

# Planning and Rights of Way Panel

Tuesday, 17th  
September, 2024  
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 Windle (Chair)  
Councillor Greenhalgh (Vice-Chair)  
Councillor Beaurain  
Councillor Cox  
Councillor Mrs Blatchford  
Councillor G Lambert  
Councillor Wood

**Contacts**

Democratic Support Officer  
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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.

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### Dates of Meetings: Municipal Year 2022/2023

2025	
4 June	25 June
9 July	6 August
27 August	17 September
8 October	12 November
10 December	

2025	
21 January	11 February
4 March	1 April
22 April	

## 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 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 27 August 2024 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 24/00405/FUL - 348 WINCHESTER ROAD** (Pages 9 - 30)

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

### **6 PLANNING APPLICATION - 24/00132/FUL - 3-7 MACNAGHTEN ROAD** (Pages 31 - 84)

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

### **7 PLANNING APPLICATION - 24/00110/FUL - 40 ATHERLEY ROAD** (Pages 85 - 118)

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

**8 PLANNING APPLICATION - 24/00472/FUL - 38 CLAUSENTUM ROAD**  
(Pages 119 - 132)

Report of the Head of Transport and planning recommending that temporary consent be granted in respect of an application for a proposed development at the above address.

Monday, 9 September 2024

Director – Legal and Governance

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 27 AUGUST 2024

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Present: Councillors Greenhalgh (Vice-Chair), Beaurain, Cox, Mrs Blatchford, Wood and Kenny

Apologies: Councillor Windle

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

It was noted that following receipt of the temporary resignation of Councillor G Lambert from the Panel the Director of Legal and Governance acting under delegated powers, had appointed Councillor Kenny to replace them for the purposes of this meeting. Apologies from Councillor Windle were also noted.

**COUNCILLOR GREENHALGH IN THE CHAIR**

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

**RESOLVED:** that the minutes for the Panel meeting on 9 July 2024 be approved and signed as a correct record.

14. **PLANNING APPLICATION - 24/00622/FUL, 25 BASSETT GREEN DRIVE**

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

Erection of a single-storey rear extension with raised patio following demolition of existing extension, loft conversion and alterations to existing front and rear fenestrations.

The presenting officer informed the Panel that the application had received 5 and not 6 objections as stated in the report. In addition it was noted that the report should have referred to the National Planning Policy Framework to 2023.

Officers advised that an additional condition would be added to the recommended conditions to address the concerns raised in the representations about construction.

The Panel then considered recommendation that the application be conditionally approved subject to criteria listed in the report and the additional condition 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 additional condition set out below.

Additional Condition

#### 4) 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.

#### 15. **PLANNING APPLICATION -24/00717/FUL, 84 MILTON 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 the criteria listed in the report.

Erection of a single-storey front extension (Part retrospective).

Officers advised the Panel that this was a partially built development and that it differed from the proposed plans. Officers noted the front extension encroached on to the neighbouring elevation to tie in the roof and the side wall. Members voted on whether to pursue enforcement action to remedy the encroachment.

Upon being put to the votes the recommendation to pursue enforcement action was carried.

RECORDED VOTE to pursue enforcement action

FOR: Councillors Greenhalgh, Cox, Mrs Blatchford,  
Kenny and Wood

ABSTAINED: Councillor Beaurain

Members were then asked to vote on the proposed development using the plans provided that did not encroach on the neighbouring land. Officers advised that an additional condition on refuse would be added and that a further condition detailing the requirement for the front extension shown within the approved plans to be completed within 3 months from the planning permission should be added

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

Additional conditions

#### 3) 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.

4) Development in accordance with the approved plans.

Within three months of the date of this decision, the development shall be constructed in accordance with the siting and dimensions of the front extension shown on approved drawing number sah/sht 2 Rev x, received 26/06/2024.

REASON: In the interests of design and visual amenity.

**NB:** The extension as currently built encroaches on to the frontage of No. 86 Milton Road. The approved plans (drawing number sah/sht 2 Rev x, received 26/06/2024) do not show an encroachment, therefore to comply with this condition the encroachment must be removed.

16. **PLANNING APPLICATION - 24/00790/FUL, 197 PORTSWOOD 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 the criteria listed in the report.

Erection of a single-storey rear extension to facilitate the use of the site for sale of hot food and drink and takeaway

Elly Illes (Southampton Mencap) Raza Sanaullah (applicant), and Councillors Finn and Savage (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer updated the description of development to include the extraction equipment and reported that since the report had been published 2 additional letters of objection had been received. 3 additional conditions were added verbally including (i) a restriction on delivery hours (ii) the hours of use of the kitchen extraction equipment and (iii) the provision of cycle storage.

Panel Members requested that the door to the refuse facilities open inward to reduce any possibility of the lane being blocked and that any food collection should be received from the Portswood Rd entrance. Officers agreed to add 2 further conditions, as set out below.

The Panel then considered recommendation that the application be conditionally approved subject to criteria listed in the report and the additional conditions 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 any additional or amended conditions set out below.

#### Changes to conditions

##### Cycle parking (Performance Condition)

Before the development hereby approved first comes into use, the storage for bicycles with stands for securing 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.

##### Refuse store (Performance Condition)

The door access to the refuse store shall be inwards opening only into the store at all times.

REASON: In the interests of minimising obstructions to the free flow of traffic and pedestrians to the service lane.

##### No collections from service lane (Performance Condition)

There shall be no collection of orders for customer deliveries from any part of the rear service lane whatsoever at all times.

REASON: In the interests of minimising obstructions to the free flow of traffic and pedestrians to the service lane.

##### Servicing and Delivery Management (Performance Condition)

The servicing and unloading of deliveries associated with the use hereby approved shall not be undertaken outside 07:00 to 22:00 hours daily.

REASON: In the interests of residential amenity.

##### Extraction Equipment use (Performance Condition)

The cooking extraction equipment hereby approved shall only be operated between 11.30 to 00.00 hours daily.

REASON: In the interests of residential amenity.

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 17<sup>th</sup> September 2024

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<b>Approximate Start Time 4:00pm</b>				
5	CM	CAP	5	24/00405/FUL 348 Winchester Rd
<b>Approximate Start Time 4:30pm</b>				
6	AL	DEL	5	24/00132/FUL 3-7 Macnaghten Rd
<b>Approximate Start Time 5:00pm</b>				
7	MT	DEL	5	24/00110/FUL 40 Atherley Rd
<b>Approximate Start Time 5:30pm</b>				
8	MP	TCON	5	24/00472/FUL 38 Clausentum Rd

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:

CM      Craig Morrison  
 AL      Anna Lee  
 MT      Mark Taylor  
 MP      Mat Pidgeon

## 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 17<sup>th</sup> September 2024 Planning Application Report of the Head of Transport and Planning

<b>Application address:</b> 348 Winchester Road, Southampton			
<b>Proposed development:</b> Change of use from C2 (residential care home) to 10 person house in multiple occupation (Sui Generis)			
<b>Application number:</b>	24/00405/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Craig Morrison	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	17.07.2024	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors :</b>	Cllr Sam Chapman Cllr Sarah Wood Cllr Richard Blackman
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Mr Veizaj		<b>Agent:</b> MARChitecture Design	

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
<b>Biodiversity Net Gain Applicable</b>	<b>No</b>

### **Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023). Policies –CS4, 13,16,18,19,22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1,4,5,9,10,11,16\*of the City of Southampton Local Plan Review (Amended 2015). Policies – BAS1, BAS 4 and BAS 6 of the Bassett Neighbourhood Plan.

<b>Appendix attached</b>			
1	Habitats Regulations Assessment	2	Development Plan Policies
3	Relevant Planning History	4	40m radius assessment.

### **Recommendation in Full**

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

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

- 1.1 The application site contains the former Abbey Retirement Home located on the north side of Winchester Road to the west of the roundabout serving Hill Lane and Winchester Road. The front of the building appears to date from the 1930s. The building has a significant, primarily flat roofed, extension to the rear which was granted planning permission in 1984 when the change of use from two flats to a care home was also permitted.
- 1.2 The building is constructed of brick for half of the ground floor with render above and of the first floor. The building has two bay windows on the front elevation with a dormer within the front face of the concrete. The application site is a short walk to a local bus shop and centre providing some day to day services.

#### **2. Proposal**

- 2.1 This application seeks to change the building to a 10 bedroom House in Multiple Occupation. 2 kitchens are provided, one each on the ground floor and first floor (measuring 18.sq.m, and 17.1sq.m respectively). A further living room is provided on the ground floor measuring 11.9sq.m. There are 3 shower rooms shown.
- 2.2 As submitted 13/14 bedrooms were shown including a second floor of accommodation, but following negotiation the scheme has been reduced in scale and use'
- 2.3 5 car parking spaces are provided with two to the front of the site and 3 to the rear.  
Access to the retained rear garden is available to all residents via a door in the ground floor corridor. The garden measures 21sq.m.

#### **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 2023. Paragraph 225 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 3** of this report.

#### **5. Consultation Responses and Notification Representations**

- 5.1 A publicity exercise in line with department procedures was undertaken, following an initial error, which included notifying adjoining and nearby landowners, and erecting a site notice on 28<sup>th</sup> June 2024. At the time of writing the report 21 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The development would exacerbate a shortage of parking in the area.***  
**Response**

The proposal provides 5 car parking space together with turning space. The HMO SPD requires a maximum of 5 car parking spaces for a 10 person property and, therefore, the development provides an appropriate level of parking and is fully compliant.

5.3 ***A poor quality living environment would be provided***  
**Response**

The proposal provides an internal living environment in excess of the space requirements set out in the Council's Guidance on Standards For Houses In Multiple Occupation. Other amenity matters are discussed later in this report.

5.4 ***The housing type is temporary***  
**Response**

It is possible that the occupants of the property may reside in the property for shorter times than other tenures of housing, however the Council's HMO SPD acknowledges that the provision of HMOs provides an important housing option as part of a wider mix; including for those on lower incomes or requiring shorter term accommodation.

5.5 ***Property should be converted into apartments***

**Response**

The application site is not allocated for any specific purpose in either adopted or emerging plan policy. The decision should be made on the basis of whether or not the applied for development is acceptable, rather than whether it is the preferred option for the use of the site.

5.6 ***Impacts of noise and anti-social behaviour on the local area***

**Response**

Whilst a 10 person HMO is an intensive use it is considered that the comings and goings from proposed use are unlikely to be significantly different to those of the former care home – when staffing and visitors are factored in. Given that the site is located adjacent to Winchester Road, which is a high traffic route, any change in timings or volumes of vehicle movements is unlikely to have a significant impact on the character or local area. As the property is detached any noise transfer from the building is unlikely to be significant. While there may be greater use of the rear garden, it's reasonable use would not be likely to disturb neighbouring occupiers. Any unreasonable generation of noise, either internally or externally, would be addressed via the statutory noise nuisance legislation contained within the Environmental Protection Act (1990).

5.7 ***The loss of Care Home would contribute to shortages of care places***

**Response**

Care homes are not protected within existing or emerging policy and so this becomes a market decision. It is not therefore reasonable to object to their loss, particularly given that the proposal would retain a level of residential accommodation.

5.8 ***Additional Overlooking from additional floor.***

**Response**

The additional floor, as originally proposed, has been removed from the proposal due to concerns raised by neighbours and supported by officers.

5.9 ***Poor refuse management from HMOs***

**Response**

The plans show an area that is sufficient in size to store a number of Euro Bins and further details are required by condition to ensure that the store is adequately sized and ventilation is provided.

5.10 ***Anti-Social Behaviour from use of fire escape***

**Response**

Officers are investigating solutions to this matter and will verbally update the panel at a later time. It may be feasible to either (i) impose a planning condition to secure the removal of the fire escape prior to 1<sup>st</sup> occupation or (ii) seek a delegation from Panel to secure a further amended plan showing the removal of the fire escape ahead of planning permission being issued.

5.11 ***The development is close to the hospital and city centre and therefore limited car parking is required***

It is noted that the proposal provides the maximum standard of car parking spaces and is considered to be acceptable as a result.

5.12 ***The proposal provide a safe and cost effective way of living***

Agreed, however this needs to be balanced against other material planning considerations. This balancing test is set out in the remainder of this recommendation.

5.13 ***The development should be car free***

It is noted that the proposal provides the maximum standard of car parking spaces, this is a balanced position in terms of car parking which acknowledges the likelihood that some occupiers may require a car to travel for work but that not all residents of HMOs will choose to or be able to own a car. As the car parking standard is a maximum it seeks to avoid over provision of spaces to encourage non-car travel but also seeks to avoid additional parking pressure on local roads.

**Consultation Responses**

5.11	<b>Consultee</b>	<b>Comments</b>
	CIL Officer	<p>The development is CIL liable as there is a net gain of residential units through the change of use and extension. With an index of inflation applied the residential CIL rate is £119.06 per sq. m, to be measured on the Gross Internal Area floorspace of the building.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.</p>
	Environmental Health	<p>Environmental Health have no objections in principle to this application and recommend a condition for hours of construction work, a construction and demolition management plan and measures to suppress dust and noise.</p> <p><u>Officer Response</u> The revised proposal involves no external alterations to the property and therefore</p>

	conditions relating to construction work and associated amenity impacts are not considered necessary.
HMO Licensing	No objection to the scheme as submitted, subject to detailed issues that can be addressed through the SCC Licensing scheme
Natural England	<p><b>OBJECTION</b></p> <p>Natural England objects to these proposals. As submitted, we consider they will:</p> <ul style="list-style-type: none"> <li>• Have an adverse effect on the integrity of the New Forest Special Areas of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site through increasing visitor numbers.</li> </ul> <p>We have reached this view for the following reasons:</p> <ul style="list-style-type: none"> <li>• The planning proposal, as currently submitted, is likely to lead to an increase in recreational disturbance in the New Forest designated sites via increasing visitor numbers and there is not enough information to demonstrate that the impacts will be mitigated.</li> </ul>
Southern Water	No objection subject to informatives around protecting existing water infrastructure.
Highways Development Management	<p>No objection</p> <p>It is difficult to determine a significant difference between the existing and proposed uses in terms of parking demand; trip generation and servicing needs.</p> <p>In terms of parking demand, it is not always clear how many occupants would own a vehicle at a care home as it is very much specific to the individual and nature of the care home in terms of its care services. There is also the parking demand of staff both part time and full time including doubling up of parking during shift changes.</p> <p>Trip levels again could be similar when</p>



	<p>compared to both and it is considered that both uses would generate some servicing and delivery vehicles. Care home is likely to generate slightly higher and more frequent service vehicle trips as it is likely they will require them for catering, laundry and general supplies and deliveries. Due to the tight access and lack of turning space on site, it is unlikely that larger servicing vehicles would enter and turn on site and would likely stop along the kerb side. This section of Winchester Road contains double yellows which legally allows vehicles to load and unload (time restricted).</p> <p>However, it would be good for a condition to be included to secure and formalise the parking layout. Turning areas should be highlighted on the site plan and suitable wording should ensure that the turning areas are to be kept clear at all times.</p> <p>As such, there will be no objections subject to conditions to secure one long stay cycle space per occupant and a parking layout plan including wording to ensure turning areas are kept clear at all times.</p>
<p>Cllr Sarah Wood</p>	<p>I am glad that the plans for this development have been reduced from 14 (13 bedrooms labelled plus one unlabelled) to 10 bedrooms.</p> <p>However I still have the following concerns:-</p> <ul style="list-style-type: none"> <li>• Very cramped accommodation. Undersized for 10 people assuming one per room but as double beds are indicated could be as many as 20 people.</li> <li>• Only lounge area scales as less than 4 metres by 4 metres . The lounge's only window is on the side very close to the boundary and currently has obscured glass. If this is changed to clear glass it would infringe the privacy of number 352 Winchester Road and they could increase the height of the fence. Not good living conditions.</li> <li>• Only 5 parking spots. Although</li> </ul>

	<p>Winchester Road is on a bus route this leads to the Hospital and University only. There is cycle storage but unclear if this is adequate or secure.</p> <p><i>Officer Response</i>  <i>The HMO can be limited to a maximum of 10 people with an enforceable planning condition, and the rooms on offer meet the minimum space standards. Residents have access to 2 shared kitchens and a communal lounge and 5 parking spaces is the maximum permitted by current standards.</i></p>
<p>Councillor Richard Blackman</p>	<p>Although the plans have been amended, I remain concerned about this application for the reasons stated in my initial objection.</p> <p>I request that the serious concerns, relating to the impact of these plans, voiced by neighbouring residents are considered in detail when the revised application is assessed.</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
- Biodiversity Net Gain & Habitats Impact

### 6.2 Principle of Development

6.2.1 There is no 'in principle' objection to the loss of the existing care home to another residential use and there is no policy protection for such uses. Policy BAS4 of the Bassett Neighbourhood Plan allows HMOs within the neighbourhood plan area subject to a 10% threshold test which mirrors that set out within the Council's HMO SPD. HMOs provide much needed housing; particularly to those on lower income and should be considered as contributing to mixed and balanced communities. The provision of a HMO provides an essential part of the mix of housing required in the city and is supported in principle by the Development Plan.

- 6.2.2 Saved Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced communities, whilst these policies require an assessment of how the introduction of HMOs maintain the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in section 4 of the Council's House in Multiple Occupation Supplementary Planning Document (SPD) to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a local neighbourhood.
- 6.2.3 The 40 metre test has been carried out and 10 properties have been identified for assessment within this radius. A number of these contain self-contained flats and are therefore do not require investigation as they are unlikely to contain HMOs as set out in paragraph 4.2.1 of the HMO. Those properties which appear to be self contained dwellings have been assessed using the up to date records for the Planning Register, Licensing Register, and Council Tax data and show that there are currently no HMOs within the area. The resulting concentration of HMOs would be 10% (1 HMO out of 10 residential properties) and, therefore, the application does not breach the 10% threshold limit for the mix of HMOs within the local neighbourhood. The properties included and excluded from the calculation are included in **Appendix 4** of this recommendation.
- 6.2.4 The principle of the change of use to a HMO is therefore considered acceptable. Policy H4 then requires detailed consideration of matters relating to the character of the area and the amenity of neighbouring properties which are considered in the following sections.
- 6.3 Design and effect on character
- 6.3.1 Following amendment of the plans to remove the construction of an additional floor the use of the property as a HMO requires no changes to the exterior of the building itself. Therefore, the proposal would not affect the visual character of the area.
- 6.3.2 348 Winchester Road is located on a main route from the west of the city towards the M3 Motorway and other local destinations. It is therefore highly trafficked. As there is already a high level of activity in the area already, particularly associated with vehicle movements, it is not considered that any additional comings and goings associated with the change of use would significantly alter the character of the area.
- 6.3.3 The application building consists of 10 bedrooms, and in order to ensure that adequate parking and bin storage is available on site, a condition restricts the occupation to 10 persons. The application shows an adequate area for waste storage and further details of an appropriate shelter in the location shown is recommended to ensure that the bins are adequately screened from the public realm.

