs 2.5.2 to 2.5.4 which advises on the importance of maintaining the properties roof ridge in order to preserve the character of the area.

6.3.2 The purpose of the proposals is to create a pair of semi detached dwellings through the removal of the existing single storey additions and side dormer and provision of a two storey side extension and provision of matching, two storey bay windows. The existing detached property lies within a varied street

scene, with bungalows lying either side of the existing dwelling, and two storey detached and semi detached dwellings opposite the site. The extensions and alterations to form the pair of semi's would have create a more symmetrical property, which would sit proportionately in its plot and would contribute sympathetically towards the character and appearance of the street scene. The extensions would have materials to match the existing dwelling and the resulting development would represent a positive and appropriate addition to the area. As such, the proposed design responds well to the established pattern of development and accords with the RDG guidance.

6.4 Residential amenity

6.4.1 The key issues in this respect is whether the proposal would impact on neighbouring houses and gardens in terms of:

- The level of daylight and sunlight currently enjoyed;
- The level of privacy and;
- The outlook.

In general, having regard to the guidance set out in section 2 of the Residential Design Guide, it appears that the proposal would have an acceptable relationship with neighbouring properties. It is not considered that the amended proposals would have a particularly harmful impact on the amenities of neighbouring properties either side of the host dwelling.

6.4.2 The proposed new dwelling is small in scale with only 2 bedrooms. The comings and goings associated with this small size of dwelling are not considered to present a significantly harmful impact on neighbouring residents in terms of noise and disturbance.

6.4.3 Due to the spacious plot occupied by the proposed dwellings, and the retention of distance between boundaries and their orientation, the proposed extensions and subdivision would not result in any adverse impacts on neighbouring properties in terms of overshadowing. In terms of privacy there are no side facing windows proposed that could overlooking neighbouring gardens either side of the plot. With regards to overlooking to the rear, the proposals would retain a separation distance of at least 35m, which complies with the distances set out in paragraph 2.2.4 of the RDG which requires a minimum back to back distances of 21 metres to be retained for new two storey residential development.

6.4.4 Future Living Conditions

The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Described Space Standards (NDSS)

3 bed 2 storeys = 84sqm for occupancy of 4 persons, and

2 bed 2 storeys = 79 sqm for occupancy of 4 persons

and the minimum garden sizes of 70sqm, 10m length set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). The access to

outlook, light and privacy are considerations under paragraph 2.2.1 of the Residential Design Guide. The following assessment of each flat has been made below:-

House	Floor Size sqm	Garden size sqm	Compliance
145	Whole house: 97 Bedroom 1: 12.3 Bedroom 2: 11.9 Bedroom 3: 7.5	200	Y&Y
145a	Whole house: 100 Bedroom 1: 14 Bedroom 2: 11.9	88	Y&Y

The proposed internal floorspace for the new dwellings would comply with the minimum floor space sizes given in the National Described Space Standards. It is worth noting that the Council have not formally adopted these space standards; however they are used as a general indicator of the suitability of living accommodation.

6.4.5 The retained rear garden of the existing dwelling measures approximately 200sqm, which is more than double the minimum size standard of 70sqm for an attached dwelling, as given in the Residential Design Guide SPD (RDG). The new garden provided for the new dwelling measures approximately 88sqm which again exceeds the minimum size standard of 70sqm.

6.4.6 Given the above, the proposal is not considered to have a significantly harmful impact on the amenity of neighbouring residents, and it would provide a suitable quality of living environment for future occupants of the new dwelling.

6.5 Parking highways and transport

6.5.1 The Highways Officer has raised no objection to the new parking arrangements and access in terms of the impact on highways safety. Given the size of the new driveway parking areas, the arrangement will provide good visibility for vehicles entering and leaving the site. The Council's Parking Standards SPD sets maximum parking standards, rather than minimum standards and states that parking provision below the maximum standards may be acceptable in certain circumstances. The proposal provides 3 parking spaces. The maximum standard for a 3 bed dwelling is 2 spaces and 2 spaces for a 2 bed dwelling, giving a total maximum standard of 4 spaces. The proposals provide 3 on site parking spaces, which is considered to be an acceptable arrangement for the site and this area.

