

# Planning and Rights of Way Panel

Tuesday, 12th November,  
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  
Ed Grimshaw  
Tel: 023 8083 2390  
Email: [ed.grimshaw@southampton.gov.uk](mailto:ed.grimshaw@southampton.gov.uk)

Head of Transport and Planning  
Pete Boustred  
Email: [pete.boustred@southampton.gov.uk](mailto:pete.boustred@southampton.gov.uk)

## **PUBLIC INFORMATION**

### **ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL**

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

### **Southampton: Corporate Plan 2022-2030**

sets out the four key outcomes:

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

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

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

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

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

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

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

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

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

## Dates of Meetings: Municipal Year 2022/2023

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 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 8 October 2024 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 24/00034/FUL - LAND ADJACENT 61 OAKTREE ROAD** (Pages 7 - 46)

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.

### **6 PLANNING APPLICATION - 24/01051/MMA - LAND REAR OF 11 ARDNAVE CRESCENT** (Pages 47 - 68)

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.

Monday, 4 November 2024

Director – Legal and Governance

This page is intentionally left blank

---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 8 OCTOBER 2024

---

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

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

**RESOLVED:** that the minutes for the Panel meeting on 17 September 2024 be approved and signed as a correct record.

23. **OBJECTIONS TO THE SOUTHAMPTON (WESTON PARK SCHOOL ) TREE PRESERVATION ORDER 2024**

The Panel considered the report of the Head of City Services setting out the objections to The Southampton (Weston Park Primary School ) Tree Preservation Order 2024 and decide whether to confirm the Order

Mrs Harding (local resident) was present and with the consent of the Chair, addressed the meeting.

The presenting officer explained that additional correspondence had been received since the publication of the report. The Officer also detailed that on further inspection the number of trees in the area W2 area had been amended to 12 from 19.

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

**RESOLVED** that the Panel confirmed (with Modifications) The Southampton (Weston Park Primary School) Tree Preservation Order 2024

This page is intentionally left blank



## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 12<sup>th</sup> November 2024

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<b>Approximate Start Time 4:00pm</b>				
5	AL	DEL	5	24/00034/FUL Land adjacent 61 Oaktree Road
<b>Approximate Start Time 4:30pm</b>				
6	AG	DEL	5	24/01051/MMA Land rear of 11 Ardnave Crescent

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

Case Officers:

AL        Anna Lee

AG        Andy Gregory

## **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 12<sup>th</sup> November 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> Land adjacent 61 Oaktree Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of 2x 3-bedroom detached houses, with associated parking, cycle storage and gardens together with the relocation of the bus stop following demolition of existing garages (amended description).			
<b>Application number:</b>	24/00034/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	19.11.2024	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Barnes -Andrews Cllr Cooper Cllr Webb
<b>Applicant:</b> Mr Paul West		<b>Agent:</b> Apple Tree Architecture	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report</b>
-------------------------------	---

<b>Community Infrastructure Levy Liable</b>	<b>Yes</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 (2023). Policies – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies

### Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

1.1 The site is currently occupied by a number of outbuildings and is enclosed by a brick wall. The site lies adjacent to two properties 61 and 55 Oaktree Road both of which lie slightly higher than the application site. These two properties are semi-detached but there is a mix of detached and semi-detached within the street scene.

1.2 The site slopes up to the rear towards Ashtree Road, however, the change in level does not occur until almost in line with the rear of adjacent properties. Currently there is one vehicular access to the site and a bus stop lies immediately outside the site. The yellow caged box for the bus takes up half the length of the site and double yellow lines takes up the rest of the highway frontage.

#### **2. Proposal**

2.1 The proposal has been revised since it was submitted, initially three three-bed units were proposed and officers considered this would be both; an overdevelopment of site and harmful to the adjacent residential property at 61 Oaktree Road. The reason for which was due to the proximity to the neighbouring property. The scheme has been reduced to two units albeit detached units, with an access route for one of the properties to the rear garden between the two units, instead of a semi-detached pair which was suggested. This amendment has resulted in the scheme being relocated further away from the boundary with 61 Oaktree Road by three metres and from the side elevation

by five metres.

- 2.2 The proposed dwellings have a simple appearance, constructed with brick elevations, gabled roofs and a protecting pitched bay window. The properties provide a lounge, kitchen/diner, study, laundry and w.c on the ground floor and at first floor, two bedrooms (one with an en-suite) and a bathroom would be provided and at second floor a further bedroom with ensuite and dressing room, All the units have the main entrance on the front elevation and separate entrance to the rear is also provided. The new houses will also be served by one parking space for one unit and two car parking spaces for the other. Following discussions, during the application stage, with the Council's Highway team the bus stop is proposed to be relocated closer to the property at no 55 Oaktree Road. Amended plans have been received showing the revised location and the neighbours have been notified of this change.
- 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 with 4 people 84 sq.m) and the minimum garden sizes of 10 metre garden depth and 90sq.m area set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). A comparison with the standards is set out as follows:

Plot	Proposed Floor Size (sq.m)	Garden size(sq.m)	Compliance
1	85	160	Y & Y
2	85	150	Y & Y

- 2.4 The proposed gardens are 20m metre deep and in line with the gardens areas in the vicinity and in excess of the 90 sq.m guidance for garden standards set out in the Residential Design Guide Supplementary Planning Document.

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

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 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 are no recent or relevant applications relating to this site previous permission related to the constructions of garages. It appears that the site has been used historically for the storage of vehicles and there are currently some storage buildings on the site.
- 4.2 To the rear at 66 Ash Tree Road the site benefits from planning permission 12/01273/FUL to construct two dwellings, the development has been implemented but not further works have taken place since.

#### **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 09.02.2024. Following the receipt of amended plans at the time of writing the report **12** representations have been received from surrounding residents (8 objections, 3 support and one representation). The following is a summary of the points raised:

##### Objection/Representation

- 5.2 ***Results in a loss of light to four habitable rooms – lounge, kitchen and two bedrooms, loss of privacy and outlook.***

##### **Response**

Noted, see planning consideration section of the report.

- 5.3 ***Moving the bus stop will prevent safe space for pedestrians to stand.***

##### **Response**

The proposed relocation of the bus stop still allows for the retention on Kassel kerbing meaning that no cars will mount the pavement therefore there will still be sufficient room for pedestrians to wait.

- 5.4 ***This plot looks like it originally was for two houses not three as this would be and overdevelopment taken together with the number of parking spaces required.***

##### **Response**

Agreed and therefore the scheme has been reduced to two units.

- 5.5 ***The bulk, scale and height of the units is too much.***

##### **Response**

The reduction from three to two units has reduced this but this is assessed further in the planning considerations section of the report.

- 5.6 ***Concerned about the what the house numbers would be for the new units and the impact on the existing properties if confusion occurred.***

##### **Response**

Noted, but this is not a planning consideration.



5.7 ***Insufficient parking.***

**Response**

The Council has adopted maximum car parking standards, and this proposal meets the maximum requirements for three-bed units in this location for one of the units. No highways objection has been received and parking standards do not require parking is provided for every dwelling. One space is provided for the other unit, it is noted a number of properties along Oaktree Road do not have parking spaces or in some cases sufficiently sized parking spaces. Given there are parking restrictions in the surrounding area, this limits the possibility for over-spill car parking.

5.8 ***Potential impact on public sewerage system and surface water run off***

**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.

5.9 ***Concerned about the levels and the amount of soil/earth that needs to be displaced***

**Response**

A levels condition is sought, however, the land level changes are not vast and most of the land level change occurs towards to the rear of the site.

**Support**

5.10 ***The proposal does not look out of place as there is a mix of properties in the area and this is sufficient parking.***

**Response**

Noted, and the revised scheme is more in keeping than the previous proposal as addressed in the planning consideration section of the report.

5.11 ***Good to see the site developed and family houses being provided.***

**Response**

Noted, as the proposal meets the Council's housing need.

**Consultation Responses**

5.12

<b><u>Consultee</u></b>	<b><u>Comments</u></b>
SCC Highways Development Management	<b>No objection subject to conditions</b> Following receipt of amended plans setting out the details for the relocation of the bus stop the proposed development is considered acceptable in principle.  The revised plans have reduced one of the units parking from two spaces to one as there is insufficient kerb width to enable cars to enter and leave the site without needing to drive over the Kassel kerbing.  Subject to conditions assuring the following are secured no objection is raised.