#### 6.4 Residential amenity

- 6.4.1 A number of concerns have been raised regarding the impact of the proposal, primarily on noise and disturbance grounds. It is likely that residents of the building would generate more noise than those of the previous care home use, however as the building is detached there would be limited impact from direct noise transference through the fabric of the building. Additional noise insulation would not be required.
- 6.4.2 Additional use of the garden could result in some additional noise generation compared to the existing use; where residents of the care home would be more likely to be outside during daytime hours whereas evening use is more likely in a HMO setting. Planning decisions must be made on the basis of how a use would be operated by a reasonable person or group of people. Reasonable use of the garden would not result in unacceptable levels of noise for neighbouring occupiers, even if some additional noise would be generated compared to the existing use. Where the level of noise is unreasonable due to volume, or use at anti-social hours, the protections covered by the Statutory Noise legislation within the Environmental Protection Act would apply.
- 6.4.3 Concern has been raised regarding the use of the side access to the property and the impact of vehicular comings and goings to the neighbouring properties. As the access is located on the western side of the site, and the western boundary of the site is adjacent to a similar vehicular access at 352 Winchester Road, the main property affected would be 346 Winchester Road and the block of flats beyond the rear of the site. The side access is already in existence and would have provided access for staff and visitors to the former care home. It is likely that there would be a difference in the nature of vehicular movements at the site associated with residents work and leisure trips, rather than the arrival and departure of staff working at the care home. It is not considered, however, that this would be significantly more harmful given that the former care home is likely to have been staffed 24 hours a day. Vehicle movements late in the evening and early in the morning would have likely been common.
- 6.4.4 Representations have been received regarding the quality of the internal layout for proposed residents of the building. The Council's Guidance on HMO Standards sets out a minimum bedroom size of 6.51sq.m for a bedroom to be acceptable for a single adult. All bedrooms meet this standard with the smallest bedroom being 9.9 square metres. The property has 4 shower rooms (2 is the minimum required). 2 kitchens and a living room are provided measuring a combined 48 square metres (19.5 square metres being the minimum required). The proposed living room area is acknowledged to have poor outlook with an obscured glazed window required to protect the privacy of the neighbouring flat and the privacy of users of the living room. However given the size of the shared space (being double the minimum required) and the large size of the majority of bedrooms it is considered that on balance the living accommodation

would provide a reasonable standard of living for prospective occupiers.

6.4.5 Concerns regarding the rear stairway and impact on the privacy and amenity of neighbouring occupiers has been raised. This is acknowledged and discussions are taking place to determine whether the staircase can be removed. A verbal update will be provided as discussions on this matter evolve.

## 6.5 Parking highways and transport

6.5.1 The Council's HMO SPD sets out that for a 10 bedroomed HMO outside of the designated high accessibility zone 5 car parking spaces are required. Two spaces are provided to the front of the site as well as 3 towards the rear of the site meaning a total of 5 which meets the maximum parking standard required. Given the unusual layout of the site and the need for vehicles to be able to turn on site and leave in a forward gear a condition is recommended for details of how parking, turning and no parking areas will be physically demarcated within the site.

6.5.2 A representation referencing the use by cars of a grass verge within the ownership of the neighbouring building has been received. If this were to occur this would be a civil matter, however as sufficient car parking is provided on site to meet standards it is not considered that this should be a matter that results in a Planning refusal.

## 6.6 Protected Sites and Biodiversity Net Gain

The Council's adopted saved LDF Core Strategy Policy CS22 requires all new development to produce a net gain in biodiversity by designing in provisions for wildlife. In this instance the development results in less than 25 metres squared of built development and is, therefore, exempt from the requirements of the 10% Biodiversity Net Gain.

6.7 Natural England has objected to the proposal on the basis that it will generate additional impacts on recreation and nitrate loading on European Designated Sites in the area. As the proposal would result in a decrease in the number of residents at the site this impact is not considered likely to occur and therefore no mitigation is considered to be required in this respect. This is explored in further detail in the Habitats Regulations Assessment in **Appendix 1**.

## 7. Summary

The proposal is acceptable in principle and is considered, on balance, to not result in any significant adverse impacts on the character or amenity of the area or the function and safety of the highway. The proposals results in the loss of a residential care home and its conversion to a large (10 person) HMO. This would be the only HMO within a 40m radius and so complies with our current policy and guidance.

For the reasons set out in **Appendix 1** the proposal is considered to not result in any significant adverse impact on the integrity of European Designated Sites including in combination with other plans and projects.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to the following conditions

### **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)

### **PLANNING CONDITIONS**

01. Full Permission Timing (Performance)

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

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

02. Approved Plans (Performance)

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

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

03. Cycle storage facilities (Pre-Occupation)

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

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

04. Parking and Turning Areas (Pre-Occupation)

The occupation of the development hereby approved, shall not take place until a scheme for the marking of parking and turning areas, allowing vehicles to enter and leave the site in a forward gear, has been implemented in accordance with details that have first been submitted to and approved in writing by The Local Planning Authority. Thereafter the scheme shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To prevent anti-social parking and ensure that vehicles can enter and leave the site safely.

05. Refuse & Recycling (Pre-Commencement)

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

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

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

06. Retention of communal spaces & numbers of occupiers (Performance Condition)

The rooms labelled kitchen/dining, and Communal Lounge on the approved floor plans, together with the external amenity areas shall be retained and available for communal purposes at all times. No more than 10 residents shall occupy the premises the subject of this permission at any time.

Reason: To ensure that suitable communal facilities are provided for the residents, and in the interests of protecting the amenities of local residents.

07. Obscure Glazing (Performance)

All windows in the eastern side elevation 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.

08. 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.

09. Residential Permitted Development Restriction (Performance)

Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 as amended or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Parts 1 and 2, 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:

Part 1

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Part 2

Class A (gates, fences, walls or other means of enclosure)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development with regard to the amenities of the surrounding area.



Habitats Regulations Assessment (HRA)

Habitats Regulations Assessment (HRA)	
<b>Application reference:</b>	24/00233/FUL
<b>Application address:</b>	Dolphin Hotel 34-35 High Street Southampton
<b>Application description:</b>	Change of use from an hotel (Class C1) to fully catered student accommodation (Sui Generis) with up to 99 bedrooms and associated spaces and the retention of existing car parking (no external/internal alterations)
<b>HRA completion date:</b>	17 April 2024

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

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 the proposal would not result in an additional overnight population based on the proposed occupancy of the building as student accommodation and likely population</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</b></p>

**Section 1 - details of the plan or project**

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

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, i.e. 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.

As the proposal is for a change of use only and does not require any external works the identifiable impacts are in relation to

- 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 lawful use of the site at this time is as a care home with a condition restricting its maximum occupation to 14. Overall the number of overnight residents of the property are likely to be lower than the permitted use as hotel accommodation and therefore the levels of water discharge affecting the water quality of the Solent and Southampton Water Special Protection Area. For the same reasons as above it is likely that fewer leisure trips would be taken to both the new Forest and Coastal Areas included within the Solent and Southampton Water Special Protection Area and New Forest Special Protection Area and Special Area of Conservation.

It is therefore considered that there would be no significant adverse impacts on the Solent and Southampton Water and New Forest Special Protection Areas and the New Forest Special Area of Conservation. An Appropriate Assessment is therefore not required.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
Bassett Neighbourhood Plan (July 2016)

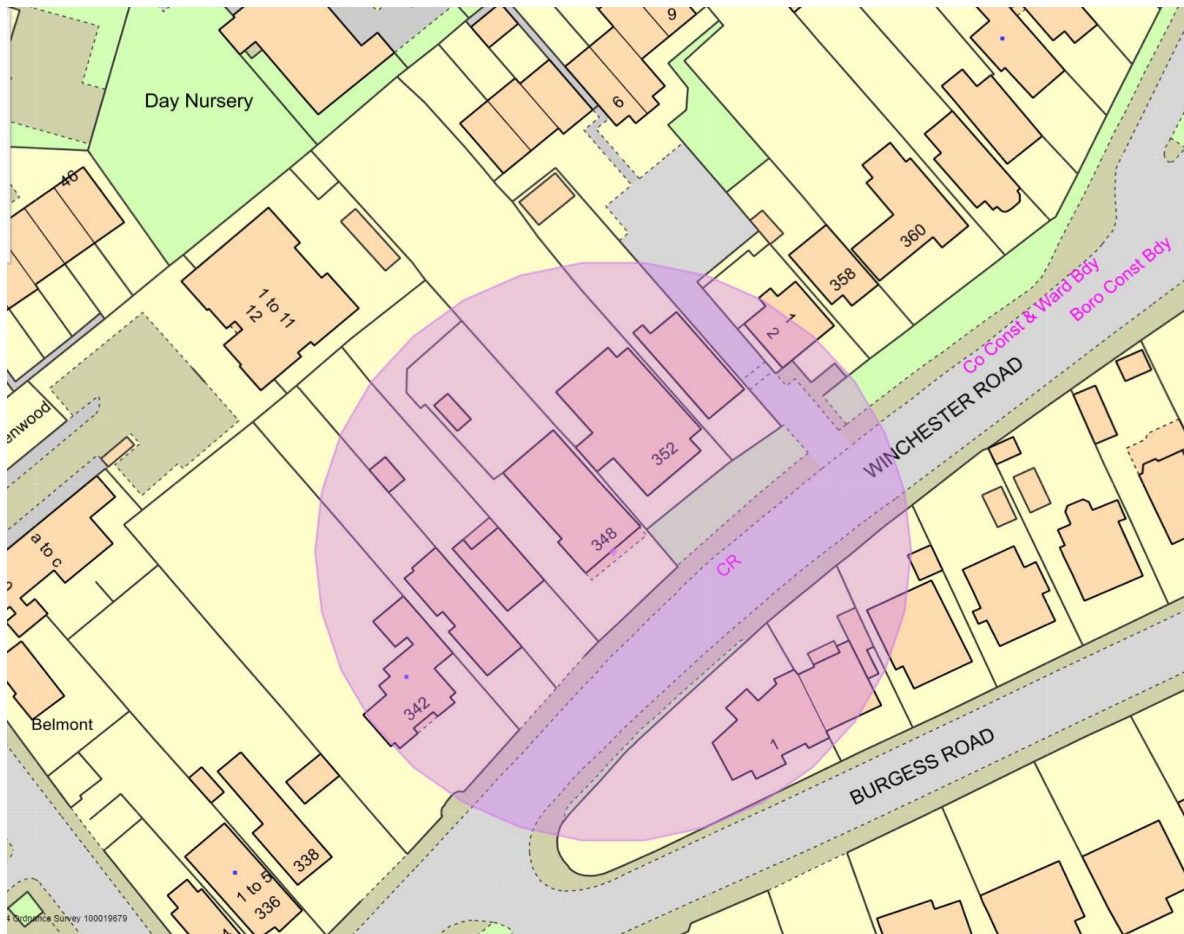
Other Relevant Guidance

The National Planning Policy Framework (2023)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
W17/1674	Two storey rear extension - Revision to W09/1651	Application Refused	11.03.1986
W09/1651	Change use from 2 flats to rest home & two storey rear extension	Conditionally Approved	16.10.1984
W14/1645	Use as 8 x bed sitting rooms and one flatlet	Application Refused	01.05.1984
1626/W20	Erection of 2 storey rear extension to provide self contained unit	Conditionally Approved	22.02.1983
1622/W16	Erection of two storey rear extension to provide an additional residential unit	Application Refused	30.11.1982
1410/P8	Use as guest house	Application Refused	23.02.1971
1409/P19	Use as guest house	Application Refused	23.02.1971
1180/P19	Use of land at rear for bungalow	Application Refused	04.07.1960

**Properties within 40m Radius**



**Eligible Properties Investigated**

- 342 Winchester Road
- 346 Winchester Road
- 354 Winchester Road
- 2 Burgess Road
- 4 Burgess Road

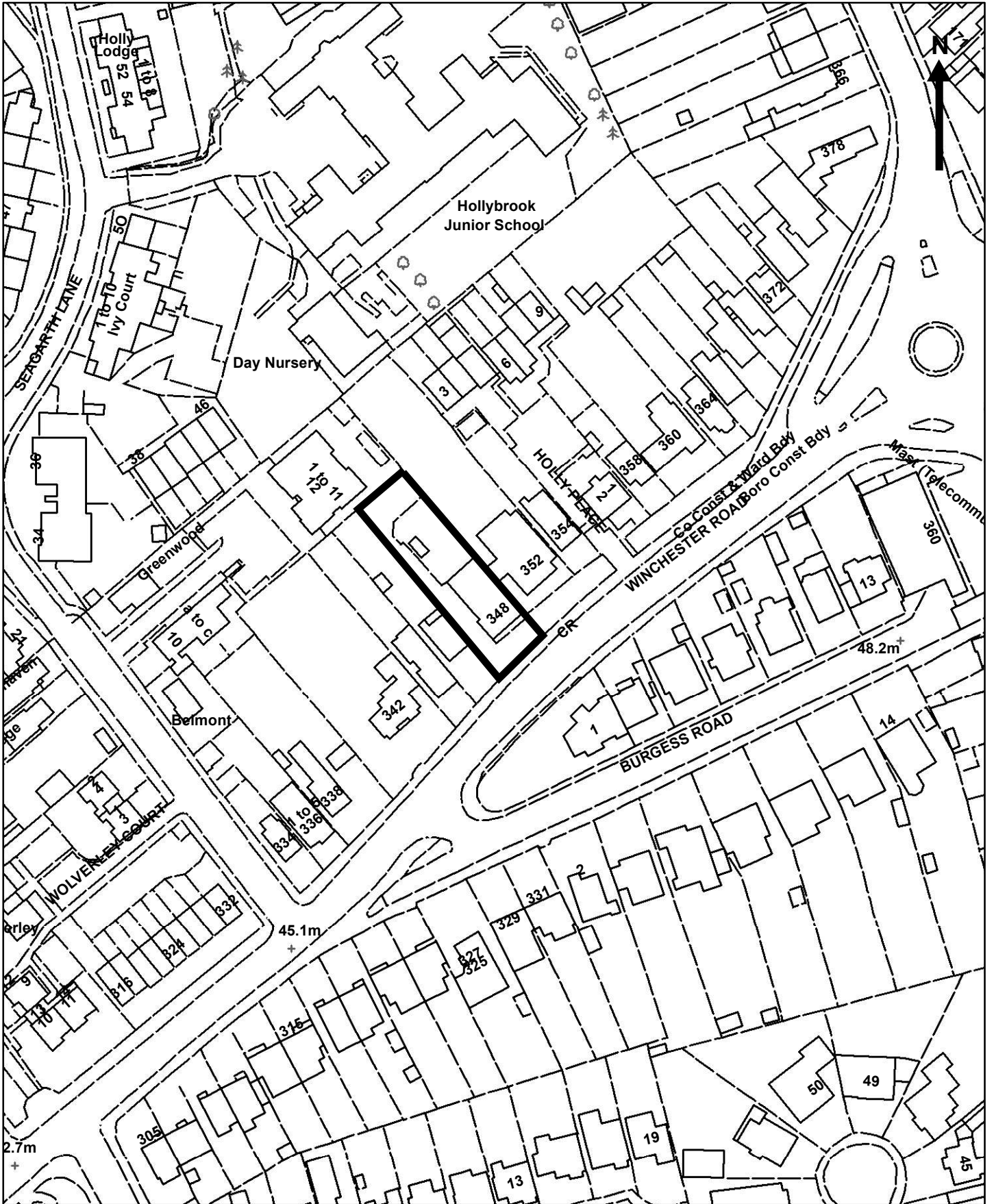
**Properties not investigated**

- 344 Winchester Road
- 352 Winchester Road
- 1-2 Holly Place
- 1 Burgess Road
- 3 Burgess Road



# Agenda Item 5

# 24/00405/FUL



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## Planning and Rights of Way Panel 17<sup>th</sup> September 2024 Planning Application Report of the Head of Transport and Planning

<b>Application address:</b> 3 - 7 Macnaghten Road Southampton SO18 1GL			
<b>Proposed development:</b> Erection of 6 x semi-detached, 3-bedroom houses following demolition of existing buildings			
<b>Application number:</b>	24/00132/FUL	<b>Application type:</b>	FULL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	24.09.2024	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received	<b>Ward Councillors:</b>	Cllr Barnes- Andrews Cllr Cooper Cllr Webb
<b>Applicant:</b> Mr J Clarke		<b>Agent:</b> Atlas Planning Group	

<b>Recommendation Summary</b>	Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	Yes
<b>Biodiversity Net Gain Applicable</b>	Not applicable

### Reason for granting Permission

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

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Car parking survey		

### **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 to secure:
  - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act and/or undertakes a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site including provision of a Traffic Regulation Order (TRO) to provide double yellow lines around the junction to protect sightlines and vehicle swept paths in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
  - ii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites 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.

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

- 1.1 This site currently contains part single and part two-storey commercial buildings (one brick and two rendered with brick additions) which are currently vacant and were previously used as a joinery workshop manufacturing shop fittings. There are two existing vehicular access points from Macnaghten Road onto the site. Along the rear boundary is a dense landscaped boundary in the form of evergreen trees/vegetation.
- 1.2 The surrounding area is mainly residential characterised by suburban two-storey semi-detached dwellings of mixed appearance. The prevailing character comprises street-frontage dwellings with rear gardens with short front gardens with low level boundary treatment namely brick walls. There are no local parking street controls and, given residents typically do not have on-site car parking, there are high levels of on-street car parking.

## 2. Proposal

- 2.1 The scheme seeks to redevelop the site by demolishing the existing buildings on site and provide three pairs of semi-detached houses. The properties are set back from the frontage to provide one parking space per unit with the provision of a small landscaping bed.
- 2.2 The proposed dwellings have a simple appearance, constructed with brick elevations, gabled roofs, lintels and bay windows. The semi-detached houses provide a kitchen, lounge/diner and w.c on the ground floor, at first floor, two bedrooms (one with an en-suite) and a bathroom would be provided and at third floor a further bedroom is provided with views via a dormer windows. Refuse and cycle storage will be conditioned. All the units have the main entrance on the front elevation and separate entrance to the rear is also provided.
- 2.3 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Prescribed Space Standards (NDSS) (3 bed 3 storey dwelling with 5 people 99 sq.m) and the minimum garden sizes of 10 metre garden depth and 70sq.m area set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). A comparison with the standards is set out as follows:

Plot	Proposed Size (sq.m)	Floor	Garden size(sq.m)	Compliance
3a	99		65	Y & N
3b	99		75	Y & Y
5a	99		78	Y & Y
5b	99		70	Y & Y
7a	99		42	Y & N
7b	99		45	Y & N

- 2.4 The proposed gardens are between 7.09 metre deep and 13.8 and three gardens are slightly smaller than the 70 sq.m guidance for garden standards set out in the Residential Design Guide Supplementary Planning Document. This is assessed as part of the 'Planning Considerations' in section 6 below.