6.5.2 Cycle storage facilities are indicated for both the existing and new dwelling comprising of a shed at the bottom of the garden. This is considered to be an acceptable arrangement for the new dwellings. The proposed plans also show an appropriate bin store to the side of the new dwellings, which is also

considered to appropriate for the development.

6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see Appendix 1. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites. The requisite contribution will be secured via the S106 or similar.

7. Summary

7.1 Planning Balance

The principle of new residential development is considered acceptable. It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development it is considered that any harm caused by granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a payment towards the Solent Bird Aware/SDMP being secured and the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer **Sam Kushner** 11.04.2023 PROW Panel

PLANNING CONDITIONS to include:

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.No Other Windows or Doors (Performance)

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

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

03.Landscaping, lighting & means of enclosure detailed plan

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
- (v) replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (vi) details of any proposed boundary treatment, including retaining walls and;
- (vii) 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 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, 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 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

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

04. Water Efficiency (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 100 Litres/Person/Day internal water use the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/ fittings to be installed as specified.

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

05. 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).

06. Parking (Performance)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation/use and thereafter retained as approved for the lifetime of the development.

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

07. Nitrates Emissions Offset (Pre-occupation)

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council Nutrient Offset Scheme for the development has been submitted to the council.

Reason: To demonstrate that suitable mitigation has been secured in relation

to the effect that nitrates from the development has on the Protected Sites around The Solent.

08.Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

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

09.Cycle parking (Performance)

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.

10.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.

11.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

12. Materials to match (Performance Condition)

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

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

13. Amenity Space Access (Pre-Occupation)

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

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

14. Ecological Mitigation Statement (Pre-Occupation)

Prior to occupation of the development hereby approved, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme prior to occupation. The agreed mitigation measures shall be thereafter retained as approved for the lifetime of the development.

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

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 occupancy of the site.

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

Appendix 1

Habitats Regulations Assessment (HRA)	
Application reference:	23/00136/FUL
Application address:	145 Chessel Crescent Southampton SO19 4BT
Application description:	Erection of a part 2-storey, part single storey side/rear extension to facilitate conversion into 2x semi-detached houses with associated parking and cycle/refuse storage
HRA completion date:	17th March 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 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.</p>

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project: European Site descriptions are available in Appendix I	<ul style="list-style-type: none">▪ Solent and Dorset Coast Special Protection Area (SPA)▪ Solent and Southampton Water SPA▪ Solent and Southampton Water Ramsar Site

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

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

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

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

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

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

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- 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
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