	<ul style="list-style-type: none"> <li>• The bus stop relocation works are undertaken prior to commencement of development;</li> <li>• Securing refuse and cycle storage; and</li> <li>• Restricting the height of the front boundary to 600mm in height</li> </ul>
<p>SCC CIL Officer</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> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.</p>
<p>SCC Ecology</p>	<p><b>No objection raised</b></p> <p>The proposed development will result in a net loss of grassland and light scrub habitat. This habitat is of generally low value although it does have the potential to support common reptiles and nesting birds.</p> <p>Common reptiles and nesting birds receive protection under the Wildlife and Countryside Act 1981 (as amended), and a method statement for the safe clearance of the vegetation will be required before any development related activities commence.</p> <p>In addition, in order to meet the requirements of paragraph 174 of the National Planning Policy Framework and Core Strategy Policy CS 22 Promoting Biodiversity and Protecting Habitats, biodiversity enhancements will be necessary to achieve a net gain in biodiversity.</p> <p>I have no objection to the re-development of the site. If planning permission is granted, I would like the following conditions applied to the consent:</p> <ul style="list-style-type: none"> <li>• Ecological Mitigation Statement (Pre-Commencement)</li> </ul>

	<ul style="list-style-type: none"> <li>• Protection of nesting birds (Performance)</li> </ul>
SCC Contamination team	<p><b>No objection raised</b> No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.</p>
SCC Environmental Health	<p><b>No objection raised</b> No objection subject to conditions relating to hours of work and measures to suppress dust and measures to control noise on site, in order to protect the local neighbourhood.</p>
SCC Sustainability	<p><b>No objection raised</b> It is unclear what the energy strategy for the development is, this should avoid fossil fuel energy sources, and provide an efficient solution which does not result in high fuel bills for future occupiers.</p> <p>The applicant should optimise the roof orientations and area in order to facilitate photovoltaics and/or solar thermal panels in the future, even if they are not planning to include them in the design. It is expected that any planning application will show that this has been addressed. If air source heat pumps are to be provided, they must be integrated into the design, for example the position of the units considered and compatible heating appliances such as underfloor heating, or larger radiators specified. It is recommended that these points are addressed before any approval.</p> <p>The is insufficient information in the application to demonstrate sustainability policies will be met.</p> <p>The SCC Sustainable Requirements form which can be found here <a href="https://www.southampton.gov.uk/sustainability">https://www.southampton.gov.uk/sustainability</a> sets out a template which the applicant may wish to use to provide further information to demonstrate the sustainability credentials of the development.</p> <p>However, If the case officer is minded to approve the application, the following conditions are recommended in order to ensure compliance with core strategy policy CS20</p>

	<ul style="list-style-type: none"> <li>• Water &amp; Energy (Pre-Construction)</li> <li>• Water &amp; Energy (Performance)</li> </ul>
Natural England	<p><b>Objection raised</b> Adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers</p> <p><i><u>Officer Response</u> – The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). 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.”</i></p>
Southern Water	<p>In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 450 metres from the PORTSWOOD Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.</p> <p><b>Officer comment:</b> <i>The submission of an odour report is not reasonable in this location given it is an established residential area.</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
- Air Quality and the Green Charter
- Likely effect on designated habitats

## 6.2 Principle of Development

6.2.1 Saved Policy H1 of the Local Plan is supportive of residential development on sites occupied by an unneighbourly commercial uses within residential areas and the proposal to develop two houses on a site that historically been used to park cars, 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 high accessibility locations such as this, density levels should generally accord with the range of 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 34 d.p.h which does not accord with the range set out above but this will be discussed in details below.

## 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 proposal would result in a site coverage of approximately 50% which is in line with guidance (paragraph 3.9.1-3.9.2 of the Residential Design Guide refers) and introduces a part landscaped frontage to break up the proposed parking areas. Furthermore, the reduction from three to two units means that 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. The average width of plot is between 7 and 7.5 metres and the site is 15 metres in width, so the two units are complementary.

6.3.3 The proposal is sympathetic with the established character of the area given the relocation of the dwellings within the site providing them further away from no 61 Oaktree Road. Although a gabled roof is proposed to enable a further floor, the height of the two new units is set lower than the adjacent properties by 200mm and there are examples of gable roofs within the vicinity such as 48 and 50 Oaktree Road.

6.3.4 With the gap proposed between the two units the development has a vertical emphasis which is typical within the street scene to reduce the massing. Furthermore, the provision of two units is similar to the semi-detached pattern of development which is more representative within this location than the provision of a short terrace of dwellings previously sought.

6.3.5 Overall, the provision of two-family dwellings on a previously developed site is considered to be a betterment to the character of the area.

#### 6.4 Residential amenity

6.4.1 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. There is one window at ground floor that serves the study and two obscured glazed windows at first floor. Therefore, there would be no significant overlooking between properties given the obscured glazing and boundary treatment. The separation distances between the proposed dwellings and existing neighbours meet and, in some cases, exceed the standards set out in the Council’s Residential Design Guide Supplementary Planning Document. The distance between the rear elevations of the properties in Ashtree Road and the rear elevations of the proposed houses is approximately 40 metres. The Residential Design Guide seeks 28 metres separation for such back-to-back relationships, which the development comfortably exceeds.

6.4.2 With respect to the adjacent properties at 55 and 61 Oaktree Road, the development will be sited 4.1. and 4.3 respectively from the shared boundary.

The two neighbouring properties are deeper than the proposed units. With respect to no 55 Oaktree Road, currently there are no first-floor windows but there are ground floor windows located 5.5 metres away from the shared boundary. In addition, there are further windows closer to the boundary within extensions to the property at the rear, currently these are located close to the existing buildings on site. The removal of the single storey buildings on site will enable improved outlook and light resulting in a betterment. The aforementioned windows will have light and outlook reduced but given the separation distance of 5.5 metres and that the proposal does not extend significantly past these windows, means that there would be still sufficient light received and outlook received from these windows.

6.4.3 The adjacent property at no 61 Oaktree Road has a number of habitable windows facing the site. At ground floor they serve the lounge and kitchen/diner and at first floor bedrooms. At present the lounge and one of bedroom are served by two windows so the outlook and loss of light would not detrimentally impact these rooms. There would be an impact on the kitchen/diner but the impact would not be sufficiently harmful enough to warrant a refusal on these grounds given the revised separation distance of approximately 5.6 metres. The same is true for the bedroom window at first floor as there is only one window and it faces the proposed blank elevations. However, the proposed depth of the dwellings would still allow outlook and light to be received to this window.

6.4.4 The earlier plans for this site raised an officer objection due to the impact on the neighbouring property, in terms of loss of light and outlook; due to the scale, massing and proximity to the shared boundary. It is understood that the windows facing the application site would be impacted by the proposal and the outlook and light received would be reduced to these rooms, although there would still have sufficient light and outlook. The impact on the side windows of 61 Oaktree Road needs to be assessed against the benefits of the scheme as a whole. In particular, the historic nature of the site due to the siting of garages means the use differs from adjacent sites. Whereas a residential development would be significantly more complementary to the surrounding residential character. On this basis, 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 understood that the study proposed at the property adjacent to no 55 Oaktree Road would have limited outlook given the proximity to the boundary treatment. However, there would be sufficient light received and it would be a 'buyers beware' situation for future occupiers. The dwellings would be served by more than the RDG recommended minimum standard of 90sq.m of external space. As such, a pleasant residential environment will be achieved without compromising local context or proposed residential amenity.

6.5.6 In general, 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. Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, noise, loss of light and/or privacy and accords with Local

Plan Review saved Policy SDP1(i).

## 6.5 Parking highways and transport

- 6.5.1 The site lies within an area of High 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 1 space for each dwelling. The provision of one car parking to space to serve one of the dwellings 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 the relocation of the bus stop.
- 6.5.2 The provision of one space for one dwelling and tandem spaces for the other 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. Given the parking restrictions within the area 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 is low.
- 6.5.3 The is within an area of High Accessibility to public transport given the siting of the bus stop directly outside the site that is served every 15 minutes, the site is a 20 minute walk to Bitterne railway station, 10 minute walk to Bitterne Triangle Local Centre. On this basis, the level of car parking proposed is considered to be acceptable.
- 6.5.4 The current site has one access point, and the proposal seeks to relocate this access closer to number 55 Oaktree Road. In addition, a further access point is to be created for the tandem parking located adjacent to no 61 Oaktree Road. This results in the need to reposition the Kassel kerbing for the bus stop to be moved closer to 55 Oaktree Road between the two proposed access points. A condition is suggested to secure these works prior to commencement of development.
- 6.5.5 No objection has been raised to the proposal from the Highways Development Management Team. Conditions, together with the one recommended above, 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. Therefore, on this basis the proposal is considered to address the concerns relating to parking and highway safety.