## 3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 All developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 confirms that, where existing local policies are consistent with the NPPF, they

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

**4. Relevant Planning History**

4.1 There is no recent or relevant planning history and the existing commercial buildings have been in-situ for a number of years.

**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 **23.02.2024**. Following submission of the application amended plans and neighbours were renotified of these plans. At the time of writing the report **10** representations (1 support, 6 objections and 3 comments) have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Already significant challenges with parking and no scope given narrow front gardens for many to add an off-road parking option. Insufficient parking for 3 bed units and a loss of on-street parking outside the site.***

**Response**

No highways objection has been received and our parking standards do not require parking is provided for every dwelling; it is noted that the proposal will result in the loss of on-street parking due to the insertion of the proposed driveways but a parking pressure survey has been provided that shows there is capacity on the street, albeit limited. The parking survey undertaken overnight (between 00:30-05:30) on Wednesday 15th May and Thursday 16<sup>th</sup> May 2024 and showed there was some spaces in Macnaghten Road and Harcourt Road. It is also important to note the site lies within a very sustainable location close to shops at Bitterne Triangle and within easy access of the city centre via bus and further afield via the train.

5.3 ***Potential impact on public sewerage system***

**Response**

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

5.4 ***Concerned about loss of privacy given the proposed height and dormer***

**windows. The development could lead to the rear boundary vegetation screening being removed, particularly as it reduces light into the new dwellings, and this would also reduce privacy.**

**Response**

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

The distance between the rear elevations of the properties in Whitworth Crescent and the rear elevations of the proposed houses is between 36 - 48 metres. The Residential Design Guide seeks 28 metres separation for such back-to-back relationships, which the development comfortably exceeds.

It is agreed that, whilst the proposal exceeds the Council's separation standards, the existing landscaping to the rear boundary further limits the potential of inter-looking between the site and its neighbours. The Council's Tree team have requested a condition to safeguard the trees to prevent damage during construction, and a landscaping condition is also recommended to provide additional screening and retain for the lifetime of the development. It is considered that the quality of accommodation within the proposed dwellings would not be adversely affected by retaining the trees.

5.5 ***Request to ensure privacy is maintained in the future via a restriction to any further extension to the properties and that the timing of construction works is limited.***

**Response**

A condition is suggested to remove permitted development rights for the new development, given the limited site area/amenity space provided. A condition is also suggested to restrict the construction hours to prevent noise and disturbance to neighbouring occupiers.

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

**Response**

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

5.7 ***The road has and is continuing to be over developed, due to the change of properties to flats and HMOs and the insertion of new housing without sufficient parking. As a result, the junction of Macnaghten Road into Harcourt is subject to congestion and is dangerous. The situation is made worse on match days as the street is not subject to parking restrictions.***

**Response**

Noted, a Traffic Regulation Order (TRO) is to be secured as part of the legal agreement to ensure double yellow lines are installed at the junction to prevent parking and to aid visibility.

5.9 ***The proposal results in an overdevelopment of the site.***

**Response**

The development would result in a density of 65 dwellings per hectare (dph), which accords with the density range of 50-100 d.p.h that Policy CS5 of the Core Strategy sets out as being acceptable in this location. Furthermore, the introduction of genuine soft-landscaping at the rear of the site is welcomed and it is considered that the development provides a good balance of open space/garden area versus the existing buildings and hardstanding currently on site.

**Support**

5.10 ***Support the redevelopment of the site as it is currently standing vacant and there has been antisocial behaviour here in the past.***

**Response**

Noted.

**Consultation Responses**

5.10

<b>Consultee</b>	<b>Comments</b>
SCC Highways Development Management	<p><b>No objection subject to conditions/s106 agreement</b></p> <p>Amended plans have been received to reduce the parking from two spaces to one as there is insufficient width to enable two spaces being provided together with acceptable access to the units for pedestrians, refuse bins and cycles.</p> <p>Subject to conditions assuring refuse and cycle storage is provided and the legal agreement secures the following no objection is raised.</p> <ul style="list-style-type: none"><li>• A scheme of works to relocate utility poles/equipment to facilitate the new accesses and driveways.</li><li>• A contribution towards a traffic regulation order to install double yellow lines on the Macnaghten Road/Harcourt Road junction to protect sightlines and vehicular swept paths.</li></ul>
SCC CIL Officer	<p><b>No objection raised</b></p> <p>The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is currently £119.06 per sq. m to be measured on the Gross Internal Area floorspace of the building.</p>

SCC Archaeology	<p><b>No objection raised</b></p> <p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. It is in the hinterland of the Roman settlement at Bitterne Manor. However, on current evidence and given the relatively small scale of the development, no archaeological conditions need to be attached to the planning consent if granted.</p>
SCC Ecology	<p><b>No objection raised</b></p> <p>No objection is raised to the proposed redevelopment of the application site. The submitted bat survey recommends including two integrated bat boxes into the fabric of the buildings. Amended plans have been provided to include these and swift boxes and subject to a condition to require evidence that the boxes have been installed e.g. some photos of the boxes in position no objection is raised.</p> <p>Any external lighting should be designed to avoid illuminating the bat boxes and any foraging habitat.</p> <p><b>Officer comment:</b> A condition seeking evidence and a landscaping condition requiring lighting details are suggested.</p>
SCC Environmental Health	<p><b>No objection raised</b></p> <p>No objection subject to conditions relating to hours of work and measures to suppress dust and measures to control noise on site, in order to protect the local neighbourhood.</p>
SCC Sustainability	<p><b>No objection raised</b></p> <p>The following conditions are recommended in order to ensure compliance with core strategy policy CS20</p> <ul style="list-style-type: none"> <li>• Water &amp; Energy (Pre-Construction)</li> <li>• Water &amp; Energy (Performance)</li> </ul>
Southern Water	<p><b>No objection raised</b></p> <p>No objection raised subject to the inclusion of an informative on the decision notice advising that a formal connection to the public sewer is required.</p>
Natural England	<p><b>No objection raised</b></p> <p>No objection subject to the inclusion of the nitrates condition and securing the Solent Mitigation Disturbance Project contribution as suggested.</p>

	<p>SCC Trees &amp; Open Spaces</p>	<p><b>No objection raised</b></p> <p>There are trees on site but none of any significance that would be a constraint to the development of the site.</p> <p>In the rear gardens of the adjoining properties are a mix of deciduous and evergreen species of tree that provide a natural screen to the rear of the current industrial units. If any development of the site were to be approved, all privately owned trees within the rear gardens of properties along Whitworth Crescent, are to be afforded protection from harm associated with development. This protection is to prevent the loss of overhanging canopy along with harm to the root protection areas of the trees.</p> <p>Before commencement of any permitted works on site, the RPA's need to be identified and protected by tree protection fencing or ground protection that accords with BS5837. A plan showing these areas and specification of fencing will be required. Any work that enters the protected RPA, will require an arboricultural impact assessment along with an arboricultural method statement.</p> <p>As the application address is currently not a dwelling, the height of the coniferous trees cannot be regarded as a high hedge as the legislation only bites if it impacts a domestic property. However, there are concerns that if the current building were to be demolished and residential units built, there may be potential for a high hedge claim to be advanced against the adjoining properties, which places some properties of Whitworth Crescent in an unfair position.</p> <p>If the application receives planning approval and the residential units constructed, the coniferous screening that the residents currently enjoy, may be diminished if a high hedge claim were to be established.</p> <p>If officers are minded in granting consent to this application, the off-site trees are required to be protected throughout any development activity, therefore tree protection fencing will be required around the root protection areas of the trees. Furthermore, the Tree Team request that a landscape condition be applied to ensure that trees</p>
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	<p>are planted within the site, preferably along the frontage to provide interest along the street.</p> <p><b>Officer response:</b> High Hedges is dealt with under separate legislation but note the hedges do provide screening for both parties.</p>
Hampshire Swifts	<p><b>No objection</b></p> <p>Request that if this application receives approval, at least one swift brick per home on average is installed, located in accordance with best-practice guidance such as BS 42021:2022 or CIEEM. To ensure suitable installation we request that installation is demonstrated by photographic evidence.</p> <p><b>Officer comment:</b> Swift boxes have been incorporated into the revised scheme.</p>

## 6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
  - Design and effect on character;
  - Residential amenity;
  - Parking, access and servicing; and;
  - Mitigation of direct local impacts
  - Likely effect on designated habitats

### 6.2 Principle of Development

6.2.1 Saved Policy H1 of the Local Plan is supportive of residential redevelopment on sites occupied by an unneighbourly commercial uses within residential areas and the proposal to develop six houses on an existing mixed-use commercial site, which abuts residential gardens, is welcome as a more complementary use. Furthermore, the proposal would assist the Council in meeting its targets for housing delivery. Moreover, the use of previously developed land to provide genuine family housing is supported by both local and national planning policies.

- 6.2.2 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits when assessed against the policies in the NPPF taken as a whole.  
[the so-called “tilted balance”]

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

6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 65 d.p.h which accords with the range set out).

### 6.3 Design and effect on character

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

6.3.2 The proposed semi-detached houses result in a development which is a visual improvement on the existing situation. Furthermore, the proposal would enable the amount of building and hard-surfacing to be reduced from the existing commercial layout. The proposal would result in a site coverage of approximately 55% which although is in excess of the guidance of 50% (paragraph 3.9.1-3.9.2 of the Residential Design Guide refers), is a significant betterment when compared with the existing, which provides an 80% of the site laid out by building or hardsurfacing. Furthermore, the building-to-plot relationship is now more reflective of the layout of plots that are found within the vicinity of the site and the amount of building and hard-surfacing is not considered to be out-of-character.

6.3.3 The proposal is sympathetic to the established character of the area with the provision of a two-storey design to the front. Although the proposal provides a gable roof form adjacent to pitched roofs there are examples of gable roofs within the vicinity such 2a/Old Stables opposite and at 38, 40 and 71 Macnaghten Road. Furthermore, a semi-detached pattern of development is more typical within this location.

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

### 6.4 Residential amenity

6.4.1 As set out above in section 5.4, the separation distances between the proposed

dwellings and existing neighbours to the rear exceed the standards set out in the Council's Residential Design Guide Supplementary Planning Document. The impact is not detrimentally harmful to the properties or gardens of Whitworth Crescent given the depth of their gardens.

6.4.2 With respect to the adjacent properties at 9 Macnaghten Road and the flats at 9 and 11 Harcourt Road, the development will be sited within one metre from the shared boundary. Currently, there is a single/one and half storey building located on the boundary with 9 Macnaghten Road. Although the proposed development would be two-storey, the depth of the dwellings greatly differs in terms of the site coverage. Therefore, the opening up of the rear of the site to be laid out as garden is an improvement and will be less harmful in terms of built form to the existing occupiers of no 9 Macnaghten Road. There are three ground floor windows and a first-floor window adjacent and given the reduction in depth but increase in height there will be an impact but there would be still sufficient light received and outlook given from these windows.

6.4.3 With regard to the flats at 9 and 11 Harcourt Road, the development would be positioned closer to these flats than the existing building. There two windows at ground and two at first floor (one window on each level per property) which currently gain light and outlook from the application site. However, given the proposed building set-back from the frontage, the two rear windows at 11 Harcourt Road would have an improved outlook and provision of light. The two windows to the rear of no 9 would be impacted by the proposal and the outlook and light received would be reduced but the rooms, although would still have sufficient light and outlook.

6.4.4 The impact on the rear windows of No.9 Harcourt Road needs to be assessed against the benefits of the scheme as a whole. In particular, the historic commercial nature of the site means it can be used for general industrial purposes, unfettered by planning controls. Whereas a residential development would be significantly more complementary to the surrounding residential character. On this basis, overall the impact on residential amenity is considered to be acceptable.

6.4.5 In terms of the quality of the accommodation proposed, overall, the development provides good outlook and access to daylight and sunlight for proposed residents together with good access to external amenity space and sufficiently spacious dwellings. It is noted that three dwellings would be served than less than the RDG recommended minimum standard of 70sq.m of external space. However, this deficit is marginal (5 - 30 sq.m) and overall, the garden provides a useable area that would have good access to sunlight throughout the day. Furthermore, as noted in section 2 of the report, smaller gardens can be found in the local area (e.g. nos. 9 -13 Macnaghten Road) and the RDG allows for more compact gardens where they follow an existing character. As such, a pleasant residential environment will be achieved without compromising local context or proposed residential amenity.

6.4.6 Overall, it is considered that the development is designed to provide a high-quality environment for future residents whilst ensuring a harmonious relationship with adjacent residential properties.

## 6.5 Parking, access and servicing

6.5.1 The site lies within an area of Standard Accessibility to Public Transport and the

Council's Parking Standards Supplementary Planning Document (SPD) sets out that a development of this nature should provide no more than 2 spaces for each dwelling. The Parking Standards SPD does not stipulate a minimum level of car parking that should be provided and, as such, the provision of one car parking to space to serve each dwelling is acceptable. Whilst the provision of a higher number of spaces was investigated, there is insufficient width to provide two parking spaces per dwelling and still achieve satisfactory access for pedestrians and for refuse and cycle storage access. The provision of one space per dwelling strikes an appropriate balance between securing on-site car parking whilst still achieving a residential layout that works in both in terms of the character of the area whilst providing a well-functioning development.

6.5.2 The provision of less parking than the maximum standard has the potential to generate over-spill parking on the surrounding streets, which can affect the amenities of existing residents due to increased competition for on-street spaces. A car-parking survey undertaken over two consecutive nights on Wednesday 15th May and Thursday 16<sup>th</sup> May 2024 demonstrated that there is some capacity within the wider area. The survey concluded there were three and eight spare spaces on Harcourt Road on 15th May 16th May respectively. However, there was no spare capacity on Bullar Road. Along Macnaghten Road there was one spare space on 15th May and two spare spaces on 16th May. Within Whitworth Crescent there were nine spare spaces on 15th May and twelve spare spaces on 16th May. The full report can be found in **Appendix 3** of this report.

6.5.3 It is also important to consider the potential transport impacts that could be associated with the existing use of the site, should a different operator bring the site back into use. Industrial uses, typically generate more traffic movements within the day and often would require larger vehicles to service them. Furthermore, as set out above, measures are proposed to be secured through the section 106 legal agreement to restrict on-street car parking at the junction with Harcourt Road. This would ensure that any overspill car parking that resulted from the development would not be harmful to highway safety. Furthermore, whilst within an area of Standard Accessibility to public transport, the site is just over 300m walk to Bitterne railway station, 300m of Bitterne Triangle Local Centre and just over 1km to Bitterne District Centre. On this basis, the level of car parking proposed is considered to be acceptable.

6.5.4 Conditions are suggested to ensure the provision of sufficient refuse and cycle storage facilities for each unit to be housed to the rear of the site.

## 6.6 Mitigation of direct local impacts

6.6.1 The development proposal needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the highway impacts associated with this development, a package of contributions and obligations would be required as part of the application if the application were

approved. Contributions would be secured via a Section 106 legal agreement with the applicant. In terms of highway works these would include a scheme of works to relocate utility poles/equipment to enable the provision of the proposed new accesses and driveways. In addition, a contribution towards a traffic regulation order (TRO) will be secured to install double yellow lines on the Macnaghten Road/Harcourt Road junction to protect sightlines and vehicular swept paths.

## 6.7 Likely effect on designated habitats

6.7.1 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**.

6.7.2 Furthermore, all overnight accommodation has been found to have an impact on the water quality being discharged into our local watercourses that are of protected status. The 'harm' caused can be mitigated by ensuring that the development complies with the principles of 'nitrate neutrality', and a planning condition is recommended to deal with this as explained further in the attached Habitats Regulations Assessment. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

## 7. Summary

7.1 The principle of new residential development is acceptable and the replacement of a commercial use with family dwellings is more conducive to the residential character of the neighbourhood when compared with the current appearance of the site. Whilst the coverage of the site by building and hard-surfacing is slightly more than the Council's guidance encourages, when considered in the round with the other benefits of the proposal, this is considered to be acceptable. The level of parking proposed has been assessed against the impact on residential amenity (in terms of the potential for increased competition for on street spaces) and having regard to the relatively sustainable location of the site and the likely impacts associated with a B2 use which can operate from the site, the provision is considered to be acceptable.

7.2 The proposal would make a contribution to the Council's five-year housing land supply and there would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising, as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is

considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

## **8. Conclusion**

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

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

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

**Case Officer Anna Lee**  
**17.09.2024 PROW Panel**

#### **PLANNING CONDITIONS to include:**

##### **1. Full Permission Timing (Performance)**

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

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

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

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

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

##### **3. Residential Permitted Development Restriction (Performance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted

without the prior written consent of the Local Planning Authority:  
Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof alteration),  
Class C (other alteration to the roof),  
Class E (curtilage structures), including a garage, shed, greenhouse, etc., and  
Class F (hard surface area)

Part 2:

Class A (gates, fences, walls etc)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development with regard to the amenities of the surrounding area.

#### **4. No other windows or doors other than approved (Performance Condition)**

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

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

#### **5. Refuse & Recycling (Pre-Commencement)**

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

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

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

#### **6. Cycle storage facilities (Pre-Occupation Condition)**

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

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

### **7. Vehicular Sightlines specification (Performance Condition)**

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

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

### **8. Parking and access (Pre-Occupation Condition)**

The parking spaces (at a ratio of no more than 1 space per dwelling) and access hereby approved shall be provided prior to the development first coming into occupation. The parking spaces shall be at least 2.4m wide by 5m deep. The access shall be constructed to the dimensions shown within the approved site plan and thereafter retained as approved, unless agreed in writing by the Local Planning Authority.

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

### **9. Nitrogen Neutrality Mitigation Scheme (Pre-Occupation Condition)**

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.