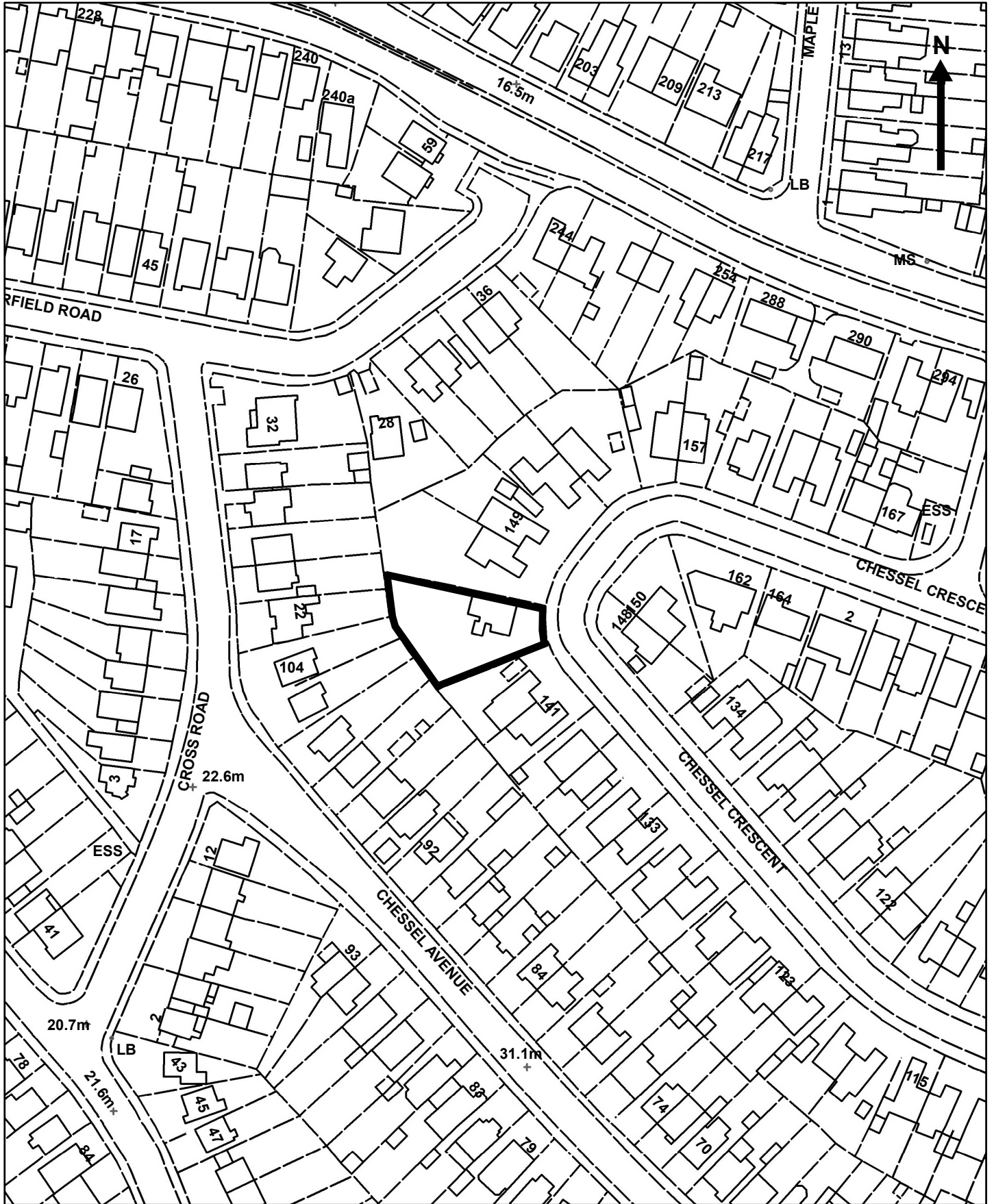
The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
1412/16	EXTENSION TO LOUNGE	Conditionally Approved	23.03.1971
1412/16R1	EXTENSION TO LOUNGE	Conditionally Approved	27.04.1971
1412/16R2	EXTENSION TO LOUNGE	Conditionally Approved	28.09.1971
1444/76	DEMOLISH GARAGE AND ERECT TWO STOREY EXTENSION PORCH GARAGE AND BEDROOM	Conditionally Approved	26.09.1972

Agenda Item 5 23/00136/FUL



Scale: 1:1,250

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**Planning and Rights of Way Panel 11th April 2023
Planning Application Report of the Head of Transport and Planning**

Application address: 22 Grosvenor Road, Southampton			
Proposed development: Roof alterations including hip to gable, front and rear dormer windows and installation of first floor window in side elevation (resubmission of 22/01557/FUL).			
Application number:	23/00101/FUL	Application type:	FUL
Case officer:	Tom Barnett	Public speaking time:	5 minutes
Last date for determination:	03.04.2023	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member/ Five or more letters of objection have been received	Ward Councillors:	Cllr Lisa Mitchell Cllr Gordon Cooper Cllr John Savage
Referred to Panel by:	Cllr Gordon Cooper	Reason:	For the reasons outlined in the objection letters
Applicant: Mr Steve Mcinelly		Agent: Graham Barker Design	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full
Conditionally approve**

1. The site and its context

- 1.1 The application site consists of a two-storey semi-detached dwelling, which is located within a suburban area part of the city. The dwelling is characterised by similar two-storey semi-detached and detached properties which are all slightly set back from Grosvenor Road.
- 1.2 The application property shares boundaries with multiple neighbouring properties. This includes immediate neighbouring dwellings 20 Grosvenor Road on the northern boundary, 24 Grosvenor Road on the southern boundary, properties on the eastern boundary situated at Arnold Road and properties located at Grosvenor Gardens.

2. Proposal

- 2.1 Planning permission is sought for roof alterations, which include a hip to gable roof enlargement, front and rear dormer windows, and the installation of a first-floor window in the side elevation. With the proposal being a resubmission of 22/01557/FUL proposal which was withdrawn.
- 2.2 The approximate dimensions of the total volume of the roof works, including the hip to gable enlargement and the roof dormers, would be 37.1 cubic metres. The existing roof space already has already been converted into a bedroom and the proposals would allow for the creation of a second bedroom in the roof space with one shower/toilet also being added. The additional first-floor window would serve a bedroom in the southern side elevation.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 The site has relevant history from older proposals that impact future applications in relation to conditions that have been added. The permission

18/00994/FUL for the conversion of the existing Medical Centre (D1 use) building into a 4 bedroom house, condition 8 implemented a permitted Development Restriction (Performance Condition). This condition stated

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions, Class B (roof alteration), Class C (other alteration to the roof), Class E (curtilage structures), including a garage, shed, greenhouse, etc., Class F (hard surface area)”

Note:

The existence of a restrictive condition such as this (and the one at paragraph 4.3 below) prevents works that would otherwise be ‘permitted development’. It does not mean that the owner cannot submit an application seeking express permission.

- 4.3 The permission 20/00301/FUL for a single storey rear extension replacing existing conservatory had a relevant condition placed on the proposal condition 3 which states: *“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 in the south elevation of development hereby permitted without the prior written consent of the Local Planning Authority.”*

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **8 representations**; including 6 letters of objection from residents, 1 further objection from a resident’s association and 1 Panel referral from a ward councillor have been received. The following is a summary of the points raised:

- 5.2 The following is a summary of the **OBJECTIONS** raised by neighbours:

- 5.3 **The proposal would impact on parking and noise.**

Response

The property does not have a direct impact on parking with the dwelling already having sufficient parking spaces within the front driveway.

- 5.4 **Proposal will impact neighbouring privacy and overlooking and**

character of the street.

Response

Section 6 of the report will assess the impact the proposal will have on the character and appearance of the area as well as the amenity impact.

5.5 The proposal would be an overdevelopment in terms of the scale of the proposal, set up for the potential to be an House in Multiple Occupation.

Response

The property cannot be lawfully converted into a HMO without a separate planning application at which point the Council would assess this change of use against its development plan.

5.9 Consultation Response

5.9.1	Consultee	Comments
	Cllr Cooper Inc. Panel referral	<p><i>"I write to request that Planning Application 23/00101/FUL (22 Grosvenor Rd. Portswood) is brought before the Panning Panel for discussion. Today is the last day for comments.</i></p> <p><i>Primarily I'm concerned about the blight caused by over-development of individual properties in the area either for HMO or Airbnb use. This is already a 4/5 bedroom property and making it larger will most likely have an impact on things such as vehicle use in the road. It's also arguable that the proposed roof extension would not be in keeping with the aesthetics of the road. As we're trying to exercise further control in this locality, it's important to give these matters due public consideration."</i></p>
5.9.2	Highfields residents' association	<p>The plans are poor, and the new window would be overlooking. There are not similar examples in the area and the dwelling has already been extended. Despite not being in a conservation area we ask that the Historic Environment Officer comments on the proposal. The proposal is an overdevelopment and would cause amenity harm and fear that the property is already listed on air bnb that it may not need permission to alter this to an HMO. Finally, there is no ground floor plan which would be required to access the proposal fully.</p>

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Residential amenity; and,
 - Design and effect on character; and,
 - Parking

6.2 Residential amenity

- 6.2.1 The application site is bordered by two immediate neighbours 20 Grosvenor Road on the northern boundary, 24 Grosvenor Road on the southern boundary as well as other properties on Arnold Road and Grosvenor Gardens. The first-floor side window, which would be adjacent to 24 Grosvenor Road, would have the potential to cause a negative privacy impact upon this neighbouring dwelling. However, given it will be obscure glazed (which will part of the planning condition attached to this proposal), the first-floor side window would not cause any amenity harm. This room is also served by existing windows that look out towards the rear garden.
- 6.2.2 Concerns relating to loss of privacy from overlooking have been raised by third parties in relation to the new dormer windows. The Council's Residential Design Guide states at paragraph 2.2.4 minimum back-to-back distance standards between windows should apply. Between 2/3 storey housing and other 3 storey housing the distance should be 28 metres. The closest property situated at Grosvenor Gardens, from the rear point of the property of focus and the rear point of 10 Grosvenor Gardens would be 28 metres (from when taking a diagonal line). Therefore the proposals would meet this standard and would not result in significant overlooking or loss of privacy or amenity to neighbouring properties. The nearest other properties are those along Arnold Road whose rear elevations are located approximately 75 metres when measuring the rear wall of the property of focus and the rear wall of 45 Arnold Road. The front dormer would look out on the street and, therefore, the views from this window would be no more harmful than first floor windows looking out on to the public street.
- 6.2.3 Concerns have been raised that the property will be converted in to a HMO. The application submitted is a householder proposal and does not include a change of use within the description of works. Any permission granted would not allow for the proposal to lawfully change use from a C3 dwelling to a C4 HMO. Any change of use to an HMO would require planning permission as the Council has an extant Article 4 Direction removing this change. An informative has been added to explain this to the applicant.
- 6.2.4 It is not considered that that proposal would result in significant overbearing, overlooking or overshadowing impacts on the amenities of nearby occupiers, nor would it harm the amenity of the occupiers of the host dwelling. On this basis the proposal is considered acceptable when assessed against saved

Local Plan policy SDP1(i) and the relevant sections of the adopted Residential Design Guide SPD..

6.3 Design and effect on character

- 6.3.1 The property was converted into a residential dwelling under permission 18/00994/FUL. Condition 8 removed permitted development rights for the dwelling, including extensions and roof alterations. Ordinarily the proposed hip to gable enlargement and rear dormer proposed under this application would fall under permitted development as the roof volume would not exceed 50 cubic metres (37.1 cubic metres is proposed). The restrictions imposed under this condition have been highlighted in the objections with concerns that the proposal would not be in line with conditions. However the condition does not prevent future applications being submitted; moreover, they require the submission of a formal planning application to enable an assessment of the appropriateness of those additions against the Local Plan Policies. The front dormer window requires planning permission regardless of the condition
- 6.3.2 Saved policy CS13 of the Core Strategy states development should “respond positively and integrate with its local surroundings”, and saved Local Plan Review policy SDP7 prevents “development which would cause material harm to the character and/or appearance of an area”. With regard to the proposed roof alterations to create additional accommodation within the roof, the Residential Design Guide (2006) provides advice in paragraphs 2.5.2 to 2.5.4 on how alterations to a properties roof form should be undertaken. The guidance advises on the importance of maintaining the properties roof ridge in order to preserve the character of the area. Section 2.5.4 of our Residential Design Guide also states that dormer windows – *“should be in keeping with the house, the roof form and in particular with the style of the windows used on the lower floors to give a sense of balance and proportion. ‘Box’ like additions that fundamentally change the overall shape of the roof creating a negative visual impact will not be acceptable.”* The front and rear dormer are set above the eaves of the existing roof line and below the maximum roof height which ensure the proposal does not appear as a box like addition. Therefore the design of the dormers allow them to be ‘framed’ by the existing roof and to appear subservient. Furthermore there are other examples in the immediate area of front and rear dormers. Namely No. 10 Grosvenor Road to the north and No. 28 to the south. The proposed front and rear dormers would not represent an unsympathetic or incongruous addition to the street scene and are, therefore, considered to be acceptable additions in this instance.
- 6.3.3 With regards to the hip to gable enlargement, notwithstanding that the combined roof volume would be 37.1 cubic metres and would otherwise be permitted development, the proposals would not be out of keeping as there are other examples of gabled properties within the area, and the proposals would not be harmful to the character and appearance of the area.
- 6.3.4 The materials used would be appropriate and match the existing dwelling with slate on top of the roof works, tile hanging on the walls with white UPVC doors

and windows. On this basis, the proposals are considered to be acceptable and would comply with the requirements of the relevant Development Plan policies listed above, and guidance contained within Section 12 of the NPPF.

6.4 Parking and access

- 6.4.1 Objections have also been raised regarding additional parking needs given the increase in the extra bedroom to the existing residential property, and potential for further off-street parking increase. The proposal would be in line with our Parking SPD section 4.2.1 which highlights that a 4+ bedroom residential property requires a maximum of three spaces. The existing property can accommodate three parking spaces within the front driveway and, therefore, the proposals are acceptable in terms of parking provision. In addition, the surrounding roads are subject to parking restrictions (Resident Parking Zone 6 – Highfield), which itself would prevent convenient parking overspill.

7. Summary

- 7.1 Overall, the application is considered to be acceptable in terms of its siting, size and design and would not result in significant impacts on neighbour amenity or detrimental character impact to the existing property or surrounding area to warrant a refusal of planning permission, whilst noting the objections.

8. Conclusion

- 8.1 It is recommended that planning permission should 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 **Tom Barnett** PROW Panel 11/04/23

PLANNING CONDITIONS

Condition 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).

Condition 2 - 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 3 - Materials to match (Performance)

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

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

Condition 4 - Obscure Glazing (Performance)

All windows in the side elevation, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

Note to applicant:

You are reminded that planning permission is required before the use of this property changes from a single dwelling house to any form of multiple occupation where 3 or more unrelated people reside.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car & Cycle Parking

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

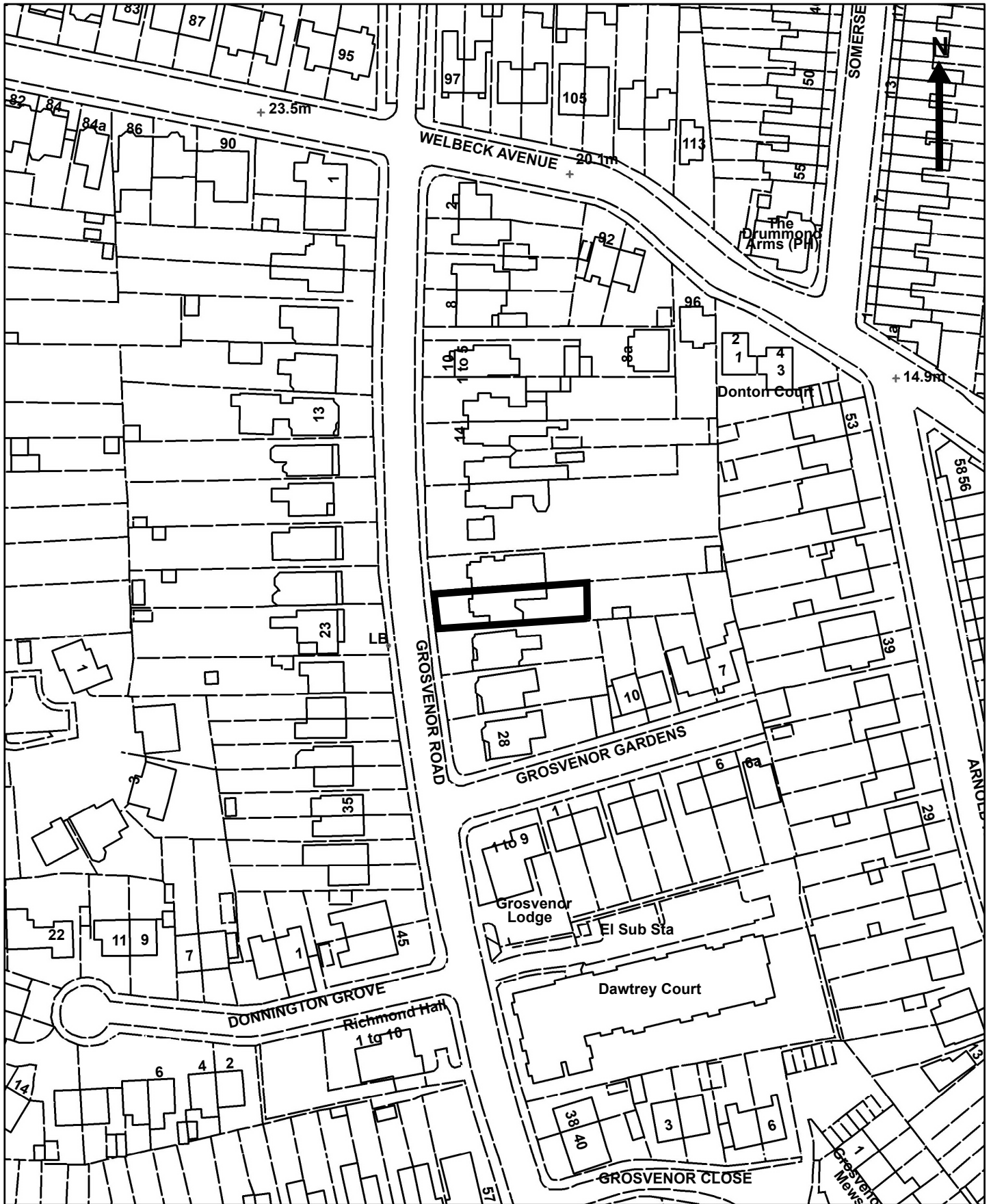
The National Planning Policy Framework (2021)

Relevant Planning History

Case Ref	Proposal	Decision	Date
1116/Z	ERECTION OF A GARAGE	Conditionally Approved	17.09.1957
901083/W	CHANGE OF USE FROM SINGLE DWELLING TO MEDICAL CENTRE SPECIALISING IN NATURAL THERAPY	Application Refused	10.10.1990
970961/W	ERECTION OF A RAMPED ACCESS AND CONVERSION OF GARAGE TO ACCOMMODATE TOILET FOR DISABLED AND WHEELCHAIR USERS	Application Refused	21.10.1997
971254/W	INSTALLATION OF A RAMPED ACCESS AND ERECTION OF A NEW EXTENSION AND CONSERVATORY TO ACCOMMODATE TOILET FOR DISABLED AND WHEELCHAIR USERS	Conditionally Approved	07.01.1998
980724/W	CONSTRUCTION OF A CONSERVATORY	Conditionally Approved	18.09.1998
17/00903/FUL	Change of use to children's nursery and natural therapy rooms (Class D1)	Application Refused	13.04.2018
18/00994/FUL	Conversion of existing Medical Centre (D1 use) building into a 4 bedroom house.	Conditionally Approved	20.08.2018
18/02150/DIS	Application for approval of details reserved by conditions 2 (Landscaping detailed plan), 3 (Refuse and recycling) and 4 (Cycle storage facilities) of planning permission 18/00994/FUL for a 4 bed house.		15.02.2019
20/00301/FUL	Single storey rear extension replacing existing conservatory.	Conditionally Approved	30.04.2020
22/01557/FUL	Roof alterations including hip to gable and front and rear dormer windows	Withdrawn	09.01.2023

Agenda Item 6 23/00101/FUL

Appendix 1



Scale: 1:1,250

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