## 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 change of use and redevelopment of the site to provide family dwellings is a positive change. Whilst the coverage of the site by building and hard-surfacing will increase from the existing, 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 sustainable location of the site, the provision is considered to be acceptable.

8. 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.

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

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

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

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

**Case Officer Anna Lee**  
**PROW Panel 12.11.2024**

### **PLANNING CONDITIONS**

#### **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. Works to relocate Kassel kerbing (Pre-Commencement)**

Prior to the commencement of development, the works required to relocate the bus stop and provide Kassel kerbing as set out in the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details and be retained for the perpetuity of the development.

Reason: To ensure the retention of the bus stop and in the interests of highway safety.

## **3. 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.

## **4. 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.

## **5. 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.

#### **6. Site Levels (Pre-Commencement)**

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

#### **7. 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.

#### **8. 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.

#### **9. Parking (Pre-Occupation Condition)**

The parking spaces (at a ratio of 2 spaces per dwelling) shall be provided prior to the development first coming into occupation. The parking spaces shall be 2.4m wide by

5m deep and thereafter retained as approved.

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

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

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

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

#### **11. Protection of nesting birds (Performance)**

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

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

#### **12. Nitrogen Neutrality Mitigation Scheme**

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

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

#### **13. 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).

#### **14. 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).

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

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

- (i) means of enclosure/boundary treatment; car parking layout; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate and external lighting;
- (ii) planting plans; written specifications; schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (iv) a landscape management scheme.

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

The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of boundary treatment and external lighting which shall be retained as approved for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, shall be replaced by the Developer/owner in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

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

Prior to the commencement of development approved by this planning permission (or

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

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

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

#### **17. 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.

#### **18. 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.

**19. Public Sewer protection (Pre-commencement)**

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: To safeguard the public sewer.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

**21. Construction Management Plan (Pre-Commencement)**

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

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

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

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

**22. Approved Plans (Performance)**

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

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

**NOTE TO APPLICANT**

Southern Water - Sewerage Connection

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



Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	24/00034/FUL
<b>Application address:</b>	Land adjacent 61 Oaktree Road Southampton
<b>Application description:</b>	Redevelopment of the site. Erection of 3x 3-bedroom terraced houses, with associated parking, cycle storage and gardens, following demolition of existing garages.
<b>HRA completion date:</b>	16 <sup>th</sup> November 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>

<b>Summary</b>
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</p>

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

**European sites potentially impacted by plan or project:  
European Site descriptions are available in Appendix I 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 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 (providing 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:**

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

***Reason:***

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

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

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

## Conclusions

The following conclusions can be drawn from the evidence provided:

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

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

### Demolition and Construction phase

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

### Operational

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

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

## References

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

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

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

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

## Protected Site Qualifying Features

### The New Forest SAC

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

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

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

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

### The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

### New Forest Ramsar Site

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

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

### **Solent Maritime SAC**

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

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

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

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

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

- Black-tailed Godwit *Limosa limosa islandica*



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

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

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

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

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

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





**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
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
CS23	Flood Risk
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
SDP6	Urban Design Principles
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

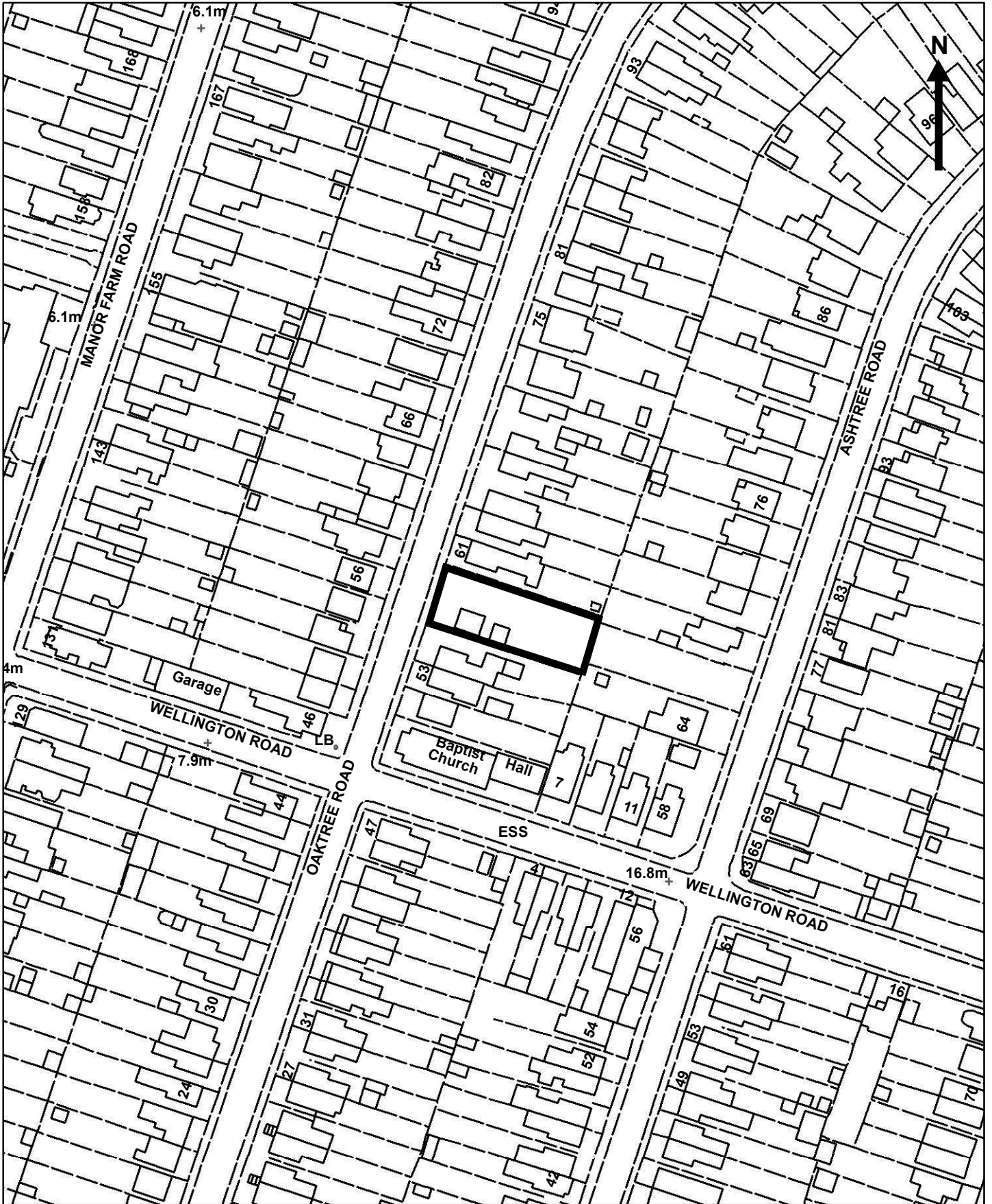
Supplementary Planning Guidance

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

Other Relevant Guidance

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

Agenda Item 5  
24/00034/FUL



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank

**Planning and Rights of Way Panel 12 November 2024  
Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> Land rear of 11 Ardnave Crescent			
<b>Proposed development:</b> Minor material amendment sought to planning permission ref 17/00677/FUL for alterations including changes to windows, raising floor level and increasing size of the first floor (Amended)			
<b>Application number:</b>	24/01051/MMA	<b>Application type:</b>	MMA
<b>Case officer:</b>	Andrew Gregory	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	29.10.2024 (ETA)	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Chapman Cllr Blackman Cllr Wood
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Mr Khalid Abrkhill		<b>Agent:</b> ARC Architects Ltd	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report</b>
-------------------------------	---

<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
---	------------

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development will not adversely harm the character and appearance of the area or the residential amenities of neighbouring occupiers having regard to the appeal decision ref APP/D1780/A/13/2190798 and subsequent planning permission reference 17/00677/FUL. The changes to the building height, roof and window design will not create any new impacts which outweigh the merits of the scheme. The changes to the car parking layout will require tree protection measures which are secured by planning condition.

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 186-187 of the National Planning Policy Framework (2024).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP12 and H1 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and BAS1, BAS3, BAS4, BAS7, BAS9 and BAS14 of the Bassett Neighbourhood Plan 2016

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	Previous plans ref 17/00677/FUL		

### **Recommendation in Full**

Conditionally Approve

### **Background**

In 2007 the owners of 11 Ardnave Crescent applied for planning permission to sub-divide the plot and to build a two-storey 4-bed house with detached garage within the rear garden. The planning application was refused and subsequently dismissed on appeal because the size of the proposed house, garage and hard surfacing would have occupied a substantial proportion of the site and was considered to have a relatively harsh and cramped appearance which would detract from its surroundings.