### **10. Water & Energy (Pre-Construction)**

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum 100 Litres/Person/Day internal water use. A water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

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

### **11. Water & Energy (Performance)**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 Litres/Person/Day internal water use in the form of a final water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have



been installed as specified shall be submitted to the Local Planning Authority for its approval. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

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

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

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

- (i) means of enclosure/boundary treatment; car parking layout; hard surfacing materials including permeable surfacing where appropriate and external lighting (positioned to reduce harm to the proposed wildlife boxes and foraging animals);
- (ii) planting plans; written specifications; schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (iv) details of the trees proposed to the frontage;
- (v) 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, approved tree planting and external lighting which shall be retained as approved for the lifetime of the development.

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

Any approved trees which die, fail to establish, are removed or become damaged or diseased following their planting shall be replaced by the Developer (or their successor) in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To improve the appearance of the site and enhance the character of the

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

**13. Ecological Mitigation Measures (Pre-Occupation Condition)**

Prior to occupation of the dwellings hereby approved the habitat and species mitigation and enhancement measures (bat and bird boxes) shall be provided in accordance with the plans hereby approved and photographic evidence shall be submitted to and approved in writing by the Local Planning Authority. The provision of the approved boxes shall thereafter be retained 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.

**14. Tree Retention and Safeguarding (Pre-Commencement)**

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

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

**15. No storage under tree canopy (Performance Condition)**

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

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

**16. Use of Uncontaminated Soils and Fill (Performance)**

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the development hereby approved first coming into use or occupation.

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

### **17. Unsuspected Contamination (Performance)**

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

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

### **18. Hours of work for Demolition / Clearance / Construction (performance condition)**

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday                      08:00 to 18:00 hours  
Saturdays                                09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

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

### **19. Construction Management Plan (Pre-Commencement)**

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

- a. parking of vehicles of site personnel, operatives and visitors;
- b. loading and unloading of plant and materials;
- c. details of cranes and other tall construction equipment (including the details of obstacle lighting)
- d. details of temporary lighting
- e. storage of plant and materials, including cement mixing and washings, used in constructing the development;
- f. treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- g. measures to be used for the suppression of dust and dirt throughout the course of construction;
- h. details of construction vehicles wheel cleaning; and,
- i. details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the

development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area and highway safety.

**20. Approved Plans (Performance)**

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

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

**NOTE TO APPLICANT**

Southern Water - Sewerage Connection

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

## Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	24/00132/FUL
<b>Application address:</b>	3 - 7 Macnaghten Road Southampton SO18 1GL
<b>Application description:</b>	Erection of 6 x semi-detached, 3-bedroom houses following demolition of existing buildings.
<b>HRA completion date:</b>	29 February 2024

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

**Summary**

The project being assessed is as described above.

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

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

In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

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

Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.

**Section 1 - details of the plan or project**

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

## 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 calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant's submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (provided by Natural England) and the Council's own bespoke occupancy predictions and can be found using Public Access: <https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);



- The key aspects of Southampton's specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council's Cabinet in June 2022;
- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton's administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

**Outline PP where phased and/or unit quantum or mix unknown:**

***Not to commence the development of each phase unless the nitrogen budget for that phase has been submitted to and approved by the council. The development of each phase hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council Nutrient Offset Scheme for that phase 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.***

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

***Reason:***

***To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.***

With these measures in place nitrate neutrality will be secured from this development and as a consequence there will be no adverse effect on the integrity of the protected sites.

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

### Conclusions

The following conclusions can be drawn from the evidence provided:

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

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

### Demolition and Construction phase

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

### Operational

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

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



Solent and New Forest arising from this development.

## References

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

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

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

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

## Protected Site Qualifying Features

### The New Forest SAC

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

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

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

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

### The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

### New Forest Ramsar Site

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

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

### **Solent Maritime SAC**

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

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

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

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

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

- Black-tailed Godwit *Limosa limosa islandica*

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

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

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

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

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

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

## **POLICY CONTEXT**

### Core Strategy - (as amended 2015)

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

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

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

### Supplementary Planning Guidance

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

### Other Relevant Guidance

The National Planning Policy Framework (2023)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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**T CLARKE & SON LTD**  
**PROPOSED RESIDENTIAL DWELLINGS**  
**MACNAGHTEN ROAD, SOUTHAMPTON**  
**TN01 – ON-STREET PARKING ASSESSMENT**  
**4<sup>TH</sup> JUNE 2024**

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**1.0 Introduction**

- 1.1 Connect Consultants Limited is a firm of transport planning and highway design consultants who have been instructed in relation to proposed residential dwellings on Macnaghten Road in Southampton.
- 1.2 The proposals include the removal of the existing commercial units, which are currently vacant, and the construction of 6no. semi-detached 3-bedroom houses. Each dwelling will be fronted by 2 dedicated off-street parking spaces, accessed from Macnaghten Road.
- 1.3 The relevant parking standards are set out in the Southampton City Council (SCC) document 'Parking Standards Supplementary Planning Document' (adopted September 2011) and indicate a maximum provision of 2 spaces for a 3-bedroom house. Therefore, the proposed provision of 2 spaces per dwelling accords with local standards.
- 1.4 A planning application for the proposed development was submitted to SCC on 13<sup>th</sup> February 2024, with the planning decision currently pending (LPA reference 24/00132/FUL).
- 1.5 SCC requested that an on-street parking survey should be undertaken, based on the Lambeth methodology, in order to demonstrate that the proposals will not result in additional pressure on the existing on-street parking.
- 1.6 This Technical Note (TN01) presents an assessment of the potential parking demand of the proposed development, assessed against the surveyed capacity of the surrounding on-street parking infrastructure.

**2.0 Parking Demand**

- 2.1 The potential parking demand of the proposed development has been informed by Census car ownership data extracted from the 2011 and 2021 datasets.
- 2.2 The 2011 data has been extracted from the ONS dataset '*CT0103 - Accommodation type by tenure by number of rooms by car or van availability*' for the ward in which the site is located, Bitterne Park, based on houses/bungalows with all types of tenure and with 5 rooms (the definition of a room in this case does not include bathrooms, toilets, halls or landings, or rooms that can only be used for storage. All other rooms, for example, kitchens, living rooms, bedrooms, utility rooms, studies and conservatories are counted). The data is disaggregated by households with no cars, one car, two cars, or three or more cars.

- 2.3 There is not a 2021 version of the dataset above, and so the ONS dataset '*RM001 - Accommodation type by car or van availability by number of usual residents aged 17 years or over in household*' has been used as a close comparator. The 2021 data includes the number of houses/bungalows in Bitterne Park that have either no cars, one car, or two or more cars. The data is not disaggregated by number of rooms.
- 2.4 Although the 2021 dataset is the most recent version of the Census, it was recorded during Covid and so car ownership may have been disproportionately lower due to the prevalence of homeworking and financial uncertainty.
- 2.5 The 2011 dataset is representative of the size of the proposed dwellings given that it includes the number of rooms as a metric. The 2021 dataset in this regard is less precise in its representation of car ownership as all houses are included regardless of size, but it means that a greater sample size is used.
- 2.6 Table 1 below shows the number of households within Bitterne Park that have no cars, one car, two cars (two or more cars for Census 2021), or three or more cars (Census 2011 only), from which the approximate demand has been calculated, and then the number of cars per household (car ownership) has been calculated by dividing the total households by the total car demand.

**Table 1 – Census Car Ownership**

Dataset		No Cars	1 Car	2 Cars	3+ Cars	Total	Cars per HH (car ownership)
Census 2011	Households	158	490	371	63	1,082	1.31
	Demand	0	490	742	189	1,421	
Census 2021	Households	416	1,657	1,838	-	3,911	1.36
	Demand	0	1,657	3,676	-	5,333	

- 2.7 The Census 2021 demand is likely to be a slight underestimate as the 3+ category is not included in the dataset and so households with more than two cars are calculated as having two cars. However, as demonstrated by the 2011 data, the number of households with 5 rooms and more than two cars is likely to be minimal.
- 2.8 The similar levels of car ownership add credence to the reliability of the datasets.
- 2.9 The Census data indicates a car ownership of 1.31-1.36 cars per household, which can be accommodated by the proposed 2 spaces per dwelling. Therefore, the proposed houses are unlikely to result in additional demand on the local on-street parking infrastructure.
- 2.10 Furthermore, it is likely that future residents will not be wholly reliant on the car for regular travel given the site's high level of non-car accessibility, as explained below.

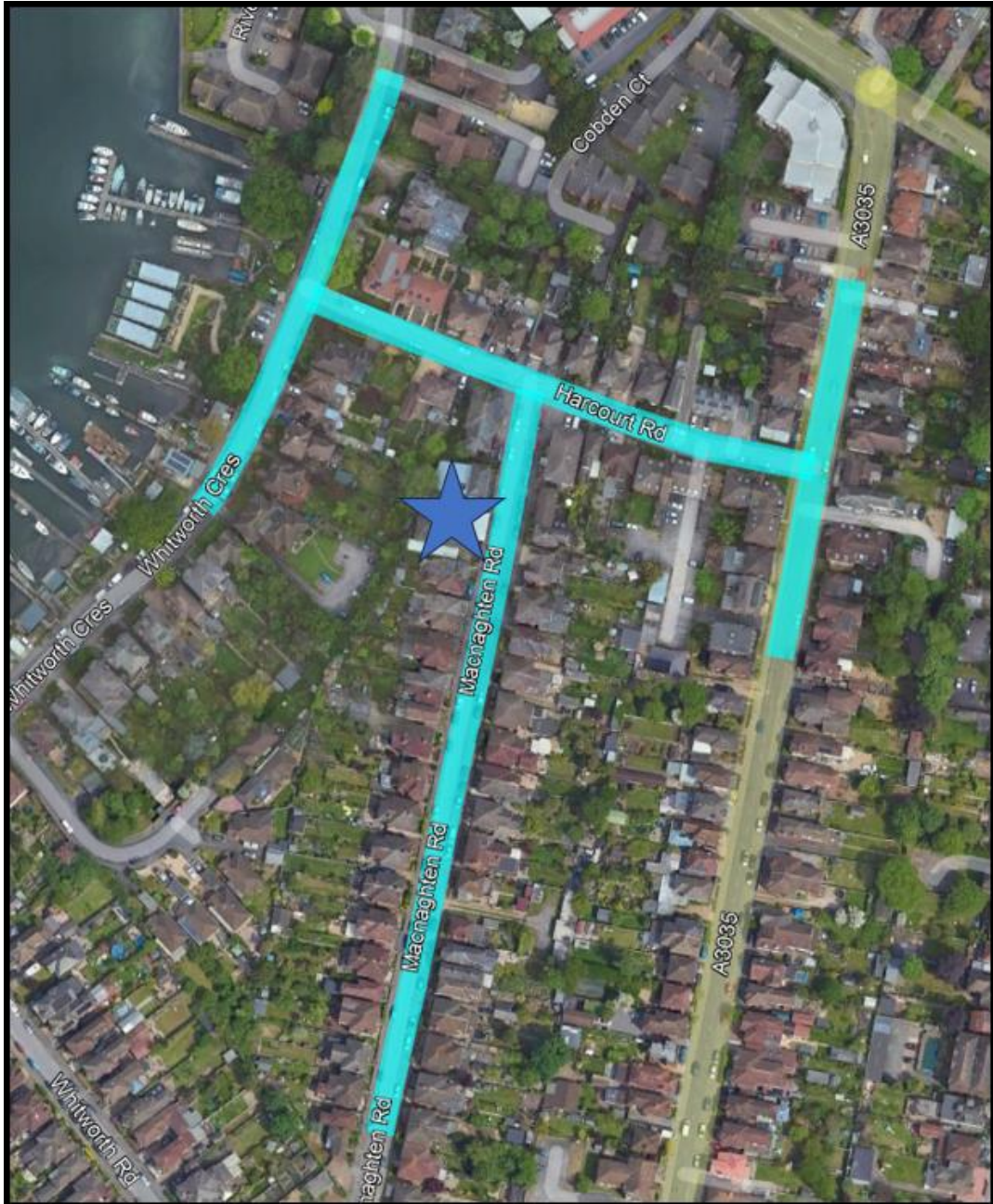


- 
- 2.11 The site is within reasonable walking and cycling distance of a range of amenities, facilities and employment sites. A Tesco Express is located a short distance north of the site on the A3035 and a larger Sainsbury's supermarket is situated west of Cobden Bridge. A range of retail attractions are concentrated in Bitterne Village approximately 1.5km southeast of the site. Nearby schools include Charlton House to the east and Bitterne Park primary and secondary schools to the north. The parks of Deep Dene and Riverside are also located within walking distance of the site. Employment sites within the local area include the industrial / commercial uses flanking the River Itchen, west of the site.
  - 2.12 Cycle travel would be encouraged through access of National Cycle Route 23 north of the site via the A3035 and Local Cycle S4 south of the site via the A3024 Bitterne Road West, as well as by a surrounding network of local roads conducive to cycling.
  - 2.13 The nearest bus stops to the site are located on the A3035 Cobden Avenue to the north and the A3024 Bitterne Road West to the south, which provide frequent Monday-Sunday services to a range of destinations across Southampton, including the city centre.
  - 2.14 Bitterne Station is situated c.350m walking distance south of the site. The station serves routes on the South Western line, which includes destinations between Southampton Central and Portsmouth & Southsea.
  - 2.15 Given that the site is within walking/cycling distance of a range of amenities, facilities and employment sites and that there are options for regular non-car travel, it is likely that future residents will choose to live a car-free or low car use lifestyle, thereby reducing the likelihood of excess demand on the local parking infrastructure.
  - 2.16 Nevertheless, since the proposed development includes dropped-kerb accesses to the on-site parking, comprising a total length of approximately 22m where there is currently unrestricted on-street parking, a parking stress assessment of the roads local to the site has been undertaken at the request of SCC.

### **3.0 Parking Stress Assessment**

- 3.1 As requested by SCC, an on-street parking stress survey has been undertaken in accordance with the guidelines set out in the Lambeth Council Parking Survey Guidance Note (2021).
- 3.2 All public roads within 200m walking distance of the site have been surveyed and their parking capacities (i.e. number of viable parking spaces) have been approximated by measuring the lengths of sections between obstructions (e.g. crossovers, double yellow lines, etc.), divided by 5 and rounded down.
- 3.3 The surveyed roads are identified at Figure 1 below. The proposal site is denoted by a blue star.

**Figure 1 – Surveyed Roads**



- 3.4 The survey took the form of a beat count undertaken during the period of maximum demand (overnight between 00:30-05:30) on Wednesday 15<sup>th</sup> May and Thursday 16<sup>th</sup> May 2024. The parking stress on each road has then been calculated as the number of recorded parked vehicles (occupancy) divided by the road's parking capacity.
- 3.5 The raw survey data is provided at Appendix 1, which also provides plans of the surveyed roads showing the sections of unrestricted and restricted parking, and the locations of surveyed parked vehicles.
- 3.6 Table 2 below shows the total capacity of unrestricted parking (i.e. sections of road with no parking restrictions) and the observed occupancies within those sections on each road across both of the survey days.

**Table 2 – Unrestricted Parking Occupancy – Bitterne Park**

Road	Capacity	Wed 15 May 2024		Thu 16 May 2024	
		Occupancy	Available Spaces	Occupancy	Available Spaces
Harcourt Road	24	21	3	16	8
A3035 Bullar Road	8	8	0	8	0
Macnaghten Road	72	71	1	70	2
Whitworth Crescent	29	20	9	17	12

- 3.7 The survey results for Harcourt Road indicate 3 spare spaces on 15<sup>th</sup> May and 8 spare spaces on 16<sup>th</sup> May. No spare capacity was surveyed on the section on the A3035 Bullar Road. Macnaghten Road, on which the site is situated, exhibited one spare space on 15<sup>th</sup> May and 2 spare spaces on 16<sup>th</sup> May. Whitworth Crescent exhibited 9 spare spaces on 15<sup>th</sup> May and 12 spare spaces on 16<sup>th</sup> May.
- 3.8 The proposals include the creation of new frontage accesses to the proposed on-site parking, which includes a total length of approximately 22m where there is currently unrestricted on-street parking. In other words, it will result in the displacement of up to 4 parking spaces based on the Lambeth methodology calculation.
- 3.9 The parking survey data indicates that there is sufficient existing on-street parking capacity on the roads within 200m of the site to accommodate the 4 spaces displaced by the proposed development.

**4.0 Conclusions**

- 4.1 The proposed 2 dedicated parking spaces per dwelling accords with the SCC parking standards.
- 4.2 2011 and 2021 Census data indicates a local car ownership level of 1.31-1.36 cars per household, which can be accommodated by the proposed 2 dedicated spaces per dwelling.
- 4.3 Due to the site’s high level of non-car accessibility, residents have realistic opportunities to live a car-free or low car use lifestyles, thereby reducing the demand on the local parking infrastructure.
- 4.4 The proposal will result in the displacement of up to 4 existing parking spaces along the site’s frontage, which may cause inconvenience to some local residents if they are accustomed to parking in this location.
- 4.5 The parking survey undertaken overnight on Wednesday 15<sup>th</sup> May and Thursday 16<sup>th</sup> May 2024 indicates that there is enough residual capacity on the surrounding roads within 200m of the site to accommodate the displaced on-street parking provision.

**Appendix 1 – Raw Survey Data**



# Parking Beat Survey

**Macnaghten Road, Southampton**



**Wednesday 15th May 2024**

**Thursday 16th May 2024**

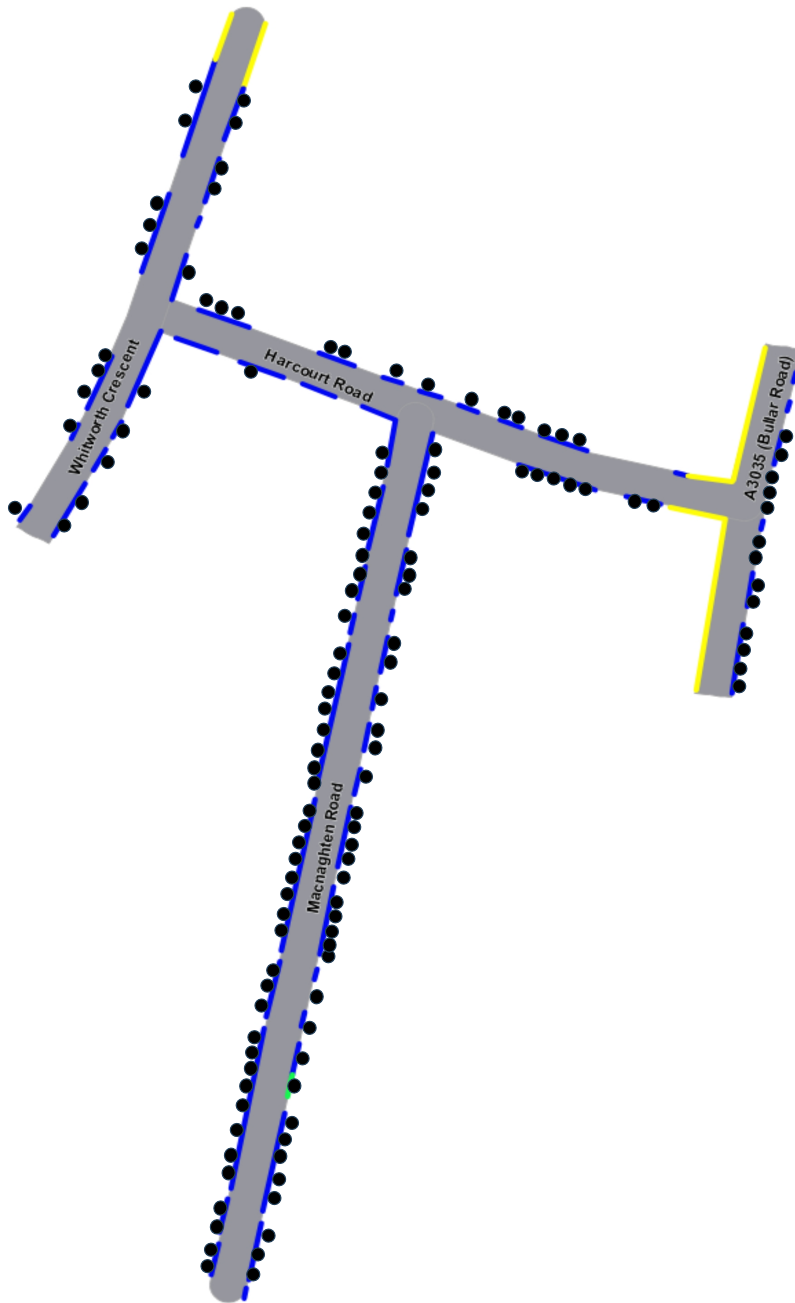


Created by Bert Ramos

## SURVEY DETAILS

<b>Survey Type</b>	PARKING BEAT SURVEY	
<b>Methodology</b>	London Borough of Lambeth	
<b>Guidance</b>	London Borough of Lambeth	
<b>Site</b>	Macnaghten Road, Southampton	
<b>Survey Area</b>	As advised by client	
<b>Date/s</b>	Wednesday 15th May 2024	Thursday 16th May 2024
<b>Time/s</b>	00:30 - 05:30hrs	00:30 - 05:30hrs
<b>Beat Frequency</b>	Snapshot	
<b>Unit for 1 Unmarked Lengthwise Space (m)</b>	5	
<b>Unit for 1 Unmarked Crosswise Space (m)</b>	2.5	
<b>Areas Excluded From Survey</b>	Private parking spaces, private roads and off road parking (unless requested in survey specification).	
<b>Sections of road excluded from parking capacity calculation</b>	<p>First 7.5m from junction mouth (for reasons of highway safety).  Crossovers, dropped kerbs, build-outs, traffic islands, 24/7 illegal parking.  Sections of legal lengthwise parking between illegal parking (crossover, dropped kerbs, double yellow etc) that measure less than the unit specified for 1 space.  Where the width of the road is such that parking on both sides would cause an obstruction. In this instance one side of the road has been excluded from the capacity calculation.</p>	
<b>Parking excluded from stress calculation</b>	<p>Skips or any other non-vehicle occupying a parking space (but noted separately if observed).  Any illegal parking on double yellow lines, crossovers, keep clear lines etc (but noted separately if observed).</p>	
<b>Terminology</b>	<p>"Parking Stress" - Calculation to express the number of parked vehicles as a percentage of available parking for each parking type. Stress can be over 100% if cars are small and/or parked very closely together.  "Parking Capacity Calculation" - Measurement of each length of road between illegal parking (e.g. crossovers, traffic islands, double yellow etc) converted into parking spaces by rounding down to the nearest unit assigned to one parking space and dividing this figure by the unit.  "Lengthwise Parking" - Vehicles parked in a lengthwise orientation with wheels parallel to the kerbside.  "Crosswise Parking" - Vehicles parked in a crosswise orientation (as seen in car parks or wide sections of road)</p>	

**Area Map**  
**Macnaghten Road, Southampton**  
**15/05/2024**  
**00:30 - 05:30**



**Area Map**  
**Macnaghten Road, Southampton**  
16/05/2024  
00:30 - 05:30

Unrestricted Parking

Unrestricted Kerb

Restricted Parking

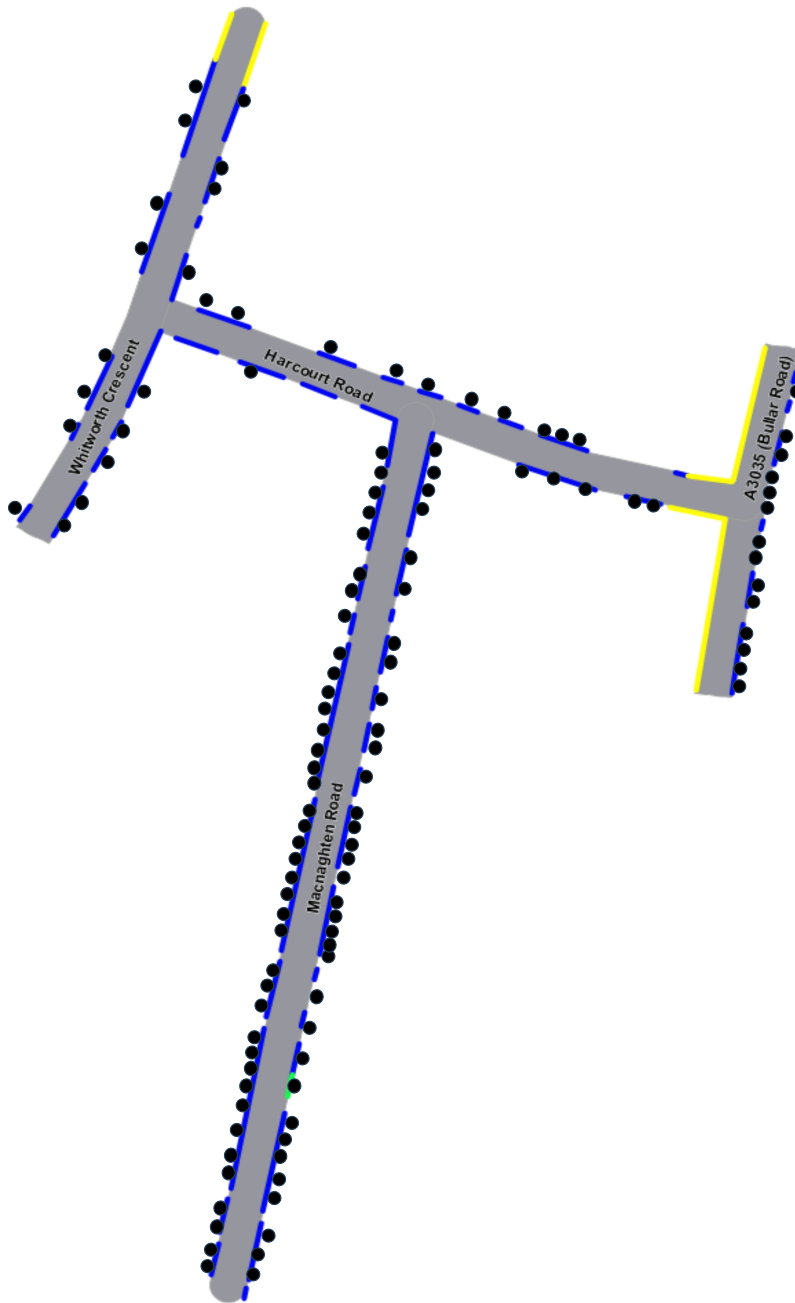
Disabled Parking

No Parking

Double Yellow Lines

Vehicles

Parked Vehicles





## PARKING STRESS TABLES

Restriction 1					Unrestricted					
Location	Lengthwise Parking (m)	Lengthwise Spaces	Marked/Crosswise Bays	Total Spaces	Wednesday 15th May 2024			Thursday 16th May 2024		
					00:30 - 05:30hrs			00:30 - 05:30hrs		
					Occupied	Spaces	Stress (%)	Occupied	Spaces	Stress (%)
Harcourt Road	120	24	0	24	21	3	88%	16	8	67%
A3035 (Bullar Road)	40	8	0	8	8	0	100%	8	0	100%
Macnaghten Road	360	72	0	72	71	1	99%	70	2	97%
Whitworth Crescent	145	29	0	29	20	9	69%	17	12	59%
<b>Total</b>	<b>665</b>	<b>133</b>	<b>0</b>	<b>133</b>	<b>120</b>	<b>13</b>	<b>90%</b>	<b>111</b>	<b>22</b>	<b>83%</b>

Restriction 2					Disabled Parking					
Location	Lengthwise Parking (m)	Lengthwise Spaces	Marked/Crosswise Bays	Total Spaces	Wednesday 15th May 2024			Thursday 16th May 2024		
					00:30 - 05:30hrs			00:30 - 05:30hrs		
					Occupied	Spaces	Stress (%)	Occupied	Spaces	Stress (%)
Macnaghten Road	5	1	0	1	1	0	100%	1	0	100%
<b>Total</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>100%</b>	<b>1</b>	<b>0</b>	<b>100%</b>

## Illegal/Obstructive Parking

Location	Description	Wednesday 15th May 2024		Thursday 16th May 2024	
		00:30 - 05:30hrs		00:30 - 05:30hrs	
		Occupied		Occupied	
A3035 (Bullar Road)	Crossover	5		6	
Macnaghten Road	Crossover	4		3	
<b>Total</b>		<b>9</b>		<b>9</b>	

## PARKING CAPACITY MEASUREMENTS

A working table showing kerbside measurements for each parking type.

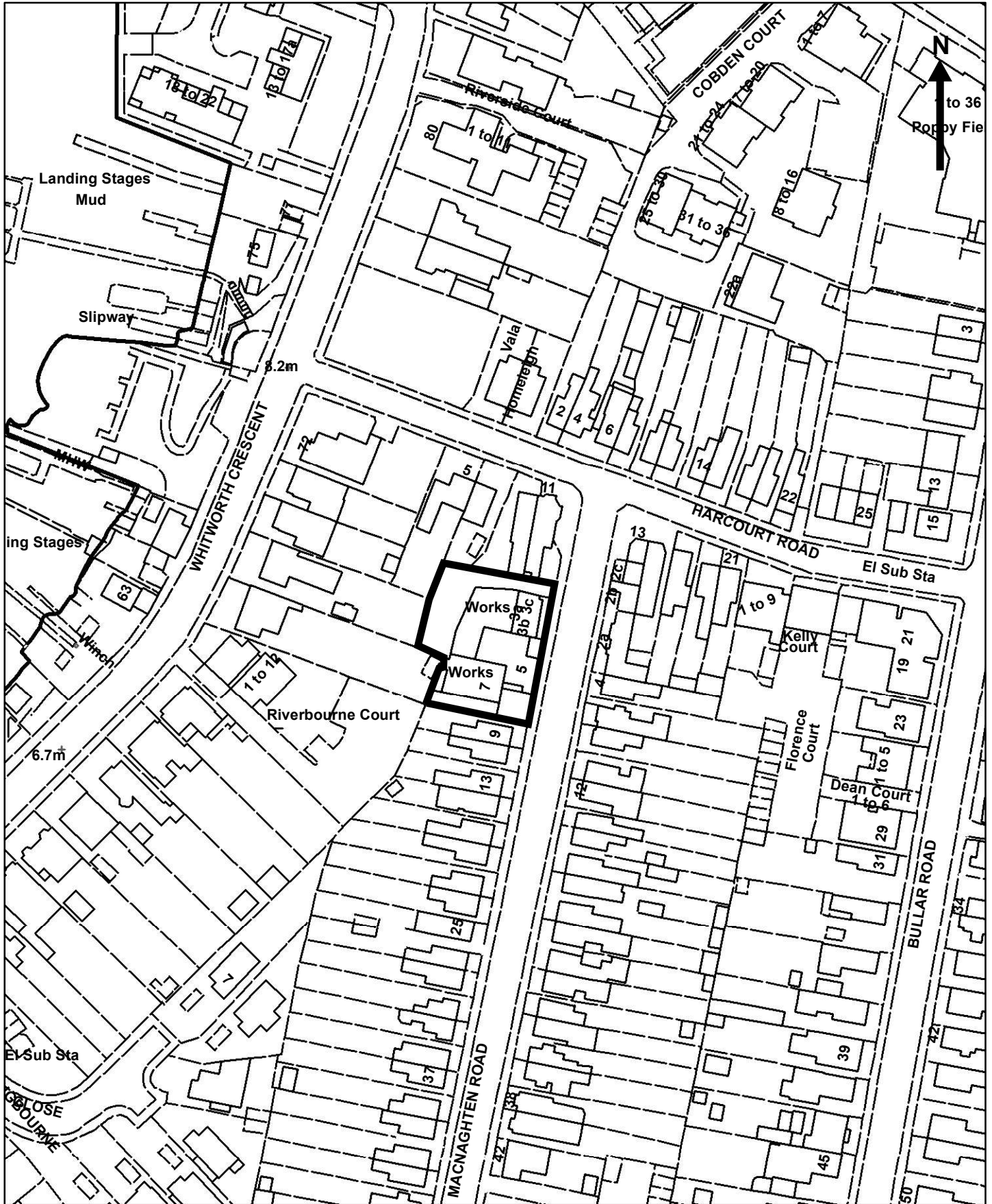
Location	Side of Road & Measuring Orientation	Parking Type	Section Length (m)	Crosswise Spaces or Lengthwise Marked Bays	Number of Crosswise Space or Marked Bays	Unit Round Down (If Lengthwise & Unmarked)	Total Spaces
Harcourt Road	N W-E	Crossover	7.3			5	1
Harcourt Road	N W-E	Unrestricted	15.8			15	3
Harcourt Road	N W-E	Crossover	20.7			20	4
Harcourt Road	N W-E	Unrestricted	10.1			10	2
Harcourt Road	N W-E	Crossover	7.4			5	1
Harcourt Road	N W-E	Unrestricted	5.3			5	1
Harcourt Road	N W-E	Crossover	5.6			5	1
Harcourt Road	N W-E	Unrestricted	6.9			5	1
Harcourt Road	N W-E	Crossover	6.8			5	1
Harcourt Road	N W-E	Unrestricted	5.5			5	1
Harcourt Road	N W-E	Crossover	6.8			5	1
Harcourt Road	N W-E	Unrestricted	6.2			5	1
Harcourt Road	N W-E	Crossover	6.2			5	1
Harcourt Road	N W-E	Unrestricted	13.2			10	2
Harcourt Road	N W-E	Crossover	28.6			25	5
Harcourt Road	N W-E	Unrestricted	2			0	0
Harcourt Road	N W-E	Double Yellow Lines	15.7			15	3
A3035 (Bullar Road)	W S-N	Double Yellow Lines	39.5			35	7
A3035 (Bullar Road)	E N-S	Crossover	6.2			5	1
A3035 (Bullar Road)	E N-S	Unrestricted	2.8			0	0
A3035 (Bullar Road)	E N-S	Crossover	6.5			5	1
A3035 (Bullar Road)	E N-S	Unrestricted	2.1			0	0
A3035 (Bullar Road)	E N-S	Crossover	9.3			5	1
A3035 (Bullar Road)	E N-S	Unrestricted	10.3			10	2
A3035 (Bullar Road)	E N-S	Crossover	16			15	3
A3035 (Bullar Road)	E N-S	Unrestricted	2.7			0	0
A3035 (Bullar Road)	E N-S	Crossover	9.3			5	1
A3035 (Bullar Road)	E N-S	Unrestricted	10.2			10	2
A3035 (Bullar Road)	E N-S	Crossover	5.6			5	1
A3035 (Bullar Road)	E N-S	Unrestricted	20.3			20	4
A3035 (Bullar Road)	W S-N	Double Yellow Lines	50.4			50	10
Harcourt Road	S E-W	Double Yellow Lines	15.2			15	3
Harcourt Road	S E-W	Crossover	3.2			0	0
Harcourt Road	S E-W	Unrestricted	10.3			10	2
Harcourt Road	S E-W	Crossover	9.9			5	1
Harcourt Road	S E-W	Unrestricted	22.2			20	4
Harcourt Road	S E-W	Crossover	25.7			25	5
Macnaghten Road	E N-S	Unrestricted	30.1			30	6
Macnaghten Road	E N-S	Crossover	4.6			0	0
Macnaghten Road	E N-S	Unrestricted	13			10	2
Macnaghten Road	E N-S	Crossover	4.1			0	0
Macnaghten Road	E N-S	Unrestricted	2.9			0	0
Macnaghten Road	E N-S	Crossover	8.3			5	1
Macnaghten Road	E N-S	Unrestricted	10.4			10	2
Macnaghten Road	E N-S	Crossover	4.7			0	0
Macnaghten Road	E N-S	Unrestricted	6.5			5	1
Macnaghten Road	E N-S	Crossover	4.7			0	0
Macnaghten Road	E N-S	Unrestricted	7.4			5	1
Macnaghten Road	E N-S	Crossover	5.3			5	1
Macnaghten Road	E N-S	Unrestricted	7.4			5	1

Macnaghten Road	E N-S	Crossover	4.6			0	0
Macnaghten Road	E N-S	Unrestricted	17.7			15	3
Macnaghten Road	E N-S	Crossover	4.7			0	0
Macnaghten Road	E N-S	Unrestricted	20.6			20	4
Macnaghten Road	E N-S	Crossover	4.6			0	0
Macnaghten Road	E N-S	Unrestricted	3.6			0	0
Macnaghten Road	E N-S	Crossover	12.3			10	2
Macnaghten Road	E N-S	Unrestricted	3.7			0	0
Macnaghten Road	E N-S	Crossover	5.2			5	1
Macnaghten Road	E N-S	Unrestricted	10.1			10	2
Macnaghten Road	E N-S	Disabled Parking	5.6			5	1
Macnaghten Road	E N-S	Crossover	3.4			0	0
Macnaghten Road	E N-S	Unrestricted	33.5			30	6
Macnaghten Road	E N-S	Crossover	4.7			0	0
Macnaghten Road	E N-S	Unrestricted	19.1			15	3
Macnaghten Road	E N-S	Crossover	4.7			0	0
Macnaghten Road	E N-S	Unrestricted	2.5			0	0
Macnaghten Road	E N-S	Crossover	2.7			0	0
Macnaghten Road	W S-N	Crossover	10.1			10	2
Macnaghten Road	W S-N	Unrestricted	10.1			10	2
Macnaghten Road	W S-N	Crossover	2.8			0	0
Macnaghten Road	W S-N	Unrestricted	10.2			10	2
Macnaghten Road	W S-N	Crossover	2.9			0	0
Macnaghten Road	W S-N	Unrestricted	47.1			45	9
Macnaghten Road	W S-N	Crossover	6.5			5	1
Macnaghten Road	W S-N	Unrestricted	16.7			15	3
Macnaghten Road	W S-N	Crossover	4.6			0	0
Macnaghten Road	W S-N	Unrestricted	45.1			45	9
Macnaghten Road	W S-N	Crossover	5.2			5	1
Macnaghten Road	W S-N	Unrestricted	42.3			40	8
Macnaghten Road	W S-N	Crossover	4.8			0	0
Macnaghten Road	W S-N	Unrestricted	5.6			5	1
Macnaghten Road	W S-N	Crossover	6.8			5	1
Macnaghten Road	W S-N	Unrestricted	10.2			10	2
Macnaghten Road	W S-N	Crossover	5.2			5	1
Macnaghten Road	W S-N	Unrestricted	18.2			15	3
Macnaghten Road	W S-N	Crossover	6.6			5	1
Macnaghten Road	W S-N	Unrestricted	13.1			10	2
Harcourt Road	S E-W	Junction	17.2			15	3
Harcourt Road	S E-W	Unrestricted	11.5			10	2
Harcourt Road	S E-W	Crossover	7.4			5	1
Harcourt Road	S E-W	Unrestricted	9.5			5	1
Harcourt Road	S E-W	Crossover	4.7			0	0
Harcourt Road	S E-W	Unrestricted	13			10	2
Harcourt Road	S E-W	Crossover	6.5			5	1
Harcourt Road	S E-W	Unrestricted	12.3			10	2
Harcourt Road	S E-W	Crossover	7.1			5	1
Whitworth Crescent	E N-S	Unrestricted	23.3			20	4
Whitworth Crescent	E N-S	Crossover	4.6			0	0
Whitworth Crescent	E N-S	Unrestricted	5.4			5	1
Whitworth Crescent	E N-S	Crossover	4			0	0
Whitworth Crescent	E N-S	Unrestricted	7.5			5	1
Whitworth Crescent	E N-S	Crossover	4.7			0	0
Whitworth Crescent	E N-S	Unrestricted	17.4			15	3
Whitworth Crescent	W S-N	Unrestricted	4.6			0	0

Whitworth Crescent	W S-N	Crossover	18.6			15	3
Whitworth Crescent	W S-N	Unrestricted	3.8			0	0
Whitworth Crescent	W S-N	Crossover	6.5			5	1
Whitworth Crescent	W S-N	Unrestricted	16.7			15	3
Whitworth Crescent	W S-N	Crossover	23.2			20	4
Whitworth Crescent	W S-N	Unrestricted	23.2			20	4
Whitworth Crescent	W S-N	Crossover	11.2			10	2
Whitworth Crescent	W S-N	Unrestricted	30.9			30	6
Whitworth Crescent	W S-N	Double Yellow Lines	17.5			15	3
Whitworth Crescent	E N-S	Double Yellow Lines	19.1			15	3
Whitworth Crescent	E N-S	Unrestricted	15.4			15	3
Whitworth Crescent	E N-S	Crossover	5.6			5	1
Whitworth Crescent	E N-S	Unrestricted	13.1			10	2
Whitworth Crescent	E N-S	Crossover	4.6			0	0
Whitworth Crescent	E N-S	Unrestricted	2.9			0	0
Whitworth Crescent	E N-S	Crossover	9.3			5	1
Whitworth Crescent	E N-S	Unrestricted	13.9			10	2

# Agenda Item 6 24/00132/FUL

Appendix 2



Scale: 1:1,250

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**Planning and Rights of Way Panel 17<sup>th</sup> September 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 40 Atherley Road, Southampton			
<b>Proposed development:</b> Erection of a part two-storey, party single-storey side & rear extension to facilitate conversion into 4 x dwellings (2 x 1-bedroom, 1 x 2-bedroom, 1 x 3-bedroom) with roof alterations and associated amenities.			
<b>Application number:</b>	24/00110/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	01.04.2024	<b>Ward:</b>	Banister and Polygon
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Councillor P. Every Councillor S. Leggett Councillor V. Windle
<b>Applicant:</b> Mr Peyman Azizi		<b>Agent:</b> Mr Stephen Downton	

<b>Recommendation Summary</b>	Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report.
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<b>Community Infrastructure Levy Liable</b>	Yes
<b>Biodiversity Net Gain Applicable</b>	Not applicable

**Reason for granting Permission**

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

<b>Appendix attached</b>			
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 (2) to subject to receipt of a revised plan showing gardens for gf flats only and removal of fenced compartments. The securing of the appropriate Solent Disturbance Mitigation Project (SDMP) Mitigation. *In the event that the SDMP contribution cannot be secured delegation is sought to refuse the application for failing to mitigate the impacts of the development on the relevant designated Special Protection Areas.*

### 1. The site and its context

- 1.1 The application site comprises a large brick built detached building. The building appears to have been previously subdivided into two self-contained two bedroom flats. From a review of the planning history this subdivision did not benefit from express planning consent. However at the time of the consideration of the consent 20/00481/FUL the property had been used as two, two bedroom flats. It lies within an established residential area, which is primarily characterised by detached and semi-detached dwellings, many of which benefit from deep rear gardens. Whilst there is some variety in their detailed design, the properties along Atherley Road exhibit a strong linear building line, set back from the roadside with offstreet parking dominating frontages.
- 1.2 The property has a frontage dedicated to off-road parking with side access to the rear garden.
- 1.3 The property is currently undergoing refurbishment and works to implement the previous consent (referenced 20/00481/FUL, see **Appendix 3**) have started.

### 2. Proposal

- 2.1 The application proposal has been the subject of numerous amendments during the consideration of the proposal. The scheme included a much larger two storey rear extension, and a sizeable mansard/crown style roof form above. The application also sought consent for five flats initially (comprising 3 single bedroom units, 1 unit containing two bedrooms and 1 three-bedroom unit). Five parking spaces were proposed on the forecourt.
- 2.2 The proposal has now been reduced to four flats. Two single bedroom units at first floor. One flat containing two bedrooms, and a further flat containing 3 bedrooms on the ground floor; both with direct access to private amenity areas. The parking provision on the site frontage has also been reduced to four spaces.
- 2.3 The first-floor flats are accessed via the existing central doorway and the two ground floor flats have their access to either side. The rear amenity area for the first-floor flats is accessed via the side of the site adjacent to the north boundary of the site.
- 2.4 The revised scheme is significantly smaller than that originally proposed. The bulk of the roof has been reduced resulting in similar proportions to the previous approval (referenced 20/00481/FUL, see **Appendix 3**)



### **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 2023. Paragraph 225 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 have been the subject of numerous previous planning application including a refused larger House in Multiple Occupation scheme referenced 23/00368/FUL. A later application for 6 flats 23/01074/FUL was withdrawn.
- 4.3 There are ongoing works at the rear of the site. This is in association with the implementation of the previous consent for two dwellings referenced 20/00481/FUL. This application was approved by the Planning and Rights of Way Panel at the 23<sup>rd</sup> June 2020 meeting. Planning Enforcement has advised that they consider the works to have commenced to implement the consent. The permission therefore remains extant.

### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on the 3<sup>rd</sup> March 2024. At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The proposal results in overdevelopment of the site. There is already a massive overdevelopment of properties in this area and this is having a detrimental effect on the area. The proposal is of a poor design***

#### **Response**

With regard to the built form of the proposal the proportions and external design largely reflect those of the previously approved scheme referenced 20/00481/FUL. This ‘fallback’ is material to the Panel’s considerations regarding the proposed bulk and massing

- 5.3 ***The existing (approved) plan to convert the dwelling to two semi-detached houses is far more congruent and the developer should continue with this approved plan.***

**Response**

During the consideration of the proposal the scheme has been revised. The bulk of the development including the roof form have been significantly reduced to a design and scale similar to the previous consent 20/00481/FUL. The level of dwellings proposed has been reduced from five flats to four. Whilst 2 dwellings may be preferable to the 4 proposed there is a defined housing need in the City, and national guidance and policy promotes best use of previously developed land in sustainable locations.

- 5.4 ***The proposal will result in an overbearing impact on the occupiers of the neighbouring dwellings and will be to the detriment to the amenities of those properties.***

**Response**

The scheme has been revised during the consideration of the proposal. The scale of the development including the roof form have been reduced. Overlooking from side facing windows has now been addressed through the removal of those windows from the scheme or via obscure glazing. As such the proposal will have a similar relationship with the neighbouring dwellings as the previously approved scheme 20/00481/FUL, which was found by the Council to be acceptable ahead of granting planning permission.

- 5.5 ***The proposed parking provisions is inappropriate, and the proposal will be to the detriment of highway safety. The proposed development is immediately adjacent to an existing high-density development that requires regular access and this will exacerbate the traffic issues on Atherley Road. Furthermore, the bike store appears to be inside the house; it will be a tight squeeze getting five cars on the drive without compromising access for bikes and bins.***

**Response**

The number of flats has been reduced from five to four. The proposed parking has also been reduced from five spaces to four; improving pedestrian access. The parking has been reviewed by the Council's Highways Officers and no objection has been raised. Parking provision and highway safety form part of the material Planning considerations below.

- 5.6 ***Although permission has not been given there has been a lot of building work going on at this property.***

**Response**

Works have commenced on the previous consent 20/00481/FUL. This is outlined in paragraph 4.3 above.

- 5.7 ***It is very disappointing that the City Council continues to entertain applications for this site***

**Response**

The applicant is able to submit as many applications as they wish. The Council has a duty to assess each application on its own merits.

- 5.8 ***Far too many properties on Atherley Road and nearby roads have been converted from family houses to HMOs or multiple flats, which has already negatively impacted the amenity of the local area. We need more family housing in this area.***

**Response**

The proposal retains a single family dwellinghouse on the site that meets the criteria of Core Strategy policy CS16 (with 3 bedrooms and direct access to a sizeable garden).

- 5.9 ***In the plans it says there will be no loss of trees. I would like it noted that the reason there will be no loss of trees, is that they have already cut every tree and shrub down in the garden.***

**Response**

The site does not contain any trees offered protection via a Tree Preservation Order. Regrettably removal of such trees does not require express consent.

- 5.10 ***I feel it would be overbearing and give me a sense of being hemmed in my own garden if such large summer houses are to be built. I would be overshadowed by these summer houses. A base for the summer house has already been built.***

**Response**

The proposal does not include a summer house at the rear of the site. The previous consent that has commenced includes two smaller outbuildings on the rear boundary. No consent has been provided for a large outbuilding at the rear of the site. Should the application be approved the applicant will be required to provide the amenity space as set out on the submitted drawings. The associated condition requires the removal of the concrete pad at the rear of the site.

- 5.11 ***It states that this will be affordable housing, but it is a private landlord.***

**Response**

Any reference to 'affordable' housing is made by the applicant only. As the development results in less than 10 dwellings the Council are not able to secure any units for affordable housing. As such, the proposal is considered to be providing housing at market rate.

- 5.12 ***The layout of the loft space also appears to be very opportunistic. With the ugly flat roof remaining; why is a raised flat roof required - it appears to me as if the plan is to later obtain an amendment to convert that area to one or even 2 additional flats, taking the possible total up to at least eight? There is now no mention of what the loft will be used for, if at all in the plans.***

**Response**

Following negotiation, the scale of development and the resulting roof form has been revised significantly reducing the volume of the roof and associated roof space.

- 5.13 ***Policy CS16, states there should be "no net loss of family homes". This proposal results in the loss of a family home.***

**Response**

The proposal retains a three bedroom dwelling on the ground floor meeting the definition of a family dwelling as outlined in policy CS16.

5.14 ***The plans do not contain any measurements.***

**Response**

The applicant is only required to provide drawings of an appropriate metric scale, which they have done.

5.15 ***There is confusion as to who actually is the landowner/applicant/agent for this proposal.***

**Response**

The applicant and agent can be found at the beginning of this report – the planning application form provides these details with certification regarding land ownership.

5.16 **Consultation Responses**

<b>Consultee</b>	<b>Comments</b>
CIL Officer	<p>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 £119.06 per sq. m, to be measured on the Gross Internal Area floorspace of the extension.</p> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p>
Environmental Health	<p>I recommend that prior to commencement of works the applicant provide a construction and demolition management plan to the Environmental Health Neighbourhoods Team showing measures to suppress dust and measures to control noise on site, in order to protect the local neighbourhood.</p>
Natural England	<p>As submitted, the application could have a likely significant effect on designated sites in the Solent, including:</p> <ul style="list-style-type: none"> <li>• Solent and Dorset Coast SPA</li> <li>• Portsmouth Harbour SPA and Ramsar Site</li> <li>• Chichester and Langstone Harbours SPA</li> <li>• Solent Maritime SAC</li> <li>• Solent and Southampton Water SPA</li> </ul> <p>Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate</p>

	<p>assessment stage where significant effects cannot be ruled out.</p> <p><u>Officer Response</u>  <i>Please refer to the HRA at Appendix 1 and the above recommendation to give it due consideration</i></p>
Sustainability	<p>No objection</p> <p>Whilst reuse of existing buildings is encouraged due to the embodied energy savings, additional dwellings will be created. Policy CS20 refers. There is insufficient information in the application on how the above policy requirements will be met, however if the case officer is minded to approve the application conditions regarding energy and water efficiency are recommended.</p>
Southern Water	<p>Our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p> <p>We request that should this planning application receive planning approval an informative is attached to the consent.</p>
Highways	<p>I would fully support 4 parking spaces so that we can have two pairs. I have concerns with 3 consecutive spaces which front directly onto the public footway (as originally submitted). I would also agree that removing one space would allow for a more accessible route for bins and cycles.</p> <p><u>Officer Response</u>  <i>Suggested changes have been made so that only 4 parking spaces are provided.</i></p>

## 6.0 **Planning Consideration Key Issues**

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

- Impact upon designated habitat

## 6.2 Principle of Development

- 6.2.1 The principle of additional housing is supported. The site is not allocated for housing, but the proposed dwelling 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 dwellings, and its subsequent occupation, and these are set out in further detail below to enable the Panel to determine 'the Planning Balance' in this case.
- 6.2.4 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing.
- 6.2.5 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains three or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates one family unit with acceptable private garden space and, as such, accords with this policy.

## 6.3 Design and Effect on Character

- 6.3.1 The NPPF states in paragraph 128 that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including 'd) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed and beautiful, attractive and healthy*

*places.'*

- 6.3.2 Furthermore, paragraph 135 seeks to ensure that developments function well and add to the overall quality of an area and ensure a high-standard of amenity for existing and future users. It leads onto say that development should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting'. It is understood that the proposed dwellings would add to the Council's housing need but as stated above development must respect the character of the area.
- 6.3.3 Core Strategy Policy CS13 requires development to 'respond positively and integrate with its local surroundings' and 'impact positively on health, safety and amenity of the city and its citizens'. Local Plan Policies SDP1 (i), SDP7 (iii) (iv) and SDP9 (ii) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness. Moreover, the RDG in paragraph 3.7.7 states that new development 'should complement the pattern of development in the rest of the street.'
- 6.3.4 The proposal results in the extension and subdivision of the existing building into 4 flats. The conversion of existing properties into flats forms part of the character of the area. It is also noted that there is a sizeable purpose-built development of flats to the north.
- 6.3.5 Whilst of a similar age to many of the properties within Atherley Road, the application building is larger than most. Although the property is of some age and has some distinctive character it is not listed, locally listed or within a designated conservation area.
- 6.3.6 The site has been the subject of previous applications including a consent to extend the main building with single story and two storey extensions at the rear and two outbuildings at rear of the site. As advised in paragraph 4.3 above, this consent is considered to have been commenced as such the permission remains extant. As such this fall-back position remains a material consideration for the application.
- 6.3.7 The built form of the previous consent is very similar to that proposed as part of the current application. The single storey mono pitch roof extension measured 4.7m from the rear most elevation, the currently proposed single storey rear mono pitch extension measures 5m from the rearmost elevation.
- 6.3.8 The two-storey rear extension proposed in the current application broadly matches the proportions and design of the extant scheme. These proportions have already been considered acceptable by the Council as such a reason for refusal on these grounds could not be sustained.
- 6.3.9 The proposed works to extend the property are located to the rear of the building reducing their prominence in the streetscene. The site frontage will remain largely unaltered; however, the proposal does offer the opportunity to formalise the property frontage, encourage some landscaping and provide appropriate bin storage. It is considered that the proposed extensions and alterations would remain sympathetic to the character of the host building and would not be dominant or harmful to the visual amenities of the area.

6.3.10 The submitted plans indicate that the proposal will incorporate external facing materials that match those used in the host dwelling. These materials reflect the palette of the properties within the housing estate. These materials can be secured via a planning condition.

#### 6.4 Residential Amenity

6.4.1 There are standards set out in section 2.2 of the adopted Residential Design Guide (RDG) to protect the living conditions of the existing and future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas. Section 4.4 of the RDG requires all developments to provide an appropriate amount of the private amenity which should be fit for the purpose intended. The access to outlook, light and privacy are considerations under paragraph 2.2.1 of the RDG.

6.4.2 In order to reduce the levels of noise and disturbance during construction a condition can be imposed restricting the hours of demolition and construction on site. Furthermore a Construction Management Plan can be secured by condition detailing materials storage, waste storage and operatives parking during construction. It also includes details of dust suppression and prevents bonfires on site.

6.4.3 The scheme has been significantly revised during the consideration of the current application. The proportions of the building now reflect those of the previously approved scheme 20/00481/FUL. Furthermore, the level of glazing proposed in the side elevations has been notably reduced preventing overlooking to the north and south.

6.4.4 The remaining upper floor side fenestration would not give rise to any additional overlooking. These windows are secondary windows and it is reasonable to impose a condition requiring them to be obscure glazed. A further condition can be imposed preventing the insertion of further side facing windows at a later date. The windows in the rear elevations reflect the overall size and position of those previously approved.

6.4.5 The two storey extension is located on the north east corner of the building and would be largely screened from the neighbours to the south (No.38). Furthermore, there is a significant level of separation (in excess of 15m) from the two storey extension from the flat development to the north mitigating any material harm in terms of loss of light or outlook from those dwellings.

6.4.6 The single storey rear extension has a single pitch roof. It will be located directly north of the neighbouring property and will extend no further into the site than the existing rear projections in the vicinity.

6.4.7 As such due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impacts upon the residential amenity of any neighbouring properties in terms of loss of privacy, light, shadow or outlook.

6.4.8 The application would not unacceptably harm the living conditions of the occupiers of neighbouring properties, having particular regard to noise and disturbance and therefore complies with the requirements of Policy SDP1(i)

6.4.9 With regard to the occupier amenity of the proposed dwelling 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). It is important to note that these standards have not been formally adopted by the Council, but they provide guidance as to what is acceptable. The three bedroom flat would be expected to provide a minimum floorspace of 74m<sup>2</sup>, the two bedroom 70m<sup>2</sup>, and the single bedroom units 39m<sup>2</sup>

- 6.4.10 As proposed the three bedroom flat would be approximately 74m<sup>2</sup>, the two bedroom flat 70m<sup>2</sup>, and both of the single bedroom units would be in excess of 50m<sup>2</sup>. As such, all four flats meet these minimum requirements with the single bedroom flats exceeding the minimum standards by some margin. It is also noted that the main living areas are open plan providing a more spacious environment for the occupants.
- 6.4.11 The Council's RDG expects 20sq.m of amenity space per flat. In order to provide a defensible and private amenity space the ground floor accommodation benefits from direct access to their own private amenity areas far in excess of the minimum requirements. The first floor flat will not have direct access to an amenity area but the communal amenity space at the rear of the site will be far in excess of the minimum requirements. Amended plans could also be secured that dedicates the whole of the rear amenity area to the ground floor units only. This would provide a better outlook for the occupiers of the ground floor units particularly for the windows on the north elevation. A condition can be imposed ensuring that these amenity areas are retained for use by the occupants.
- 6.4.12 It is noted that vehicles will be parked in close proximity to the living area of those dwellings. However, such a layout is characteristic of the area with many flats within Atherley Road having a similar relationship.
- 6.4.13 All habitable rooms are served by a natural source of light and ventilation. On this basis it is not considered that a reason for refusal based on poor standard of living accommodation for future occupiers could be substantiated, particularly as residents will have access to good sized living areas. On this basis the scheme is considered to comply with saved Policy SDP1(i).

## 6.5 Parking Highways and Transport

- 6.5.1 The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. For this development the maximum requirement would be six spaces.
- 6.5.2 It is noted that the site frontage is currently served by a single dropped kerb. However, it is clear from visiting the site that the property frontage has been cleared to facilitate off road parking. As such, it is acknowledged that the site frontage has historically been used for the parking of motor vehicles albeit it in an informal manner.
- 6.5.3 The original submission proposed five parking spaces. However, as this would have resulted in a group of three spaces, this would be to the detriment of highway safety. If vehicles were parked either side of the centre space, the view from the central vehicle would have been obscured when existing the space.
- 6.5.4 As such the quantity of parking has been reduced to four spaces. This allows for improved pedestrian access into the premises. Whilst this does not meet the

maximum standards outlined within the Councils parking SPD it is noted that these figures are maximums and are not targets. The site is located within reasonable proximity to Hill Lane to the east with good links to the public transport network both in and out of the city as well as cycle route 4 into the city. No objection has been raised by the Council's Highway Engineers. Parking provision for four spaces along the site frontage has previously been secured under the previously approved scheme 20/00481/FUL.

6.5.5 Whilst areas for secure long term cycle storage, and bin storage have been shown on the submitted drawings, the design and details of these stores has not been provided. The position and design of these details can be secured via a planning condition to ensure appropriate facilities are in place prior to the occupation of the units.

6.5.6 A condition can be imposed that prevents the storage of bins on the pedestrian highway with the exception of collection day.

## 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.

6.6.2 Furthermore, all overnight accommodation has been found to have an impact on the water quality being discharged into our local watercourses that are of protected status. The 'harm' caused can be mitigated by ensuring that the development complies with the principles of 'nitrate neutrality', and a planning condition is recommended to deal with this as explained further in the attached Habitats Regulations Assessment. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

## 7. **Summary**

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(s), and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

## 8. **Conclusion**

8.1 It is recommended that planning permission be granted subject to securing the required SDMP Mitigation and conditions set out below.

**Local Government (Access to Information) Act 1985**

**Documents used in the preparation of this report Background Papers**

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

Case Officer **Mark Taylor** PROW Panel 17.09.24

**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. Approved Plans (Performance)

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

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

03. 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.

04. 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.

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

05. Obscure Glazing (Performance)

All windows in the side elevations, 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.

06. Construction Management Plan (Pre-Commencement)

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

- a) parking of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- d) details of temporary lighting
- e) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;

- g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- h) details of construction vehicles wheel cleaning; and,
- i) details of how noise emanating from the site during construction will be mitigated. (j) Storage and removal of building waste. Bonfires will not be permitted on site during any demolition or construction works.

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

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area and highway safety.

#### 07. Refuse & Recycling (Pre-Commencement)

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

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

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

#### 08. Cycle storage facilities (Pre-Occupation)

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

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

#### 09. Energy Efficiency - Conversion (Pre-Commencement Condition)

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. Energy supply must be from a renewable or low carbon source, or as a minimum, radiators supplied to deliver lower temperatures at sub- 50 degrees to futureproof for the installation of ASHP when this becomes viable. Measures that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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

#### 10. 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 and retained thereafter.

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)

#### 11. Landscaping

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, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment, including retaining walls and;
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, 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. Amenity Space

Before the development hereby approved first comes into occupation, the existing concrete pad to the rear of the site shall be removed with and made good with landscaping to be secured via condition 11. The external amenity space and pedestrian access to it, shall be made available for use prior to occupation in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

#### 13. Parking

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

parking provision shall be four clearly marked spaces only. Allocation of the parking spaces shall be limited to one space per dwelling in an allocation to be agreed in writing with the planning authority prior to occupation.

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

14. Surface/Foul Water Drainage (Pre-commencement)

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

Reason: To ensure satisfactory drainage provision for the area.

15. 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.

16. 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.

Notes to Applicant

1. Note to applicant: CIL

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 £119.06 per sq. m, 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.

2. Note to Applicant:

This planning permission does not convey the right for the development to encroach over, under or on land which is not within your ownership, without the consent of the landowner.

3. Note to applicant:

You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another

property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at [www.communities.gov.uk](http://www.communities.gov.uk).



## Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	24/00110/FUL
<b>Application address:</b>	40 Atherley Road Southampton SO15 5DQ
<b>Application description:</b>	Erection of a part two-storey, party single-storey side & rear extension to facilitate conversion into 4 x dwellings (2 x 1-bedroom, 1 x 2-bedroom, 1 x 3-bedroom) with roof alterations and associated amenities.
<b>HRA completion date:</b>	6 March 2024

**HRA completed by:**

**Lindsay McCulloch**  
**Planning Ecologist**  
**Southampton City Council**  
**[lindsay.mcculloch@southampton.gov.uk](mailto:lindsay.mcculloch@southampton.gov.uk)**

**Summary**

The project being assessed is as described above.

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

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

In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

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

Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.

**Section 1 - details of the plan or project**

**European sites potentially impacted by plan or project:  
European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website**

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar Site
- Solent Maritime Special Area of Conservation (SAC)
- River Itchen SAC
- New Forest SAC
- New Forest SPA
- New Forest Ramsar site

**Is the project or plan directly connected with or necessary to the management of the site (provide details)?**

No – the development is not connected to, nor necessary for, the management of any European site.

**Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?**

- Southampton Core Strategy (amended 2015) (<http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf>)
- City Centre Action Plan (<http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx>)
- South Hampshire Strategy ([http://www.push.gov.uk/work/housing-and-planning/south\\_hampshire\\_strategy.htm](http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm))

The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.

Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.

Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.

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

development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

## Section 2 - Assessment of implications for European sites

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

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

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

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

The following effects are possible:

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

### **Conclusions regarding the likelihood of a significant effect**

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

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

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

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

### **Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives** **The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations**

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

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

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

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

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

### **TEMPORARY, CONSTRUCTION PHASE EFFECTS**

#### *Mobilisation of contaminants*

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

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

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

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

#### *Disturbance*

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

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is

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

#### *Collision risk*

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

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

### **PERMANENT, OPERATIONAL EFFECTS**

#### **Recreational disturbance**

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

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

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

#### **Nightjar**

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

#### **Woodlark**

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

#### **Dartford warbler**

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

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

soil hydrology and chemistry and erosion of soils.

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

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths.

Research undertaken by Footprint Ecology, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

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

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

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

### **Mitigation**

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

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

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

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



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

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

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

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

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

#### Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for

Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

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

has been agreed.

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

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

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

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

### **Solent and Southampton Water SPA/Ramsar site**

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

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

### *Water quality*

### **Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site**

Natural England highlighted concerns regarding, *“high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”*



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

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

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

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

A methodology provided by Natural England has been used to calculate a nutrient budget and the calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant's submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (provided by Natural England) and the Council's own bespoke occupancy predictions and can be found using Public Access: <https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);
- The key aspects of Southampton's specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council's Cabinet in June 2022;

- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton's administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

**Outline PP where phased and/or unit quantum or mix unknown:**

***Not to commence the development of each phase unless the nitrogen budget for that phase has been submitted to and approved by the council. The development of each phase hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council Nutrient Offset Scheme for that phase 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.***

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

***Reason:***

***To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.***

With these measures in place nitrate neutrality will be secured from this development and as a consequence there will be no adverse effect on the integrity of the protected sites.

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

Conclusions

The following conclusions can be drawn from the evidence provided:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.
- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.

- There is a low risk of birds colliding with the proposed development.

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

#### Demolition and Construction phase

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

#### Operational

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

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

## References

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

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

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

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



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

- SDP1 Quality of Development
- SDP4 Development Access
- SDP5 Parking
- SDP7 Urban Design Context
- SDP9 Scale, Massing & Appearance
- SDP10 Safety and Security
- SDP11 Accessibility and Movement
- SDP12 landscaping and Biodiversity
- SDP13 Resource Conservation
- H1 Housing Supply
- H7 The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

- The National Planning Policy Framework (2023)
- The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

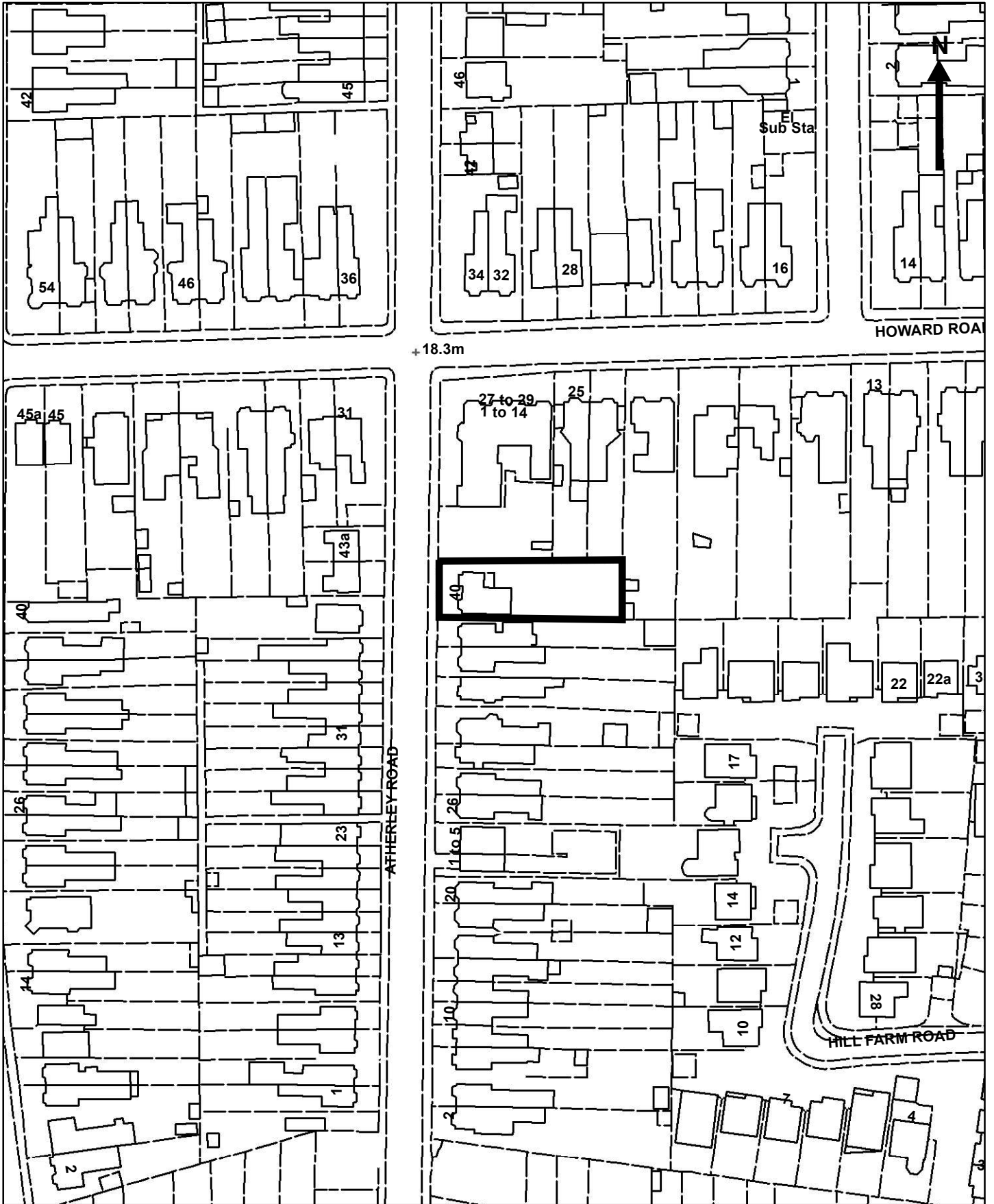
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**Application 24/00110/FUL****APPENDIX 3****Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1546/W15	Single storey rear extension	Conditionally Approved	17.10.1978
19/00116/FUL	Erection of a 2-bed, detached bungalow with associated cycle/refuse storage	Application Refused	03.04.2019
20/00481/FUL	Extension and alterations of two existing dwellings (2 x flats) to create two semi-detached houses with stores	Conditionally Approved	24.06.2020
23/00368/FUL	Two storey rear extension and roof extension to create loft conversion to facilitate the change of use of from a single-family dwelling house to a 8 person House in Multiple Occupation (sui generis use)	Application Refused	06.06.2023
23/01074/FUL	Erection of a part 2-storey, part single storey side/rear extension, following part-demolition of existing, to facilitate conversion of existing dwelling into 6 flats (5x 1-bed and 1x 2-bed) including loft conversion and detached summer house.	Withdrawn	30.11.2023

# Agenda Item 7 24/00110/FUL

Appendix 1



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**Planning and Rights of Way Panel 17<sup>th</sup> September 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 38 Clausentum Road, Southampton			
<b>Proposed development:</b> Temporary change of use to a MOT testing station together with facilities to carry out the repair and servicing of motor vehicles (part retrospective), (Departure from local plan).			
<b>Application number:</b>	24/00472/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	21.06.2024	<b>Ward:</b>	Bevois
<b>Reason for Panel Referral:</b>	Departure from the Development Plan.	<b>Ward Councillors:</b>	Cllr Kataria Cllr Rayment Cllr Denness
<b>Applicant:</b> Rasooli Cars Limited		<b>Agent:</b> Charlie Mills	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
<b>Biodiversity Net Gain Applicable</b>	<b>Not applicable</b>

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023). Policies – CS4, CS6 & CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP16, H1 & RE110 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies		

## **Recommendation in Full Conditionally approve**

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

- 1.1 The site is located on the western side of Clausentum Road and is occupied by a building with a floor area of approximately 225sq.m. The building is currently occupied for the service and repair of motor vehicles, with ancillary open storage/parking areas to the north and east. The applicant started this use in September 2023. The site is served by a dropped kerb across its frontage which also provides access to a parking area along the northern side of the building.
- 1.2 The adjoining commercial building, 46-48 Clausentum Road, has been occupied by the Southampton Special Purpose Workshop since 2002. The two existing adjoining commercial premises were erected in the early 1950's following bomb damage to residential properties, which had previously occupied the site. The immediate surrounding area is predominantly residential in character, and the site is allocated in the saved Local Plan for housing.
- 1.3 Traffic regulation orders are in place on Calusementum Road and include double yellow lines in front of the site with no waiting at any time. Elsewhere parking is limited to permit holders only or 2 hours maximum stay for non-permit holders between 8am and 6pm Mon – Sat.

### **2. Proposal**

- 2.1 The proposal seeks a change of use to allow an MOT testing facility, along with a retrospective change of use for the servicing and repair of motor vehicles. The plans show a single MOT testing bay and 2 servicing/repair bays along with 2 internal parking spaces (one of which allows for EV charging), 2 cycle parking spaces, an office, kitchen, WC and ancillary storage areas. The plans show a further 12 onsite parking spaces outside. The proposed (amended) opening hours are Monday to Friday – 08.30 to 18.00 hours & Saturday – 9:00 – 13:00 hours.
- 2.2 The applicant also operates 30 private hire vehicles (off site), all of which are Hybrid models. Vehicles used for private hire are subject to stringent regulations with each vehicle needing an MOT twice a year. Vehicle servicing is also carried out more frequently to ensure the safety of the fleet and to avoid greater expense over the long term. The inspection, MOT testing, servicing and repair of vehicles are all pre-booked.
- 2.3 The applicant is prepared to accept a personal and temporary permission to ensure that the site allocation for housing is not compromised in the medium to long term. A temporary period of 4 years from the date of the permission will enable the operator to complete the agreed lease period, is sufficient to warrant the investment and still enables the site to be released for housing.

2.4 The business employs 2 full time members of staff.

### **3. Relevant Planning Policy**

3.1 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.2 The NPPF states in section 6. 'Building a strong, competitive economy' paragraph 85: 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

3.3 The NPPF also seeks to ensure that planning decisions: Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise.

3.4 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). The most relevant policies to these proposals are set out at **Appendix 1**.

3.5 Policy SDP1 of the Local Plan requires development be acceptable in terms of amenity for the city's citizens. Policy SDP16 directly referring to noise impact and identifies that permission should not be granted where it would cause an unacceptable level of noise impact.

3.6 The site is allocated for housing under policy H1(i) of the Local Plan and as such the use proposed represents a departure from this Plan policy. The Local Authority is required to identify land for homes under the requirements of the NPPF, which includes identifying specific deliverable sites for 5 years and developable for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period. At the current time the Council doesn't have a 5 year housing land supply, but despite the allocation this site doesn't have planning permission for housing and the prospects of delivery are currently low (and have been since 2006 when the site was first allocated).

#### **4. Relevant Planning History**

- 4.1 The premises were originally built in the early 1950's as a garage and workshops with planning permission 569/1015/7 covering addresses 38/48 Clausentum Road. Permission 1030/WW also allowed the installation of petrol and diesel tanks and pumps. Prior to this the site was occupied by dwellings which were bomb damaged.
- 4.2 At some point before 1967 it appears that 38/48 Clausentum Road was separated into 2, with 38 Clausentum Road gaining permission for storage and battery charging and the remaining half being retained as a working garage until 2002 when the Southampton Special Purpose Workshop (SSPW) took up occupation. It is believed that the lawful use of the neighbouring building (number 48) remains as permitted in July 1953 for a garage and workshops.
- 4.3 In 1979 permission (569/1549/M35) was granted, for the continued use of number 38 for the storage of batteries and replacement parts together with ancillary battery charging and brake lining; and the wholesaling and distribution thereof. The conditions applied included parking spaces to remain available for parking of customer vehicles at all times, loading and unloading taking place from within the site and opening hours restricted to 7am – 7pm Monday to Friday & 7am – 1pm on Saturday.
- 4.4 In 2002 application 02/00249/VC granted a variation to application 569/1549/M35 which allowed the storage of floor sanding equipment. These two permissions demonstrate that the existing use is storage and distribution. This consent did not change the other conditions applied in 1979 which are summarised above.

#### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement 28/06/2024 and erecting a site notice 03/05/2024. At the time of writing the report **4 objections** have been received from surrounding residents. The following is a summary of the points raised:

##### **5.2 Noise generation.** **Response**

The noise survey identifies that conditions can be used to prevent significant harm provided that its recommendations are adhered to (doors are closed during the loudest activities). The Council's Environmental Health team agree with this approach. Conditions are recommended. The site was built in the early 1950's as a garage and workshops and has been in commercial use since that time.

5.3 ***Anti-social hours of working.***

**Response**

The applicant proposes working hours of 8:30–18:00 Mon–Fri & 09:00–13:00 on Saturday. These hours are considered reasonable given the historic use of the site and proposed noise controls.

5.4 ***Waste burning on site***

**Response**

Burning of waste is controlled by separate Environmental Health legislation and is not a reason for withholding planning permission.

**Consultation Responses**

5.5

<b>Consultee</b>	<b>Comments</b>
Planning Policy	<p><b>No objection</b> subject to planning permission being granted for a temporary period.</p> <p>The principle of a permanent change of use is not supported. It is a direct departure from the Local Plan in which it is allocated (under Policy H1) as a housing delivery site. That said, our recent assessment of the site has not indicated that there is any immediate interest in developing the site for housing (i.e. in the next 5 years), therefore the planning policy team would support a temporary permission to ensure the site is kept in active use and the potential for future housing delivery is not lost.</p>
Highways Development Management	<p><b>No objection</b> subject to recommended conditions. The local parking restrictions, hours of operation and the parking areas around and inside the building will be sufficient to accommodate the maximum number of parking spaces allowed (14 spaces), based on 2 x repair/servicing bays, 1 x MOT bay and building floor area, to prevent significant overspill parking.</p> <p>Because there is limited space on site there is some concern over the potential for reversing manoeuvres on to and off of the highway. However, based on TRICs trip rate data, although there will potentially be a small increase of trips because of the development, if the operation is limited by restricting light and heavy goods vehicles from being MOT tested, serviced or repaired then, on balance, the impact is not considered to be significantly harmful. This is because reversing of larger vehicles is substantially more harmful to highways safety, due to reduced visibility and poorer sightlines over the highway, and outweighs the impact</p>

	<p>of the small increase of domestic sized vehicles visiting the site.</p> <p>Therefore, it is considered that there is adequate space to move vehicles on site, with some use of the public highway, without causing significant harm to highway safety based on reasonable driver behaviour and the application represents an improvement over the existing use as light and heavy goods vehicles will not be MOT tested, serviced or repaired.</p> <p>In the interests of highways safety and to limit on road parking pressure a condition is needed to cover:</p> <ul style="list-style-type: none"> <li>• No more than 14 cars shall be parked on site.</li> <li>• Parking limited to locations identified on the approved site layout plan.</li> <li>• Manoeuvring space on site will be kept available for manoeuvring of vehicles only, not obstructed or used for any other purposes.</li> <li>• Prevention of light and heavy goods vehicles from being MOT tested, serviced and repaired.</li> </ul>
Public Health	<p><b>No objection</b> in principle provided the Environmental Health Officer is satisfied with the findings of the submitted Noise Impact Assessment and that no additional noise mitigation measures are required.</p> <p>We would suggest conditions are applied to any grant of planning permission relating to the control of noise and opening hours to protect the amenity of neighbouring residents. We would also suggest conditions are used to ensure the safe storage of waste parts, oils and vehicle fluids until they are collected for disposal to protect human and planetary health.</p> <p><u>Officer Response</u>  <i>A condition will be added to ensure storage does not occur outside without further permission. Separate legislation covers the management/storage/disposal of commercial waste.</i></p>
Environmental Health	<p><b>No objection</b> subject to the findings of the Noise Impact Assessment being secured by condition, namely:</p> <ul style="list-style-type: none"> <li>• Roller shutter door closed during noisy activities.</li> <li>• No work to take place on cars external to the garage.</li> <li>• Limited hours and days of operation.</li> </ul>

## **6. Planning Consideration Key Issues**

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

- Principle of development – including:
  - Housing Need;
  - Housing Delivery;
  - 5 Year Housing Land Supply; and
  - Employment & Economic Growth
- Neighbouring amenity; and
- Parking, highways and transport; and

### **6.2 Principle of Development**

6.2.1 Both the site and the neighbouring site are safeguarded for housing under policy H1(i), the proposals map and appendix 6 of the Amended (Saved) Local Plan Review (2015); with the estimated number of residential units noted as 10.

#### **6.2.2 Housing Need:**

The site has been allocated for housing in the current development plan, since 2006.

6.2.3 Policy CS4 refers to the number of houses needed over the plan period. The figure is updated annually and is currently 1,473 dwellings per annum

#### **6.2.4 Housing Delivery:**

The delivery of new housing is monitored to ensure the city meets this need and to see how the city performs against the Government's housing targets.

6.2.5 In the latest set of results, Southampton recorded housing delivery at 75% of its target. This is the first time since the Housing Delivery Test was introduced that delivery in Southampton has fallen below 100%. With this result the Council is now required to apply a 20% buffer to its 5 year housing land supply.

#### **6.2.6 5 Year Housing Land Supply:**

The Government's National Planning Policy Framework (NPPF) requires all local authorities to maintain a supply of housing land of at least 5 years to ensure there is a sufficient pipeline of land to meet housing targets.

6.2.7 The council is currently working on a new Strategic Land Availability Assessment (SLAA) which will help identify sites across the city which have the potential to be developed for housing and/or employment use within the local plan period (to 2041). The results of the SLAA, once complete, will inform an updated 5 Year Housing Land Supply Position Statement. The statement will be published in due course however the latest calculation suggests that the Council can at present only demonstrate a housing supply for 3.25 years.

6.2.8 Therefore, there remains a high need for housing in Southampton and the city is currently failing to achieve the government set housing delivery target. Furthermore, the city is also significantly failing to identify sufficient land to achieve the required 5 year supply of land available for housing. As such the permanent loss of the site to a commercial use would potentially have a detrimental impact on housing delivery which cumulatively, with the loss of other similar housing sites to commercial uses, could have a significant overall effect.

6.2.9 Employment and economic growth:

The Plan's residential allocation needs to be balanced against the Plan as a whole, including the need for economic growth and job creation. The development has clear economic benefits by retaining the building for commercial use. It would support existing employment (2 staff) and investment into an existing business, by allowing the MOT bay, with potential for further growth.

6.2.10 So, whilst there is a departure from Policy H1 in terms of housing delivery officers consider that this is addressed when additional weight is attached to the employment creation and the limits imposed on the site's departure for a maximum of 4 years only to enable alternative proposals to progress. As such the principle of development can be supported subject to further scrutiny of the detail.

6.3 Local Neighbouring Amenity

6.3.1 Saved Policy REI16 (Noise) of the Local Plan states that noise generating development will not be permitted if it would cause an unacceptable level of noise impact. Saved Policy SDP1(i) seeks to protect the amenity of residents.

6.3.2 The applicant has submitted a noise survey and assessment with the aim of proving that the noise environment would not significantly change because of the development. 4 objections have been received from residents in Clausentum Road with noise being the main concern. Further to this, as the application seeks retrospective permission the neighbours will have firsthand experience of the activity.

6.3.3 Moreover, it is useful to note that no objections have been received from houses to the rear of the property (17 Ancasta Rd and 48 – 54 Earls Rd). This suggests that the building fabric is currently capable of preventing significant noise disturbance to residents to the rear and that noise break out to the front has the main impact. This assumption is supported by the noise report which has been reviewed by the Council's Environmental Health Team who do not object to the scheme provided that conditions recommended in the report are applied to the permission. The conditions recommended will need to ensure that the front doors, including roller shutter, are closed when noisy activities take place. The noisy activities are defined as tyre fitting and use of impact driver/wrench (used primarily for



removal of wheel nuts); the tools needed for each operation are both powered by compressor. The applicant has agreed that they can work with this condition.

6.3.4 Secondly, mechanical work to vehicles will need to take place within the building and, thirdly, there will need to be a limitation of hours and days of operation.

6.3.5 When considering the proposal from noise perspective officers also recognise that it is not unusual to have garages, which service and repair vehicles; as well as carrying out MOTs, located within areas of tight urban grain and this site has been operational for decades in any event.

#### 6.4 Parking highways and transport

6.4.1 The applicant, Rasooli Cars Limited, is a taxi leasing operator based in Southampton who owns approximately 30 cars, and most of the MOT tests and servicing/repairs being undertaken is carried out on these vehicles. The inspection, MOT testing, servicing and repair of vehicles are all pre-booked. This allows the applicant to control the number of vehicles using/visiting the site.

6.4.2 Maximum parking for the site, based on 2 x repair/servicing bays, 1 x MOT bay and a floor area of 225sq.m, is 14 spaces. The frontage and side parking areas have been measured, and it is agreed that these spaces can accommodate 14 vehicles with space to manoeuvre.

6.4.3 Based on the operation, including pre-booking service and priority to taxi operators who naturally will seek to be back on the road as soon as possible, it is not expected that all 14 spaces will be necessary on a regular basis for the business to operate successfully. Vacant parking spaces have also been witnessed by the case officer whilst visiting the site.

6.4.4 The current application is also judged to be an improvement over the previous use, which also had the potential to generate vehicle trips associated with the storage, wholesale and distribution of vehicle parts including batteries and brake lining.

6.4.5 As such the proposal meets the Council's maximum standard and will limit the potential for overspill parking; as will the parking restrictions that are present along the full length of Clausentum Road that prevent non permit holders from parking on Clausentum Road for more than 2 hours on any single day.

6.4.6 Whilst it is appreciated that some use of the highway is expected to be needed to move vehicles around the site on some occasions, based on the site operation and recommended conditions, it is considered that there will be sufficient manoeuvring space to not cause significant harm to the safe use of the highway. A condition can also be used to prevent storage externally ensuring no hinderance of necessary manoeuvring space occurs.

6.4.7 The Council's Highways Development Management Team are satisfied with the proposal from a highway safety and parking pressure perspective, subject to a limitation preventing light heavy goods vehicles from being MOT tested, serviced and repaired, a maximum of 14 cars on site at any one time, parking limited to spaces shown on the approved plan and preventing the necessary manoeuvring space from being used for any other purpose. These conditions are recommended.

## **7. Summary**

7.1 In summary, the proposal brings this previously vacant site into use to support employment and economic growth in the city. Operational management controls in relation to hours of opening, closure of the doors during noise generating activities, prevention of work being carried out to vehicles outside of the building, limiting location and number of parking areas; and preventing external storage without further permission are considered acceptable to mitigate against on street parking pressure, danger to highway safety and exposure to noise by neighbours.

7.2 The site has a housing allocation and, based on Council's housing need, supply and recent delivery of housing land it is recommended that consent should be given on a short-term basis of 4 years to ensure the site is not lost in the long term. This period also allows the site operator to conclude their current lease agreement, complete their investment in MOT equipment and potentially review other alternative more suitable locations in the city. It will also allow the site owner to explore opportunities to deliver housing in the future.

## **8. Conclusion**

8.1 It is recommended that planning permission be granted for a temporary 4 year period subject to the conditions set out below.

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

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

Case Officer **Mathew Pidgeon** PROW Panel 17.09.2024

### **PLANNING CONDITIONS to include:**

#### **01.Temporary Permission (Performance)**

The development hereby approved shall be discontinued either on or before the period ending 4 years from the date of this decision notice. After this time the land and buildings shall be restored to their former condition, or to a condition to be first agreed in writing by the Local Planning Authority.

Reason: To ensure the site remains available for housing delivery in the medium to long term in accordance with the site housing allocation.

#### 02. Approved Plans (Performance)

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

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

#### 03. Restriction of Operation, [Performance].

The garage use hereby approved shall only be used by Rasooli Cars Limited and by no other business, with 2 staff members only.

Reason: To control the specific nature of the use and to ensure that the operation is acceptable within the residential setting/area to which it relates – and due to their agreement to operate for no longer than 4 years due to the site's housing allocation.

#### 04. Hours of Use (Performance)

The use hereby approved shall not operate outside of the hours hereby set out:

Monday to Friday                      08.30 to 18.00 hours

Saturday                                    9:00 to 13:00 hours

Sundays and Public Holidays – closed

Reason: In the interests of existing residential amenity

#### 05. Noise Impact Assessment Compliance and Mitigation [Performance]

The development hereby approved will be carried out in accordance with the Noise Impact Assessment, with reference IMP7471-1, including the following noise mitigation measures:

- At no time shall tools powered by air compressor or MOT testing take place unless the front doors, including roller shutter, are closed.
- At no time shall mechanical work to vehicles take place outside of the building.

Reason: To protect the amenities of nearby residents.

#### 06. Parking Management [Performance]

No more than 14 cars shall be parked on site at any one time.

Parking will be limited to the locations identified on the approved site layout plan only.

Manoeuvring space available on site will be kept free for manoeuvring of vehicles only and not obstructed or used for any other storage purposes.

All MOTs, servicing and repairs will be managed and carried out by appointment only and from within the building.

At no time shall light or heavy goods vehicles be MOT tested, serviced or repaired.

Reason: In the interests of highways safety and to limit on road parking pressure.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Economic Growth
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP16	Noise
H1	Housing Supply
REI10	Industry and Warehousing

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
Bassett Neighbourhood Plan (July 2016)

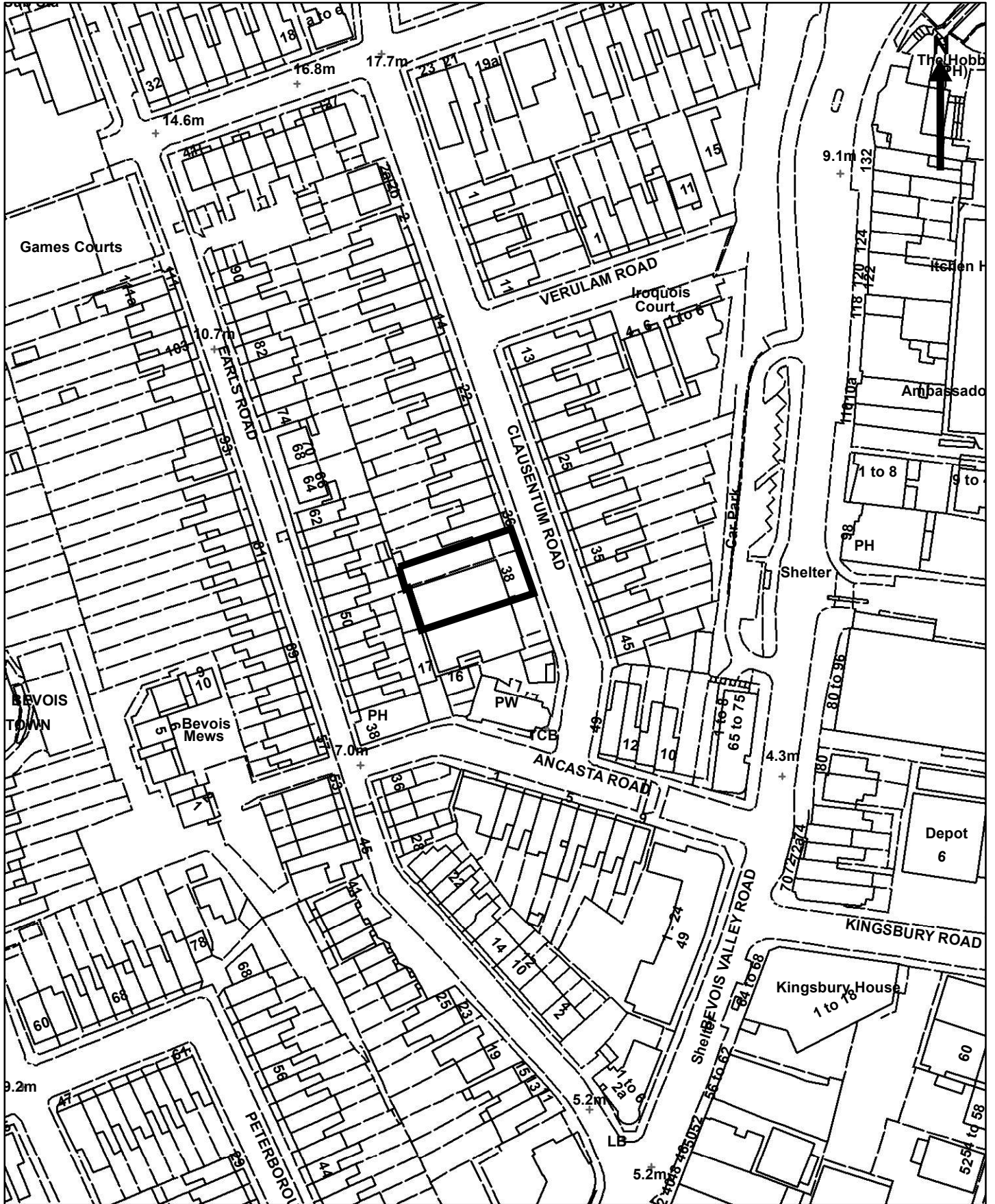
Other Relevant Guidance

The National Planning Policy Framework (2023)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

# Agenda Item 8

## 24/00472/FUL

Appendix 1



Scale: 1:1,250

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