In 2010 planning permission was granted for alterations to 11 Ardnave Crescent which included the re-grading of the rear garden and installation of a retaining wall which partitioned the rear garden.

Further planning applications for a 4-bedroom detached house within the rear garden were submitted in 2012 but refused because the cramped nature of the plot subdivision was considered harmful to the character of the area. However importantly a subsequent planning appeal in 2013 was only dismissed on the grounds of tree impact on a protected beech within the neighbouring garden. The appeal Inspector found no harm to character or residential amenity with the proposed dwelling. This appeal decision paved the way for a planning approval, once the surmountable tree impact matters were addressed through suitable tree protection design.

A further revised planning application for a 4-bedroom house, which addressed the previous tree impact issues, was then finally granted planning permission in 2013 (application ref 13/01382/FUL). In 2017, further planning permission was granted for an amended house design which included the addition of a front roof gable and a change to the finishing materials to also include timber cladding (application ref 17/00677/FUL).

The development plot within the rear garden of 11 Ardnave Crescent was then subsequently sold off and the new owner implemented planning permission ref 17/00677/FUL, with building works commencing on 14.08.2023.

During the course of construction, site excavation works have undermined and collapsed part of the footway on Ardnave Crescent. The Council's highways team have been involved and have hoarded off the footway and have granted the applicant a hording license which requires the hoardings to stay in place until the

highways team are satisfied that the footway has been repaired.

The construction works have also had an impact on localised site drainage with a ground spring disturbed and water running onto the highway during periods of higher ground water levels. However, on site drainage has been resolved with a recent drainage connection to the foul sewer and this approach has been agreed with Southern Water, Building Control and the Council's Flood team.

The development under construction has also deviated from the plans approved under 17/00677/FUL by excavating a different site level and building taller with a larger pitched roof, removing flat roof terraces at first-floor and by making changes to windows. Following a planning enforcement investigation in relation to breach of condition and changes to the building design, this minor material amendment application has been submitted to regularise the unauthorised works which are park retrospective with the brick and blockwork for the house up to first floor level.

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

- 1.1 The site is located within an area of predominantly large houses of individual designs on spacious plots with generous planting. The topography of the area falls towards the north-west. The garden of 11 Ardnave Crescent has been re-graded with a terraced level and a retaining wall forms the garden sub-division. Planning permission has been granted for a house within the rear garden which is under construction, with the blockwork and brickwork up to first floor level.
- 1.2 A beech tree which is protected by a tree preservation order is located in the neighbouring garden at 13 Ardnave Crescent. The rear site boundary comprises a tall mature hedgerow.

## **2. Proposal**

- 2.1 This minor material amendment proposes the following changes to the house design as approved under planning permission ref 17/00677/FUL:
  - The roof height has been increased with the roof ridge raised by 2m.
  - The extent of floor space has been increased at first-floor level with the external walls matching the ground floor footprint and as a consequence the previously approved external roof terrace areas have been removed.
  - The internal layout has changed with all 4 bedrooms now on the first floor. (Previously 3 bedrooms were at first-floor and 1 was at ground floor).
  - Amendment to parking layout with 2 parking spaces in a tandem arrangement.
  - The rear bedroom window serving bedroom 2 has been enlarged to four casements. Additional windows are also proposed in the side north-west elevation serving a ground floor snug and bathroom and first-floor bedroom.

## **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**. The planning application must also be considered against policies within the made Bassett Neighbourhood Plan (2016).

- 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 The planning history is set out in the background section at the start of this report and is listed within **Appendix 2**.

#### **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 (27.09.2024). At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

**Increased size of the dwelling represents an overdevelopment of the site**

Officer Response – The proposed amendments fit within the previously approved building footprint. Whilst the first-floor has been enlarged and roof height increased, the building to plot size ratio will be comparable to that previously approved. Furthermore the increase in building height will not be discernibly different.

**Insufficient on-site car parking provision for a dwelling of this size**

Officer Response – No change to the level of parking provision previously approved with 2 car parking spaces proposed for this 4-bed dwelling

**Construction works have undermined and damaged the public footway**

Officer Response – The area of damaged footway has been hoarded off and the Council's Highways Team will require the hoarding to remain in place until the footway is repaired under a 171 license.

**The construction has not followed the approved plans**

Officer Response – Agreed but it rests with the Council to take enforcement action against unauthorised development. This minor material amendment has been submitted to regularise the unauthorised works.

**Disturbance of a spring has led to water running onto the highway**

Officer Response – A scheme of surface water drainage has been approved for this development which requires connection to the public sewer. The sewer connection works have now been carried out.

**Concerns regarding the standards of construction with the site left unsecured**



**and bonfires.**

Officer Response – The scope of planning control only extends to controlling the construction environment in so far as it impacts on the amenity of citizens. Building control ensures developments meet the minimum standards relating to the health, safety and welfare of people in and around buildings. This construction is being monitored by the Council's Building Control Inspectors to ensure it satisfies the requirements of Building Regulations. The developer also has a duty under health & safety legislation to protect the public and failure to do so would put them at risk of prosecution by the Health & Safety Executive. The planning enforcement team have not been notified of any fires but there is a planning condition requiring no bonfires on site which can be enforced, The Council's Environmental Health Team also have powers under Environmental Health legislation to address bonfires.

**Raised finished floor level and increase size of property will have an overbearing impact on 11 Ardnave Crescent**

Officer Response – The roof design has been amended from a gable to a hipped roof which reduces the bulk, massing and overbearing impact on the garden of 11 Ardnave Crescent. Whilst the roof will be visible above the garden hedge of 11 Ardnave Crescent, it will not lead to harmful sense of enclosure, loss of sunlight or daylight.

**Overlooking impact on 11 Ardnave Crescent**

Officer Response – There are no new windows or terraces facing towards 11 Ardnave Crescent and as such there will be no new overlooking impacts.

**Red line boundary is incorrect in relation to the sub-division of 11 Ardnave Crescent**

Officer Response – The red line has been corrected to reflect the plot sub-division along the retaining wall.

**Insufficient garden size for a 4-bed property.**

Officer Response – There is no change to the building to plot size ratio and the garden area remains the same as previously approved. The property remains a 4-bed house.

**Concerns regarding site access**

Officer Response – The proposed layout shows single width vehicle access with tandem parking. A dropped kerb would require approval from the Council's Highways Team.

**5.2 Consultation Responses**

SCC Trees – The Council's Tree Team have been consulted regarding the changes to the car parking layout which involves the tandem car parking spaces encroaching into the root protection area of the neighbouring beach tree, located close to the site boundary within 13 Ardnave Crescent. The construction method of the driveway will require careful consideration in relation to root protection. A verbal update will be provided at the Panel meeting and it is recommended that the tree protection condition be amended to require further agreement of tree protection details prior to

commencement of works to install the driveway/car parking spaces.

## **6.0 Planning Consideration Key Issues**

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

- Minor Material Amendment Process;
- The principle of development;
- Design and effect on character;
- Residential amenity;
- Residential Environment;
- Parking highways and transport and;
- Likely effect on designated habitats.

### **6.2 Minor Material Amendment Process**

A Minor Material Amendment application can be made under section 73 of the Town and Country Planning Act 1990. This application route is available to make the planning system more flexible in order to carry out minor changes to extant planning permissions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

6.2 A section 73 application involves a consideration of the revisions against the relevant development plan policies. There is no statutory definition of a 'minor material amendment', but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The proposed amendments to building scale, roof and window design and parking layout are considered to be minor material changes.

### **6.3 Principle of Development**

The principle of housing development on this site has already been supported by the previous planning permissions (references 13/01382/FUL and 17/00677/FUL) for a detached, two-storey, 4-bed house on this plot. Furthermore, there has been no change to development plan policy since the previous planning permission in 2017. The proposal involves no changes to the building footprint, residential density or amount of car parking.

6.4 The LDF Core Strategy identifies the Council's current housing need, and this windfall dwellinghouse 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.

6.5 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”]

6.6 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.

6.7 Design and effect on character

The site layout, building footprint and level of site coverage with building and hard standing is comparable to the previous approvals on this site. It is recognised that the changes to the car parking arrangement introduces tandem parking spaces to the side of the house but the rear garden remains in excess of 90sqm which satisfies the requirements for the size of a private rear garden for a detached dwelling under policy CS16 of the Core Strategy. The proposed increase in height of the building height by 2m will not have a discernible impact having regard to building separation, topography of the area and varying building heights in the area. The larger pitched roof with changes to the window design will not be out of keeping having regard to the varying design of housing within the area. The building finishing materials will remain the same as previously approved comprising clay roof tiles, brick, render and timber cladding to external walls and grey UPVC windows and doors. As such, the proposed minor material amendments are not considered harmful to the character and appearance of the area.

6.8 Residential amenity

The proposed amendments will not have an adverse impact on the residential amenities of neighbouring occupiers.

The proposed amendments to external windows and removal of the external terrace areas will not result in any increased overlooking having regard to the orientation of windows and screening from the existing tall hedgerow at the rear of the site. The proposed 3 no. small in the side north-west elevation will not lead to any overlooking at ground floor however a condition is recommended to require obscure glazing to the first-floor bedroom window to 1.7m above the finished floor level to protect the privacy of 13 Ardnave Crescent. The enlarged roof has been amended to be hipped to reduce its scale, bulk and massing adjacent to the rear garden of 11 Ardanve Crescent. The hipped roof design is not considered to appear unduly dominant or lead to a harmful sense of enclosure to that neighbouring garden. The submission has demonstrated compliant with BRE daylight and sunlight requirements, and the proposed roof

amendments will not obstruct daylighting to habitable windows and will not lead to harmful shadowing of the neighbouring gardens.

#### 6.9 Residential Environment

The property remains a 4-bed house and is compliant and exceeds the national space standards with an internal area of 130sqm. All habitable room windows received outlook and daylight and natural ventilation. The external amenity area exceeds 90sqm and is compliant with the minimum garden sizes for a detached dwelling as set out within policy CS16 and the Residential Design Guide SPD.

#### 6.10 Parking highways and transport

The level of car parking remains consistent with previous planning approvals on this site and is compliant with maximum car parking standards with 2 car parking spaces for this 4-bed dwelling.

#### 6.11 Likely effect on designated habitats

The development as approved under 17/00677/FUL has substantially commenced. The proposed minor material amendments create no additional impacts on designated sites. The development has already provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of the CIL contribution will be 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 proposed minor material amendments will not adversely harm the character and appearance of the area or the residential amenities of neighbouring occupiers having regard to the appeal decision ref APP/D1780/A/13/2190798 and subsequent planning permission reference 17/00677/FUL. The changes to the building height and massing, roof and window design will not create any new impacts which outweigh the merits of the scheme. The changes to the car parking layout will require tree protection measures which can be secured by planning condition.

7.2 Taking into account the benefits of the proposed development, the limited harm arising from the conflict with the policies in the development plan as set out above, would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

### 8. Conclusion

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

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

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

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

**Andrew Gregory for 12.11.24 PROW Panel**

**PLANNING CONDITIONS**

01.APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

The development shall be carried out in accordance with the schedule of external finishing materials as agreed under application reference 20/00084/DIS.

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.

02.APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

Reason: In the interests of the visual appearance of the building and the area in general.

03.APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

The development shall be carried out strictly in accordance with the approved landscaping scheme as shown on drawing no. 1087/01 (B) received 26/2/20, as approved under application reference 20/00084/DIS.

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.

The approved scheme 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.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty

required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

04.APPROVAL CONDITION - Means of site enclosure [Pre-Occupation Condition]  
Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays of 2m x 2m measured at the back of the footway.

Reason: In the interests of the visual amenities of the area, highway safety and to protect the amenities and privacy of the occupiers of adjoining property

05.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.

06.APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Reason: In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

07.APPROVAL CONDITION - Drainage, foundation design and retaining wall details [Pre-commencement Condition]

The development shall be carried out and retained in accordance with:

Land and surface water drainage Report as approved under application reference 20/00084/DIS.

Foundation design and retaining wall details as approved under application reference 20/00084/DIS.22/01623/DIS

Reason: To establish the existing site drainage conditions to inform appropriate drainage and foundation design to prevent harm being caused to the drainage environment in and around the site.

#### 08. Construction Management Plan (Pre-Commencement)

The development shall be carried out in accordance with The Construction Management Plan as agreed under application reference 20/00084/DIS.

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

#### 09. Tree Safeguarding (Performance)

The development shall be carried out strictly in accordance with the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement Heads of Terms by Mark Hinsley Arboricultural Consultants Ltd dated 26.5.17.

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

#### 10.No storage under tree canopy (Performance)

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

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

#### 11.Retention of trees (Performance Condition)

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

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

## 12. Tree Survey and Protection

With the exception of the installation of the driveway and car parking spaces, the development shall be carried out in accordance with the Tree Survey and Protection Plan (ref 284-2016) by Mark Hinsley Arboricultural Consultants Ltd dated 26.5.17.

Prior to commencement of work on the surfacing treatment of the driveway and car parking spaces, an addendum to the tree protection plan shall be provided to provide tree protection measures for the area of the tandem car parking spaces within the root protection area of the protected beech tree on the boundary with 13 Ardnave Crescent. The driveway and car parking shall subsequently be installed and retained in accordance with the agreed tree protection measures.

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

## 13. Energy & Water (Pre-Commencement)

The development shall be carried out in accordance with the Design Stage Sap and Water efficiency calculations as agreed under application reference 20/00084/DIS.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Design stage SAP calculations have been submitted with the planning application whereby it has been calculated from TER / DER information provided for the proposed dwelling that the required 19% improvement upon Part L of Building Regulations wouldn't be met (i.e. less than 1%). The applicant will therefore need to consider what measures could be put forward for the development as part of an energy strategy in order to meet the 19% requirement. This can be achieved through a combination of energy efficiency/fabric and servicing improvements and low and zero carbon technologies (LZCs).

## 14. Energy & Water (performance condition)

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

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



#### 15.APPROVAL CONDITION - Nature conservation (bat box)

The development shall be carried out and retained in accordance with the Bat box provision as agreed under application reference 20/00084/DIS.

REASON: In the interests of nature conservation.

#### 16.Bonfires (Performance Condition)

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

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

#### 17.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.

#### 18.Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

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

#### 19.Unsuspected Contamination (Performance)

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

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

#### 20. Obscure Glazing (Performance)

The first-floor bedroom window in the side north west elevation, 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.

#### 21. Approved Plans

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

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

**POLICY CONTEXT**

Core Strategy (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
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
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H7	The Residential Environment

Bassett Neighbourhood Plan (2016)

BAS 1	New Development
BAS 3	Windfall Sites
BAS 4	Character and Design
BAS 7	Highways and Traffic
BAS 9	Trees
BAS 14	Drainage

Supplementary Planning Guidance

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

Other Relevant Guidance

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

## PLANNING HISTORY

## APPENDIX 2

07/02029/FUL

Erection of two storey four-bed house

Refused on 11.02.2008 (subsequent appeal dismissed)

08/01265/FUL

Erection of a two storey side extension and a single storey rear extension, incorporating the lowering of the existing and proposed roof line.

Refused on 05.11.2008

08/01737/FUL

Two storey side extension and single storey lower ground floor rear extension with balcony above and alterations to the roof.

Refused on 04.02.2009

09/00365/FUL

Single storey side/rear extension, first floor side extension and alterations to roof by raising eaves height yet lowering ridge height

Refused on 03.06.2009

09/00854/FUL

Part two storey part single storey side extension, lower ground floor extension, re-construction of roof and alterations to the front elevation

Conditionally Approved on 08.10.2009

10/00302/FUL

Installation of additional dropped kerb and raising level of front garden with new 1.2m high retaining wall to form hard standing for vehicles (partially retrospective).

Conditionally Approved on 07.05.2010

10/00854/FUL

Extension of existing parking area to form an additional parking space (Amendment to 10/00302/FUL) (Retrospective).

Refused on 18.08.2010

11/00195/FUL

Implementation of planning permission ref 09/00854/FUL for extension to the property without complying with conditions 4(Landscaping), 6(Glazing) and 9(Residential permitted development restriction).

Approved on 29.06.2011

12/01187/FUL

Erection of a 2 storey 4-bed detached house with associated parking and cycle/refuse storage

Refused on 25.09.2012

12/01670/FUL

Erection of a two storey dwelling to rear of 11 Ardnave Crescent with associated car parking and cycle/refuse storage (resubmission of 12/01187/FUL)  
Refused on 19.12.2012 (subsequent appeal dismissed)

13/01382/FUL

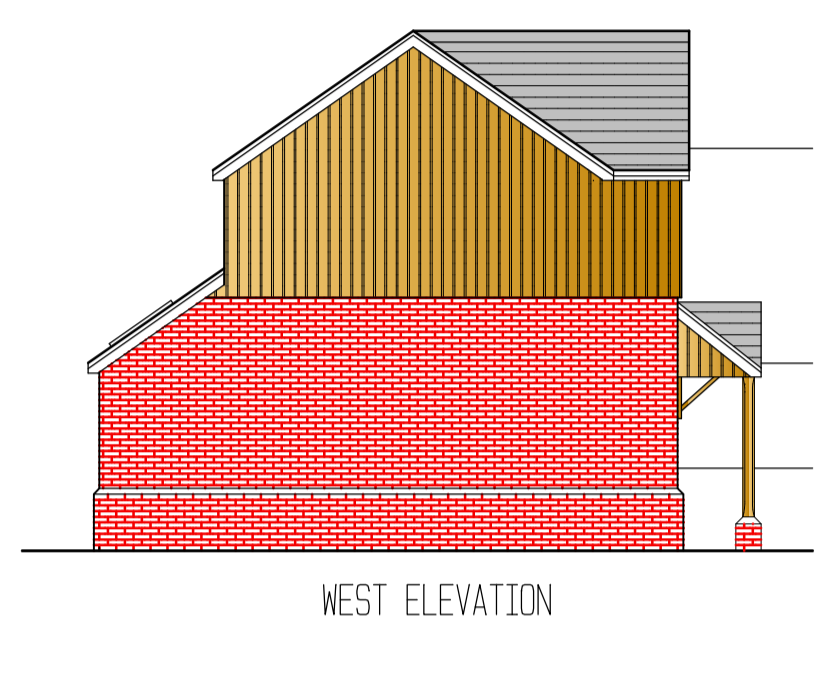
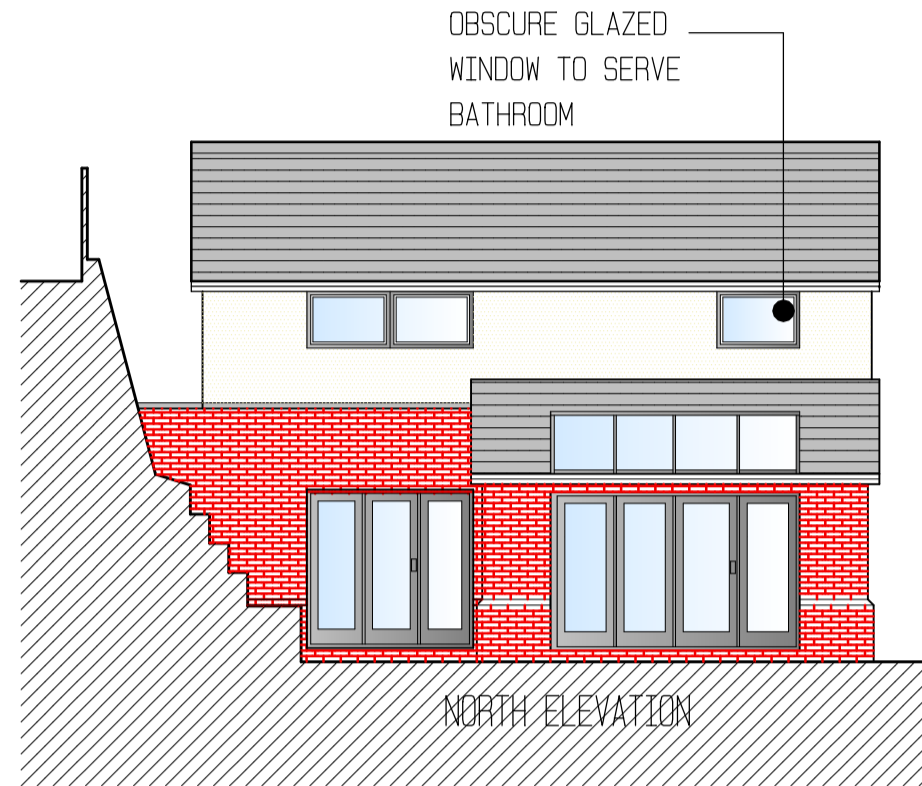
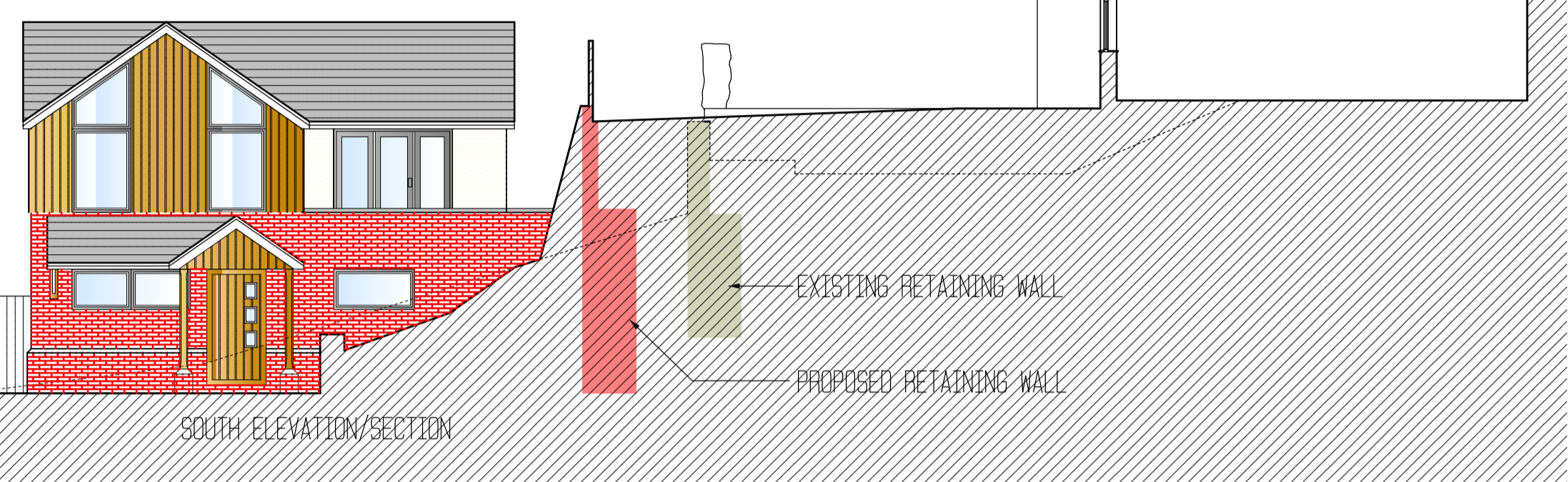
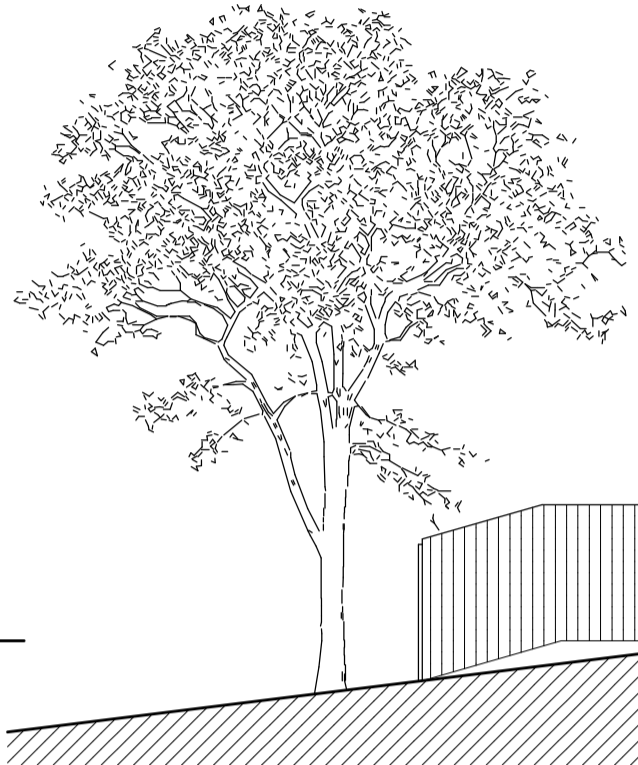
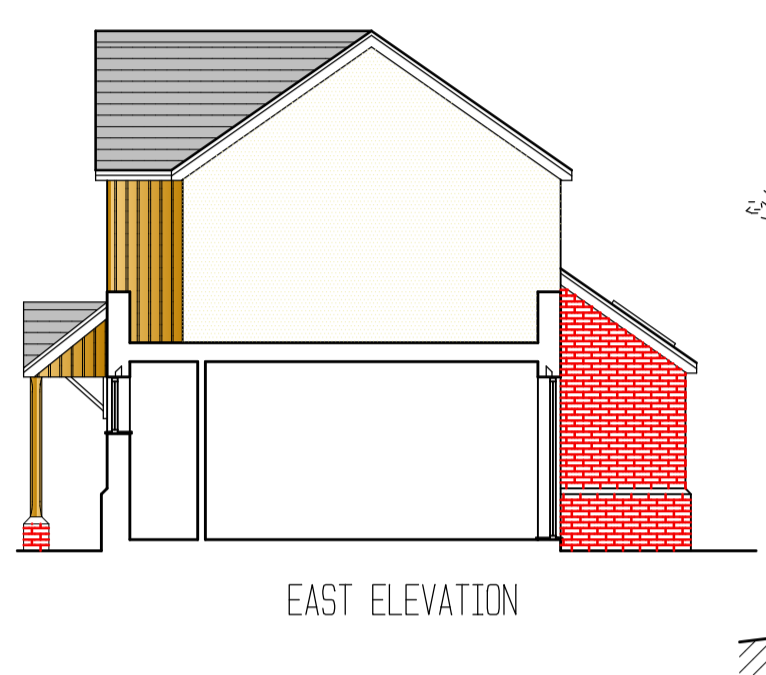
Erection of a 2-storey, 4-bedroom detached house with associated parking and cycle/refuse storage  
Conditionally Approved 28.11.2013

17/00677/FUL

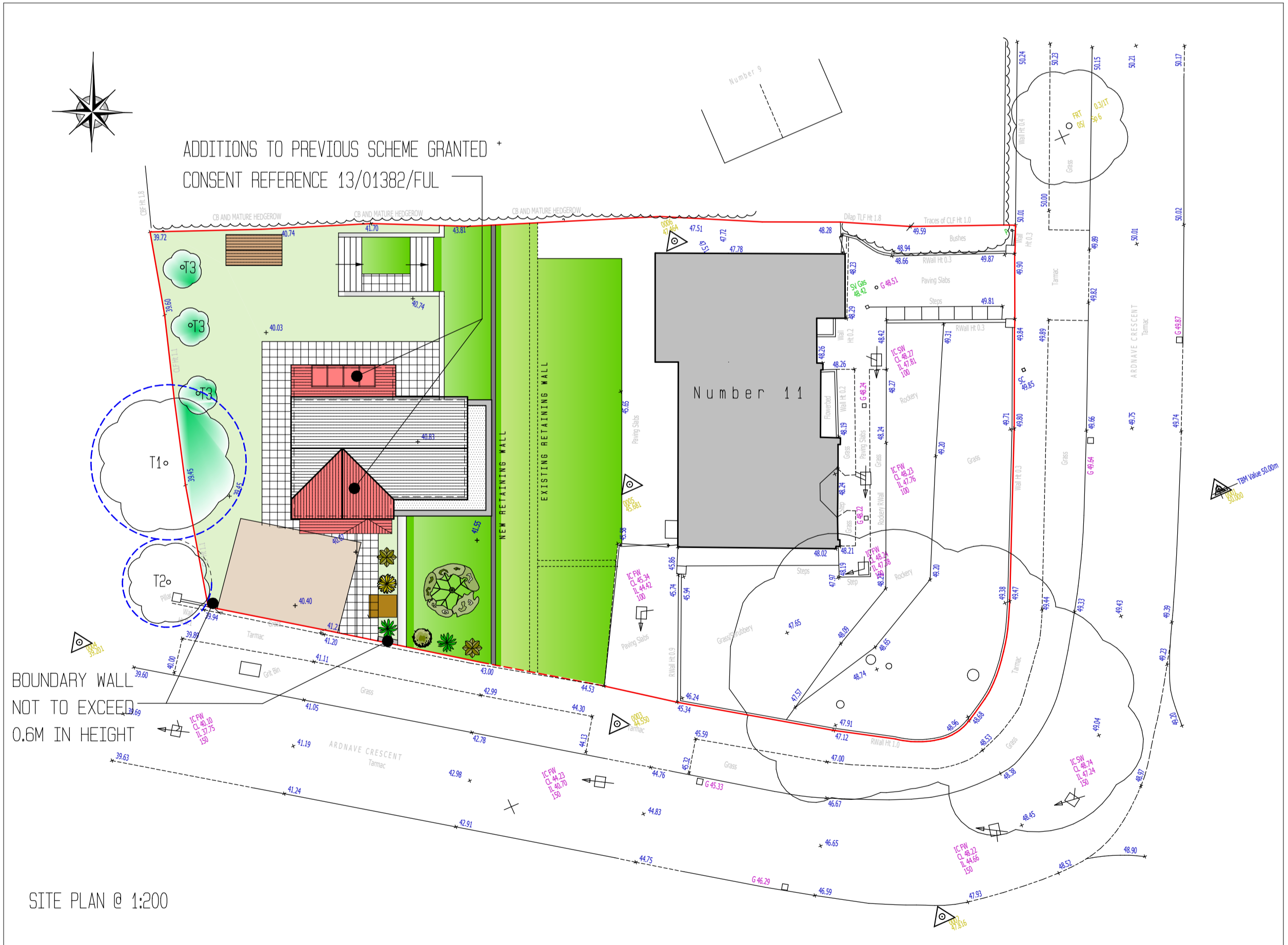
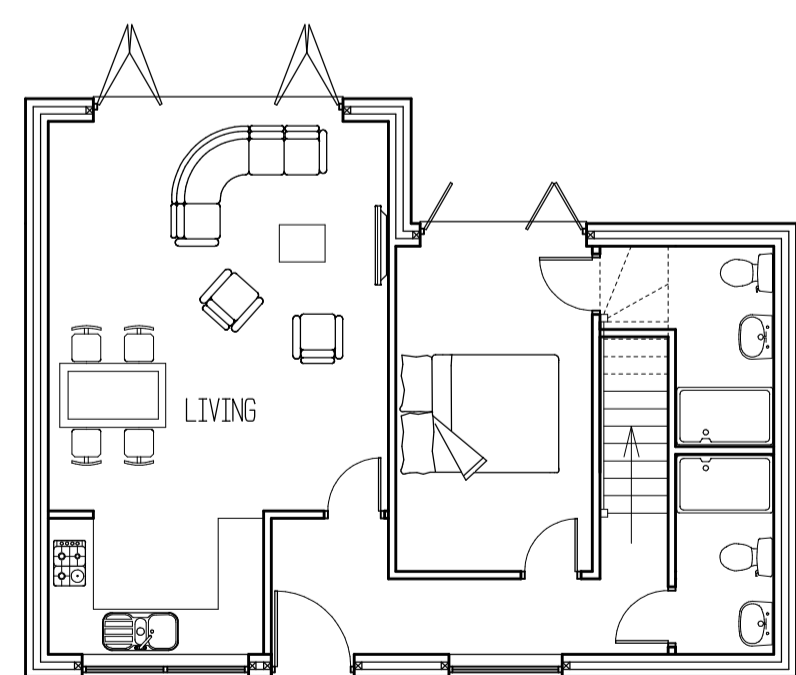
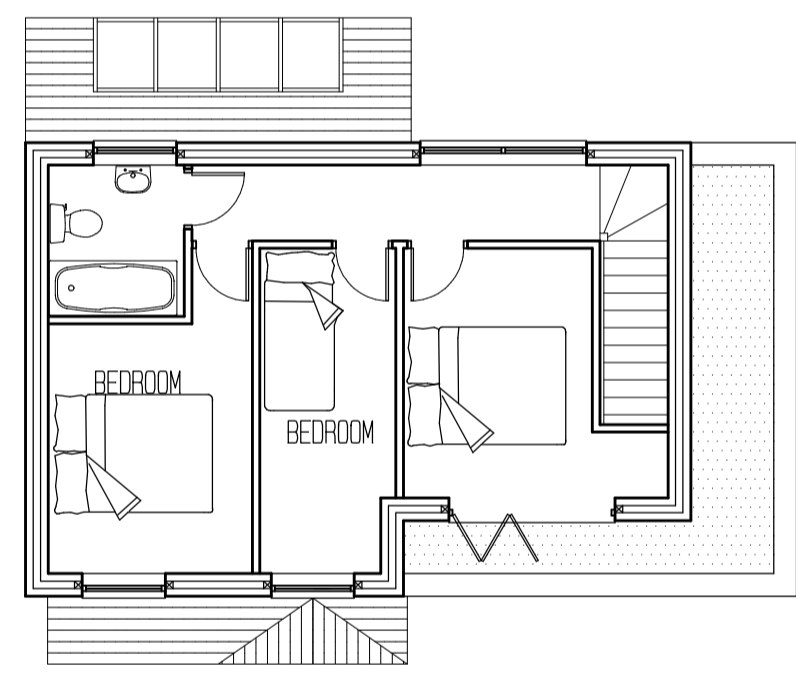
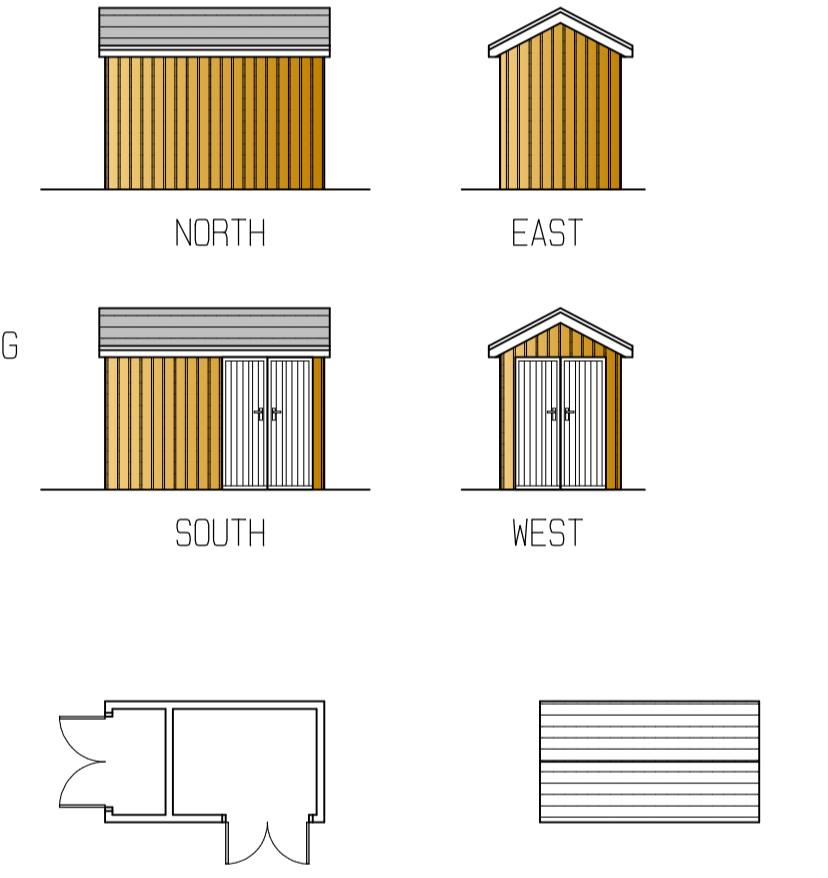
Erection of a 2-storey, 4-bedroom detached house with associated parking and cycle/refuse storage  
Conditionally Approved on 20.06.2017



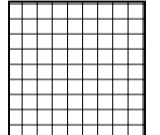
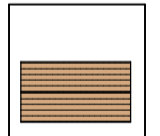
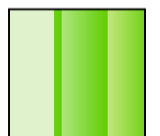
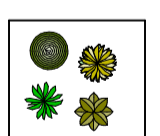
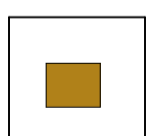
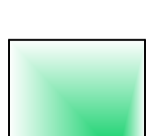
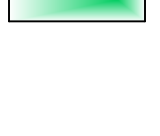

This page is intentionally left blank

- ELEVATION MATERIAL KEY;
-  CREAM RENDER FINISH
  -  RED FACING BRICKWORK
  -  SLATE ROOF TILES
  -  GREY WINDOWS
  -  VERTICAL TIMBER CLADDING



BIN/CYCLE STORE PLANS & ELEVATIONS @ 1:100



- SITE PLAN KEY;
-  PARKING FOR 2 VEHICLES  
SURFACE FINISH TO BE PERMEABLE PAVING
  -  ROOT PROTECTION AREA
  -  PERMEABLE PAVING
  -  CYCLE/BIN STORAGE
  -  AMENITY AREAS
  -  MIXED PLANTING
  -  REFUSE COLLECTION POINT
  -  T1 - BEECH TREE
  -  T2 - TURKET OAK
  -  T3 - SAPLING

**ACA ARCHITECTURAL DESIGN**  
 9 WOODSIDE AVENUE  
 EASTLEIGH  
 SO50 9ES  
 Tel: 07817616023 or Email: acaadesign@gmail.com

Client  
 Mr Shanker

Project Title  
 Land To Rear Of 11 Ardhavre Crescent  
 Southampton, SO16 7FL

Drawing Title  
 PROPOSED PLANS & ELEVATIONS

Scale  
 1:100 & 1:200 On A1 Paper

Drawn By  
 AC

0 2m 4m 6m 8m 10m

© This drawing is the copyright of ACA Architectural Design. It may not be copied, altered or reproduced without their written authority.  
 IF IN DOUBT ASK!!!

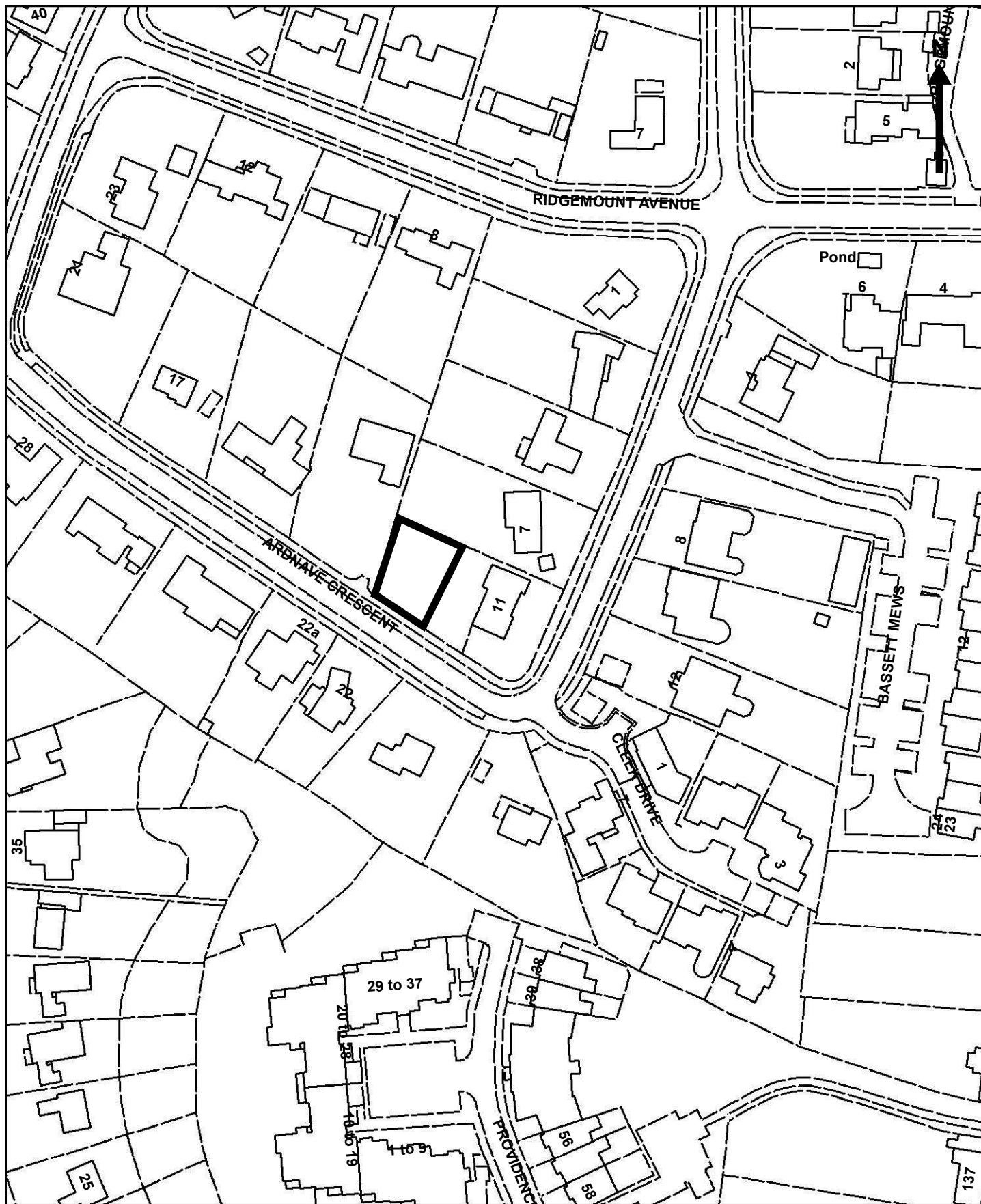
Drawing No.  
 2015/01

Rev.  
 C

This page is intentionally left blank



# Agenda Item 6 24/01051/MMA



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank