

Planning and Rights of Way Panel (WEST)

Tuesday, 3rd May, 2016
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Lloyd (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mintoff

Contacts

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Planning and Development Manager
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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

Public Representations: -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.

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

Mobile Telephones:- Please switch your mobile telephones 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.

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

Southampton City Council's Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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 2015/16

Planning and Rights of Way - EAST	
2015	2016
23 June 2015	19 January 2016
4 August	1 March
15 September	12 April
27 October	
8 December	

Planning and Rights of Way - WEST	
2015	2016
2 June 2015	9 February 2016
14 July	22 March
25 August	3 May
6 October	
17 November	
22 December	

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 the 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

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 22nd March 2016 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 15/01856/OUT - LAND AT MEGGESON AVENUE, TOWNHILL PARK, SOUTHAMPTON (Pages 9 - 94)

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

6 PLANNING APPLICATION - 15/02468/FUL - LAND AT JUNCTION OF ST DENYS ROAD AND BELMONT ROAD

(Pages 95 - 114)

Report of the Planning and Development Manager recommending that delegated approval be delegated granted in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 16/00406/FUL -LAND TO REAR OF 38-40 LIME AVENUE

(Pages 115 - 144)

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

8 PLANNING APPLICATION - 16/00135/FUL - 61 CHARLTON ROAD

(Pages 145 - 154)

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

9 PLANNING APPLICATION - 16/00189/FUL - 16-22 THE POLYGON

(Pages 155 - 164)

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

10 PLANNING APPLICATION - 16/00171/FUL - 88 CHESSEL CRESCENT

(Pages 165 - 178)

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

Friday, 22 April 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 22 MARCH 2016

Present: Councillors Denness (Chair), Lloyd (except Minutes 51, 52 and 53) (Vice-Chair), Claisse, L Harris and Mintoff

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

RESOLVED: that the minutes for the Panel meeting on 9 February 2016 be approved and signed as a correct record.

52. **KING GEORGE PH, OAKLEY ROAD, SO16 4LJ 15/02331/OUT**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Erection of 5 x 3 bed houses with associated parking and cycle / refuse Storage. (Outline application seeking approval for access, appearance, layout and scale) (Resubmission).

Adi Puplampu (agent), and Councillor Galton (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

On being put to the vote the Officer recommendation to delegate authority to grant planning permission to the Planning and Development Manager subject to the criteria was lost, on the use of the Chair's second and casting vote. A further motion to refuse the application was proposed by Councillor Harris

RECORDED VOTE to refuse planning permission

FOR: Councillor Denness and Harris

AGAINST: Councillor Claisse

ABSTAIN: Councillor Mintoff

NOTE: Councillor Lloyd was not present for this item.

RESOLVED that conditional planning permission be refused for the reasons set out below.

Reasons for Refusal:

1. REASON FOR REFUSAL: Insufficient amenity space

The proposed development would fail to provide an adequate amount of high quality, usable external amenity space for occupiers of plots 2 - 5. The amenity space proposed is less than the minimum sizes for amenity space for detached (90 sq m) and semi-detached (70 sq m) properties as outlined in both the Core Strategy and the Residential Design Guide. This proposal is therefore, contrary to policy CS13 and CS16 of the adopted Core Strategy Partial Review (March 2015); saved policies SDP1(i) and H7(ix) of the adopted Amended Local Plan Review

(March 2015); and paragraph 2.3.14, 4.4.1, 4.4.2, 4.4.3, 4.4.4 of the adopted Residential Design Guide SPD (September 2006).

2. REASON FOR REFUSAL: Inaccurate parking survey

Notwithstanding the provision of 7 car parking spaces on site, the submitted parking surveys contain factual inaccuracies and do not therefore, accurately reflect existing parking pressure and parking availability within the surrounding area. The applicant has therefore, failed to demonstrate that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

3. REASON FOR REFUSAL: Lack of SPA Mitigation

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted Core Strategy Partial Review (March 2015) as supported by the Habitats Regulations.

53. **5 THE PARKWAY 15/02017/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Change of use from a 6 bedroom House in Multiple Occupation (Class C4) to a 7 bedroom House in Multiple Occupation (Class Sui Generis) no external alterations

RECORDED VOTE to grant planning permission

FOR: Councillors Denness and Claisse

AGAINST: Councillor L Harris

ABSTAIN: Councillor Mintoff

NOTE: Councillor Lloyd was not present for this item

RESOLVED that planning permission be granted subject to the conditions listed in the report.

54. **LAND ADJACENT TO CHAMBERLAYNE LEISURE CENTRE, WESTON LANE 16/00100/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Replacement of 11.8m high telecoms pole, equipment cabinet and meter pillar.

Aruna Venkatraman (Agent), Councillor Payne (Ward Councillor objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be granted subject to the conditions in the report and additional conditions set out below.

Additional Condition

APPROVAL CONDITION – removal of existing equipment

The existing telecommunications equipment on the site (meaning the existing monopole and ancillary radio equipment cabinet) shall be removed from the site no later than three months after the installation of the mast can cabinet hereby approved.

REASON: In the avoidance of doubt and in the interests of the character of the area.

55. **195 MIDANBURY LANE 16/00177/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a part single-storey and part two-storey side and rear extension (revised scheme to 15/02113/FUL).

David Tarrant (local residents/ objecting), Debby Osman (Agent), were present and with the consent of the Chair, addressed the meeting.

On being put to the vote the officer recommendation to approve the planning approval was lost. A second motion to refuse the application was proposed by Councillor Harris and carried unanimously.

RESOLVED that conditional planning permission be refused for the reasons set out below.

Reasons for Refusal:

1. Unacceptable impact on amenity

The proposed two-storey side extension, by means of its scale, massing and positioning directly adjacent to the boundary with the neighbouring property at no.197 Midanbury Lane, represents an unsympathetic and unneighbourly form of development that would harm the amenities of the neighbouring occupier. In particular, the extension would enclose southern boundary of the garden of no.197

Midanbury Lane, appearing over-bearing and oppressive and reducing the quality of the adjoining garden space. The effect would be compounded due to the projection of the extension, further to the rear than the existing two-storey building line of the properties and the manner in which the extension would span almost the entire side boundary with no. 197. The proposal would, therefore, prove contrary to the following adopted development plan policies:

- Policy CS13 of the adopted Core Strategy (amended 2015) by not responding positively or integrating into the surroundings and that the scale of the development fails to 'place people first';
- Policy SDP1(i) of the City of Southampton Local Plan Review (amended 2015) by unacceptably affecting the amenity of the city's residents;
- Policy SDP9 (i) (v) by not respecting the site's surroundings in terms of the scale, massing and visual impact on local amenity and;
- The Residential Design Guide 2006 (adopted as a Supplementary Planning Document following full public consultation) with particular reference to paragraphs 2.2.1-2.2.2 which requires an appropriate gap to be maintained between extensions and neighbouring buildings and 2.2.18-2.2.19 and 2.2.21 which resists undue enclosure to garden space.

2. Poor Design

The proposal is designed with a new obscure-glazed bedroom window being positioned directly onto the boundary with no. 197 Midanbury Lane. Given the proximity to the neighbouring dwelling and the proposal for an obscure glazed window, this bedroom would not enjoy any outlook and have poor access to natural light. Furthermore, an alternative arrangement of a cleared glazed window would result in direct overlooking of the neighbouring property and a subsequent loss of privacy. In addition to this, relying on third party land for light and/or outlook is poor planning and could prove prejudicial to any future development of the neighbouring site. The proposed design would, therefore, result in a poor quality residential environment for occupiers of the application property and would fail to meet the Council's standards for high-quality residential design as set out by the following adopted development plan policies:

- Policy CS13 of the Southampton Core Strategy Development Plan Document (amended 2015) by not responding positively or integrating into the surroundings and that the scale of the development fails to 'place people first';
- Policy SDP1 (i) of the City of Southampton Local Plan Review (amended 2015) by unacceptably affecting the amenity of the city's residents;
- Policy SDP13 (iii) by failing to minimise the demand for resources;
- The Residential Design Guide 2006 (particularly section 2.2 which requires access to natural light and outlook from habitable room windows and separation between windows and boundaries with neighbouring properties to achieve this and to avoid overlooking).

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 3rd May 2016 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	SH	CAP	15	15/01856/OUT Land At Meggeson Avenue, Townhill Park, Southampton
6	JT	DEL	15	15/02468/FUL Land at junction of St Denys Road and Belmont Road
7	AL	CAP	5	16/00406/FUL Land to rear of 38-40 Lime Avenue
8	JF	CAP	5	16/00135/FUL 61 Charlton Road
9	JF	CAP	5	16/00189/FUL 16-22 The Polygon
10	AT/JT	CAP	5	16/00171/FUL 88 Chessel 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

Delete as applicable:

SH – Stephen Harrison
JF – John Fanning

JT – Jenna Turner
AT – Amber Trueman

AL – Anna Lee

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

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) Local Transport Plan 2006 – 2011 (June 2006)
 - (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)

3. Statutory Plans in Preparation
 - (a) Emerging Bassett Neighbourhood Plan (Post Examination) (2015)

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 Lordwood 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 (1997)
- (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 (2012)
- (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) Southampton C.C. - Cycling Plan (June 2000)
- (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) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (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)

Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 3rd May 2016
Planning Application Report of the Planning and Development Manager**

Application address: Land At Meggeson Avenue, Townhill Park, Southampton			
Proposed development: Enhancement and part-redevelopment of the Townhill Park Estate with 665 new dwellings following demolition, associated parking and replacement public open space. Hybrid planning application with a fully detailed phase 1 comprising the erection of 276 dwellings in buildings of up to 7 storeys, and subsequent phases in outline comprising the erection of 389 dwellings with Access, Layout and Scale submitted for approval with External Appearance and Landscaping reserved, and the erection of a retail store (up to 500sq.m) with all matters reserved. Application seeks to extinguish/stop up existing Rights of Way and enhance the existing highway network - Description amended following a reduction in height (and the loss of 2 flats) to Plot 5 and the removal of Plot 14 (8 houses) from the scheme.			
Application number	15/01856/OUT	Application type	OUT
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	30.12.2015 (MAJOR) Extended	Ward	Bitterne Park
Reason for Panel Referral:	Major planning application subject to five or more letters of objection	Ward Councillors	Cllr Fuller Cllr Inglis Cllr White
Referred by:	N/A	Reason:	N/A

Applicant: Southampton City Council	Agent: Capita Property & Infrastructure
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Recommendation Summary	<ul style="list-style-type: none"> i) Approve the Habitats Regulations Assessment; ii) Delegate to the Planning & Development Manager to conditionally approve this outline planning application; iii) Confirmation of proposed changes to existing Right of Way
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the proposed development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 3rd May 2016. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the Estate, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme. The scheme

proposes a loss of open space but delivers improvements to the quality and accessibility to the retained spaces. An assessment under the current Habitat Regulations has been undertaken and confirms that the development can mitigate against its impacts upon the affected Special Protection Areas in the local area. The scheme has been assessed against the following policies and is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. 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 (2012).

City of Southampton Local Plan Review (amended 2015) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, CLT7, H1, H2, H3 and H7 and City of Southampton Core Strategy (amended) policies CS4, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	SO18 Big Local Consultation Response		

Recommendation in Full

1. Panel confirm the Habitats Regulation Assessment at **Appendix 1**, and then:
2. Delegate to the Planning & Development Manager to resolve the Woodmill Bridge impacts and associated mitigation package ahead of issuing conditional approval of the Council's outline planning application; and,
3. Delegate to the Planning & Development Manager to add, vary and /or delete the planning conditions listed below (as may be necessary following the Panel meeting).; and,
4. Approve the proposed stopping up and diversion of existing Right of Ways necessary to support the development.

Procedural Context & Background

This type of application is known as a 'Regulation 3' application and relates to proposals made by the Local Authority for development that it wishes to undertake as part of its remit as a public sector service provider. It is general practice that, following the proper assessment of the planning merits of the proposal, Regulation 3 applications should be either approved, if considered acceptable, or the application should either be deferred or withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal/appeal.

Furthermore, as the Council is unable to enter into a S.106 legal agreement with itself, as would be the case with other applicants, the mitigation package and affordable housing required to make this development acceptable will be secured as part of the contract of sale if the land is sold to a developer or prior to the commencement of development in the event that the Council takes the scheme forward itself. The National Planning Policy Guidance (NPPG) confirms that a planning condition can take the place of the S.106 legal agreement

in such cases to ensure that the agreement is secured prior to the commencement of development and does not fetter the release of the planning permission – assuming that this recommendation is supported by the Planning Panel.

This application is known as a ‘hybrid’ in that the quantum of development is set but it has multiple phases. The level of detail for the first phase is akin to a fully detailed planning application, whereas the subsequent phases would require a further ‘Reserved Matters’ (RM) application to the Planning Department as the full extent of the works (in this case the external appearance of the later phases and its associated landscaping are indicative only) are currently unknown. Further neighbour notification would take place at the RM stage.

The application received a holding objection from Natural England (NE). At that time NE were of the opinion that the scheme had not properly explained how it would mitigate the impact of residents from the development using the New Forest Special Protection Area for recreational purposes. The attached Habitats Regulations Assessment (**Appendix 1**) has addressed this issue and needs approval by Panel prior to the determination of the planning application. NE no longer object to the planning application.

1.0 The site and its context

- 1.1 This application relates to the redevelopment of the Council owned blocks of Townhill Park Estate, which is primarily accessed from Meggeson Avenue. The application site has a gross area of 10.7 hectares and is formed by a number of separate plots/phases that are pepper-potted throughout the Estate. The wider estate has an area of some 30 hectares. In total 14 separate plots were initially identified for (re)development and this report will set out the context for each plot, the proposed development and the associated impacts.
- 1.2 The character of the area is predominantly residential with 5 storey flatted blocks set within open space and terraced housing fronting the street. The existing estate is characterised by sloping land, significant changes in level and mature trees throughout, many of which would have been planted when the estate was first developed. As the site is owned by the Council it treats these trees as if “they were subject to tree preservation orders” although no formal TPOs apply to the site. A TPO may be applied to these trees prior to any subsequent land sale. The application site includes Frog’s Copse and Hidden Pond, the former being protected open space and a Site of Importance for Nature Conservation (SINC), and whilst development is not proposed for these important spaces the development looks to enhance them for residents through an associated package of mitigation, improvements and financial contributions.
- 1.3 The site is within Flood zone 1 with a low probability of a flood event occurring. The site has ‘low’ accessibility to local services and public transport links (PTAL Band 2) with the submitted Transport Statement suggesting that there are typically 19 buses per hour (12/hour after 7pm and 10/hour on Sundays).
- 1.4 It is evident from a site visit and the responses to the planning application that there is an existing parking problem on the estate. The existing layout wasn’t designed for current car ownership levels and this results in cars parking upon existing verges and, in part, on the open space that serves the wider estate. The current planning application has looked at how it can assist in resolving this current issue.

2.0 Proposal

- 2.1 Outline planning permission is sought for the redevelopment of Council owned flatted blocks across the estate with 665 new dwellings, associated parking and replacement public open space. The existing terraced housing, many of which are in private ownership, do not form part of the redevelopment proposals. A total of 426 existing flats will be demolished to make way for the development. An increase of 239 (56% increase) dwellings is proposed. Applying 35% to this net additional results in a minimum affordable housing requirement of 84 units, with the applicants indicating that 50 of these units will be delivered within the first phase of the development.
- 2.2 This is a comprehensive scheme looking at existing flatted blocks within Council ownership across the street. Further estate regeneration programmes are likely to follow across the City. Existing residents have been notified of the proposals to redevelop Townhill Park, and those living within the first phase of development have been decanted into accommodation elsewhere within the City. Demolition works for those buildings located within plots 1 and 2 are set to commence shortly.
- 2.3 As is normal for a development of this type the application proposes a phased approach to delivery and further RM applications will follow as the scheme develops following the grant of outline planning permission. Phase 1 of the development comprises two plots at the eastern end of Meggeson Avenue. Details of the quantum of development, the proposed 'Layout' and 'Scale', the proposed 'External Appearance', 'Access' and 'Landscaping' are provided meaning that the first phase is, effectively, fully detailed with no reserved matters. Should planning permission be granted this would allow the applicants to implement the build programme without requiring further planning applications for the initial phase.
- 2.4 The remaining plots for development provide certainty in respect of the quantum of development, the proposed 'Layout', 'Scale' and 'Access', but only indicative information concerning the 'External Appearance' and 'Landscaping' with these details reserved for a later date.
- 2.5 All plots have a contemporary design aesthetic, with brick and coloured panels. The flatted blocks make use of the roof space to provide a mix of brown/ecology spaces and private terraces for residents to supplement the extensive use of private balconies. Parking has been designed largely on the basis of 1 parking space per flat and 2 spaces per house with supplementary parking for the benefit of the whole estate provided along a redesigned Meggeson Avenue following the introduction of traffic calming, a reduced 20mph speed limit and a width reduction from 8/10m to 6m. In total 778 on plot parking spaces can be accommodated with a further 109 uncontrolled parking spaces shown along Meggeson Avenue, Wakefield Road, Cutbush Lane and Ozier Road.
- 2.6 Each plot requires the removal of some existing tree cover in order to facilitate development and, where landscaping is reserved for future phases, a commitment has been given to a 2 for 1 tree replacement across the estate.
- 2.7 The application proposals can be summaries as follows:
- 2.8 *Plot 1 – Fully detailed*
This plot is triangular in shape and fronts Townhill Way to the eastern end of the estate. It backs onto the rear gardens of the bungalows of Onibury Road and

Roundhill Close with two storey housing forming the site's western boundary. The site is currently formed by 3 five storey finger blocks comprising 43 flats and mature tree planting screens the existing development from Townhill Way. This site slopes northwards towards the junction with Meggeson Avenue

2.9 It is proposed to demolish the existing and replace with a terrace of 3 storey townhouses on the southern boundary with Onibury Road. A single flatted block replaces the 3 existing blocks and is formed by a building of between 4 and 7 storeys with the bulk located towards Meggeson Avenue. Access is formed from a new link road fronting the existing terraced housing, which will offer existing residents the opportunity for private car parking to the front of their property (should they wish and subject to planning control).

2.10 This plot is fully detailed with all matters for consideration and proposes the following residential mix:

	1 bed	2 bed	3 bed	Total
Flats	20	29	7	56 (89%)
Houses	-	-	7	7 (11%)
Total	20 (32%)	29 (46%)	14 (22%)	63 (107dph)

2.11 *Plot 2 – Fully detailed*

Plot 2 is also fully detailed and together with Plot 1 forms the first phase of the regeneration project. The existing site is characterised by a significant change in levels from the eastern junction of Meggeson Avenue with Townhill Way up to the highest point where Meggeson Avenue meets Paulet Close. Cutbush Lane forms the plots northern boundary and is characterised by a mature tree screen beyond which is the City boundary with Eastleigh Borough Council (EBC). EBC have been consulted on these proposals and no comments have been received.

2.12 Five existing blocks of 5 storeys, formed by 93 flats, are identified for demolition and replacement with 5 larger blocks arranged as a perimeter block with a central car parking court. The replacement buildings range in height from 3 to 6 storeys. Access is taken from Meggeson Avenue (to the eastern parking courtyard) and Paulet Close (to the western parking courtyard).

2.13 Plot 2 proposes 207 parking spaces to serve 213 flats (ie. 6 flats will not have a dedicated car parking space) following design changes and the requirement to retain an existing substation within the proposed courtyard.

	1 bed	2 bed	3 bed	Total
Flats	124	52	37	213 (100%)
Houses	0	0	0	0
Total	124 (58%)	52 (25%)	37 (17%)	213 (146 dph)

2.14 *Plot 3 – Deleted prior to application being lodged*

Plot 3 has been removed from the scheme as it has evolved. It was formed by the existing garage block to the western end of Roundhill Close.

2.15 *Plot 4 – Deleted prior to application being lodged*

Plot 4 has also been removed from the scheme and is an area of wild grassland between Roundhill Close and Middleton Close.

- 2.16 *Plot 5 – Indicative only*
Plot 5 is a roughly rectangular plot located between Meggeson Avenue and Cutbush Lane with Benhams Road forming the western boundary, and a terrace of 6 two storey dwellings located along the eastern boundary. These houses are located on higher ground than the site. The site itself is formed by 3 five storey finger blocks formed by 65 flats.
- 2.17 An indicative plot redesign has been submitted with the layout and access fixed. This shows 4 blocks akin to that shown on Plot 2 with a central parking courtyard separating the buildings. Access is to be taken from Meggeson Avenue (to the eastern parking courtyard) and from Benhams Close (to the western parking courtyard). A formal public playpark divides the two.
- 2.18 Plot 5 is formed by buildings of between 3 to 6 storeys and comprises 169 flats at a density of 141 dph with further details to be provided at the reserved Matters stage. Plot 5 proposes 173 car parking spaces (ie. 4 more than the 1:1 ratio applied across the development).
- 2.19 *Plot 6 – Indicative only*
Plot 6 is also rectangular in shape and sits on the opposite side of Meggeson Avenue to Plot 5. The existing site is formed by a three storey block with residential flats above commercial floorspace at ground floor. There is an existing convenience store within this block, a former Housing Office (now closed to the public and used as a base for the local neighbourhood wardens) and the former Ark public house, a two storey building approved in 1964, sits to the west with rear parking and servicing behind. Two storey terraced housing sits on higher land to the south. Plot 6 currently provides accommodation for 11 flats.
- 2.20 The indicative scheme for this phase shows two rows of terraced town houses that make use of the existing access. The block fronting Meggeson is 3 storeys in height with the rear block formed by a mews of 2 storeys that takes advantage of the change in levels with its existing neighbours. The convenience store is removed – and a small retail offer is reprovided within Plot 8. A total of 14 houses are to be provided on this plot at a density of 44 dph.
- 2.21 *Plot 7 – Indicative only*
Plot 7 is located to the south of Kingsdown Way and is formed by 4 blocks, each of 5 storeys. They currently provide 44 flats. A mature tree belt and a change in levels separate this plot from the existing residential neighbours fronting Cornwall Road. A terrace of two storey housing – accessed only via the existing footpath – is located on the opposite side of Kingsdown Way adjacent to a large expanse of open space and formal playspace.
- 2.22 The proposal includes a mix of 2-3 storey terraced townhouses accessed from a new link road between Kingsdown Way and Wakefield Road, thereby providing the opportunity for frontage parking to the existing terrace. A part 5/6/7 storey block of flats is located to the west of the terrace fronting the retained open space with a parking courtyard separating this block from a terrace of 4 retained two storey dwellings. Care has been taken to retain a clear pedestrian link along the desire line between Cornwall Road and Townhill Park Infant and Junior schools. A total of 10 houses and 40 flats are proposed for this plot at a density of 75dph
- 2.23 *Plot 8 – Indicative only*
Plot 8 has been identified as the site of the replacement convenience store. The

site currently provides for 3 blocks of 5 storeys comprising 33 flats set within a large area of public open space. No housing is proposed for this plot, following the demolition of these buildings, and it is anticipated that this site will form a 'village green' at the centre of the new estate works. The proposed convenience store is proposed as a single storey building with a footprint of no more than 500sq.m.

2.24 *Plot 9 – Indicative only*

Plot 9 is to the west of plots 7 and 8 and slopes up to higher ground towards Longmead Road. The site currently comprises 3 flatted blocks running north to south, each with 5 storeys of residential accommodation. Two of the blocks provide an additional ground floor level of garaged parking making use of the change in levels across the site. A total of 66 flats currently exist.

2.25 The proposed development for this phase places a part 3/4 storey block closer to the village green fronting Ozier Road. This block forms duplex living where two storey housing is stacked. Access is taken from Kingsdown Way. To the west of this block the existing flatted blocks are replaced with part 2/3 storey terraced townhouses in three rows. In total Plot 9 is earmarked for 48 dwellings at a density of 68dph.

2.26 *Plot 10 – Indicative only*

Plot 10 is located on the junction of Copse Road and Longfield Road with Frog's Copse forming the western boundary. The site is relatively flat with a parking courtyard located to the front of a 5 storey flatted block of 16 flats.

2.27 It is proposed to replace this block with two rows of terraced housing, similar to the layout shown for Plot 9. In total 20 houses are proposed at a density of 57dph. A looped link road is provided to provide refuse vehicle access whilst providing improved surveillance to Frog's Copse from the second terrace.

2.28 *Plot 11 – Indicative only*

Plot 11 is currently undeveloped. It forms a piece of sloping open space to the front of terraced housing along Copse Road, with Meggeson Avenue forming its northern boundary. The site is approximately 0.16 hectares in area and offers an open outlook for its neighbours. The application proposes to make use of the slope of this land by inserting a two storey mews of 4 houses, whereby the front elevation onto Meggeson Avenue will read as a two storey terrace but from the rear only the first floor will be visible. A rear garden is then accessed from the upper storey. The residential density would be 25dph.

2.29 *Plot 12 – Indicative only*

Plot 12 sits on the opposite side of Meggeson Avenue from Plot 11. It is a long thin plot comprising three blocks of five storeys and a sudden drop in level to the north down to Hidden Pond. The site is characterised by the significant trees associated with Hidden Pond and currently provides accommodation for 33 flats.

2.30 The indicative plans for Plot 12 show a flatted block of part 4/5/6 storeys running parallel with Meggeson Avenue with a basement car park accessed adjacent to the recently completed Montague Place housing development. A total of 53 flats and 3 houses are proposed at a density of 179dph. A total of 52 undercroft parking spaces are proposed for the 53 flats (ie. a shortfall of 1 parking space) with the 3 houses each supported by 2 parking spaces.

2.31 *Plot 13 – Indicative only*

Plot 13 is bordered by Meggeson Avenue and Frog's Copse and sits on higher ground (in part) than both. The site currently provides for 22 flats within a pair of 5 storey blocks. The indicative proposals seek to replace the flats with 3 rows of terraced housing (similar to plots 9 and 10). A total of 28 houses are proposed at a density of 38dph. A perimeter block approach is taken with a new link road proposed providing vehicular access to a central parking courtyard, whilst opening up access for existing residents.

2.32 *Plot 14 – Deleted following the validation of the planning application*

Plot 14 is an existing undeveloped piece of open space to the western end of the estate, which also provides turning for buses. The application originally proposed development with 8 houses, but following local opposition, recognition of the land's importance to the visual character of the area and the need to limit the net loss of open space across the development this plot has now been removed from the proposals.

2.33 *General Points*

The scheme as a whole proposes a minimum of 35% affordable housing, which is compliant with Policy CS15, and 44 of the dwellings within Phase 1 (16%) meet the definition of family dwellings providing at least 3 bedrooms and a private garden that is 'fit for purpose'. The policy CS16 requirement for family housing is 30% and across the wider estate 211 units (3+ beds) are currently proposed – albeit on an indicative basis at this stage – which equates to 32%. All dwellings have access to private amenity space, in the form of balconies, gardens, and/or communal open space that is supplemented by the provision of on-site public open space, a children's play area and improved linkages to both Frog's Copse and Hidden Pond. The development has been designed to a 'Lifetime Homes' standard making adaptability in the future possible. Furthermore, 5% of the affordable units will be fully wheelchair compliant.

2.34 The proposed development will result in the loss of 1.3 hectares of open space and 4.06 hectares of public amenity space (the green space around the existing blocks and highway verges). However, some of this space will be reprovided through the introduction of a village green, the communal roof terraces and private balconies proposed and smaller areas of formal playspace. An assessment of the quality and usability of this space has been submitted to support the application, with improved linkages to existing areas of open space proposed where necessary. Some 19 hectares of open space (principally Frog's Copse) will be retained to support the development with a programme of betterment proposed. A net loss of 1.69ha of open space is, however, proposed across the estate.

2.35 The proposals include the removal of 126 existing trees (37 of which have been given a Category B rating - worthy of retention). This tree loss has been assessed in consultation with the Council's Tree Team and has focused upon those poorer specimens, those with limited life expectancy, and those in locations central to plot development. A full tree replacement on a 2:1 basis is proposed and it is likely that the sites will be TPO'd in the event that they are released to a private developer.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 2**.

- 3.2 The LDF Core Strategy sets out a vision for the City and states that ‘the Council’s Estates Regeneration Programme will... provide additional homes in safe, attractive neighbourhoods, by redesigning parts of some Council-owned housing estates’. Paragraph 4.5.18 adds that ‘towards the middle and end of the plan period additional homes will be delivered as part of the Council’s Estate Regeneration Programme. This project will upgrade council-owned estates promoting mixed tenure communities and replacing lower quality council homes with new affordable rented housing’.
- 3.3 The redevelopment of previously developed sites for housing is a key driver of the planning system but where open space is lost at the local level the Council’s Development Plan seeks further justification and mitigation with the aim being to protect existing open space as a valuable resource to support existing and prospective residents (LDF Core Strategy Policy CS21 refers). Paragraph 5.4.14 of the Core Strategy provides guidance on this specific issue in relation to the Council’s Estate Regeneration Programme. It states that ‘the Council’s Estate Regeneration Programme is reviewing the function, location and management of open spaces within some council-owned housing areas as part of an initiative to deliver new, mixed tenure homes within attractive, safe neighbourhoods. This programme will identify opportunities to improve the provision of high quality, accessible amenity open space within these housing areas. This may involve reconfiguring fragmented areas of open space to improve both its quality for recreational purposes and its landscape value. Selected amenity open spaces with little recreational, landscape or nature conservation value may be converted to other uses as part of this wider programme’. The current scheme accords with this overarching strategy for the delivery of housing across the Council’s existing estates.
- 3.4 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. The scheme originally proposed a Code for Sustainable Accreditation but as this format for scoring new development no longer exists the scheme will now be conditioned to achieve improvements in energy and water efficiency only.
- 3.5 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.6 **SCC Planning Policy** – No objection - The amended plans are welcomed from a Planning Policy perspective.
- 3.7 The scheme would result in the net loss of 1.69 ha (approximately 8%) of designated open space classified as amenity greenspace (i.e. all that identified for the purposes of Policy CS21 ‘Protecting and Enhancing Open Space’) which is considered to offer little in the way of public value. This would be a departure from the objectives of Core Strategy Policy CS21 in terms of retaining the quantity of open space which would not normally be considered as acceptable. However, the proposed net loss can be justified in this instance due to the betterment strategy proposed in relation to the operational mitigation measures that would improve the

quality and usage of existing parks and open space in the area. The measures proposed for improving the quality and usage of Frogs Copse are particularly welcomed with this open space scoring as low quality in the Council's most recent open space assessment undertaken in 2015. Further improvements to the quality, accessibility and links between other open spaces including the proposed Village Green and proposed improvements at Hidden Pond will also help towards meeting the intentions of Core Strategy Policy CS21.

3.8 The proposed mitigation measures will also help to meet the criteria set out in Core Strategy Policy CS22 'Promoting Biodiversity and Protecting Habitats' as they would help to eliminate previously identified adverse impacts from the development upon the designated sites in the New Forest and along the Solent coastline. The mitigation would also help to enhance local biodiversity in accordance with the policy.

3.9 The scheme is also in accordance with the Government's Estate Regeneration Programme which aims to provide new homes with improved design standards, urgently needed homes across all tenures and vibrant neighbourhoods. This can also be argued to be an overriding consideration now that the scheme would incorporate the mitigation measures as referred to above.

4.0 Relevant Planning History

4.1 Various historic applications relating to the estate itself but none of direct relevance to the current plot development. The layout of the housing estate appears to date back to applications received in 1960.

4.2 15/00862/DPA – No objection 04.06.15
Application for prior approval for the proposed demolition of existing residential blocks (to slab level) forming phase 1 of the Townhill Park Regeneration project

4.3 11/01340/FUL – 222-252 Meggeson Avenue - Approved 03.08.12
Demolition of the existing block of flats and re-development to provide 10 x 3 bedroom houses and 23 flats (4 x 1 bedroom, 19 x 2 bedroom) in two, three and four-storey buildings with associated parking and other works including stopping up of highway/diversion of an existing public right of way (Montague Place)

4.4 09/00568/R3CFL - Townhill Park Community Centre – Approved 27.07.09
Redevelopment of site. Demolition of existing buildings and erection of part 2-storey part single storey building for use as community centre (use class D1)

5.0 Consultation Responses and Notification Representations

5.1 The City Council (as applicant) have engaged with the local community regarding the scheme and held a public consultation event in September 2014 (173 visitors), June 2015 (153 visitors). Prior to this residents have been consulted as early as 2012 on indicative plans to redevelop the estate and the release of land for housing.

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (8th October 2015), placing a press advertisement (16th October 2015) and erecting site notices across the estate (Advertising a Departure – 13th October 2015). At the time of writing the report **17 representations** have

been received from surrounding residents, including a petition with 66 signatures in opposition to Plot 14, and a submission from a committee member of the Townhill Park Residents Association. A redacted copy of the full response from SO18 Big Local, and its associated Youth Forum, are attached to this report at **Appendix 3**. Whilst generally supportive of the regeneration benefits proposed the response highlights issues around the following:

5.3 • Affordable Housing

Response

A planning obligation will be secured through the process to ensure that the application delivers on its promise of at least 35% of the units (net additional) being 'affordable'. The certainty of the type of affordable housing cannot be given at this time and will depend upon funding and proposed changes to the definitions of 'affordable housing' as currently proposed. The rehousing of people from the estate into the new units is an aspiration of the project, and fosters positive community cohesion, but cannot be a restriction on the release of planning permission and is, instead, a matter for the Council as landowner.

5.4 • Construction Traffic

Response

A planning condition will be used to secure further details of the construction phase and it would be legitimate for a vehicle routing strategy to be agreed whereby traffic associated with Phase 1 enters the estate from Townhill Way.

5.5 • Roof Gardens

Response

The scheme is reliant upon roof gardens to enable a higher density development and the provision of a significant increase in car parking. These roof terraces will need to remain open and be successful for the scheme as a whole to work. Planning conditions are recommended to secure their delivery and ongoing management.

5.6 • Energy Efficiency

Response

During the pre-application stage when the scheme was designed to achieve Code for Sustainable Homes Level 4 the Code was scrapped and no such target is applicable. Planning conditions are recommended to ensure that high levels of energy efficiency and water reduction measures (equivalent to Code Level 4) are achieved, and this should still see a high quality, energy efficient scheme that benefits residents.

5.7 • Sound Insulation

Response

This point is well made. The flatted blocks have, wherever possible, been carefully designed so that similar rooms are 'stacked', but in any event the issue of sound insulation between flats is a matter for the Building Regulations phase with details to follow the grant of outline and reserved matters planning stages.

5.8 • Management of Green Spaces

Response

A planning condition securing the delivery of improved green space (and access) outlined in the Green Infrastructure Plan (Version 2) is recommended as requested. A phasing strategy for the delivery of these improvements will form part of this approval process with the need for early delivery to compensate for the proposed

open space losses noted.

5.9 • Playspace for Teenagers

Response

The need for suitable playspace to meet the needs of all residents is picked up through the Green Infrastructure Plan – including the creation of the Village Green - and, in addition, it should be noted that the development is liable for the Community Infrastructure Levy (CIL), whereby a further contribution (£70/sq.m) will be made to the Council based upon the net additional floorspace. CIL is used to fund city-wide infrastructure projects with a minimum of 15% of the monies collected within a specific ward ring-fenced to support that ward. CIL can be used to fund new open space projects.

5.10 • Echelon Parking in Meggeson Avenue

Response

The redesign of Meggeson Avenue has involved the Council's Highways Team and results in a more efficient use of the land (with more parking spaces than would otherwise be the case) without compromising safety. There are no highway objections to the proposed traffic calming and parking strategy for Meggeson Avenue – see Highway Officer's comments below.

5.11 • Plot 1 – Shared Surface

Response

The discrepancy identified between the planning drawings is noted. The plan showing the existing and proposed site plan overlays shows the new link road to the west of the flatted block having no direct vehicular link onto Meggeson Avenue. The proposal is, however, to create a new opening onto Meggeson Avenue to facilitate easy access and a continuous loop for refuse collection as confirmed by the updated Transport Assessment (Technical Note – 7 March 2016). This has been negotiated with SCC Highways.

5.12 • Bus Stop Siting

Response

The locations of bus stops will be properly considered and resolved as the scheme progresses with dialogue between the Council (as landowner), the Council (as Highways Authority) and the bus operators themselves. The proposed Landscape Masterplan shows preferred locations.

5.13 • Meggeson Avenue Traffic Calming

Response

As noted there will be further negotiation with cycling groups ahead of changes to the associated road network. The proposed changes are set to benefit all road users.

5.14 • Access to Townhill Park

Response

The lack of assessment to the impacts of the development on the Woodmill Bridge have been corrected with the updated Transport Assessment (Technical Note – 7 March 2016). It confirms that with the uplift of 239 dwellings, and the way the proposed units are geographically split, there will be an additional 105 vehicle trips on the network during the morning and evening peaks. These journeys are split across the network and with Woodmill located some 2km from the development the TA concludes that the associated impacts on this part of the network will not be significant. Further details have, nevertheless, been requested by the Council's

Highways Officer and further dialogue will be necessary to inform the level of contribution (if any) required to Woodmill Bridge improvements (see Highway comments below).

5.15 • School Places

Response

The planning application submission has not assessed the impacts of the proposed development on existing schools in the context of a rising school roll and existing capacity issues. It does, however, provide population forecasts for the development and concludes that the Estate can expect an increase of 239 dwellings. Applying an average occupancy rate for Southampton of 2.35 persons/dwelling it suggests a population increase in the region of 560 people can be expected. The applicants have been asked to provide further details regarding school places and an update will be given at the Panel meeting should this information be forthcoming.

5.16 Other planning related issues raised by affected residents:

- 5.17 • The proposed changes to Meggeson Avenue are unnecessary and will only serve to clutter and restrict existing access through the estate. The road should be kept free of artificial traffic hazards and there is no evidence that traffic calming is required. Furthermore, there are concerns that the local roads will deteriorate further during the significant construction phase.

5.18 Response

The proposed traffic calming measures associated with Meggeson Avenue have been designed following input from the Council's Highways Team and an assessment of the recent accident data. The works are deemed necessary on highway safety, and aesthetic, grounds and will assist in creating additional shared parking for the benefit of the whole estate. Some of the objectors also suggest that additional pedestrian refuge is needed where school children cross and this can be designed into the highway scheme as it progresses, although it should be noted that the current Landscape Masterplan shows a raised platform in this location to assist with this issue.

- 5.19 The ongoing construction phases will have an impact upon existing roads and there will be a vehicle routing plan and highway condition survey secured through this recommendation – where affected roads will be surveyed prior-to and following the completion of the relevant phase in advance of any necessary repairs being undertaken.

- 5.20 • The redevelopment of **Plot 7** will result in a loss of residential amenity (particularly the loss of privacy and additional shadowing) to residents in Cornwall Road, and the loss of trees on this boundary will allow further overlooking. 7 storey buildings will cause a wind tunnel. Even with the existing block there is constant noise. The introduction of a roof terrace to this block will add to the problem. There are also ground stability and drainage issues affecting this plot

5.21 Response

Plot 7 replaces four blocks of 5 storeys but there are no detailed designs at this stage and the location of windows, roof terraces and any privacy screens have yet to be determined with only an indicative design provided to satisfy the Council that the level of development proposed could, in theory, be provided. The main objection to this phase concerns the replacement flatted block, rather than the terrace of townhouses. The flatted block is part 5/part 6/part 7 storey with a sedum

roof towards its nearest neighbours to the west, and the existing block sits closer to this neighbour, and then steps up to 7 storeys in the centre where the staircore extends up to the roof level thereby providing access to part of the roof for residents. This roof space is located 36 metres from the rear elevation of the properties fronting Cornwall Road. The majority of the existing tree screen is to be retained in this location, with 2 trees removed and replaced within a revised parking layout. The separation distances, the change in levels up towards Cornwall Road and the residents to the west, and the existing tree screen are sufficient to mitigate any significant impact. The applicants have not been asked to undertake any micro-climate (wind) assessments for this development as such work is normally reserved for taller building projects. In practice the existing screening and topography of this plot will mean that any significant issues are localised to the development of the site rather than its neighbours. The site is already characterised by 5 storey blocks and the proposed increase in height is, therefore, acceptable in this context. The site is relatively flat and the relevant consultees have not reported problems with existing drainage. A planning condition is, however, proposed to secure appropriate sustainable drainage measures for the estate.

5.22 Following the objections to this plot the applicant has undertaken a detailed 'Transient Overshadowing Analysis' (23 March 2016). This document concludes that *'the proposed development of Plot 7 would not materially increase the overshadowing to the neighbouring gardens when compared to the existing conditions assessed on March 21st. Indeed, some gardens would experience greater levels of direct sunlight when compared to the existing scenario. Whilst the Development would result in a small part of the public playground being overshadowed for part of the day, the vast majority would have access to direct sunlight and during the summer months the entire playground would be in full sun throughout the day. When assessed in accordance with the guidelines given in the City of Southampton's adopted Local Development Plan and with the guidelines set-out in the BRE Report, our analysis demonstrates that the development would cause a negligible change in the amount of overshadowing and we consider the affect to be acceptable'*. Officers agree with these findings for the reasons given above.

5.23 • The development of the open space forming **Plot 11** will result in the loss of open space for children, a reduction to house prices, a reduction in natural daylight during the morning, the loss of 6 trees, the design creates an alleyway to the front of the existing neighbours and there would be increased pressure for parking.

5.24 Response

The development of Plot 11 involves the direct loss of open space, but the proposals only show Layout, Scale and Access at this stage with further detail to be secured through the Reserved Matters stage. This space slopes down to Meggeson Avenue and there is a significant change in level across the site making the site less useable for balls games. It does, however, provide some amenity for outdoor play and offers a visual amenity to the estate and those residents that front onto it.

5.25 The proposed scheme seeks to retain roughly half of this space and use the slope to build into the site thereby limiting the impact of the two storeys. Site sections have been provided to demonstrate how the 4 dwellings will relate to the neighbours on higher ground and the results show a less harmful relationship - in terms of the issues raised - than would otherwise be the case. The loss of open

space is an issue for the development as a whole and in the context of a wider regeneration project the scheme's viability relies on every site coming forward in order to then provide qualitative improvements for the estate as a whole in the form of a village green with improved linkages and facilities at both Hidden Pond and Frog's Copse. On this basis the loss of half of Plot 11's open space to 4 dwellings, with supplementary planting on the land that remains, is deemed to be acceptable, whilst understanding the concerns raised by those residents directly affected.

- 5.26
- The development of **Plot 12** will result in additional overlooking – especially towards 324 Meggeson Avenue from the three storey townhouses. These townhouses do not have sufficient car parking. The site supports badgers and deer.

5.27 Response

Plot 12 includes 3 townhouses towards the western boundary with 324 Meggeson Avenue. The separation distance proposed from the side of the new terrace and the front of this affected property is between 18 and 22m, which exceeds the guidance of 15m from the Council's adopted Residential Design Guide SPD for such a relationship. However, the existing 5 storey block (to be demolished on Plot 12) is some 30m away and it is true to say that the proposed terrace will, therefore, affect outlook from this neighbour and will impact upon access to sunlight in the morning, but not to levels that could be considered as harmful given the separation distances involved. Any overlooking can be designed out at the Reserved Matters stage when neighbours will again be consulted. The site's attractiveness for badgers and deer are noted and the planning application is supported by survey work and a package of mitigation that focuses upon Hidden Pond and Frog's Copse. The Council's Ecologist is satisfied that the presence of badgers within, and close to, the estate does not prejudice the delivery of this project and the applicant is aware of the implications of developing close to protected species and has put the necessary team in place to advise. Further licenses from Natural England may be required in due course.

- 5.28
- In terms of parking the houses have 2 spaces each and all but 1 of the flats will have its own designated parking space within a secure undercroft car park. This level of parking is policy compliant but in addition the scheme proposes to use Meggeson Avenue and neighbouring roads for additional shared parking to the serve the estate. These additional 109 spaces will assist should any overspill parking occur.

- 5.29
- The new road required for **Plot 13** will pose a hazard to children and pensioners. The road will encourage parking overspill, especially given the loss of parking along Meggeson Avenue proposed to create the new housing fronting Meggeson Avenue. This plot results in the significant loss of open space and mature trees.

5.30 Response

All new roads pose a threat but providing it is built to adoptable standards (as is the case) given the limited number of houses requiring direct use (8 in total) the number of vehicle movements is unlikely to be significant and the risk is reduced. The road itself is needed to provide access to a central parking courtyard, which enables a perimeter block layout to be designed given surveillance to Frog's Copse whilst reducing the impact of additional parking on the wider streetscene. The houses each have 2 parking spaces, with those fronting the copse parking within the rear courtyard. This is an acceptable solution and also allows for the existing dwellings to open up their frontage in the future for additional parking (subject to planning). Again, the open space associated with the existing flats for plot 13 will

be lost, although this space is poorly designed and is neither truly public nor directly used by the residents of the existing blocks. This public space will be replaced, in part, with useable private gardens serving the dwellings, but the delivery of the housing enables improvements to be made across the estate for the benefit of the wider population. On this basis the scheme can be supported. A condition requiring site levels to be resolved for this scheme will be critical to a successful scheme.

- 5.31
- The proposed development of **Plot 14** will necessitate the relocation of the existing bus stop and the new location is not acceptable. Furthermore, the petition in relation to this plot suggests that existing residential amenity and quality of life will be affected by adding housing on this existing open space – *reference is made to the loss of view and property devaluation, which are not planning related matters for the Panel to consider.*

5.32 Response

The development of the open space forming Plot 14 with 8 houses has been withdrawn from this application. No further action is required.

- 5.33
- The plans should include further parking – land at the junction of Hillgrove and Wilmington Close has been overlooked and could be used instead of adding further parking to Meggeson Avenue

5.34 Response

The land at the Wilmington Close and Hill Grove Road junction (running east) has been assessed previously as having high ecological value thereby constraining its development. Nevertheless the application has been made as shown on the submitted drawings and the applicant can expect a decision to be made on their proposals in the first instance regardless of alternative solutions that may or may not be available. The proposed parking levels are policy compliant and have been designed to address the existing parking overspill problems across the estate.

- 5.35
- The existing community centre still lacks parking (4 spaces)

Response

This application was assessed at the planning application stage as acceptable. The proposed works to Meggeson Avenue focus upon providing the estate with additional parking to satisfy the demand, and the community centre may benefit from this extra capacity.

- 5.36
- Design – flat roof flatted blocks with roof gardens is not a sensible idea. Without proper management there will be antisocial activity and these spaces will close leaving residents with very little. Furthermore, the design of the three storey townhouses are out of character.

5.37 Response

The existing 1960's blocks have a flat roof design and this approach is acceptable from a design perspective. The use of this roof space is also to be encouraged, whether this be with photovoltaics, biodiverse roofing or for additional amenity space. This project potentially incorporates all three and makes good use of this otherwise underused resource. The issue of roof terrace management is a good one to raise and is also a concern of officers; by placing significant emphasis upon the roof terraces to satisfy the amenity space demands of the residents the overall scheme would suffer should they fail. With this in mind a management plan can be secured with a planning condition and the Council (as landowner) then has a duty to ensure that these roof terraces are a success.

- 5.38
- Loss of open space is a concern, as is adding children's play equipment into

Frog's Copse which supports local wildlife and the two are not compatible.

5.39 Response

The proposals result in a net loss of 1.69 hectares of open space across the estate. However, compensation is made through designated private space serving the separate blocks and houses (currently the existing 1960's flats lack dedicated private amenity space) with improved linkages to a central village green (Plot 8) and the existing Frog's Copse and Hidden Pond. A qualitative improvement to these areas will then follow as identified in the Green Infrastructure Strategy (Version 2). This loss of open space represents a departure to the Development Plan, which seeks to retain both the quantity of open space available whilst improving the quality. The Panel are being asked, therefore, to endorse the loss of open space in the context of improved quality and significant housing delivery as part of a wider estate regeneration project.

5.40 Frog's Copse itself will be managed as informal open space, making the most of the biodiverse qualities and partial designation as a SINC, rather than being designed to accommodate a formal play area. That said, the Panel will note that Southampton Common successfully balances play with nature conservation.

5.41 • The development will place a strain on existing infrastructure, including schools and doctors.

5.42 Response

This is a valid point to make in the context of a proposed population increase across the estate in the region of 560 people. The Council (as applicant) has been asked to provide further details of the education programme, in particular, linked to the delivery of the estate regeneration project and any information received will be reported verbally to the Panel. That said, this project has a lengthy programme for delivery and it will be a number of years before there will be a net increase in dwellings and/or population. Furthermore, since the Council adopted its Community Infrastructure Levy (CIL) in 2013, to which all new residential accommodation makes a contribution, a development's infrastructure requirements are now met through this process and any new school/health related development required can apply to be funded from CIL receipts; where city-wide infrastructure projects will bid against one another to secure CIL funding.

5.43 **Consultation Responses**

5.44 SCC Highways – No objection

The proposed redevelopment of various sites on the Townhill Park estate will result in a net increase of 239 new homes. Meggeson Avenue is the spine road which runs through the centre of the estate, and meets with Townhill Way to the south east, and Woodmill Lane to the north west, after it has changed its name to Forest Hills Drive. Meggeson Avenue is currently subject to a 30mph speed limit, and is an unclassified public highway. The surrounding area is residential in nature, and there are a number of local schools within or in close proximity to the estate. There is an old highway, Cutbush Lane which runs to the east of the estate which offers pedestrian and cycling routes away from Meggeson Avenue, with linkages along its length into surrounding roads. Buses run along Meggeson Avenue, linking to the local centre of Bitterne, and the main city centre beyond.

5.45 Meggeson Avenue is generally wide, and parking occurs along much of its length, whilst some parking has been provided on previous verge areas to cater for demand. It is clear that the current off highway parking provision on Townhill Park Estate falls short of the demand. Criticism has been raised concerning the speed

of traffic on Meggeson Avenue, and therefore these two issues have been at the forefront in the consideration of this proposal.

5.46 Accident data has been provided for Meggeson Avenue, where it was found that a total of 9 injury accidents had occurred in the study period of 3 previous years, 6 of which involved vulnerable road users. The proposals therefore need to take account of the environment for vulnerable road users particularly, and it is proposed to reduce the speed limit on Meggeson Avenue, and create traffic calming by a number of measures to reinforce the reduced speed. One element of the traffic calming involves the provision of on street parking arranged to reduce down the carriageway width and create the effect of chicanes, whilst providing adequate room for buses and larger vehicles to negotiate the route whilst other traffic will be required to give way.

5.47 Initial highway comments were provided on 13th November 2015 and some points raised have been addressed in the Technical Note dated 7th March 2016, principally around the parking court layout for the proposed flattened blocks. However a number of issues still require further clarification.

5.48 Although the methodology used to calculate the level of parking currently occurring on site is slightly incorrect, due to this being the existing situation, numbers of parked cars were able to be counted and I am prepared to accept the information supplied and use it as a comparison against the level of parking proposed. The proposed parking provision for the new development generally provides for one parking space per flat, and 2 spaces for houses. This parking does not include the parking which is to occur on Meggeson Avenue, which will in itself increase the level of parking generally on the estate. In some instances, some existing houses which currently do not benefit from the choice of having on plot parking will be given the opportunity to have this should they wish.

5.49 Highways Officers are concerned at the designers' response in places to the points raised in the Stage 1 safety audit, but this is a matter which will be resolved when the developer wishes to progress the development and enter into a Section 278 Agreement to undertake the work on Meggeson Avenue. Further safety audits will be required before any highway works can commence and therefore these concerns will be addressed at that stage.

5.50 The impact of the traffic generation of this proposal on the surrounding network has been calculated through to an expected level of generation in 2025, which is a standard procedure. Concerns have been raised over the likely impact on Woodmill Bridge, and although the developer has provided data which suggests that the impact on the bridge will be insignificant, we will need to investigate this further and possibly include an obligation via the Section 106 agreement which will require studies prior to commencement of development, and following the development, and should the impact be greater than anticipated, measures can be in place to require the developer to fund mitigation work.

5.51 Conditions will be required to cover:

- Sight line details for new accesses to be agreed.
- Sight lines at junctions need to be agreed prior to the commencement of works to Meggeson Avenue
- Detailed agreement for the cycle and bin store arrangements
- Details of gates and entry systems to car parks and bin and cycle stores.
- Any redundant dropped kerbs shall be reinstated.

- All works to the public highway shall be carried out under a Section 278 agreement.
- Any new roads shall be constructed to an adoptable standard.

S106 Issues

- 5.52
- Highway Condition Survey
 - Construction and Environment Management Plan
 - Refuse Management Plan
 - Traffic Regulation Order

Officer Comment:

- 5.53
- The Woodmill Bridge issue remains unresolved based upon the revised Transport Assessment, although any impacts can be addressed through a planning obligation. The trips generated by the proposals are not significant enough to warrant concern or a formal highway objection to the planning application and an off-site payment towards improvements may be sought in the event that further work suggests that this is necessary. This can be resolved with the conditions listed below.*

- 5.54
- Design Advisory Panel** (at the pre-application stage) - This scheme will undoubtedly lead to a major transformation of the area and bring a significant modernisation of the standard of accommodation for residents when set against the existing housing it will ultimately replace, and this is clearly to be welcomed.

- 5.55
- The Panel does however have concerns over the substantial increase in the overall units proposed, which appears to be very detrimental on the amount of green space and public realm to be provided, which will be needed to serve an increased number of residents and families. Although the panel acknowledge that there is potential to increase the quality of the green space provided rather than the largely grassed and undersigned space between buildings that currently exist there does not appear to be much spatial variety of green space created.

- 5.56
- From the master plan the Panel could not immediately recognise a synergy between the buildings and the landscape, which will be critical in an area where the major change would appear to be replacing pavilion buildings of flats set in an open landscape to one of the same or increased scale enclosed within a perimeter block form. Currently the master plan appears to lack the creation of a sense of place and identity for the estate with the buildings failing to identify key nodes particularly along Meggeson Avenue. Currently there is little variation in the height of the proposed apartment buildings and this repetition of scale could appear very monotonous rolled out across all of the sites identified for this typology. It may be better to look to increase heights in certain areas, such as the entrance gateway from Townhill Way, in order to reduce heights in others to lessen the often stark contrast between existing two storey houses on one side of the street and five or six storey flat blocks proposed opposite.

- 5.57
- The Panel welcomes the proposal to create a village green but is unsure about both the location and nature of the convenience store. A more satisfactory solution may be to see the park as a park, with its principal activity coming from the play areas and a community café, similar to St James's Park in Shirley, and the convenience store being the focus for a square on Meggeson Avenue in the same location as the existing retail units which would have the greater advantage of catching passing trade from connecting routes and movement through to the school. The Panel are concerned that when the practical functions of the

organisational requirements of an end user are taken into account, there is a real danger that the specified desire for a double fronted building facing both the street and the park with views through the building will not be commercially viable. As previously mentioned the sudden change from the existing predominantly two storey housing to much taller blocks in a perimeter form around the park will need to be handled carefully if this transition is to be at all successful

5.58 As previously mentioned the Panel is concerned that there isn't sufficient variation in the building typologies, eaves heights, and the response to the site topography. In addition, although the use of balconies is welcomed the impact can be a significant loss of natural daylight to rooms. It is often better to use balconies in association with transverse flats to ensure good natural lighting to habitable rooms.

5.59 The form of the flat blocks would suggest the use of single aspect flats which does mean that a significant number of the proposed blocks will be largely north facing. This combined with the scale of the blocks and the presence of largely car parking areas within could make for an overall poor quality of residential environment, particularly related to Plot 2, where the flats will not only be north facing but also be close to the substantial hedgerow forming the boundary with Cutbush Lane. These concerns are particularly applicable to the 2 and 3-bedroom family flats.

5.60 With regard to the materials shown the Panel would urge the use of a natural brick rather than concrete types shown as the natural weathering properties of a high quality clay brick are proven to be superior to that of a concrete alternative. Care will need to be taken regarding the colour themes that you referred to in your presentation, and rather than colour being used on all the buildings it may be better to use colour to emphasise key structural elements of the building or to define legibility and identity at key nodes within the estate. Although welcome, it will need to be established whether what appeared to be seamless glass balustrades are viable on a social housing scheme, as a different approach would have a significant impact on the overall architectural aesthetic of the building.

5.61 Finally, the Panel felt that there is a need for a clear strategy at this stage for the use and management of the proposed roof terrace gardens. As previously stated, with the loss of available amenity space at ground, ensuring that the roof terraces work in detail for residents and are maintained to a very high standard is absolutely fundamental to this project. This goes beyond simply meeting the amenity space requirements of planning, but is critical to the future health and well-being of the estate residents. The detail design implications of issues regarding safety of use on top of tall buildings, and the management to avoid the potential attraction of anti-social behaviour needs to be considered, as it is clear that it cannot be acceptable given the reduction in ground level open space to have a situation, as has happened on a number of roof-top gardens, where ultimately residents are denied access to roof terraces because of safety or anti-social behaviour concerns.

Officer response:

5.62 *These comments were used at the pre-application stage to inform a design change to the proposals. Not all suggestions have been accommodated with the submission but this in itself does not make the design philosophy wrong. The Council's Design Officer's comments below respond to the scheme as amended and submitted:*

5.63 **SCC Design** - I am content that the layout follows the details of the scheme which we have commented on during the PREAP for this project. I remain unconvinced

by plots 11 and 14, but accept that if these plots are to be developed then the schemes proposed are the best compromise. The scheme now relies very heavily on the new village green to provide the public amenity for the site, and the use of extensive roof terraces for the communal amenity for residents of the new block. It will be vital therefore that the village green is delivered to the highest quality standard and be very robust given the very heavy public use this space is likely to attract. It will also be vital that the roof terraces cannot be closed to residents use as we are all aware of such terraces that have been closed after the start of any anti-social behaviour thereby denying their use to law abiding residents, which if it were to happen in this case would seriously compromise the overall residential amenity of the development. Given the reduced recreational space over the existing development I am surprised that the outline proposals show no upgraded landscape proposals for the existing grassed area adjacent to Hazelwood Road, and for Dyneley Green (Site 4) given that it is not now to be developed

Comments on Site 1 public realm and landscape

5.64 Given the loss of the existing green edge to Townhill Way I am surprised by the paucity of landscape and tree planting to this frontage. 5 Ginkgo's at 20m centres with a few specimen shrubs is completely unacceptable. A hedge with trees at 10m centres should be the minimum expectation here, particularly given the increase in overall scale of the development. Trees should be a minimum of 12-14cm girth. Not sure Ginkgo is the most appropriate species as feel a quicker growing native species variant would be more appropriate in this semi-rural setting

5.65 Given the presence of a not inconsiderable retaining wall to the communal amenity space it would seem odd that the design for this space has not sought to plant the area in front of the wall rather than, or in addition to the planting in front of the building

5.66 The large grassed area to the side of the townhouse next to Townhill Way seems a missed opportunity to provide a more ecologically diverse habitat.

5.67 There are no trees in frontages of the townhouses. The parking layout needs to be tweaked to facilitate this.

5.68 What is the function of the strip of land between the existing and proposed houses?

5.69 The access route to the car parking area off Round Hill Close and the route in front of the houses should be vehicle grade block paving not tarmac to help unify this space

5.70 Although I would love to see a Cedar of Lebanon I'm not sure that in the car park is the best location for what is a broad spreading conifer, as ultimately the beauty of this tree is in its low hanging and broad sweeping branches, something that would not be possible in a car park location. It would however be ideal for one of the various small green spaces across the estate where it could develop to its full potential.

Comments on Site 2 public realm and landscape

5.71 Same comment re site 1 regarding Townhill Way frontage, and also frontage of Meggeson Avenue. Also more shrub planting/low hedge planting needed along the street frontages rather than narrow open grassed areas to define public and 'private' space.

5.72 The Picea omorika is unacceptable to be planted between car parking bays on Meggeson Avenue, however it would be ok in the adjacent triangle of green space

5.73 I would've liked to have seen a grid of trees planted within the internal car park court as I fear given the scale of the buildings this will feel a very hard and bleak space for those residents who's flats overlook it.

Comments on the apartment architecture

5.74 My only concern is that the coloured approach to the panels on the building may date very rapidly. It's always interesting to me that on public housing schemes these bright colours are often proposed/used and always seem to date, where they are seldom ever proposed for private residential developments. You would naturally think that the public housing would be the 'safe' conservative option and the private the more experimental.

Officer Comment:

5.75 *Amended landscape plans have been submitted to deal with the specific points raised and these will form part of the presentation to Panel. A detailed response also explains how the scheme has evolved to take into account the suggestions made. The coloured panels will be reviewed when the materials are agreed.*

5.76 **SCC Ecology** – I am satisfied that the ecology issues have been fully considered. On the specific issues the following points are made:

Badgers

- 5.77
- The proposed development will lead to the loss of a large area of amenity grassland which is providing foraging habitat for badgers. The current density of badgers is high and there any loss of habitat will adversely impact the badgers. In the long term the effect will be a gradual decline in the badger population however, in the short term there could be a lot of movement of badgers as they seek out new foraging areas such as domestic gardens.
 - Increased badger foraging in gardens has the potential to result in damage to lawns and flower beds and lead people to take actions that may be illegal under the Protection of Badgers Act 1992. This will need to be monitored.
 - A programme of monitoring should be undertaken to establish population changes and identify whether and where any problems are occurring. This will also help to monitor sett establishment activity and hence whether sett disturbance licences are required.
 - The proposed development will not at present necessitate the closure of any setts however, badgers are highly mobile animals and new setts can be established at any time. Re-survey will therefore need to be undertaken prior to the commencement of demolition or construction work to ensure that there are no setts within 30m of the works. Should a sett be present within 30m, a sett disturbance licence will be required. It should be noted that these licences are only issued for the period 1st July and 30th November inclusive

Bats

- 5.78
- Bats are present in relatively low numbers with three species, common pipistrelle, Pipistrellus pipistrellus, soprano pipistrelle Pipistrellus pygmaeus, and Myotis spp, being recorded.
 - Bat roosts have been identified in two buildings however, these are not included in the first phase of the development and hence there will not be any adverse impacts on bat roosts.
 - Further surveys of these buildings will be required to support detailed

proposals for the later phases of the development. If the roosts are still present Natural England European Protected Species Mitigation Licences and suitable mitigation measures will be required.

- Bat foraging is occurring around the perimeter and along a row of trees running across the centre of the site. These trees need to be retained and any increase in artificial illumination needs to be minimised.
- Cutbush Lane is a particularly important corridor and it is critical that any tree removal does not lead to a physical break or an increase in night time light levels.

Other species

- 5.79
- Nesting birds and slow worms could be affected by vegetation removal. Suitable precautions such as removing vegetation at appropriate times of year should be detailed in a biodiversity mitigation and enhancement plan.

Frogs Copse Management

- 5.80
- The management plan will require more detail however, I am of the view that this is best developed in conjunction with the local community to generate interest in and ownership of the plan.
 - Delivery of the management plan could be secured through a planning condition however, there would need to be a clear deadline for delivery, e.g. occupation of first dwellings, and resources to support the community involvement.

Additional comments

- 5.81
- The proposed loss of trees will adversely impact local wildlife, particularly bats and birds. Adequate replacements, both in terms of numbers and species, will be required.
 - I support the proposal for tree planting along roads which will benefit biodiversity and create an environment that is more attractive for walking and cycling.

Habitat Regulations Assessment

- 5.82
- The screening is generally accurate however, a Statement to Inform (StI) the 'Appropriate Assessment' is required to enable the Local Planning Authority to undertake the appropriate assessment.
 - One area of inaccuracy is the conclusion of no likely significant effect in respect of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. Research has shown that recreational activity will lead to adverse impacts on the features of interest and as a consequence residential developments in Southampton, in-combination with residential developments elsewhere in south Hampshire, will lead to likely significant effects. This impact is only mitigated if a payment is made towards the programme of measures being delivered by the Solent Recreation Mitigation Project (SRMP).
 - Recreational activity has been correctly identified as being likely to lead to adverse impacts on the New Forest SPA however, as above, this will be an in-combination impact.
 - The applicant will need to specifically identify how recreational activity impacts upon the designated features and then explain how the proposed mitigation measures will remove these adverse impacts.
 - Specific details of the proposed mitigation measures will need to be provided alongside costs, locations and timeframes for delivery. A mechanism for securing the necessary funding will also need to be identified.

Green Infrastructure Plan

- 5.83
- I am supportive of the approach detailed in the green infrastructure plan however, if this document is intended to provide the mitigation framework for the HRA then more specific details on the infrastructure to be provided, the community activities to be undertaken and the resources available are required.
 - The proposed signposting and provision of maps to highlight recreational opportunities available to new residents are useful however, I suspect that, at least for the initial period after occupation of the housing, there will be a need for active engagement with residents to introduce them to the various open spaces. This will require funding.
 - Marhill Copse has been shown in the GI Plan even though it is not an area of Public Open Space which is misleading. This should be removed.

Open Space

- 5.84
- The open space assessment only talks about the physical loss of open space, no mention has been made of the effects of a growing population. This will adversely affect capacity.
 - There are a lot of comments about improving the quality of the open space to offset the loss however, no evidence has been provided to demonstrate that it is possible to adequately mitigate the loss in the face of increasing population levels.
 - No evidence has been provided on the current levels of use of the open spaces.
 - The open space assessment appears to have only considered the population within the Townhill Park Estate however, Frogs Copse will attract people from the residential area to the north and west of the estate which means that the pressure on the site may be greater.
 - The proposals for Frogs Copse are a bit vague but broadly acceptable.
 - I support the suggestion of a management plan for Hidden Pond.
 - I support the inclusion of rooftop gardens as a means of off-setting some of the loss of open space however, resources will be required to ensure that new residents are actively encouraged to get involved with their management.
 - I support the proposal to engage the community in the management of natural open spaces however, there is no mention of the resources that will be required to achieve this.
 - The numbers provided for hectares of open space are inconsistent and there appears to be a mistake in the adding up in Table 13.2 (Amenity Green Space 4.5 + 4.21 doesn't equal 8.16).
 - The justification for the loss of such a large area of amenity open space is weak. The factors quoted could all be resolved by 'betterment'. There is nothing fundamentally wrong with the amenity space that some resources couldn't address.
 - There is no indication of how deterioration, leading to similar concerns about quality, will be avoided in the future where even higher population levels will place greater pressure on sites and probably lead to higher levels of misuse.

Drainage

- 5.85
- I am not convinced of the need for a distinction between green and blue roofs. Properly designed roofs should be biodiverse and capable of providing adequate surface water management.

Officer comment:

- 5.86 *These comments have been shared with the applicant and further assessment*

work has been undertaken. A lighting Strategy, revised Open Space Assessment and Green Infrastructure Plan has been submitted to support the proposals. In response to this submission the Ecologist has commented that 'I am satisfied with the Green Infrastructure Plan version 2 and would like a planning condition requiring implementation of the measures detailed within it. The lighting assessment has confirmed that there is likely to be an adverse impact on bats using Cutbush Lane so I will require mitigation measures to reduce the impact as far as possible'.

- 5.87 **SCC Employment & Skills** - An Employment and Skills Plan Obligation will be required.
- 5.88 **SCC Contaminated Land** - This department considers the proposed land use as being sensitive to the effects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Landfill (220m to SW).
- Brickfield (Adj. to SW)
These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.
- 5.89 **SCC Environmental Health** - No objections to this application subject to suggested planning conditions.
- 5.90 **SCC Heritage** - The sites lie within Area 16 of the Local Areas of Archaeological Potential, and plots 12 and 14 are adjacent to the Itchen Valley Conservation Area and the Town Hill Park registered Park (Grade II). Generally, development here will threaten archaeological deposits, but the extent of survival of these deposits is presently unclear. It will therefore be necessary to archaeologically evaluate the area in accordance with the WSI prepared by the Southampton Archaeology Unit and dated 10/04/14.
- 5.91 Further works will need to be commissioned depending on the results of the evaluations. The need for further works may be mitigated once detailed information is received on groundworks (including landscaping and services) required for the construction of the new properties. There is the potential for the proposals for plots 12 and 14 to affect the setting of the Conservation Area and the Registered Park. While this may be unlikely (due to the heavy tree cover), this cannot be assessed at this stage as detailed design for these plots is reserved.
- 5.92 *Officer response:*
With the removal of Plot 14 from the scheme the setting to the Itchen Valley Conservation Area is preserved.
- 5.93 **SCC Sustainability** - A study was undertaken by Capita for a comprehensive district energy system which does not seem to be referenced to and reasons not given for not taking this forward. Code for Sustainable Homes Assessments have

been undertaken but the Code no longer exists. It may possible to still register a scheme, however according to Government guidance we can no longer require the Code as mandatory. Conditions securing the mandatory energy and water requirements are recommended. The image of the roof terrace doesn't look like a particularly pleasant environment - some artificial grass and a couple of planters with some coloured rubber paving. If the roof terrace is expected to replace some of the lost open space it should be of high quality. A condition is recommended to secure higher quality roof spaces.

- 5.94 **SCC Housing** – *comments made prior to withdrawal of Plot 14* - On the basis that there are a total of 675 new dwellings proposed by the application, and on the understanding that there are 428 existing dwellings, the resultant net gain is therefore 247 dwellings. In accordance with Policy CS15, the net gain is therefore subject to 35% affordable housing provision ie 86 units (rounded down). 50 of the affordable housing units are to be provided in Phase 1 of the proposed scheme, with the remaining 37 to be provided and agreed within the subsequent phases of the scheme as this evolves within the planning process.
- 5.95 **SCC Tree Team** – No objection (*following revised submission*)
The tree information is now vastly improved with better ability to see full impact of tree losses and gains. The proposed early phases don't deliver the 2:1 requirement on tree replacements. I'd therefore require an assurance that any delay or stoppage of phases subsequent to initial tree removal will be mitigated in any event please: this could be achieved by early planting on locations with less development pressure – perhaps as part of the improvement of tree cover for connectivity and the more sensitive ecological areas (Frogs Copse, Hidden Pond) allowing slight increase in young tree cover prior to losses.
- 5.96 Will require detail on tree planting into HARD landscaping to show sufficient soil volumes delivered for good tree establishment. Detailed pit designs for hard landscaping (including those with root barriers to one, two or three (undesirable) sides). Particularly into car parking areas and street verge locations. Not required for planting into soft landscaping. Understanding that the provision of soil volumes for tree establishment in hard landscape areas may require specialist below-ground engineering (Silvacells) to ensure no subsequent compaction takes place.
- 5.97 A condition that agreement on species per phase is agreed prior to any removals per phase to ensure good mix across the site.
- 5.98 *Officer Response:*
The requested details will be secured through the attached landscaping condition.
- 5.99 **SCC Flood risk** - The principles of the overall drainage strategy for the site are acceptable and the proposed reduction in peak flow rates and mitigation for the increased volume of runoff are welcomed. More detailed proposals for surface water drainage on phase 1 of the development (Plot 1 & 2) have been provided which in accordance with the principles provide a marked reduction in peak discharge to greenfield runoff rates and the increase in volume created by the increase in impermeable surfaces will be mitigated through the use of long term storage and infiltration. In relation to the proposals for infiltration on these plots the following information will need to be provided in order to satisfy that an appropriate infiltration assessment has been undertaken:
- confirm that the infiltration tests have been undertaken at the location, depth and with a head of water that replicates the proposed design;

- confirm what measures are necessary to prevent construction activities (especially compaction) changing the infiltration characteristics;
- confirm that the test infiltration capacity is likely to be representative of the wider ground mass;
- confirm that evidence has been provided of seasonal variations in groundwater levels;
- confirm that the maximum likely groundwater levels are >1m below the base of the infiltration devices;
- confirm that an assessment has been undertaken of the potential effect of infiltration on groundwater levels local to any infiltration component and the potential wider impact of multiple infiltration components within the site, with respect to groundwater flood risk;
- confirm that an assessment has been undertaken of the risk of springs developing in layered geology/steep topography as a result of the proposed infiltration.

Given the need for further details in relation to the proposed infiltration components of the drainage system for plots 1 & 2 it is advised that a pre-commencement condition is added to cover the need for further detail on the design proposals for the drainage on the later phases of the development. It would also be advisable that a condition is applied to secure that the development is implemented in accordance with the submitted drainage strategy and flood risk assessment.

5.100 **Southern Water** – No objection subject to appropriate planning conditions being attached – The response confirms that there is currently inadequate capacity for both foul and surface water drainage but that both can be resolved through further approvals with Southern Water.

5.101 **Natural England** – Holding objection removed
 The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site and also notified at a national level as Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The proposal site is also in close proximity to the New Forest SPA, SAC, Ramsar and SSSI sites.

5.102 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

5.103 i) Solent and Southampton Water SPA - No objection, subject to contributions
 This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant is

complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

5.104 ii) New Forest sites - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

5.105 iii) Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

5.106 iv) Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

5.107 v) Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

5.108 **Environment Agency** – No objection.

5.109 **Southampton Common and Parks Protection Society** - SCAPPS appreciated the time and effort officers spent in explaining proposals to us whilst the regeneration plan was in preparation and is pleased that the submitted scheme has taken account of our comments. SCAPPS welcomes & supports the inclusion in the application of our suggestions for a clearly signed path from Meggeson Avenue into Frogs Copse, the principal green space in Townhill and the inclusion of proposals to enhance its provisions for recreation. SCAPPS has been unable to find in the documentation accompanying the application a firm commitment to

implement the proposed improved access and facilities and has concern that the phasing plan shows the housing-development area through which the new access would pass in phase 3, 2020-25, which is too long to wait for a proposal that will significantly contribute to improving the character and 'feel' of the estate. However, the phasing plan has an annotation on Frogs Copse 'phase to be confirmed' for improvements to Frogs Copse. SCAPPS requests that the planning permission requires the new access & improvements to Frogs Copse to be brought forward at an early phase of implementation and certainly significantly sooner than development of housing area 13.

5.110 SCAPPS welcomes removal from the proposals of the previous intention to build on the highest point in the estate, Dyneley Green (housing area 4). SCAPPS has not been able to find reference in submission documents to how it is proposed the amenity grass area known as Dyneley Green will be managed/maintained but hopes it will be managed as rough grass, not a close mown area. SCAPPS welcomes and supports the creation of a 'village green' which will include a large children's and young person's play area and is pleased to see this is included in phase 2a.

5.111 *Officer Response:*
*The submitted Green Infrastructure gives more certainty to the phasing of the open space improvements and has informed the HRA attached at **Appendix 1**. A planning condition relating to a wider phasing plan is also recommended to secure delivery.*

6.0 Planning Consideration Key Issues

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

1. The Principle of Development (including Open Space);
2. The Design, Layout & Density;
3. Impact upon Residential Amenity;
4. Parking, Rights of Way & Highway Safety; and,
5. Off-site Mitigation, Habitat Regulations & S.106 Legal Agreement.

6.2 1.Principle of Development (including Open Space)

6.2.1 Both local and national planning policies are committed to delivering additional housing on previously developed land in sustainable locations. The Council has a recognised housing need of 16,300 homes until 2026 (LDF Policy CS4 refers). In particular, whilst the principle of development is clearly supported in these circumstances, an assessment of the scheme's impact on the character of the area, residential amenity, and its efficient use of land for housing delivery, are material to the Council's planning decision.

6.2.2 The scheme proposes a reasonable mix of flats and houses as set out below, albeit the permission will need to allow for flexibility to respond to market conditions and (given the outline nature of the application and the time needed for delivery) the following should be taken as indicative only at this stage:

	1 bed	2 bed	3 bed	4 bed	Total
Flats	281	154	96	0	531 (80%)
Houses	0	19	113	2	134 (20%)
Total	281 (42%)	173 (26%)	209 (31%)	2 (<1%)	665

- 6.2.3 The current split between houses (134 – 20%) and flats (531 – 80%) is acceptable given that the existing plots are wholly flatted. Flat sizes are between 47 and 107sq.m in floorarea, which is also acceptable. A minimum of 35% of the homes will be secured as affordable. The application proposes that 44 of the dwellings within Phase 1 (Plots 1 and 2) will be genuine family homes, with at least 3 bedrooms and access to private amenity space. The minimum target across the estate will be 30% (LDF Policy CS16 refers). 50 of the units from Phase 1 will also be 'affordable'.
- 6.2.4 The key issue for assessing the acceptability of the principle of development for this application concerns the loss of open space. As has been stated the application proposes a shift away from undesignated highway verges and open spaces around flatted blocks towards private gardens and roof top terraces. All plots will lose a degree of open space in this process and, despite the retention of Plot 14 as part of the scheme's open space provision, the overall loss of open space to development is 1.69 hectares. This is not compliant with LDF Policy CS21 – *'the Council will retain the quantity and improve the quality'* - and needs to be considered against other material considerations around this case. The Panel have to decide whether this loss is acceptable and should note that not all of this space is currently attractive and/or useable; some of it is unusable and some is used instead for parking on an informal basis. It does, however, perform a visual function and separates development giving the estate an open character which will, to a certain extent, be lost should the proposed redevelopment take place.
- 6.2.5 Furthermore, there will be additional demand for recreation created by the predicted population increase of some 560 people. In order to satisfy Natural England that this combination (of additional demand for open space coupled with a direct loss in quantity) wouldn't result in additional recreational pressures on the Special Protection Areas of the Solent Waters and the New Forest the applicant has put together a scheme of measures to mitigate against any significant impact. The Appropriate Assessment appended to this report at **Appendix 1** details this further, and is informed by the revised Green Infrastructure Management Plan (Version 2). These documents are deemed sufficient to meet the requirements of the Habitats Regulations.
- 6.2.6 In designing the redevelopment of an existing estate it is inevitable that residential numbers, density and scale will increase as the proposals seek to maximise the land's reuse whilst delivering a viable scheme worth implementing. The suggested mitigation, in combination with the wider benefits derived from housing delivery (including the provision of affordable housing), is sufficient to persuade officers that the principle of increasing residential density and losing open space is acceptable in this instance. In reaching this decision weight has been given to LDF paragraph 5.4.14 (as set out above).
- 6.3 2.The Design, Layout & Density
- 6.3.1 This individual plots are currently, as has been described above, characterised by 5 storey flatted blocks of uniform appearance set within existing landscaped open space and significant areas of hardstanding used for parking.
- 6.3.2 The proposed layout for all plots has been provided, with full details of the buildings design and landscaping offered for Plots 1 and 2 only.

- 6.3.3 The design for Plot 1 is contemporary and steps the flatted block down the slope of Townhill Way. The terraced housing acts as a buffer between the larger block and the bungalow neighbours of Onibury Road to the south. The houses themselves offer an attractive internal layout with habitable rooms addressing the street. Storage is integral to the design and is welcomed. The use of predominantly brick facades broken by coloured panels and balconies with grey windows is also considered to be successful with further details to be secured with the attached planning conditions.
- 6.3.4 Plot 2 proposes to replace 5 flatted blocks with 5 buildings of larger footprint framing an internal parking courtyard. This design is positive in streetscene terms and rooflines have been amended at the request of the Design Advisory Panel. The proposals introduce surveillance to Cutbush Lane and retain public open space between blocks whilst gating the parking to make it safe and secure. The design aesthetic for Plot 2 follows that employed for Plot 1 and has been assessed by officers as acceptable when considered against LDF Policy CS13.
- 6.3.5 The chosen layouts for all plots apply a perimeter block approach by placing buildings onto street frontages to screen a significant increase in parking to satisfy the needs of the development. This assists in reducing the car dominated appearance that currently presents itself across the estate. This approach also keeps development away from the neighbouring boundaries wherever possible. The estate retains its permeability despite the increase in dwelling numbers, scale and density. A total of 43 trees will be lost to Phase 1 and their replacement forms part of the detailed landscape proposals.
- 6.3.6 LDF Policy CS5 encourages higher residential densities in areas with good local access. Townhill Park has relatively poor accessibility (when compared to other parts of the City) and yet is already developed to a reasonably high density given the terraced housing and 4/5 storey flatted development. Similarly, the form of development proposed includes terraced housing coupled with flatted blocks of up to 7 storeys where the applicants exploit the change in levels across the estate to provide additional height in those areas where additional scale can be successfully accommodated. The layouts clearly delineate private and public areas, unlike existing, whilst respecting the importance of the existing trees and the need to provide greater surveillance to the site's public footways along the boundaries.
- 6.3.7 In terms of residential density the Development Plan suggests that areas with low accessibility should be redeveloped at between 35-50 dwellings per hectare (dph) as a guide (Policy CS5 refers). This needs to take account of the existing context of course and, in this case, the Council's vision to regenerate its existing housing stock. In this instance the following densities are proposed:

Plot	Site Area	Existing		Proposed	
		Units	Density	Units	Density
1	0.58ha	43	73dph	63	107
2	1.46ha	93	64dph	213	146
5	1.20ha	65	54dph	169	141
6	0.32ha	11	35dph	14	44
7	0.67ha	44	66dph	50	75
8	0.89ha	33	37dph	0	0
9	0.71ha	66	93dph	48	68
10	0.35ha	16	46dph	20	57
11	0.16ha	0	0	4	25

12	0.31ha	33	105dph	56	179
13	0.73ha	22	30dph	28	38

- 6.3.8 The increase in scale and site coverage results in higher densities on all plots (as would be expected if development is to be a viable proposition), but still within a range of 25-179dph (up from a range of 35-105dph). Density in itself should be a final test though, and crucially the design of a scheme should take precedence. Where a scheme can be accommodated within its existing context then a higher density can be considered. In this case the proposed densities are not harmful or indicative of an overdevelopment.
- 6.3.9 Parking is well scattered across the development within defined parking courtyards that are screened by the buildings, wherever possible, so as to reduce the dominance of the private car to the overall layout. It is considered that the proposed footprint and quantum of development is acceptable and would make an efficient use of land whilst providing a good mix, and additional family dwellings, within a mature landscape setting.
- 6.3.10 With the exception of plots 1 and 2 the design of the housing is reserved for a separate application but is likely to be simple and contemporary, which is appropriate given the surrounding context. A traditional palette of materials is recommended, including a mixture of facing bricks, and coloured panels (to be determined). The indicative materials provided for the later plots is well considered, thorough and gives officers the assurance needed to conclude that the quantum of development proposed can be delivered without significant harm being caused to the visual amenity of the estate. Further details can be secured with the attached planning condition. The buildings have safe and convenient access to integral bin and cycle storage, which can also be secured with a planning condition.
- 6.3.11 As the design is reserved the internal layouts are not currently known. That said, the indicative layouts provided suggest that it is possible for all houses to have dual aspect with access to private gardens of between 54sq.m and 95sq.m with between 9 and 15m depth as suggested within the RDG.
- 6.3.12 The flatted blocks have private balconies and roof terraces. These private external spaces largely meet the standards set out in the Residential Design Guide, namely paragraph 2.3.14 and section 4.4. They are considered to be fit for purpose and are acceptable. The success of the flatted roof terraces lies in their management and a planning condition is recommended. Flats have, wherever possible been designed as dual aspect, particularly where corner units are proposed and/or there is a change in storey height. Single aspect north facing flats are limited to Plots 2, 5, 7 and 12.
- 6.3.13 The current scheme, therefore, assists the Council in meeting its housing requirements without harming the character of the area, whilst providing a good mix of units to assist in achieving a 'mixed and balanced community' as required by the National Planning Policy Framework (NPPF – Chapter 8). It is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7 and H7 as supported by Core Strategy Policy CS13. The Council's City Design team have worked with the applicant at the pre-application stage to reduce the scheme's impact and are supportive of the current application layout, whilst noting that the scale of development proposed is significant and will inevitably change the established character of the estate.

3. Impact on Residential Amenity

6.4

6.4.1

Local Plan Policy SDP1(i) seeks to protect the existing residential amenity from development. The proposed dwellings have been designed to sit within their plot and are mostly set away from the common boundary with immediate neighbours. Where development is closest to the neighbours there exists mature planting that will be retained to mitigate any impact; this is particularly the case in respect of Plot 2 where development is pushed towards Cutbush Lane. The change in levels in this location and the retention of the mature trees assist in reducing the impacts from the development on the neighbours living within the administrative boundary of Eastleigh Borough Council. It should also be noted that there have been no design-related objections from neighbours to Plots 1 and 2.

6.4.2

In terms of impacting upon existing residential amenity the scheme is mitigated to a certain extent by the existing layout and flatted blocks that already places 5 storey development adjacent to two storey terraced housing. The areas of change have, however, been assessed as part of this planning application's assessment:

6.4.3

Plot 1 has residential neighbours to the west (24-40m separation) and south (20m back to back). Plot 2 is separated from the neighbours in Cerne Close and Culvery Gardens by Cutbush Lane and its mature tree planting (20+ metres separation). Plot 5 fronts Meggeson Avenue but the rear blocks afford views towards Gatcombe Gardens (35m+ metres separation). This plot has been reduced in height to the east where the separation distance from the fronts of these existing neighbours ranges from 14-20 metres. This improves the outlook from these neighbours. Plot 6 introduces a two storey mews adjacent to the retaining walls of rear gardens to property fronting Kingsdown Way (18m separation distance). A bespoke design is employed for this plot and this is considered to work successfully. Plot 7 (houses) step away from their neighbours along Wakefield Road and Cornwall Road (16m to 40+ metres) and the flatted scheme, which has attracted objection from concerned neighbours living (mainly in Cornwall Road) is 35+ metres from the rear elevation of these affected neighbours. Plot 9 has a back-to-back relationship of 19-24m between the blocks proposed, although buyers will be aware of this relationship when purchasing. Similarly Plot 10 has the same internal relationship without affecting existing neighbours. Plot 11 affects the outlook from existing neighbours and results in the direct loss of open space. The change in levels across this plot enables a two storey development to appear as a single storey scheme when viewed from the rear (south) thereby reducing the impacts. These units wouldn't benefit from private rear gardens but again buyers would be aware of the circumstances before making a purchase. Plot 12 has no neighbours to the north (Hidden Pond), although an objection has been raised by the neighbour to the west of the proposed terrace (see response given above). Plot 13 doesn't propose any direct back-to-back issues with its neighbours as all units front outwards across the street. These relationships are acceptable and, where not directly compliant with the distances listed in the RDG, there is mitigation – in the form of level changes and existing (retained) planting – to lessen the direct impacts.

6.4.4

As a result of these proposed spatial characteristics the existing residential amenity of the area, in terms of daylight, shadowing, privacy and outlook will not be significantly compromised by this proposal. In amenity terms the proposed separation between dwellings, the retention of the mature landscape setting and the orientation of the buildings within their plots combine to create an acceptable

addition to the area. The application accords with the adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD, which seek to protect residential amenity.

4. Parking, Rights of Way & Highway Safety

- 6.5 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

- 6.5.1 The Council's revised adopted maximum parking standards are 1 space per 1 bed and 2 spaces per 2 and 3 beds as set in the adopted Car Parking SPD (September 2011). Applying these standards the maximum level of on plot parking required would be 1,053 spaces based on the indicative mix given above.

- 6.5.2 The proposed development seeks to provide, instead, a single parking space for every flat and 2 parking spaces for every dwellinghouse and this has largely been achieved across the (indicative) layouts provided. There are a couple of exceptions as noted above and this should be considered in the context of the 109 uncontrolled parking spaces shown along Meggeson Avenue, Wakefield Road, Cutbush Lane and Ozier Road to support the estate. A total of 778 off road parking spaces are proposed. This level of on-site parking meets our maximum standards and is considered to be appropriate in this instance given the local circumstances involved and the concerns of existing residents of a harmful parking overspill arising. Any additional parking would be at the expense and further erosion of the retained areas of open space and any further reduction in unit numbers is, according to the applicant, likely to affect the viability and deliverability of the scheme.

- 6.5.3 In order to move away from a 1960's flatted finger-block layout towards one of perimeter blocks there will be a shift in the existing open access approach offered by the estate. Whilst permeability is retained, and Cutbush Lane in particular is retained as an important east-west pedestrian link, there will inevitably be a change to the existing network of rights of way across the estate. Whilst not strictly a matter for this planning application, as further consents would be required to divert existing footpaths, the application has been described as affecting rights of way on this basis so as to expedite the process. This does not prejudice the ability of a third party to raise related objections at a later point in the overall process.

- 6.5.4 The Council's Highways Officer has raised no objection to the proposal and its proposed level of parking, subject to further discussion on the Woodmill Bridge impacts and the use of the attached planning conditions; including means for controlling construction delivery times and routing so as not to conflict with local schools. The application is considered to accord with Local Plan policies SDP4, SDP5 and Core Strategy policies CS18 and CS19 in respect of local highway safety.

5. Off-site Mitigation, Habitats Regulations & S.106 Legal Agreement

- 6.6 The proposed development is expected to make reasonable contributions towards mitigating site specific impacts of the development, including the provision of affordable housing, as is the case with all new development. The proposed works to Meggeson Avenue constitute a site specific highways contribution as required by the Council's Highways Officer.
- 6.6.1

6.6.2 The Council (as landowner and applicant) cannot, however, enter into a S.106 with the Council (as Local Planning Authority). As such, in the event that this planning application is deemed by the Panel to be acceptable a conditional outline planning permission will be issued. A condition requiring a commitment towards the planning obligations by the Council (as applicant) ahead of the commencement of works is recommended and supported by the Planning Solicitor. Furthermore, the Council will include a clause to bind any future developer to enter into the S.106 legal agreement at the land transfer stage (should this be the preferred approach for delivery). So whilst the process is slightly different the result will be the same and a package of off-site mitigation measures and affordable housing can be secured.

6.6.3 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites:

6.6.4 i) Solent & Southampton Water SPA

The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 (per unit) has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

6.6.5 i) New Forest SPA

The New Forest is designated as a SPA and Natural England have raised concerns that new residents will put pressure on the Forest for recreational activity. To mitigate this the application promotes improved signage of local open space thereby offering residents a wider choice and understanding of their local offer alongside design led on-site mitigation to enhance the existing recreational offer on the estate, with a particular focus upon improving Frog's Copse as an attractive local resource.

6.6.6 The Panel's attention is drawn to **Appendix 1** of this report and the Habitats Regulation Assessment provided, which is necessary as part of this determination process before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give approval to the project. The Habitats Regulation Assessment concludes that there will be no adverse effects on the European sites (Solent Waters and New Forest). Members are recommended to endorse this conclusion to allow the planning application to be decided. Providing the planning obligations are secured (as discussed above) this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as

amended). Natural England agree with this conclusion and have removed their holding objection.

6.6.7 Finally, as the development will affect bats, which are European Protected Species, the Local Planning Authority needs to demonstrate that it has discharged its duty further in relation the Habitats Regulations. This requirement has arisen as a consequence of the findings of the Judicial Review Woolley v Cheshire East BC. In order to discharge its duty the Local Planning Authority will need to demonstrate that the three tests contained within the Habitats Regulations have been met. The three tests are as follows:

1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';*
2. *there must be 'no satisfactory alternative'; and*
3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.*

6.6.8 The applicant's submission satisfactorily deals with these requirements, and the delivery of housing on this estate is the overriding consideration. The Council's Ecologist has raised no objection to the proposals on this point subject to further mitigation being provided through the attached planning conditions.

7.0 **Summary**

7.1 The redevelopment of the Townhill Park Estate is supported by officers as a way of improving the quality and quantity of the City's housing stock. The scheme presented has been many years in the making and care has been taken to ensure compliance with the Development Plan for the City. The loss of some 1.69 hectares of open space is however proposed and is regrettable given the significant increase in population projected. At this time the open space losses can be mitigated through the transfer of undefined public areas to private gardens and roof terraces, with improvements proposed to the quality of the retained spaces. In the context of the wider estate regeneration benefits proposed this loss of open space is deemed by officers to be acceptable and is within the spirit of LDF Core Strategy paragraph 5.4.14 as set out above.

7.2 The provision of 665 new dwellings - an increase of 239 (56% increase) dwellings on a comprehensive basis makes an appropriate use of this previously developed land, wherever possible, whilst respecting the specific constraints to redevelopment, including the significant tree cover. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the estate, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme. An acceptable residential layout is proposed and the contemporary design shown for Phase 1 can be supported.

8.0 **Conclusion**

8.1 This outline planning application is recommended for conditional approval with the

planning obligations to be resolved at the land transfer stage (should that be a preferred delivery model) and certainly ahead of the commencement of development, for the reasons given above.

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

1a-d, 2b, d & f, 4f & vv, 6a, 7a&b, 8j, 9a & b

SH2 for 03.05.2016 PROW Panel

PLANNING CONDITIONS to include:

1.APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development for 665 residential dwellings across the phases shown on plan ref: P100 025 Rev A is approved.

The following matters sought for consideration, namely the 'Layout' of buildings and other external ancillary areas, the means of 'Access' (vehicular and pedestrian) into the site and the buildings, the 'Scale', massing and bulk of the development, the 'External Appearance' and the 'Landscaping' (both hard, soft and including enclosure details) of the site is approved for Plots 1 and 2 (Phase 1) subject to the following:

- (i) The development of Phase 1 hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

The following matters sought for consideration, namely the 'Layout' of buildings and other external ancillary areas, the means of 'Access' (vehicular and pedestrian) into the site and the buildings and the 'Scale', massing and bulk of the development, of the site is approved for Plots 5-13, with indicative plans noted, subject to the following:

- (i) Written approval of the details of the following awaited reserved matters for each phase shall be obtained from the Local Planning Authority prior to any works taking place on that phase (excluding any demolition phase, site set up and/or site investigation works):
- the 'External Appearance' and architectural design specifying the external materials to be used (see associated external materials condition below); and,
 - the 'Landscaping' (both hard and soft including tree pit details, all means of enclosure details, including any gated accesses, and ancillary works) with associated management.
- (ii) The development of each phase hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved for that phase of the regeneration project.

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2.APPROVAL CONDITION – Planning Obligation

No development shall commence on site (excluding any demolition phase, site set up and/or site investigation works) until a planning obligation has been entered into or given with the Council covering the following heads of terms:

- i. A phasing strategy for the delivery of the development, the on-street car parking serving the wider estate, the public realm and traffic calming measures for Meggeson Avenue and the phasing of any financial contributions listed below. This phasing plan shall

confirm that the Village Green proposals shall have been approved and completed prior to the first occupation of the 277th residential unit (ie. the next dwelling after those approved for Phase 1):

- ii. Either works agreed under S.278 or financial contributions towards site specific transport contributions for highway improvements and external lighting (if needed) both within and in the vicinity of the site, including any associated Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- iii. An off-site construction vehicle routing plan with its principal focus being Townhill Park;
- iv. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) or details of an independently assessed viability of the project with appropriate triggers for reappraisal;
- v. The provision and ongoing management/maintenance of on-site playspace in accordance with the approved drawings, as required by policies CLT5 and CLT6 of the City of Southampton Local Plan Review (amended 2015), and the provision for ongoing management of external amenity spaces and landscaped buffers forming the site;
- vi. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives during the construction phase, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- vii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (amended 2015);
- viii. The implementation of the Green Infrastructure Strategy (Version 2) (25th February 2016) and measures listed within the Habitats Regulations Assessment (03.03.2016) with a plan for the phasing of its full delivery associated with housing delivery including financial contributions towards an on and off-site open space signage strategy for encouraging residents of the development to visit local areas of open space for dog walking and recreation – Habitats Regulations mitigation;
- ix. Financial contributions towards Solent Disturbance Mitigation Project in accordance with policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010 and as detailed in the Habitats Regulations Assessment (03.03.2016);
- x. A commitment to a 2:1 tree replacement strategy for the wider estate, particularly to compensate for those plots that are unable to meet this requirement directly;
- xi. A roof terrace design, implementation and management strategy for all flatted blocks. The roof terraces shall remain open for the benefit of residents and their visitors to which they relate during the lifetime of the development. Any planters and seating provided shall be fixed. In the event that the roofspace is designed for the growing of fruit and vegetables it shall be provided with areas for storage, a water supply, waste handling and appropriate drainage;
- xii. Submission of a highway condition survey on a phase by phase basis to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and,
- xiii. A public art strategy for the estate.

The development shall proceed as agreed.

Reason:

Planning permission can be issued following the resolution of the Planning and Rights of Way Panel as the site is currently within Council ownership and the planning obligations are to be tied to either to the commencement of the development or the sale of the land contract as deemed appropriate in the National Planning Policy Guidance. Furthermore, as the development will create localised impacts the above planning obligations are required in the interests of the proper planning of the area and to mitigate the impact of the development in accordance with Policy CS25 of the amended City of Southampton Core Strategy (amended 2015).

3.APPROVAL CONDITION - 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.

The development hereby permitted shall be carried out in accordance with the recommendations and details set out in the following documents, unless alternative arrangements are made through the clearance of the planning conditions attached to this planning permission:

- Capita Drainage Strategy (August 2015)
- Capita Phase 2 Bat & Reptile Surveys (October 2012)
- Capita Ecological Report (September 2014)
- Preliminary Ecological Assessment (August 2012)
- Capita Lighting Assessment (January 2016)
- Design out Crime Consultation (July 2015)
- Arboricultural implications Assessment (July 2015)
- Flood Risk Assessment (May 2015)

Reason:

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

4.APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date prior to the commencement of any above ground works for the construction of the buildings in each phase hereby permitted (excluding any demolition phase, site set up and/or site investigation works) details and samples of the materials and finishes to be used for the external walls (including a colour scheme for any cladding systems), windows, balconies, doors and roof etc. of the buildings in that associated phase shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Those flats with windows fronting Cutbush Lane and Hidden Pond – namely Plot 2 (A, F and E), Plot 5 (C and D) and Plot 12 (A) shall be fitted with tinted glazing as recommended by the Capita Lighting Assessment (January 2016) in order to reduce light spill into this established corridor for bats.

The external window reveals to be employed across the development shall be a minimum of 150mm as agreed by the applicant in their letter dated 8th March 2016.

External meters and utility boxes required to serve the residential use shall be fitted away from the principal elevation of the building to which it relates unless otherwise agreed in writing with the Local Planning Authority prior to its installation.

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 development of high visual quality.

Note to Applicant:

The use of render should be kept to a minimum across the development with the Council's preference for brick as the principal facing material.

5. APPROVAL CONDITION – Landscaping (Phase 1)

The landscaping associated with Phase 1 hereby approved shall be implemented in accordance with the approved plans.

Details of the gates, entry systems and means of enclosure to the private parking courtyards serving Phase 1 (Plots 1 and 2) shall be provided and agreed prior to their installation and erected prior to the first occupation of the residential units to which the parking relates. The gates and means of enclosure shall be maintained as agreed during the lifetime of the development.

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

The approved hard and soft landscaping scheme (including parking) for the whole phase shall be carried out prior to the first occupation of the phase 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 and to ensure that the parking courtyards are retained as private thereby improving security for these areas.

6. APPROVAL CONDITION - Arboricultural Method Statement

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

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.

7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason:

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

7.APPROVAL CONDITION - Replacement trees

Notwithstanding the agreed landscaping scheme for Phase 1 any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development of each phase at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

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

8.APPROVAL CONDITION - Tree Retention and Safeguarding

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

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

9.APPROVAL CONDITION - no storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

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

10.APPROVAL CONDITION – Demolition and Construction Method Statement (DCMS)

Prior to the commencement of development of every phase (including any demolition phase, site set up and/or site investigation works) details shall be submitted to and approved in writing by the Local Planning Authority making provision for a “Demolition and Construction Method Statement” (DCMS) for the development. The DCMS shall include details of:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor’s cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) details of lorry routing
- i) Measures to be used for the suppression of dust and dirt throughout the course of construction;
- j) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- k) Details of how noise and vibration emanating from the site during construction will be mitigated;
- l) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- m) Confirmation that the hours of construction listed in the condition below will be adhered to; and,
- n) The methods of supervision to ensure that workers have knowledge of the method statement.

The approved DCMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

Note to Applicant:

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

11.APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works (including all associated deliveries), shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9:30am and 2:30pm to 3:30pm Mondays to Fridays

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the local school's peak hour traffic.

12.APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving each dwelling hereby approved, and pedestrian access to it, shall be made available for use by the associated dwelling prior to the first occupation of that dwelling hereby permitted, and shall be retained with access to it at all times for the use of the dwellings.

Reason:

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

13.APPROVAL CONDITION - Ecological Mitigation Statement

Prior to development of each phase commencing, (including any demolition phase, site set up and/or site investigation works) the developer shall submit a programme of habitat and species mitigation and enhancement measures for approval in writing by the Local Planning Authority, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme.

Reason:

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

14.APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

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

Reason:

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

15.APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof to support each phase shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development of each phase (excluding any demolition phase, site set up and/or site investigation works) to which the information relates. If the study demonstrates the site is viable and has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority prior to its installation. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

16.APPROVAL CONDITION – Drainage & Sewerage Infrastructure

No development shall commence on each phase (excluding any demolition phase, site set up and/or site investigation works) until details of the proposed means of foul sewerage and surface water drainage for that associated phase have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity is required to accommodate the proposed intensification of development.

17.APPROVAL CONDITION - Sewers

No development shall commence on each phase (excluding any demolition phase, site set up and/or site investigation works) until details of how the existing sewer and water infrastructure across the site shall be protected during that associated construction phase have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity is required to accommodate the proposed intensification of development.

18.APPROVAL CONDITION - Sustainable Drainage System (Surface Water)

Prior to development of each phase (including Phase 1) commencing (excluding any demolition phase, site set up and/or site investigation works) details of the construction of the surface water drainage system for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Planning Authority. The surface water drainage for the relevant phase shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the associated phase. It shall thereafter be retained and maintained for the benefit of the site and its users.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, to ensure future maintenance of the surface water drainage system and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20.

19.APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences on each phase (excluding any demolition phase, site set up and/or site investigation works), written documentary evidence demonstrating that the development within that phase will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

20.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of each phase 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 within the associated phase 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).

21.APPROVAL CONDITION - Archaeological evaluation

No development shall take place within the site until the implementation of a programme of archaeological work on a phase by phase basis has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

Reason:

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

22.APPROVAL CONDITION - Archaeological evaluation work programme

The developer will secure the completion of a programme of archaeological work on a phase by phase basis in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

Reason:

To ensure that the archaeological investigation is completed.

23.APPROVAL CONDITION - Archaeological investigation (further works)

The Developer will secure the implementation of a programme of archaeological works on a phase by phase basis in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

Reason:

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

24.APPROVAL CONDITION - Archaeological work programme (further works)

The developer will secure the completion of a programme of archaeological work on a phase by phase basis in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

Reason:

To ensure that the archaeological investigation is completed.

26.APPROVAL CONDITION - Land Contamination investigation and remediation

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

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

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

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

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

27.APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

28.APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

29.APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

No development shall take place on each phase hereby permitted (excluding any demolition phase, site set up and/or site investigation works) until the Local Planning Authority have approved in writing:-

- A specification of the type of construction proposed for the roads, cycleways and footpaths for that particular phase including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water;
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority; and,
- A programme for reinstating any redundant/existing dropped crossings and footway crossovers around the site perimeter. These affected kerbs are to be reinstated to a full kerb and footway construction under licence from the Council or our highway partners.

If a Section 38 agreement is not entered into for the formal adoption of the roads, details of how a Management Company will be set up and put in place for the future maintenance of the development will be required and this will need to be supported by a suitable bond.

The development shall be completed as agreed.

Reason:

To ensure that the roads, cycleways and footpaths are constructed in accordance with standards required by the Highway Authority.

30.APPROVAL CONDITION – Residential Parking

All parking spaces shall be provided with a minimum 5m x 2.4m dimension and with a minimum 6m isle width (unless echelon) to allow adequate space to turn into and out of the spaces if positioned at 90 degrees to the highway. Parking spaces parallel with the kerb shall be a minimum 6m long and 2m wide, with a paved refuge to stand out onto beside the vehicle. The residential parking shall be provided in full prior to the first occupation of each phase to which it relates at a ratio of 1 parking space per flat and 2 parking spaces per house unless otherwise agreed in writing prior to the commencement of development for that phase. No more than 1 parking space shall be allocated to each flat unless otherwise agreed in writing with the Local Planning Authority. Any garaged spaces shall be retained for parking and not converted for habitable residential accommodation. A minimum of 109 visitor parking spaces shall be marked out in accordance with details to have been agreed in writing by the Local Planning Authority prior to their first use and shall thereafter be retained for public/general use. The phasing of these on-street parking spaces shall be phased in accordance with the details secured through the planning obligation (Condition 2 above)

Reason:

To ensure that the scheme provides a suitable level of parking to serve its needs in the interests of highway safety.

31.APPROVAL CONDITION – Sightlines

Details of sightlines to serve any new road or parking courtyard entrance shall be agreed on a phase by phase basis through the Reserved Matters application submission. Details for Phase 1 as approved shall be provided, approved and provided (as agreed) prior to the first occupation of the phase.

Reason:

In the interests of highway safety.

32.APPROVAL CONDITION – Electric Car Charging Points

Details of electric car charging points to serve the development shall be agreed on a phase by phase basis through the Reserved Matters application submission. Details for Phase 1 as approved shall be provided, approved and provided (as agreed) prior to the first occupation of the phase. The charging points shall be retained thereafter.

Reason:

In the interests of promoting alternative modes of travel and improving air quality across the estate in accordance with LPR Policy SDP15.

33.APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance

Appropriate bin storage shall be laid out with a level approach prior to the first occupation of each terraced house or flatted block hereby approved in accordance with details hereby approved (for Phase 1) or that shall have been submitted and agreed at the Reserved Matters stage (for later phases). The facilities shall include accommodation for the separation of waste to enable recycling (including glass) and green waste. A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with any Eurobins. Refuse bins shall not be left in collection points or otherwise external to the approved refuse stores other than on the day of the designated collection. 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.

Informative:

All refuse stores identified on the approved plans listed should be constructed of brick under a suitable weatherproof roof with adequate ventilation. The doors should be hinged to open outwards with a minimum opening of 1.4m wide, and any lock system should comply with the Council's standard lock requirements operated by a fob system. Six spare fobs should be supplied to the Council prior to the first use of the relevant store. Each store should be fitted and retained with internal lighting that shall operate when doors are open and a tap and wash down gully should also be provided. The access path to the bin store should be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable unless they comply with SCC standard fob lock details. The gradient of the access path to the bin store should not exceed 1:12 unless suitable anti-slip surfacing is used, and still should not exceed 1:10 and a single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bins. Refuse containers should be purchased by the applicant from the Council ahead of occupation.

34.APPROVAL CONDITION - Cycle Storage

Appropriate, secure, covered cycle storage shall be laid out with a level approach prior to the first occupation of each dwelling hereby approved in accordance with details hereby approved (for Phase 1) or that shall have been submitted and agreed at the Reserved Matters stage (for later phases). The facilities for the flats hereby approved shall include Sheffield style stands and shall be retained whilst the development is used for residential purposes.

Reason:

To encourage cycling as an alternative form of transport.

35.APPROVAL CONDITION - Residential - Permitted Development Restriction

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the relatively 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.

36.APPROVAL CONDITION - Piling (Pre-Commencement)

Prior to the commencement of development associated with each phase hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details on a phase by phase basis.

Reason:

In the interest of residential amenity.

37.APPROVAL CONDITION – Site Levels

No development shall take place on any phase approved (excluding any demolition phase, site set up and/or site investigation works) until further details of finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority.

These details shall relate to the phase to which development is to be implemented and shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eave 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:

As the site is characterised by significant level changes, and will have been partially cleared and re-profiled it is unclear exactly where the buildings will sit in relation to one another and the approved infrastructure.

38.APPROVAL CONDITION – Commercial Use

The commercial use shown on Plot 8 shall not exceed 500sq.m (gross) and shall be completed and fitted out ready for occupation prior to any demolition works taking place in connection with the redevelopment of Plot 6 (ie. where the existing commercial use is located).

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes of A1 (retail) and/or A2 (financial/professional services) and/or A3 (restaurant). The use hereby approved shall not operate outside the hours of 7am and 11pm (7 days a week including public holidays).

The commercial use shall not be occupied until details of a Servicing Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The commercial use shall operate as agreed.

Reason:

To ensure that the estate is served continuously by a local shop and to define the limits of the commercial use in respect of BREEAM, its use and its trading hours.

Note to Applicant:

The commercial use should be designed with active frontages to both Meggeson Avenue and the Village Green and it is likely that the use of window vinyls will be restricted when the Reserved Matters application is considered.

Any extraction equipment required to facilitate a food and drink use will require planning permission and such details (including a manufacturer's specification) should be provided at the Reserved Matters stage for Plot 8.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally

discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant - Southern Water - Informative

The applicant is advised to note the comments from Southern Water (dated 19th May 2015) in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW – Tel. 0330 303 0119.

Note to Applicant – Planning Obligations

Please note that a Section 106 agreement is to be completed as part of the land sale transaction and should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement will be available to view on Public Access via the Southampton City Council website, once completed.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

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Habitats Regulations Assessment (HRA)

Application reference:	15/01856/OUT
Application address:	Land At Meggeson Avenue Townhill Park Southampton SO18 2HD
Application description:	Part-redevelopment of the Townhill Park Estate with 675 new dwellings and associated parking, a retail store (up to 500sq.m), diversion/stopping up of a public right of way, highway enhancements and replacement public open space. The detailed phase 1 element comprises 275 dwellings in buildings of up to 7 storeys,
HRA completion date:	03/03/2016

HRA completed by:	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	Stephen Harrison Planning Projects Team Leader Southampton City Council stephen.harrison@southampton.gov.uk

Summary
<p>The project being assessed would lead to the net gain of up to 275 residential dwellings and is located approximately. 0.5km from the River Itchen Special Area of Conservation (SAC), 1.7km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and 8.9km from the New Forest SAC/SPA/Ramsar site.</p> <p>The application site is an existing large housing estate which will undergo partial re-development. The significant distance between the development and the European sites means that construction stage impacts will be minor and readily addressed through a Construction Environmental Management Plan (CEMP). Concern has been raised however, 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 Solent and Southampton Water SPA/Ramsar site and the New Forest SAC/SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
<p>European sites potentially impacted by plan or project:</p> <p>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 at</p>	<ul style="list-style-type: none"> ▪ River Itchen SAC ▪ The New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site ▪ Solent and Southampton Water (SPA)

	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Ramsar Site
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No – the development consists of new residential development which is neither 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)?	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floor space across the South Hampshire area between 2011 and 2026.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of land on the Townhill Park Estate is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 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, which is set out in Regulation 61 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 61(1) (a) of the Habitats Regulations.

The proposed development is located 0.5km to the south east of the River Itchen Special Area of Conservation (SAC) and 1.7km north east of the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site. The New Forest SAC, SPA and Ramsar site lie 8.9km to the south.

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 permanent arising from the operational phase of the development.

The Townhill Park Regeneration Habitat Regulations Assessment Screening (September 2015) (Capita) identified the following effects arising from the construction and operational phases of the development:

Construction phase

Limited potential for polluted surface water run-off and dust particles to reach the River Itchen SAC, the Solent and Southampton Water SPA and Ramsar site leading to:

- Change to key elements of the site (e.g. water quality, hydrological regime etc.)

Operational phase

Recreational disturbance of the New Forest SPA, New Forest Ramsar site, Solent and Southampton Water SPA and Solent and Southampton Water Ramsar site leading to:

- Reduction of habitat area;
- Disturbance to key species;
- Habitat or species fragmentation;
- Reduction in species density.

Deterioration in air quality affecting the New Forest SAC leading to:

- Change to key elements of the site (e.g. water quality, hydrological regime etc.).

A summary table of the screening results can be found in Appendix 2

In their response to the consultation on this planning application, dated 28th October 2015 Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. The response also highlighted the potential for recreational impacts upon the New Forest SPA as a consequence of the operation of the proposed development.

A number of avoidance and mitigation measures are set out in the Townhill Park Regeneration Green Infrastructure Management Plan v.2 and summarised as follows:

Construction phase

- Provision of a Construction Environmental Management Plan containing detailed methodologies for the avoidance measures.

Operational

- Upgrade footpaths on Frogs Copse and Hidden Pond;
- Upgrade site entrances;
- Provision of a natural play trail;
- Creation of a picnic/informal sports area;
- Development of detailed biodiversity management plans in partnership with the local community;
- Habitat management works;
- New signage across the estate showing distances to green spaces within and close to Townhill Park;

- Maps within the apartment blocks showing locations of open spaces and routes to them;
- Community engagement activities focused on the establishment of a Friends group to assist with the management of semi-natural sites and to run walking and cycling activities to introduce new and existing residents to the open spaces within and beyond the estate;
- Financial contributions to deliver infrastructure improvements (£35,175), site management (£16,920) and community engagement on greenspaces (£16,974);
- Provision of a welcome pack to new residents including walking and cycling maps illustrating local routes; and
- A contribution of £47,850 (£174 x 275) to the Solent Recreation Mitigation Project.

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 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to a net gain of up to 275 residential dwellings and is located approximately 0.5km from the River Itchen Special Area of Conservation (SAC), 1.7km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and 8.9km from the New Forest SAC/SPA/Ramsar site.

The application site is an existing large housing estate which will undergo partial re-development. The significant distance between the development and the European sites means that construction stage impacts will be minor and readily addressed through a CEMP. Concern has been raised however, 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 SAC/SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. 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 61(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 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

The New Forest designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. The River Itchen SAC is located approximately 0.5km from the development site whilst sections of the Solent and Southampton Water SPA and Ramsar site can be found 1.7km downstream. There is a limited potential for polluted surface water run-off and dust particles to reach these sites leading to changes to key elements of the site.

Activities leading to the release of dust particles and chemical pollutants can be controlled through measures included in a Construction Environmental Management Plan.

PERMANENT, OPERATIONAL EFFECTS.

Recreational disturbance

New Forest SPA/Ramsar site

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

The application site is located 8.9km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, residents of the proposed development would fall into the category of non-local day visitors.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.

(Source: www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs. The residents of the new properties are likely to fall within these groups and as such there is the potential that they will visit the New Forest placing additional pressure on the European designated sites.

Species and habitats affected by recreational activity

Townhill Park will result in a population increase in the zone from which people make day visits to the New Forest, primarily for walking, often with dogs. The screening report for the Habitat Regulations Assessment (HRA) of the development recognised likely significant effects on the conservation objectives of the qualifying features of three overlapping international sites; New Forest Special Protection Area (SPA), The New Forest Ramsar Site and The New Forest Special Area of Conservation (SAC). The Ramsar Site is not considered separately as its conservation objectives overlap those of the SPA and SAC and so are contained within the HRA for these two sites.

The Townhill Park, Southampton, Habitats Regulations Assessment, Scoping Report, December 2015 (Capita) scoped the following qualifying features into the assessment:

- Breeding Woodlark New Forest SPA) ;
- European Nightjar New Forest SPA) ; and
- Dartford Warbler (New Forest SPA).
- Damage by Trampling to Qualifying Habitats, or Habitats on Which Qualifying Species Rely (The New Forest SAC – in-combination);
- Damage by Wild Fire to Qualifying Habitats, or Habitats on which Qualifying Species Rely (The New Forest SAC – in-combination);
- Dog Fouling, Resulting in Damage to Qualifying Habitats, or Habitats on Which Qualifying Species Rely (The New Forest SAC – in-combination); and
- Air Pollution from Increased Private Vehicles, with Damage to Qualifying Habitats, or Habitats on which Qualifying Species Rely (The New Forest SAC – in-combination).

Effects of recreational disturbance on Birds

Within the New Forest, it is the ground and near-ground nesting birds such as Dartford warbler, nightjar and woodlark that are particularly affected by recreational activity. Studies by Langston et al (2007), Liley and Clarke (2003), and Murison (2002) investigated the effect of disturbance on the nightjar on heaths in Dorset, finding that breeding success of nightjar is significantly lower close to paths, and that proximity to housing has a negative relationship with the size of the population (Langston et al, 2007). The most common cause of breeding failure for this ground nesting species was due to daytime predation of eggs when disturbance caused an incubating bird to leave the nest. Similarly, the study by Murison et al (2007) revealed that for Dartford warbler on Dorset heathland, disturbance also reduced breeding activity, particularly so in heather-dominated territories. Birds in heavily disturbed areas (e.g., close to access points and car parks) delayed the start of their breeding by up to six weeks, preventing multiple broods and so reducing annual productivity. Most of this disturbance was found to come from dog walkers as a result of dogs being encouraged to run through the vegetation after sticks.

Modelling of the overlap of visitor activity, using car parks as the central point, with known locations of woodlark, European nightjar and Dartford warbler territories is detailed in the Statement to inform the Habitats Regulations Assessment for Townhill Park, Southampton (Capita 2016). This work indicates that, in isolation, the recreational disturbance arising from the Townhill Park development will not lead to likely significant effects. However, when considered in-combination with recreational disturbance arising from residential developments across Southampton and neighbouring boroughs, likely significant cannot be ruled out. In addition, it was also not possible to rule out likely significant effects in respect of damage by trampling, dog fouling and air pollution (all The New Forest SAC – in-combination) and damage by fire (The New Forest SAC and New Forest SPA – in-combination);

Mitigation measures are therefore required to remove the adverse impacts.

Mitigation Approach

Adverse impacts on ground nesting birds are not restricted to the New Forest with similar issues being experienced on the Thames Basin Heaths SPA and the Dorset Heathlands SPA. The mitigation approach adopted at these sites is to provide suitable alternative natural green spaces (SANGS) as a component of new developments.

The findings of a residents' survey, undertaken in conjunction with an open spaces assessment for the Southampton City-wide Local Plan indicates that whilst visits to the New Forest were often to seek large areas of green open space and the associated features (for example wildlife and tranquillity) they were not necessarily specific to features unique either to the New Forest or to lowland heathland. Further recent local evidence for the general desire for open space as opposed to features unique to the New Forest or lowland heath is provided by the Test Valley Open Spaces Residents Survey (QA 2014). Walking and dog walking were important reasons for visits, but specific features of habitats ("it is a bog", "it is a protected area") were not.

It is therefore reasonable to assume that the approach of providing alternative natural greenspace would be an effective means of diverting recreational activity away from the New Forest European sites.

This option of creating new sites is unfortunately not practical within Southampton which is a densely developed urban area with no suitable locations available for conversion to SANGS. There is, however, an existing, under-used, network of semi-natural green spaces comprising the greenways and sites such as Frogs Copse.

The greenways are an extensive network of wooded stream valleys, supporting a range of semi-natural habitats, located within close proximity to residential areas allowing residents easy access. Originally identified in the late 1980s, they were safeguarded from development and received significant investment in infrastructure such as footpaths, entrances and signage. Unfortunately, over time, budgets have declined and the infrastructure within the greenways has deteriorated leading to a reduction in their recreational value.

The approach, therefore, is to upgrade the infrastructure within existing SANGS, specifically Frogs Copse and the Hidden Pond, which are located adjacent to the Townhill Park Estate, and to provide improved access to other sites in close proximity to the estate. The Green Infrastructure Management Plan for Townhill Park (SCC 2015c), which has been developed to support the planning application, provides details, including costs, of improvements to local greenspaces that are designed to attract a significant proportion of the predicted increased in recreational demand away from the New Forest.

The open spaces being up-graded as part of the green infrastructure plan will need to provide high quality recreation environment in-perpetuity; generally considered to be 125 years. This is a considerably longer period than the standard 10-20 years funding arrangements for developments. The nature of the proposed development, partial regeneration of a brownfield site with significant demolition and site preparation costs, mean that it is not possible to provide full in-perpetuity funding without jeopardising its viability. However, the Townhill Park Estate forms part of a much larger residential area and the green infrastructure to be provided or enhanced by the Green Infrastructure Management Plan will be available to residents of subsequent developments.

The intention therefore is for financial contributions to be secured to install and maintain in the short term (10 years), physical improvements to the green infrastructure, new signage across the estate and community engagement activities. Funding in-perpetuity will subsequently be secured through a mitigation strategy that is currently being developed in conjunction with the City wide Local Plan. Once adopted, all new residential developments within the city will pay a contribution towards the ongoing maintenance.

Measures detailed within the Townhill Park Green Infrastructure Management Plan

The overall approach to green infrastructure within the development is to create a network of accessible green spaces at various scales throughout the estate. This will ensure that all residents have access to high quality open space close to home. Frogs Copse, Hidden Pond and the Cutbush Lane bridleway will form a major element of the GI strategy which will be supplemented by a new village green, rooftop terraces on the apartment blocks and street tree planting. Combined with traffic calming, this will create an environment that is both attractive and safe for walking and cycling.

Version two of the Green Infrastructure Management Plan has been produced in response to the objection received from Natural England following consultation on the Townhill Park development planning application. The GI Plan provides an assessment of the existing green infrastructure within the estate and identifies measures to improve the value of these sites for informal recreation of the type that could be experienced on a trip to the New Forest.

The individual components of the green infrastructure network include:

Frog's Copse

Frog's Copse is an area of mixed woodland and grassland, at the northern end of the site, which is designated as a Site of Importance for Nature Conservation (SINC). It is existing public open space but is generally underused by the community. Dog walking and children making their way to the nearby secondary school appear to be the most frequent activities.

The area has potential to offer a valuable open space resource to local people, providing access to the natural environment close to home. There are open views from the elevated grassland area of Frogs Copse across the estate and the city beyond. This can be exploited as a destination point, and provides a wider sense of place within the City context.

Hidden Pond

Hidden Pond lies adjacent to Cut Bush Lane toward the north-eastern edge of the site. The Pond is surrounded by trees and scrub, with a small semi-natural grassland area next to it. Currently underutilised as a recreational resource, improved management could increase its value for biodiversity, visual amenity and as a resource for the community.

Cut Bush Lane,

Cut Bush Lane is a public bridleway that runs along the north-eastern boundary of the site. A strip of mixed broadleaf woodland runs along the bridleway providing an attractive walking and cycling route between the top and bottom of the estate.

Wider environment

Beyond the estate there is a variety of green spaces within convenient walking and cycling distance that provide opportunities for dog walking and general informal recreation. However, at present connectivity between Townhill Park and these sites is not strong due to indistinct links

between the sites. These sites are detailed below.

Riverside Park

Riverside Park is situated along the eastern bank of the River Itchen, to the north west of Townhill and approximately 800m north of the centre of the Estate. It provides a range of good quality amenities, including a riverside footpath and cycleway, open landscaped areas, sports grounds, pitch and put golf course and a miniature railway. The riverside footpath extends northwards along the river bank providing access to the Itchen Navigation.

Itchen Valley Country Park

This country park is situated to the north of Townhill Park, around 1800m from the centre of the estate. It comprises 440 acres of high quality open space, including water meadows, woodland and grasslands, of Green Flag status. Facilities include a 1 mile forest trail for disabled users, a Visitor Centre with shop & café, car parking and easy access from bus and road, play areas for under nines, adventure play areas for U-14's, play trails with sculptures, orienteering courses and a range of nature trails to explore and a Go Ape Tree Top adventure course.

Itchen Navigation

The Itchen Navigation is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) for its chalk stream habitats and associated wildlife. The Navigation was created in 1710 to transport barges of coal and timber from Southampton to Winchester and the old towpath is now a public footpath which can be accessed from Riverside Park.

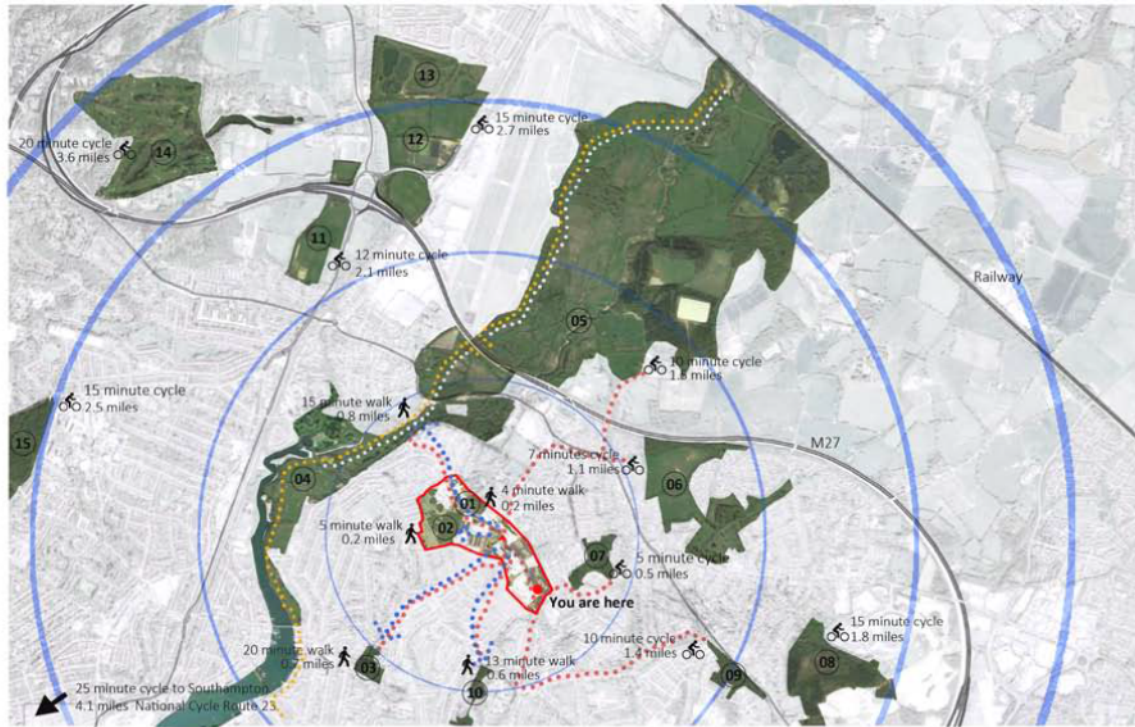
The Itchen Navigation provides a good quality footpath allowing access to the natural environment. The route takes in a variety of environments, generally following the course of the riverbank, with the opportunity to observe wildlife, walk dogs and see local heritage.

National Cycle Route 23

The NCN23 listed under Sustrans is a key National Cycling route that passes through Riverside Park, this route is 81 miles long and stretches from the Isle of Wight over to Southampton and then up into North Hampshire. The route is traffic free in sections and offers cyclists a combination of woodlands, villages, river habitats, chalk downland and rural fields along its length.

The following map, taken from the Townhill Park Regeneration Green Infrastructure Management Plan v.2, shows the locations of the sites mentioned above in proximity to the Townhill Park Estate.

LOCAL OUTDOOR RECREATION AREAS CLOSE TO TOWNHILL ESTATE



- 01. MEGGESON WOODLAND**
 - Woodlands
 - Hidden Pond
 - Natural Water Habitat
- 02. FROGS COPSE**
 - Nature trails
 - Woodlands
 - Natural Play Areas
 - Local Park
- 03. DEEP DENE RECREATION GROUND**
 - Woodlands
 - Nature trails
- 04. RIVERSIDE PARK**
 - Sport Facilities
 - Natural Water
 - Parklands
 - Cycle Paths
- 05. ITCHEN VALLEY COUNTRY PARK**
 - Nature Trails
 - Heritage Trail
 - Itchen Way
 - Go-ape Southampton
 - Semi- Rural Areas
 - Outdoor Play Areas
- 06. HATCH GRANGE**
 - Parklands
 - Nature Trails
- 07. WEST END COPSE**
 - Woodlands
 - Nature Trails
- 08. TELEGRAPH**
 - Woodlands
 - Nature Trails
- 09. BACON HILL WOODLAND**
 - Woodlands
 - Nature Trails
- 10. BITTERNE WOODLAND**
 - Woodlands
 - Nature Trails
- 11. MONKS BROOK PLAYING FIELD**
 - Outdoor Sports Area
- 12. UNIVERSITY OF SOUTHAMPTON SPORTS GROUND**
 - Outdoor Sports Facilities
 - Playing Fields
- 13. LAKESIDE COUNTRY PARK**
 - Ponds
 - Open Water
 - Recreational Paths
- 14. STONEHAM GOLF COURSE**
 - Golf Course
- 15. SOUTHAMPTON COMMON**
 - Woodlands
 - Parklands
 - Ponds
 - Lake
 - Grasslands
 - Children's play area
 - Cafe
 - Hawthorn Urban Wildlife

KEY: LOCAL HIGHLIGHTS - National Trails, Nature Trails, Semi- Rural Areas, Outdoor Activity Areas, Sport Facilities, River Itchen and so much more.

- Townhill Park State
- Local Outdoor Amenities Areas
- Cycling distance per 5 minute
- Walking distance and time from centre of Estate
- Cycling route from centre of Estate
- Itchen Way
- Itchen Heritage Trail



Go-Ape Itchen Valley



Frogs Copse



Riverside Park



Itchen Valley Country Park

Mitigation Measures

The GI plan clearly illustrates that there are substantial informal recreation opportunities both within and in close proximity to the Townhill Park estate. However, these are not currently of a standard that readily attracts visitors or sufficiently easy for people to find. The GI plan therefore proposes a series of measures that will improve the quality and accessibility of the various green spaces. These measures are as follows:

Frogs Copse

Proposed improvements in phase 1 include:

- Upgrading of the existing footpath
- Provision of a natural play trail
- Creation of a picnic/informal sports area
- Habitat management
- Development of a detailed management plan, in partnership with the local community, with the intention of setting up a 'Friends of' group

In addition, the north eastern entrance to Frogs Copse will be improved in conjunction with a later phase of the development.

Hidden Pond

Proposed improvements include:

- Improved footpath connection to the pond;
- A management plan developed in partnership with the local community.

Cutbush Lane Bridleway

The intention is to maintain Cutbush Lane as green link.

Estate-wide

Proposed improvements include:

- New signage across the estate showing distances to green spaces within and close to Townhill Park
- Maps within the apartment blocks showing locations of open spaces and routes to them.
- Community engagement activities focused on the establishment of a Friends group to assist with the management of semi-natural sites, mainly Frogs Copse and Hidden Pond, and to run walking and cycling activities to introduce new and existing residents to the open spaces within and beyond the estate.

Resources for delivering the mitigation measures

Financial and other resources will be provided through the development to deliver the package of mitigation measures set out in the Green Infrastructure Management Plan version 2. These are summarised below. The annual maintenance sums cover a period of 10 years after which funding will be provided through the City-wide Mitigation Strategy which is currently being developed in conjunction with the Local Plan.

Phase One Mitigation Capital Costs

Frogs Copse Phase One Mitigation Costs	Capital Items	£29,700.00
Frogs Copse Phase One Mitigation Costs	Annual Maintenance	£1,478.00
Hidden Pond Phase One	Capital Items	£600.00

Mitigation Costs		
Townhill Park Phase One Mitigation Costs	Capital Items	£4,875.00
Townhill Park Phase One Costs	Annual maintenance	£15,442.00

Phase One Mitigation Revenue Items

Funding to support local community groups, local authority Ecology officers to oversee Phase One mitigation and Senior Ecologist to carry out voluntary training		£16,974.00

Note: SCC Open Spaces currently carry out a regular maintenance regime on Frogs Copse and Townhill Park, and the figures quoted above are based on an increase in capital required to maintain the Phase One mitigation the development will bring to site. Figures quoted will need to be revised annually to reflect inflation increases.

In addition to the financial contributions detailed above, routine maintenance currently undertaken by Southampton City Council will continue.

Conclusion

The Green Infrastructure Management Plan details a strategy for creating a coherent network of green spaces and corridors within the Townhill Park Estate that is also connected to the wider countryside.

The planned improvements within Frogs Copse and the Hidden Pond will create attractive environments which provide residents with opportunities for a range of recreation activities including dog walking, picnicking and informal play. The community engagement work will run a programme of activities to take residents on foot or by bicycle to sites within close proximity to the estate. It will also encourage local people to become involved in looking after their green spaces.

Whilst this will not eliminate all visits to the New Forest it will present new residents, and the existing community, with a range of alternative options which should help to spread recreation pressure more widely.

The proposed improvement to the semi-natural green spaces on the estate will make them a more attractive option for local people whilst the new signage and walking groups will introduce visitors to sites in the wider landscape.

The community engagement activities will make local people aware of what their local green space has to offer and help in the delivery of the management plans. This in turn will help to develop a sense of ownership and affinity with these sites which will make them destinations of first choice.

Based on full implementation of the proposed mitigation package it is possible to conclude no likely significant effects.

Solent and Southampton Water SPA/Ramsar site

The net increase of 275 dwellings will lead to an increase in population and in all probability an increase in recreational activity at SPA locations.

Research undertaken through the Solent Disturbance and Mitigation Project (SDMP) indicated that increases in recreational activity at SPA locations have the potential to create mortality in the SPA bird populations due to increased disturbance. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/). However a key outcome of the research was that residential development within 5.6km of a Solent SPA could lead to a likely significant effect due to disturbance from recreation.

At 1.7km from the nearest section of the Solent and Southampton Water SPA/Ramsar site the development site is clearly within the 5.6km buffer zone. It can therefore be conclude that the population increase which will occur as a consequence of the proposed development is likely to lead to an increase in recreational activity at SPA locations.

The proposed development includes open space, however, whilst this will accommodate some of the recreational demand, it will not be able to replicate features found at coastal sites. A contribution

The SDMP identified a number of costed mitigation measures to reduce recreational disturbance arising from increased levels of recreational activity. A figure of £174 per residential unit was agreed by planning authorities across south Hampshire, and adopted by Southampton City Council, to enable delivery of the mitigation measures. The applicant intends to make a payment of £47,850 (174 x 275 (net increase)) to the Solent Recreation Mitigation Partnership (successor to the SDMP), secured through an appropriate legal agreement, which will ensure that potential adverse effects arising from recreational development can be avoided.

Providing the proposed mitigation can be secured there are no implications from increased recreation on the SPA designations, even accounting for other plans and projects.

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

Conclusions

The findings of the initial assessment concluded that there a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites and proposed a number of avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, the significant effects which are likely in association with the proposed development can be overcome.

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

Construction phase:

- Provision of a Construction Environmental Management Plan containing detailed methodologies for the avoidance measures.

Operational:

- Upgrade footpaths on Frogs Copse and Hidden Pond
- Upgrade site entrances
- Provision of a natural play trail
- Creation of a picnic/informal sports area
- Development of detailed biodiversity management plans with the local community
- Habitat management works
- New signage across the estate showing distances to green spaces within and close to Townhill Park
- Maps within the apartment blocks showing locations of open spaces and routes to them.
- Community engagement activities focused on the establishment of a Friends group to assist with the management of semi-natural sites and to run walking and cycling activities to introduce new and existing residents to the open spaces within and beyond the estate.
- Financial contributions to deliver infrastructure improvements (£35,175), site management (£16,920) and community engagement on greenspaces (£16,974) within the Townhill Park Estate
- Provision of a welcome pack to new residents including walking and cycling maps illustrating local routes.
- A contribution of £47,850 (£174 x 275) to the Solent Recreation Mitigation Project;

As such, visitor pressure on European and other protected sites in the New Forest and along the coast arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

References

Capita, Townhill Park Regeneration Habitats Regulations Assessment – Screening, September 2015

Capita, Townhill Park Regeneration Habitats Regulations Assessment – Scoping Report, December 2015

Capita, Statement to inform the Habitats Regulations Assessment for Townhill Park, Southampton, January 2016

Capita, Townhill Park Regeneration Green Infrastructure Management Plan v2, February 2016

European Site Qualifying Features

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*

River Itchen SAC

The River Itchen SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitat:

- Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation

River Itchen SAC also qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- European Bullhead *Cottus gobio* (primary reason for selection)
- White-clawed Crayfish *Austropotamobius pallipes*
- European Brook Lamprey *Lampetra planeri*
- European River Lamprey *Lampetra fluviatilis*
- Atlantic Salmon *Salmo salar*
- European Otter *Lutra lutra*

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*
- 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*.

The 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.

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*

Summary table of potential impacts upon designated sites			
Activity	Site	Impact	Conclusion
Reduction of habitat area	River Itchen SAC	There will be no loss of, or damage to habitats within the River Itchen SAC.	No likely significant effect
	Solent and Southampton Water SPA Solent and Southampton Water Ramsar	There will be no loss of, or damage to habitats within the Solent and Southampton SPA or Ramsar.	No likely significant effect
	Mottisfont Bats SAC	There will be no loss of, or damage to habitats within the Mottisfont Bats SAC	No likely significant effect
	New Forest SAC New Forest SPA New Forest Ramsar	No direct loss of habitat area will occur due to the proposed works. The New Forest is a popular tourist location and an increase in population at Townhill has some potential to increase public pressure on the New Forest leading to possible habitat damage and reduction in area.	Likely significant effects
Disturbance to key species;	River Itchen SAC	The Townhill Regeneration is located a substantial distance, 500m, from the European Site, and disturbance to key species is highly unlikely to occur	No likely significant effects
	Solent and Southampton Water SPA Solent and Southampton Water Ramsar	Recreational disturbance	Likely significant effects
	Mottisfont Bats SAC	The Townhill Regeneration is located a substantial distance, over 17km, from the European Site, and disturbance to key species is highly unlikely to occur	No likely significant effect

	New Forest SAC New Forest SPA New Forest Ramsar	The proposed development itself will not directly disturb key species, however, as the New Forest is a popular tourist location, an increase in population at Townhill has some potential to increase public pressure on the New Forest leading to possible increased disturbance of key species	Likely significant effect.
Habitat or species fragmentation;	River Itchen SAC	No direct loss of habitat or species will occur due to the works.	No likely significant effects
	Solent and Southampton Water SPA Solent and Southampton Water Ramsar	No direct loss of habitat or species will occur due to the works.	No likely significant effect
	Mottisfont Bats SAC	No direct loss of habitat or species will occur due to the works.	No likely significant effect
	New Forest SAC New Forest SPA New Forest Ramsar	No direct loss of habitat or species will occur due to the development. The New Forest is however, a popular tourist location and an increase in population at Townhill has some potential to increase public pressure on the European Sites leading to possible habitat damage and fragmentation.	Likely significant effect.
Reduction in species density;	River Itchen SAC	No direct loss of habitat or species will occur due to the works.	No likely significant effects
	Solent and Southampton Water SPA Solent and Southampton Water Ramsar	No direct loss of habitat or species will occur due to the works.	No likely significant effects
	Mottisfont Bats SAC	No direct loss of habitat or species will occur due to the works.	No likely significant effect

	New Forest SAC New Forest SPA New Forest Ramsar	No direct loss of habitat or species will occur due to the works. Disturbance causing a reduction in species density is possible through increased public pressure at the European Sites. Such pressure could be contributed to by the predicted increased population at Townhill Park	Likely significant effect
Change to key elements of the site (e.g. water quality, hydrological regime etc.).	River Itchen SAC	Without mitigation, there is limited potential for polluted surface water run-off and dust particles to reach the River Itchen SAC. Pollution prevention measures for both surface run-off and dust control will be implemented through a Construction Environmental Management Plan (CEMP).	With mitigation no likely significant effect
	Solent and Southampton Water SPA Solent and Southampton Water Ramsar	Without mitigation, there is limited potential for polluted surface water run-off and dust particles to reach the Solent and Southampton Water SPA/Ramsar site. Pollution prevention measures for both surface run-off and dust control will be implemented through a Construction Environmental Management Plan (CEMP).	With mitigation no likely significant effect
	Mottisfont Bats SAC	Due to the distance involved and the intervening countryside changes to key indicators are considered to be highly unlikely.	No likely significant effect
	New Forest SAC New Forest SPA New Forest Ramsar	Due to the distance of the European sites from the Townhill Regeneration scheme, approximately 10km west, there is no direct impact upon indicators of conservation value such as water or air quality etc.	?
Climate change	River Itchen SAC	Impacts in respect of climate change are not	No likely significant effects

		anticipated.	
	Solent and Southampton Water SPA Solent and Southampton Water Ramsar	Impacts in respect of climate change are not anticipated.	No likely significant effect
	Mottisfont Bats SAC	Impacts in respect of climate change are not anticipated.	No likely significant effect
	New Forest SAC New Forest SPA New Forest Ramsar	Impacts in respect of climate change are not anticipated.	No likely significant effect
Issues to be taken forward for full appropriate assessment			
	Solent and Southampton Water SPA Solent and Southampton Water Ramsar	Recreational disturbance leading to: <ul style="list-style-type: none"> • Reduction of habitat area; • Disturbance to key species; • Habitat or species fragmentation; • Reduction in species density. 	
	New Forest SPA New Forest Ramsar	Recreational disturbance leading to: <ul style="list-style-type: none"> • Reduction of habitat area; • Disturbance to key species; • Habitat or species fragmentation; • Reduction in species density. 	
	New Forest SAC	Deterioration in air quality leading to: <ul style="list-style-type: none"> • Change to key elements of the site (e.g. water quality, hydrological regime etc.). 	

Application 15/01856/OUT

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
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
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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SO18 BIG LOCAL

*Making a difference in Harefield,
Midanbury & Townhill Park*



Appendix 3
SO18 Big Local

Townhill Park
Southampton
SO18 2HE

Stephen Harrison
Case Officer, Planning and Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LS

02/11/2015

Dear Stephen,

Planning Application Number: 15/01856/OUT/Site code: 7069
Townhill Park, Southampton

Introduction

This joint response from the members of SO18 Big Local has been compiled by the following SO18 Big Local Partnership Committee Members: Kim Ayling, Barbara Hancock, Helen Pain & Jo Proctor.

SO18 Big Local is one of 150 'Big Local' projects in England, each of which will receive £1 million funding over ten years from the Big Lottery Fund to make positive, lasting changes in their communities. SO18 Big Local works in the Townhill Park, Harefield and Midanbury areas of Southampton. It is a resident led programme, with a local partnership committee making decisions and delivering its plan; the latter has been drawn up as a result of conversations and consultations in the local community. SO18 Big Local is now in its third year. Its work is being delivered under a number of themes including: Environment, Young People, Building Community Spirit, Community Wellbeing, Digital Inclusion, and Local Issues. From the outset the regeneration plans for Townhill Park were identified as an important issue affecting the lives of local residents with which SO18 Big Local should be concerned.

Broadly, we are supportive of the planning application, and certainly of the aim to transform Townhill Park "through a programme of investment in well designed, energy efficient new homes and wide ranging estate improvements". We welcome the concept of the 'Village Green', especially as the neighbourhood currently lacks the central focus that this will provide.

Our detailed comments

The following comments are arranged around a number of different aspects of the plan (and are not in any particular order of importance).

1. Affordable Housing/ social housing for rent

We want to see the regeneration benefit existing Townhill Park residents, as well as those who will move into the area. We see the phased development giving the chance for existing residents of the walk-up blocks that will be demolished in phases 2 and 3 to be able to be rehoused in Townhill Park, if they want to. Within the Design and Access Statement, it is stated that 35% of the redevelopment will be affordable housing.

In the light of recent government announcements concerning social housing rent and the right to buy, will this stated percentage hold? Will the potential for local rehousing of people from phases 2 and 3 into the new housing still be possible?

2. Access for construction traffic and issues related to the construction phase

We wish to request that the issue of how construction traffic is permitted to reach Phase 1 sites is stipulated as a planning condition. Meggeson Avenue has several pinch points, which already pose difficulties when buses stop and cars are unable to pass safely; it has two schools with the consequent movements of children twice daily; and the road surface is already in a parlous state at some points.

We therefore consider that construction traffic should be confined to accessing the site via Townhill Way, and barred from Meggeson Avenue. We also would suggest that heavy vehicles should avoid school times (around 9am and 3.15pm) completely, as Moorlands Primary School has a crossing point in Townhill Way.

Additionally, we would like to see safeguards for the residents closest to the construction by way of requirements being made under the 'Good Contractor' scheme (for example around hours of working and other matters which will directly impact on residents in the housing near the building sites).

3. Roof gardens

These have been included in the plans as a way to replace amenity open space that will be lost from between the well-spaced blocks currently on the site (Phase 1). If the roof gardens were to become locked due to disturbance and damage, this would result in a failure to meet the requirement to retain an equal amount of amenity space before and after redevelopment. Adequate management to ensure this does not happen is therefore a necessity.

We are concerned that a general statement about care of the roof garden within the tenancy agreement would lead to a poor sense of ownership, with consequent neglect or

vandalism being a substantial risk. As a planning condition, we suggest that there needs to be a requirement for a proactive management plan to be put in place, with an imaginative scheme to raise the sense of ownership and pride in the roof gardens. We would like to see SO18 Big Local and Townhill Action Group consulted with and involved in the process of drawing up the detailed proposals for the management of the roof gardens.

4. Energy efficient and sustainable homes

We are very supportive of the new homes reaching as high a standard of energy efficiency as is possible. During the consultations about the regeneration proposals, residents were told that the new housing would be much more energy efficient than their current housing, and that this would help compensate for higher rents. However, we are aware of recent changes in government regulations that have lowered energy efficiency standards. The Design and Access statement on Sustainability (section 7) states that the new housing will achieve a Code for Sustainable Homes level 4 rating. Was this what was originally planned, or was Level 6 the original target? We would not want to see any weakening of the high standards promised during the consultations.

5. Construction of the flats to include 'soft spots' that will facilitate alterations to flat sizes

We are concerned about the sound insulation between flats on two grounds; i) that the 'soft spots' may give rise to poorer sound insulation, leading to noise nuisance between flats; ii) that if a 'soft spot' is opened to change the size of a flat, the revised party wall may not then have the same level of sound-proofing as the original. We would like to see some reassurance about the sound insulation between flats, and whether including soft spots will have a negative impact on noise leakage.

6. Management Plans for the green spaces

SO18 Big Local is committed to facilitating local people to engage with the green spaces. For this to be effective, there must be a meaningful dialogue and proactive support from the City Council, and a clear management plan for the open spaces in place.

The Green Infrastructure Management Plan highlights the value of Frog's Copse and Hidden Pond, and makes the proposal to increase knowledge and use by local people of these spaces. It is rightly pointed out that these local spaces will be a constant resource throughout the redevelopment programme. Additionally, promoting use of the green spaces is needed to conform to Natural England's policy of increasing use of local amenities to reduce pressure on more sensitive areas such as the New Forest National Park.

Because of the loss of open space from the outset of the development we consider that it should be a condition of Phase 1 planning consent that this management plan is put in place (i.e. it should not be left until the redevelopment of phases 2 and 3).

We therefore suggest that the proposed improvements to the spaces, and the access to them, together with signage, be required as part of Phase 1. This would then help to mitigate the loss of green spaces as plots are fenced off, demolished and redeveloped. The recent research done by University of Southampton in collaboration with SO18 Big Local showed that many local people were unaware of Frog's Copse and Hidden Pond, demonstrating that better signage and access needs to be part of the improvement package, so that more current residents visit the spaces, and new residents (once Phase 1 is completed) will more easily discover them. The signage should also include directional information for nearby amenities such as Riverside Park and Itchen Valley Country Park.

7. Play areas and spaces for teenagers

There is substantial concern from residents about lack of play areas, especially for the duration of the redevelopment programme. Two play areas have already been lost (one to Pond View development; one for Phase 1 demolishing); the remaining one in Ozier/Kingsdown, which includes a youth shelter next to it, will go at Phase 2.

We consider it important for young children to have a play area that is near enough not to mean the parent has to use a pushchair or car to reach it. The current play area in Frog's Copse at the top of Marlhill Close is a site that will be accessible throughout the redevelopment programme, therefore it would make sense to refurbish this area in a way suitable for young children, as well as providing for 'natural play' which seems to be the only proposed for it at present. We would therefore recommend speedy and effective engagement with local people to establish what would attract residents to use the area. We know that parents are keen to contribute to discussions about the equipment, and SO18 Big Local would actively like to be part of this, and any wider planning about play spaces.

For teenagers, the loss of the playgrounds has also already had an impact. They gather in the communal areas of the blocks of flats (the Benhams Road blocks especially) leading to the potential for conflict with other residents. The youth shelter next to the Ozier/Bailey Green play area was erected some years back precisely to stop young people congregating in Rowlands Walk blocks. This shelter will go as part of phase 2, so exacerbating the issue of what provision there is for young people.

The 'development' of Frogs Copse early in the regeneration, for example including creating the proposed mown kick about area, has the potential to be a useful tool in helping residents of all ages, including young people, to cope with and live alongside this huge regeneration project.

8. Echelon parking in Meggeson Avenue

There is some concern amongst residents of Meggeson Avenue about the safety of oncoming traffic, cyclists especially, as vehicles leave echelon parking; there are a large number of commercial vans that local people have for their businesses which would pose a

higher risk in this regard due to poorer visibility from car driver's perspective if they tried to reverse out when parked between larger vans. We consider that the risk of accidents would be reduced if the angle of echelon parking was sloped to encourage reversing in to park, and forward to leave the parking space, when it is easier to spot oncoming traffic.

9. Plot 1 shared surface

It is not clear whether this area for parking and pedestrian use (the new road leading into Roundhill Close) will have a vehicular exit onto Meggeson Avenue: the different drawings submitted seem to conflict. We suggest that a vehicular exit so close to the roundabout junction with Townhill Way would cause a real hazard, and that no vehicles be allowed to enter or exit there.

10. Bus stop siting

We agree with the detailed information in the Transport Assessment at paragraph 4.6.2 that 'the proposed bus layover close to the historical bus turnover facility needs to be wider and off the main road to avoid conflicts'. The current location of the bus stop, just before a steep rise with a consequent lack of visibility for motorists behind a bus poses a real risk of cars taking a chance in overtaking the bus and colliding with oncoming traffic over the rise. There is a similar issue with the bus stop between Cutbush Lane and Benhams Road.

11. Traffic calming measures on Meggeson Avenue, and cycle routes

On the plans Cutbush Lane is noted as a cycle-friendly route. Currently, from Benhams Road to Townhill Way it is rough, muddy when the weather is wet, and unlit. Unless improvements to this section are made to provide a better surface, and lighting, this is not a cycle-friendly route, so Meggeson Avenue would need to be the alternative,

For this reason the traffic calming measures planned for Meggeson Avenue need to be cycle friendly. We notes especially that the width constrictions proposed for the traffic calming are very tight, and would put cyclists at risk of other vehicles trying to pass them at these points. We request that cycle lanes be made by providing a gap at constrictions.

We note the recommendation for a formal consultation on facilities for cyclists as part of the detailed application process (Transport Assessment para 4.9.7) and SO18 Big Local would welcome being part of this process.

12. Access to Townhill Park

The Transport Assessment says that it considers 'the accessibility of the site within the surrounding transport infrastructure', yet it makes no reference at all to the difficulties of getting out of the area in the morning, or back into it in the evening. There is no analysis of the traffic flow, in particular out over Woodmill Bridge in the morning and back in the evening, and what the impact on this already congested area will be from the increased

housing. The impact doesn't just affect residents of Townhill Park but the surrounding areas too - with Woodmill Lane backed up towards Midanbury some mornings, seizing the roundabout at the junction of Woodmill Lane, Forest Hills Drive and Manor Farm Road. In the evenings the impact of the congestion over Woodmill affects Swaythling, in particular backing up at the traffic lights at the junction of Woodmill Lane, Langhorn Road and traffic coming into Southampton on High Road. The alternative route over Cobden Bridge also has substantial congestion in the rush hours. We consider that a traffic assessment of Woodmill and Cobden Bridge is essential prior to planning approval, to enable proper consideration of whether there can be changes to ensure the new housing doesn't exacerbate an already difficult situation.

13. School places

A local authority briefing in August 2015 indicated significant pressure on school places in the East of the city. Other local developments have not allowed for the increased demand for school places – i.e. we are not reassured that this will have been properly considered. (Harefield Primary School is full in most year groups and so cannot accept children moving into the new housing in Yeovil Chase, right next to the school, or children moving into the Mansfield Park site in Harefield). Has there been a full and proper analysis of the impact of the increased housing on the capacity of the local schools to provide for the new population? Additionally, if recent government changes affect the tenure mix, has there been an analysis of the possible impact this would have on the demand for school places?

In conclusion, we would be grateful for these comments to be taken into account as part of the process of considering the planning application,

Yours sincerely,

Jo Proctor

(for SO18 Big Local Partnership Committee).

SO18 BIG LOCAL
#Speak Up SO18 Youth Forum



Stephen Harrison
Planning and Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LS

30th October 2015

Dear Mr Harrison,

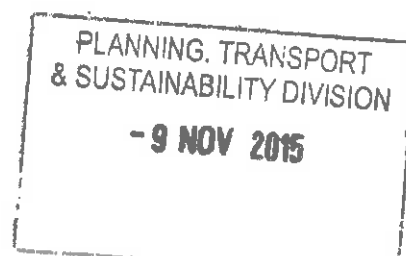
Speak Up SO18 is a group of young people from Townhill Park and Harefield who want to make the area a better place and make sure young people get involved in it. At our last meeting, we looked at and discussed the plans for the regeneration of Meggeson Avenue area of Townhill Park including possible new shops and the play area and park. I am writing to let you know what we thought of the design.

- ✓ Most people think it is a great idea to give the area a better play area and better local shops.
- ✓ We all liked the idea of a café with seats outside, especially near the play area, so adults could chat while children play safely. We think that people will use it if the prices are kept low, as lots of people in the area don't have much money.
- ✓ The idea of roof gardens on the blocks of flats is really good as long as the barriers are high enough to be safe and small children can't climb up them.
- ✗ We were worried that things don't last very long in this area and could be easily vandalised. Some people even thought it was a waste of money.
- ✓ We thought it would be a good idea if you involved children and young people in making the area look nice, for example involve them in planting flower beds, painting murals or creating mosaics etc. Then they would be less likely to vandalise it.
- ✓ For young people to feel safe, it would need to attract more people to be there and to have lots of lighting. For example on Weston Shore there is a great shelter with different colour lighting that attracts lots of children when they turn it on.

We hope you find our ideas helpful. If you would like us to be involved any more by giving our opinions or asking other young people for theirs please contact us through our youth worker Tracey Hemmerdinger at [REDACTED]

Yours Sincerely,

[REDACTED]
[REDACTED]
Speak Up member



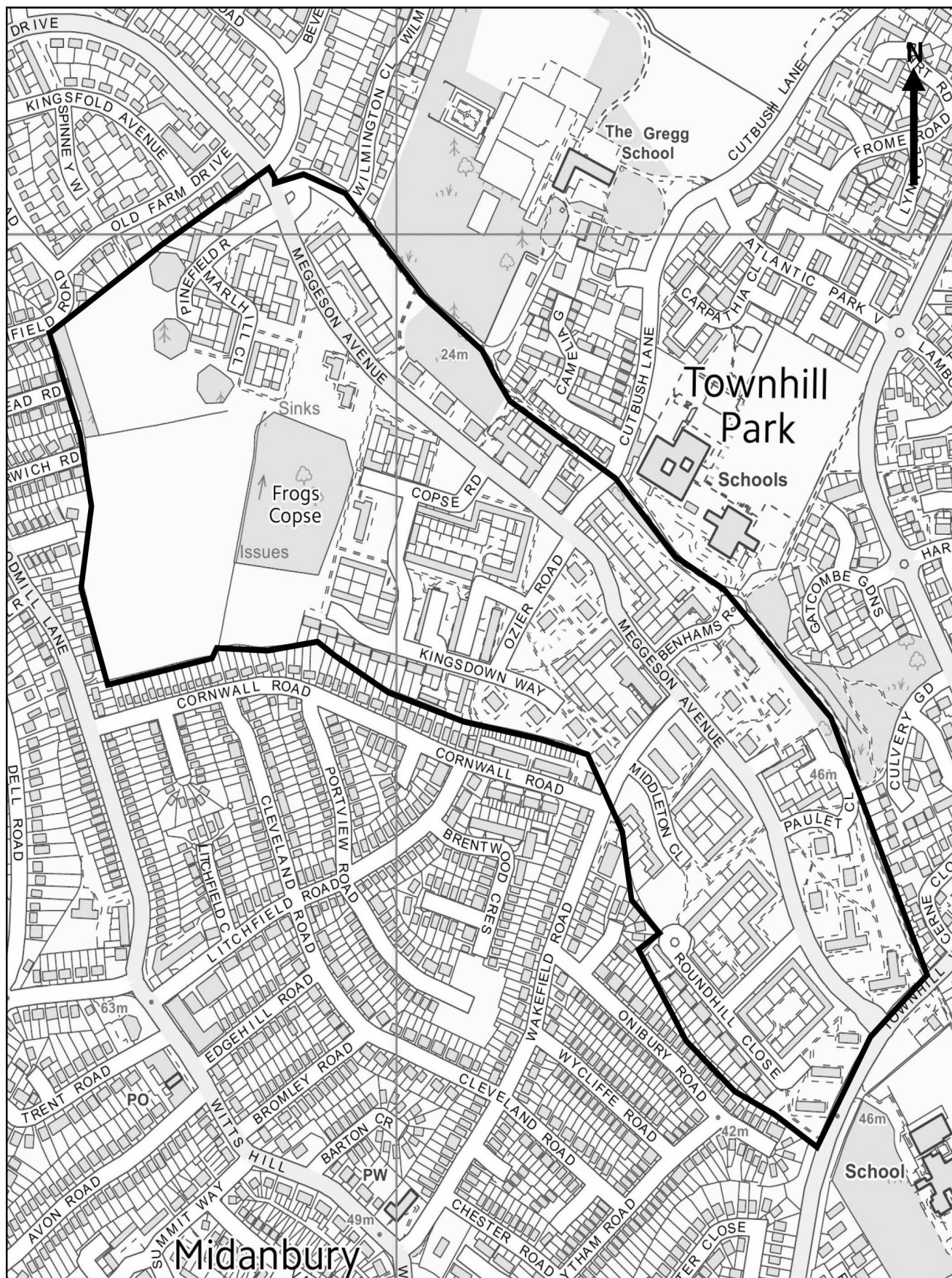
SO18 Big Local is a project of TWICS (charity no. 1085977), Swaythling Neighbourhood Centre, Hampton Park Way, Swaythling. SO17 3AT. Tel: 023 81671111.



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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way (West) Panel 3rd May 2016
Planning Application Report of the Planning and Development Manager**

Application address: Land at junction of St Denys Road and Belmont Road			
Proposed development: Erection of a part 3-storey and part 4-storey building to provide 73 sheltered housing flats for the elderly (49 x one bedroom and 24 x two bedroom) including lodge manager, communal facilities, access, car parking and landscaping.			
Application number	15/02468/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	04.04.16	Ward	Portswood
Reason for Panel Referral:	Major planning application subject to objections	Ward Councillors	Cllr Norris Cllr Claisse Cllr O'Neill

Applicant: Churchill Retirement Living	Agent: Planning Issues
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
Community Infrastructure Levy Liable	Yes

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including parking pressure, impact on neighbouring amenity, design and character 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 judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and 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 (2012). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to:

1. Securing a scheme of measures to mitigate the significant effects of the development on the New Forest National Park and to complete a Habitats Regulation Appropriate Assessment to satisfy Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
2. The planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - iii. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013). Measures to mitigate 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.
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vi. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - vii. Submission and implementation of a Travel Plan.
 - viii. Submission and implementation of a Waste Management Plan.

3. In the event that the legal agreement is not completed within 2 months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site is part of a wider site which previously contained the First Bus depot. The bus depot buildings have since been demolished, the site cleared and part recently developed to provide the Sainsbury's supermarket.
- 1.2 This application relates to the south-eastern part of the former bus depot site which adjoins St Denys Road to the south and Belmont Road to the east. Immediately to the north-west of the site is the Sainsbury's supermarket. There is a change in levels across the site, with the land sloping downwards from the supermarket towards Belmont Road. The site is subject to a Tree Preservation Order which protects two mixed species tree groups to the street frontages of the site.
- 1.3 The site context is varied and comprises the vibrant District Centre, the boundary of which is just 80 metres to the north-west, together with more traditional residential streets. Whilst St Denys Road is a busy 'A' class road with a mixed character, Belmont Road is a quieter, residential street mainly comprising two-storey houses. The neighbouring Sainsbury's supermarket is a two-storey, flat roof building, although ranges in height from 12 to 17 metres.

2. Proposal

- 2.1 The application seeks full planning permission to develop the site to provide a purpose-built block of retirement flats. Following concerns raised by officers regarding the design approach, the scheme has been amended since originally submitted. The changes include the relocation of the communal owner's lounge and 'shopper's entrance to the building, together with elevational changes to simplify the appearance and better articulate the massing of the building.
- 2.2 The accommodation comprises a single block which wraps the corner of St Denys Road and Belmont Road. The flats are entirely self-contained. The building steps up from three-storeys in scale on the Belmont Road frontage to four-storeys fronting St Denys Road (between 10 and 14 metres in height). The building has a traditional hipped roof appearance with mainly brick elevations and a repeating pattern of projecting bay windows. Window openings are purposefully large to ensure that internally, the accommodation benefits from a good level of natural daylight and an open outlook.
- 2.3 Residents would benefit from an on-site lodge manager and all flats would be served by a linked emergency call system. A communal lounge is provided to the ground floor for social activities and a guest suite is also provided for visitors. Lift access to all floors is incorporated. The average age of occupants across

Churchill Retirement Living developments is 79, with over 30% of residents being over the age of 80.

- 2.4 A single vehicular access would be provided from Belmont Road. This would access a communal car parking area to the rear of the building containing 33 car parking spaces. Pedestrian access would be provided from the car parking area into the communal owner's lounge and reception area. A further pedestrian 'shopper's entrance' would also be provided from St Denys Road.
- 2.5 An integral refuse store would be provided to the northern elevation of the building, adjacent to the vehicular access into the development. The development also makes provision for the storage of mobility scooters to the St Denys Road frontage.
- 2.6 A communal garden of 436 sq.m in area would be provided to the rear of the site and to the front of the site is a further 1529 sq.m landscaped area. The development would retain the two protected tree groups along the site boundaries and although 17 lower-quality trees would be removed, the application proposes 26 new trees across the development.

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). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is not identified for development within the Development Plan but the Portswood Bus Depot site, as a whole, is included as a housing site in the Council's Strategic Housing Land Availability Assessment. Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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 have been a number of previous applications for the whole bus depot site seeking the redevelopment of the site for a supermarket and residential accommodation. The planning history includes 4 previous planning permissions. The relevant planning history of the site is summarised in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Prior to the submission of this application, the applicant carried out pre-application consultation with the local community. This involved writing to local residents, businesses and Councillors and making the plans available for comment. A total

of 8 responses were received (5 in support, 1 undecided and 2 objections). Concerns raised included the proximity of the development to student housing, the lack of family housing and the traffic impact of the development.

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (05.02.16) and erecting a site notice (15.01.16). At the time of writing the report **8** representations have been received from surrounding residents, together with an objection from Councillor Claisse, The Highfield Residents Association, Portswood Residents Gardens Conservation Area Association and the Portswood Central Residents Association. The following is a summary of the points raised:

5.2.1 *Over-development of the site, particularly since the building will cover more than half of the site.*

Response

The proposed building and associated hard surfacing areas would account for less than half of the site area (44%). This accords with The Residential Design Guide which generally encourages new development to cover no more than 50% of a site area. Core Strategy Policy CS5 guides high-density development in the city to the most accessible areas, which includes areas close to and within the district centres. The site is located at the edge of Portswood District Centre (within 80 metres) and so is appropriate for a significant level of development.

5.2.2 *The scale and massing of development is out-of-keeping with neighbouring buildings and will appear dominating when viewed from neighbouring residential properties in Belmont Road.*

Response

The principle of a four-storey block in this part of the site, has been previously approved by the Council (outline planning permission 09/00513/OUT refers). The development is designed with a significant set-back from the street frontages of between 10 and 17 metres. This provides separation distances of between 38 and 41 metres between the development and the nearest dwellings on Belmont Road. Furthermore, the scale steps down from four-storeys on the St Denys Road frontage to three-storeys to the Belmont Road frontage. These factors will ensure that the scale and massing of the building does not have an over-dominant effect when viewed from nearby residential properties.

5.2.3 The amendments to the design have also improved the perceived massing of the building, whereby the building is physically articulated with a series of projecting bays. Furthermore, the development will be viewed in the context of the recently approved student scheme on the north section of the former Bus Depot site, which also includes three and four-storey frontage buildings to Belmont Road, and the large supermarket building. These factors are considered to enable the scale of the building to successfully assimilate into the surrounding area. It is also important to note that Policy SDP9 of the Local Plan is supportive of taller buildings (5 storeys upwards) on sites in and adjacent to District Centres and on major development sites.

5.2.4 *Insufficient outdoor amenity space will be provided and this will be over-shadowed or affected by noise and disturbance from the busy St Denys Road.*

Response

The total amount of external amenity space would equate to 26 sq.m per flat

which is more than the 20 sq.m per flat that the Residential Design Guide suggests is appropriate. It is acknowledged that the usability of this space is constrained by road transport noise and the physical presence of the neighbouring supermarket however, the landscaping information accompanied by the application demonstrates that a high-quality approach to the design of these areas. All ground floor residents would have direct access to the outdoor garden space from within the individual flats and four points of access are proposed from within the building onto the gardens for the benefit of upper floor residents. Furthermore, given the nature of the accommodation proposed, it is important to note that the internal space of the development provides a good standard of amenity for all prospective residents.

5.2.5 *Loss of TPO trees*

Response

The application has been accompanied by a detailed Arboricultural Assessment which comprehensively assesses all the trees on site in terms of the proposed development. There are currently some 44 trees on site and four groups of trees. A total number of 17 trees are proposed to be removed, although none of the highest quality trees on the site will be affected. Furthermore, 6 of the trees to be removed are in such poor condition that they require removal for management reasons, irrespective of whether development proceeds on the site. Of the remaining trees to be removed, the assessment concludes that their removal can be mitigated with replacements to ensure that the impact on the visual amenity of the area is not harmed. The application proposes the planting of 26 large tree species.

5.2.6 The Council's Tree Officer agrees with the conclusion of the Arboricultural Assessment and whilst two-for-one tree replacements will not be provided, the suggested replacements would enable the increase in the tree canopy over time and furthermore, there is sufficient space on site to enable those replacements to reach their full potential.

5.2.7 *Loss of light to the neighbouring residential properties*

Response

Whilst residents in Belmont Road will experience some additional over-shadowing as a result of the development, the separation distances achieved, together with the orientation of the site means that they will continue to enjoy access to sunlight for the majority of the day. As such, the over-shadowing that will occur does not represent significant harm to residential amenity.

5.2.8 *The development is designed with insufficient car parking, less than half of the adopted Council's standard. This would lead to over-spill car parking on surrounding streets, exacerbating existing problems.*

Response

The adopted Parking Standards Supplementary Planning Document confirms that the maximum number of spaces to be provided for a development of this nature is 1 space per flat. The Guidance goes on to confirm that provision of less spaces than the maximum standards is permissible, subject to justification. In this case, the level of car parking proposed equates to 0.45 spaces for each unit. This is more than Churchill Retirement usually provide on schemes of this nature which are typically served by 0.32 spaces per flat. The level of car parking has been justified by examining the demand associated with 8 other comparable Churchill Retirement developments. Furthermore, given the site is at the edge of the District

Centre which incorporates a number of local shops and facilities, and within a High Accessibility Bus Corridor, the level of car parking is considered to be acceptable.

- 5.2.9 *The applicant's community consultation with the local residents did not include a public exhibition.*

Response

There is no planning requirement to carry out a public exhibition as part of pre-application consultation with residents.

5.3 **Consultation Responses**

- 5.3.1 **SCC Highways** - The principle of development in this location is acceptable. The location of the vehicular access is appropriate in terms of the safety and convenience of the users of the highway, subject to the relocation of existing traffic calming measures in Belmont Road being secured through the section 106 legal agreement. The level of car parking is more than sufficient given the sustainable location of the site. The layout of the development would benefit from more convenient links to the District Centre and a more convenient location for the mobility scooter store.

Response: The 'shoppers' entrance has been located to link better to the District Centre and the mobility scooter store.

- 5.3.2 **SCC Historic Environment** – No objection or conditions suggested.

- 5.3.2 **SCC Housing** – As the scheme comprises of 73 dwellings in total the affordable housing requirement from the proposed development is 26 dwellings and the preferred approach is for this to be provided on site. This proposal differs substantially from the applicant's pre-application submission in terms of site area and size of scheme / number of units. We can see no reason, with the increased site area, why affordable housing should not have been designed on the additional land as opposed to increasing the size of the retirement scheme from that submitted at pre-app stage. Evidence submitted as part of this planning application confirms that the minimum number of units required to operate this type of scheme is much less than the number of units proposed here and our wish to see on-site affordable provision is supported by both the number of applicants on the housing register seeking 1, 2 and 3 bed rented accommodation (not sheltered) and applications to Help to Buy South for shared ownership properties (again 1, 2 and 3 bed, but predominantly 2).

Response: In planning terms, there is no objection in principle to develop the site for sheltered accommodation rather than general purpose accommodation. Indeed, Policy CS16 of the Core Strategy recognises the need for accommodation for the elderly and supports its delivery in the city and the development would fulfil this policy requirement. A detailed viability appraisal has been submitted with the application which is in the process of being independently reviewed by the District Valuer. A verbal update regarding the District Valuer's conclusions will be provided at the Panel meeting.

- 5.3.3 **SCC Sustainability Team** – No objection subject to conditions to secure energy and water efficiencies.

- 5.3.4 **Design Advisory Panel** – Suggest a ‘u’ shaped building form is explored to reduce the number of apartments with north-facing outlook. Raise concerns that the owner’s lounge will be over-shadowed. The height of the building is acceptable, however, the design is monotonous and the turrets serve no purpose.

Response: The design has been amended since these comments were made and is much improved. The owner’s lounge has been re-positioned to ensure it benefits from sunlight and the turrets omitted from the design approach.

- 5.3.5 **SCC Environmental Health (Contaminated Land)** – No objection subject to conditions to secure a contaminated land assessment and any required remediation.

- 5.3.6 **SCC Ecology** – Holding objection. The site itself has a low ecological value. Conditions can be used to secure careful lighting design to avoid disturbance to foraging bats and to ensure any vegetation clearance does not adversely affect breeding birds. Further information is required regarding the possible adverse effects that may arise from occupants of the development visiting the protected habitats in the New Forest National Park.

Response: There are ongoing discussions with the applicant regarding measures to mitigate the effect of the development on protected habitats. The recommendation set out above, will ensure that planning permission for the development is not issued before these matters are fully resolved. The mitigation is likely to centre on the accessibility of occupiers of the development to other suitable nearby greenspaces.

- 5.3.7 **SCC Trees** – No objection subject to conditions to ensure the development proceeds in accordance with the submitted Arboricultural Method Statement and that the tree planting schedule set out in the application is provided.

- 5.3.8 **BAA** – No objection. Suggest an informative be attached to the permission which makes the developer aware of requirements relating to the use of cranes.

- 5.3.9 **Natural England** – Objection. More information is required in relation to the possible effects of the development on the New Forest Special Protection Area.

Response: The applicant has provided further information regarding the likely effects of the development on the New Forest and further comments are awaited from Natural England. A verbal update will be provided at the Panel meeting. As set out above, the recommendation set out seeks delegation to officers to resolve this matter before planning permission is granted.

- 5.3.10 **Southern Water** – No objection subject to conditions.

- 5.3.11 **City of Southampton Society** – No objection in principle.

6. Planning Consideration Key Issues

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

- (i) The principle of development;
- (ii) Suitability of the Design;

- (iii) Impact on nearby residents;
- (iv) Parking and highways;
- (v) Impact on designated habitats and;
- (vi) Affordable housing and the direct local effects.

6.2 (i) Principle of Development

- 6.2.1 Whilst the site is not allocated for housing purposes in the adopted Development Plan, the principle of developing the site for residential has been previously established by outline planning permission. Furthermore, the site is identified in the Council's Strategic Housing Land Availability Assessment as contributing towards meeting the city's housing need. The provision of homes for senior citizens is encouraged by Policy CS16 of the Core Strategy and, as such, the specialist nature of the accommodation proposal is welcome.
- 6.2.2 The development would achieve a residential density of 132 dwellings per hectare which is consistent with Core Strategy Policy CS5 which guides high-density development to locations close to the District Centres and within key public transport routes.

6.3. (ii) Suitability of the Design

- 6.3.1 The applicant has engaged with the Council's pre-application process, evolving the design to address the key site constraints, consultee input and third-party comments. In terms of scale, it is important to note that the principle of three and four-storey buildings has previously been accepted by the Council for this part of the site. The proposed building is between 10 and 14 metres in height which would sit comfortably within the context of the neighbouring Sainsbury's store (between 12 and 17 metres in height) and the recently approved student scheme on the corner of Belmont Road and Portswood Road (between 3 and 6 storeys). Whilst existing properties in Belmont Road are predominately two-storeys, the scale of buildings within the wider context includes buildings of between 2 and 4 storeys in height. As such, the scale and massing of the development would not appear unusual within the area.
- 6.3.3 Given the nature of accommodation and the associated operational requirements, the building inevitably takes the form of a single, flatted block. Nonetheless, the design has evolved to articulate the elevations of the building, providing projecting elements which break the massing. A relatively traditional design approach has been employed and it is considered that this would provide a successful transition from the more traditional houses to the south and the Sainsbury's store. Indeed, the building would successfully screen the blank elevations of the supermarket when viewed from the south which would benefit the character of the area. The development is set well back from the street frontages to enable the retention and enhancement of the trees and vegetation along the site boundaries.
- 6.3.4 The application proposes a good-quality environment for prospective occupants of the development. Outlook from habitable rooms would be good and large window openings would allow for a light and open internal environment for occupants. The provision of a communal lounge area is also welcome and the re-location of this lounge within the building ensures that the quality of this space would be good. Residents would also benefit from close links to the local shops and facilities within the District Centre.

6.4 (iii) Impact on nearby residents

6.4.1 In terms of the physical impact of the proposed building, as set out above, the scale of the building steps down where a closer relationship to the domestic properties in Belmont Road occurs. The building is set back from the boundaries with the street and a significant tree and landscape edge would be provided to the fronts of the building. The separation achieved across the street to nearby residential properties (between 38 and 41 metres) would comfortably mitigate the impact of the taller scale building on these houses.

6.5 (iv) Parking and Highways

6.5.1 Saved policy SDP5 of the Local Plan confirms that the provision of car parking is a key determinant in the mode of travel. The adopted Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The provision of on-street car parking at a ratio of 0.45 spaces for each flat is more than typically expected for a development of this nature and fully justified in the submitted Transport Assessment in terms of anticipated demand from prospective residents. The site lies within the High Accessibility bus corridor meaning it has excellent links to public transport together with the shops and services within the District Centre. As such, the level of car parking is considered to be acceptable.

6.5.2 The location of the vehicular access into the site closely follows that previously approved by the Council for this site. A single point of access would minimise disruption to the flow of traffic on adjoining highway and a good level of visibility can be achieved from this access. The development is also designed to accommodate the necessary servicing vehicles. As such, the Highways Team are satisfied that the proposal would not have a detrimental impact on the safety and convenience of highway users and that the direct impacts of the development can be mitigated by measures secured through the suggested conditions and the section 106 legal agreement.

6.6 (v) Protected Habitats Impact

6.6.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.6.2 The site is also within close proximity to the New Forest which also comprises a Special Protection Area, Special Area of Conservation, Ramsar site and Site of Special Scientific Interest. In a similar way to the impact on the Solent, the recreational use of this area by prospective residents of the development could impact on these protected habitats. At this point in time, there is not a strategic approach to mitigating these impacts in a similar way to Solent Mitigation Project. As such, Natural England have lodged a holding objection to the application on the basis that the impact of the development on the New Forest National Park has not been adequately assessed. The applicant has now provided an assessment of the likely effects and these have been forwarded to Natural England for comment. A verbal update will be provided at the panel meeting. However, secured by the recommendation set out, any necessary mitigation will be agreed before planning permission is issued, in consultation with Natural England and the Council's Ecologist. A Habitats Regulation Appropriate Assessment would also be need to be completed and conclude that the development would not have a significant adverse effect on the protected habitats before the planning permission is issued.

6.7 (vi) Affordable Housing and Other Direct Local Impacts

6.7.1 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Developer Contributions Supplementary Planning Document. Given the wide ranging impacts associated with a development of this scale, a package of contributions and obligations is proposed as part of the application.

6.7.2 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. A viability assessment has been submitted with the application and this is subject to an independent assessment by the District Valuer. A verbal update will be provided regarding this at the Panel meeting.

7. Summary

7.1 The proposed development would bring a long-term vacant, and prominent previously developed site back into active use. The specialist nature of accommodation would meet a specific housing need identified by Policy CS16 of the Core Strategy. The development has been designed to integrate into the character of the area and would not have a harmful impact on nearby residential occupiers. The level of parking has been adequately justified in the submission and the location of the vehicular access previously approved.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to satisfying the Habitats Regulations and Core Strategy policy regarding the potential for recreational disturbance to protected habitats, a Section 106 agreement and conditions.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

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

02. Approved Plans

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.

03. Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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.

04. Refuse and Mobility Scooter Storage

The refuse and mobility scooter storage shall be provided in accordance with the plans hereby approved, before the dwellings, to which the facilities relate, are occupied. The storage shall thereafter be retained and made available for that purpose.

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

05. Landscaping, lighting & means of enclosure detailed plan

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment and;

iv. a landscape management scheme.

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 hard and soft landscaping scheme, including the replacement trees set out on the submitted landscape plan reference 15390BT2, for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

05. Arboricultural Method Statement

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site.

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

07. Construction Method Statement

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours and the wider environment

08. Hours of work for Construction

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

09. Unsuspected Contamination

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. Any changes to the agreed remediation actions will require the express written consent of 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.

10. Protection of nesting birds

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

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

11. Ecological Mitigation Statement

The Ecological Mitigation Measures shall be implemented fully in accordance with the submitted Ecology Report and 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.

12. Sustainable Drainage Systems

Prior to the commencement of development a specification for the proposed sustainable drainage system shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

13. Energy & Water (Pre-Commencement)

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

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

14. Energy & Water (Performance)

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. Foul and Surface Water Drainage

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

16. Public Water Supply Main

No development shall commence until a scheme of measures to protect the public water supply main has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed measures.

Reason: To protect the public water supply.

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
REI5	District Centres

Supplementary Planning Guidance

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

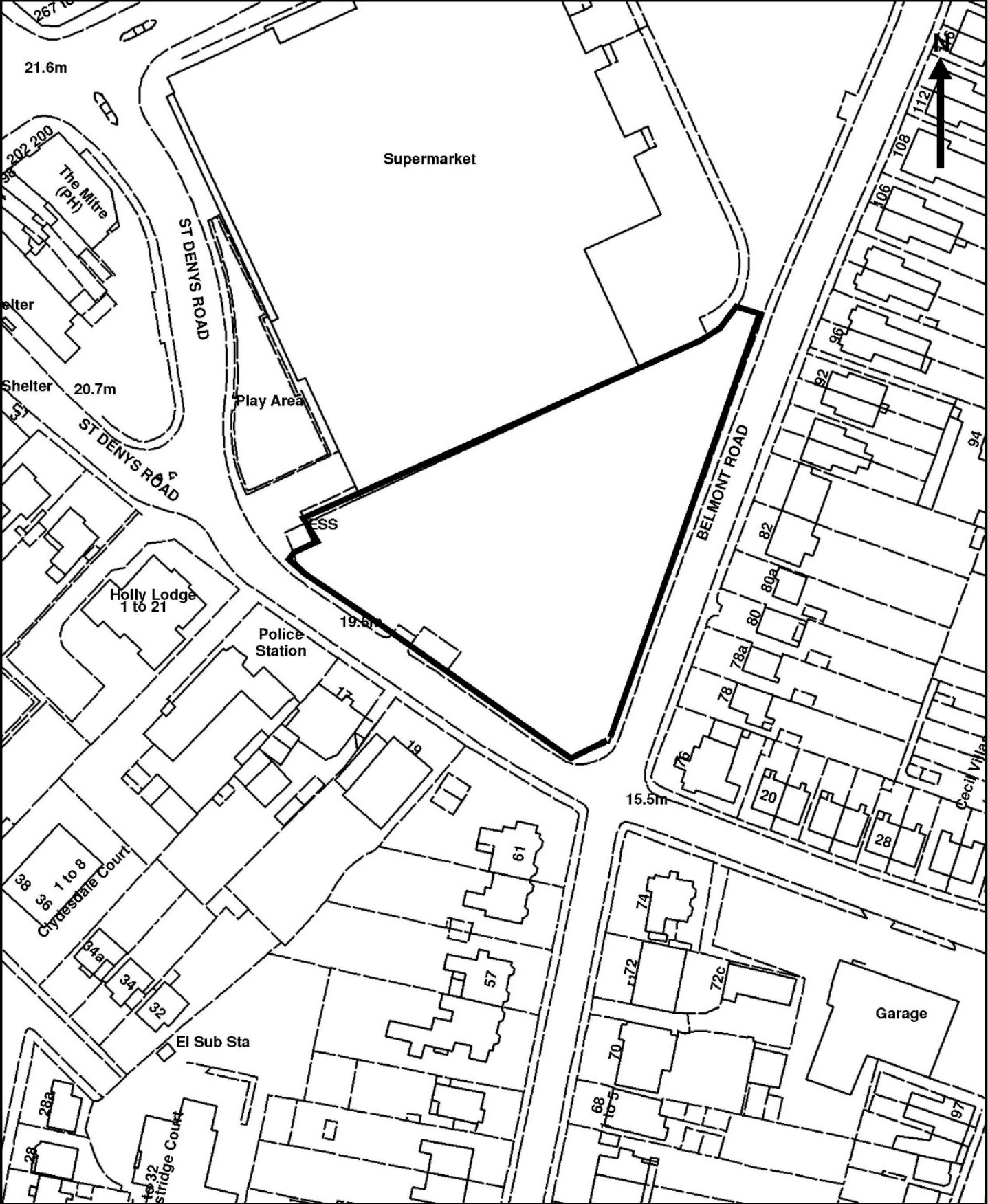
Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application Number	Proposal	Decision	Summary
05/01407/FUL	Demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6907 sq.m gross floor space (Class A1 retail) provision of 14 residential units, vehicular access from Portswood Road and St Denys Road with 398 car parking spaces. (Note: this application is for part of the site only - see also application number 05/01409/OUT)	Refused 03.07.07	Subject to a Planning and Rights of Way Panel resolution of grant planning permission. Application was called in for determination by the Secretary of State and refused for the impact on character and living conditions. This related to the flats relationship with the decked car park and the decked car parks poor appearance within the street.
05/01409/OUT	Demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6907 sq.m gross floorspace (Class A1 retail), provision of 73 residential units, vehicular access from Portswood Road, St Denys Road and Belmont Road with a total of 441 car parking spaces and a primary care health facility. (Outline application for the whole site seeking approval for siting of buildings and means of access - see also application number 05/01407/FUL)	Refused 03.07.07	Submitted and refused concurrently with the application listed above.
08/00386/OUT	Demolition of the existing buildings. Redevelopment of the site to provide a new supermarket (Class A1 retail - 6,578 square metres gross floorspace) with associated 325 space car park, medical centre (Class D1), with associated 40 space car park and public play area (no matters reserved for later approval) and 140 residential units (22 houses, 118 flats) with 119 associated car parking spaces (details of appearance reserved for later approval).	Conditionally Approved 11.12.07	Hybrid application. All matters approved for the supermarket and residential approved in outline. The scale of the residential ranged from 3 storeys fronting Belmont Road and 4-storeys to the Portswood Road frontage.

Application Number	Proposal	Decision	Summary
09/00513/OUT	Demolition of the existing buildings. Redevelopment of the site to provide a new supermarket (Class A1 retail - 7,492 square metres gross floorspace) with associated 325 space car park, medical centre (Class D1) with associated 40 space car park and a public play area (no matters reserved for later approval) and 140 residential units (22 houses and 118 flats) with 119 associated car parking spaces (details of appearance reserved for later approval - revised application)	Conditionally Approved 18.01.10	Hybrid application. All matters approved for the supermarket and residential approved in outline. This application amended the initial planning permission with an increase in the height of the buildings fronting Portwood Road and other amendments which included changes to the access points.
10/01399/OUT	Redevelopment of the site to provide a new supermarket (Class A1 retail 9,730 square metres gross floorspace with associated 344 space car park, new community use (Class D1 1,166 square metres gross floorspace) and public play area (no matters reserved for later approval) and 59 residential units (29 houses and 30 flats) with 49 associated car parking spaces (details of landscaping and appearance reserved for later approval)	Conditionally Approved 02.11.11	Hybrid application. All matters approved for the supermarket and residential approved in outline. The key changes to this application included the omission of the health centre and subsequent increase in the size of the supermarket and a reduction in the number of residential units due to the provision of more family housing.
11/01877/FUL	Variation or removal of the following conditions of planning permission ref 10/01399/OUT relating to store opening times, delivery hours and numbers and use of car parking	Appeal Allowed 10.10.12	Non-determination appeal

Application Number	Proposal	Decision	Summary
12/00094/NMA	Non-material amendment to 10/01399/OUT comprising: Roof mounted flue to serve bio-mass boiler, 3 x external access ladders to roof, balustrades to raised walkways, alterations to window detail at 2nd floor level on south elevation (to D1 Use), additional windows to first floor level on south elevation (facing St Denys' Road), Fire escape stair to rear elevation, repositioning of canopy support in north east corner of site (fronting Portswood Road), removal of solid canopy section above store entrance and additional fencing to rear boundary along retaining wall.	Approved 28.02.12	
12/00091/FUL	Relocation of substation.	Approved 17.11.2014	
14/01783/OUT	Redevelopment of the site to provide 59 dwellings (29 houses and 30 flats) with associated access and parking (Outline application seeking approval for access, layout and scale)	Withdrawn	Resolution to grant planning permission subject to the completion of the s106 legal agreement. This applications renews the residential planning permission
15/01510/FUL	Development of the site to provide 252 Purpose Built Student Accommodation flats (435 bed spaces) in three buildings of between 3-storey's and 6-storey's plus lower ground floor level with vehicle access from Belmont Road and associated landscaping.	Conditionally Approved 25.11.15	



Scale: 1:1,250

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**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (West) 3 May 2016
 Planning Application Report of the Planning and Development Manager**

Application address: Land to the rear of 38-40 Lime Avenue			
Proposed development: Erection of 2 x 3-bedroom detached dwellings with associated car parking, cycle and bin stores with access from Lime Close			
Application number	16/00406/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	13.05.2016	Ward	Sholing
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Hecks Cllr Jeffery Cllr Wilkinson

Applicant: Mr M Dexter	Agent: Concept Design & Planning - Fao Mr Rob Wiles
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below and the recent Planning Inspectors decision for the previous identical application 15/00899/FUL and the similar scheme 14/00856/FUL. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The reasons for refusal associated with 15/00899/FUL are considered to have been addressed. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework.

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Appeal Decision 14/00856/FUL	4	Appeal Decision 15/00899/FUL

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site comprises garden land to the rear of 38-40 Lime Avenue. The topography of the area falls from north to south, with a site level change of approximately 5m from north to south. The surrounding area has a suburban residential character, predominantly comprising bungalows, some of which have been extended to provide accommodation within the roof. No's 5 and 7 Lime Close are genuine chalet-bungalows. Two-storey flatted development is located further to the south-west (Valley View). Sholing Common Greenway and allotments are located to the south. There are no parking restrictions within Lime Close. Many properties have off-road parking. Lime Close is narrow in places and on-street parking mounts the kerb.
- 1.2 The south-eastern end of Lime Close terminates with a hammerhead and has a backdrop of trees and vegetation located within Sholing Green (Protected Site of Importance for Nature Conservation). The greenery and open space which terminates the vista at the end of the street is an important characteristic of the street and creates a sense of openness within this suburban housing estate.

2. Proposal

- 2.1 The proposal seeks to subdivide the gardens of 38-40 Lime Avenue to form a development plot with access taken from Lime Close. The scheme proposes two detached two-storey dwellings orientated north-south with rear windows and gardens facing towards Sholing Greenway. The topography of the area falls from north-west to south-east and the scale of buildings have been designed to reflect the change in levels, with two-storey housing on higher ground and bungalows and chalet-bungalows as you drop down the hill.
- 2.2 The proposed dwellings are single storey in design to the front elevation and two storey to the rear due to the land level changes. The dwellings measure 2.7m to eaves and 5.7m to ridge fronting Lime Avenue with rear garden sizes 10m in length and in excess of 90 square metres in area. An access drive is located to the front which gains access from Lime Close, this area will be formed in grasscrete to soften the appearance of the new development. Each of the dwellings is provided with two parking spaces and the front is further landscaped to reduce the appearance of the development.
- 2.3 Both of the units provide three bedrooms, with the kitchen/diner and lounge at ground floor and the bedrooms at first floor. Pedestrian access to these units is via Lime Avenue and vehicular access is via Lime Close.

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). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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 This site has a complicated planning history, which is material to the determination of this planning application. An application (LPA ref **14/00856/FUL**) for the erection of two 2-storey, 4-bedroom detached houses with associated parking and cycle/refuse storage and altered vehicular access from Lime Close (resubmission) was refused by Panel 5th August 2014 and a subsequent appeal was dismissed on the grounds the development harmed the character of the area.
- 4.2 An identical application to this current scheme (LPA ref **15/00899/FUL**) that sought to address the previous reasons for refusal was submitted for the erection of 2 x detached 3- bedroom dwellings with bin/cycle stores and parking. That scheme was refused under delegated powers on 25th June 2015 and the appeal was defended on the basis that the development was out of keeping with the character and appearance of the area as well as the failure to mitigate the developments impacts. The Planning Inspectorate disagreed with the first reason for refusal as they felt the development would not harm the character of the area. However, they agreed with the second reason as they felt a legal agreement was required to secure the financial contribution required to mitigate the development. A list of the previous applications including reasons for refusal can be found at **Appendix 2** and a copy of the appeal decisions can be found in **Appendices 3 and 4** respectively.
- 4.3 **13/01642/FUL** – Refused by Planning Panel on 20.01.14
Erection Of 3 X 2-Storey 3-Bedroom Detached Houses With Associated Parking And Cycle/Refuse Storage Involving Creation Of An Altered Vehicular Access From Lime Close. (Resubmission)
13/00925/FUL - Refused under delegated authority on 27.08.2013
Erection of 1 x 2-storey and 2 x 3-storey 3-bedroom detached houses with associated parking and cycle/refuse storage involving creation of a new vehicular access from Lime Close.
04/00257/OUT - Refused under delegated authority on 07.04.2004
Outline application for the siting of 1 no. detached bungalow.
03/01309/OUT - Refused under delegated authority on 17.12.2003
Outline application for the erection of a pair of semi- detached bungalows (consideration of siting only).

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 (01.04.2016). At the time of writing the report **16** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Development will lead to overspill parking within Lime Close

Officer Response

Two car parking spaces per three-bed dwelling satisfies the Council's maximum car parking standards. The level of parking provision satisfies national and local planning policy. Parking overspill did not form a reason for refusal for the previous application as the planning inspector in the 2014 appeal decision stated that the development would not result in excessive increase in parking pressure.

5.3 Out of character and over development / this proposal does not address previous reasons for refusal for residential redevelopment

Officer Response

The proposed scheme is materially different from the design and form of the previously refused dwellings in 2014. The recent appeal decision received in 2016 is now a material consideration as the planning inspector felt the proposal did not harm the character of the area.

5.4 The proposal will cause a strain on existing utilities of which the sewage and surface water drainage is of most concern. These drainage systems are already operating at capacity.

Officer Response

Southern Water are responsible for drainage arrangements and have raised no objections to the application. The previous appeal decision was not dismissed for this reason.

5.5 The area suffers from subsidence and development may lead to structural damage to neighbouring properties. Furthermore the valley is always saturated and flooded.

Officer Response - Appropriate foundation design solutions will be assessed at Building Regulations stage. The developer has a duty of care and any damage to neighbouring properties is a civil matter. Planning permission cannot be refused for this reason and this did not form a reason for refusal previously. The topography of the area means that water will flow towards the valley. The application site is situated on the slope but not at the lowest point. Land drainage and soakaway design will be considered at Building Regulations Stage.

5.6 Building traffic would cause parking and access problems within Lime Close and would lead to pedestrian health and safety concerns.

Officer Response - Construction traffic is an inevitable result of development and planning permission cannot be refused for this reason. The developer has a duty of care in relation to pedestrians when using public roads. The two appeal decisions were not dismissed for this reason.

- 5.7 **Lime Close is a narrow cul-de-sac and parked vehicles make access difficult**
Officer Response - Lime Close provides sufficient width for vehicle access and no objection has been received by the Council's highway engineers. The proposed two additional homes will not alter the access arrangements for existing residents. The 2014 and 2016 appeals were not dismissed for this reason.
- 5.8 **Overlooking and loss of light to neighbouring properties**
Officer Response - There will be no harmful overlooking. There are no windows to the side and the front windows will only be ground floor level. Rear windows will face towards the greenway. The height of the development is single storey at its nearest part to the neighbours and the land levels lowers. Due to this and the separation distance the loss of light to the adjacent neighbouring occupiers is not sufficiently harmful to the neighbouring properties. This was agreed by the Planning Inspector in the 2016 application.
- 5.9 **Impact on the turning head**
Officer Response – The turning head would be kept clear to allow residents to access and egress the development site. Any vehicle obstruction of a site access is a matter for the police.
- 5.10 **Existing undersized drains do not have the capacity for any additional rainwater run-off caused by the excessive hardstanding**
Officer Response - The development will install soakaways and permeable surfacing. Connection to the public sewer would be a last resort. The scheme include grasscrete to reduce the overall runoff. The previous appeal decisions were not dismissed for this reason.
- 5.11 **Ecology impact near Sholing Valley**
Officer Response - The Council's ecologist has raised no objection subject to a condition relating to nesting birds.

Consultation Responses

- 5.12 **SCC Highways – No objection raised**
Suggested conditions require details of refuse and cycle storage, surface treatment to car park area and parking spaces to be marked out and available prior to commencement of development.
- 5.13 **SCC Sustainability Team – No objection raised**
Conditions are recommended in order to ensure compliance with Policy CS20 which relate to energy and water restrictions.
- 5.14 **SCC Environmental Health (Pollution & Safety) – No objection raised**
No objection subject to conditions to secure a construction environment management plan and control on working hours.
- 5.15 **SCC Ecology – No objection raised**
Adjacent to the site is a section of the Shoreburs Greenway Site of Importance for Nature Conservation (SINC). The vegetation along the south eastern edge of the site straddles the boundary with the SINC and helps to provide a continuous corridor along the adjoining rear gardens. The proposed layout will require the removal of the much of the vegetation within the gardens which will have implications for breeding birds. All breeding birds and their nests receive

protection under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should therefore be timed to occur outside the breeding season, which runs from March to August inclusive, or at other times of the year following an inspection by a suitable qualified and experienced ecologist and as such a condition is recommended. To mitigate for the loss of the garden vegetation a landscaping scheme that incorporates native and ornamental species with recognised wildlife value should be secured via condition.

5.16 **Southern Water – No objection raised**

No objection subject to an informative requiring connection to the public sewerage system.

6. **Planning Consideration Key Issues**

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

- Previous reasons for refusal/ Planning Inspectorate's decision;
- Principle of development;
- Design and amenity;
- Highway safety; and
- Development Mitigation

6.2 **Previous reasons for refusal/ Planning Inspectorate's decision**

The Panel are being asked to consider whether or not this scheme has addressed the concerns raised when the Council refused the earlier identical scheme. An identical scheme was previously refused (LPA ref **15/00899/FUL**) for the impact on the character of the area and failure to mitigate against the developments impact on the integrity of international designations (Solent coastline). The reasons for refusal are set out in full at **Appendix 2**. Prior to the appeal decision the Council felt the proposal resulted in a detrimental impact on the character of the area. However, it is clear from the Planning Inspector's reasoning below that the character of the area would not be significantly harmed by the proposal. The Planning Inspector in the 2016 decision stated;

The current appeal scheme proposes two dwellings of a similar siting to the previous proposal but their height and scale has been reduced. Utilising the sloping site, the dwellings would appear as single storey in height from the front and two storeys in height from the rear. The ridge lines and overall massing of the dwellings would be significantly reduced from the previous proposal which would result in the development relating more sympathetically in appearance with the existing properties in Lime Close and impinging less on the views towards the Greenway from Lime Close. (Paragraph 9:2016)

The Inspector led on to conclude that;

'As set out above, the reduction in height of the dwellings would assimilate their built form sympathetically into their surroundings resulting in a much less visually intrusive development than previously proposed. Their reduced massing and revised design would also overcome the Inspector's concern raised regarding their monolithic and bland appearance. In the absence of harm from the other elements of the proposal which were previously considered to be unacceptable, I do not

consider in this case that the extent of the driveway and parking area at the front of the dwellings is a matter which considered alone would result in significant harm to the character and appearance of the area.....In conclusion on this issue, the development would not result in any significant impacts upon the character and appearance of the area.’ (Paragraph 13:2016)

- 6.2.1 With respect to the second reason for refusal, although the applicant made a contribution, the Inspector felt that the financial contribution does not ‘*provide any legal certainty or guarantee that the contribution would be used for its intended purpose*’ (paragraph 5) and stated the following;

‘During the consideration of the appeal, the appellant has made a direct payment to the Council by cheque for the sum required accompanied by a ‘Habitats Mitigation Contribution Agreement’ under Section 111 of the Local Government Act 1972. The Council states that the financial contributions it seeks towards the SDMP are focused on visitor management measures.’ (Paragraph 4:2016)

‘Nevertheless, I have certain reservations about the form of the agreement which does not have the same legal basis as an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).’ (Paragraph 5:2016)

The reason for the contribution is set out below. All new development is expected to meet the additional costs or make available additional infrastructure provision, where the need for it arises as a direct result of the development. A substantial amount of housebuilding is planned around the Solent, creating additional recreational pressures which will impact on the three Solent Special Protection Areas (SPA’s), increasing disturbance to waders and wildfowl within the SPAs, with such disturbance reducing the birds’ opportunities to feed and impact on their winter survival and completion of their migratory journey to their summer-time habitats.

- 6.2.2 The research into those potential impacts was undertaken between 2009 and 2013 and it concluded that mitigation measures are required to ensure that the additional recreational activity does not result in harm to the SPAs, with mitigation required for housing developments several kilometres inland from the SPAs. The mitigation measures are being funded by financial contributions from housing developments, based on £174 (increased to £176 for applications received after April) per dwelling developer contribution. Policy context locally originates predominantly within the Council’s Core Strategy (January 2015), Policy CS22 – Promoting Biodiversity and Protecting Habitats (Para 5.4.28). National and European Policy resides within The Conservation of Habitats and Species Regulations 2010 (as amended) which provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), which requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. In addition the National Planning Policy Framework (NPPF) contains a presumption in favour of sustainable development, but paragraph 119 states that this presumption does not apply where the development requires appropriate assessment under the Birds or Habitats Directives above.

- 6.2.3 There is a requirement for a developer contribution to mitigate against the impacts on the Solent SPAs is the Conservation of Habitats and Species Regulations 2010 which sets out how Local Planning Authorities must deal with planning applications that have potential to impact on European protected sites. Paragraph 020 of the Government's Planning Practice Guidance 'Planning Obligations' states that for sites below the threshold, authorities may still "*seek contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements*".
- 6.2.4 The applicant has provided the Council with a financial contribution in line with the Appeal decision. In order to comply with the requirements of the contribution a payment needs to be paid either via a financial contribution or through a unilateral undertaking. The payment has been received therefore complying with the requirement. The application still needs to be assessed against the development plan taking account of the following issues.

6.3 Principle of Development

- 6.3.1 The redevelopment of this site for residential use is acceptable in principle and accords with the policies within the development and central government's guidance (through the National Planning Policy Framework) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised. The Planning Inspector in the 2014 appeal decision stated that;

'The size and shape of the site are such that some form of development could be accommodated as an infill of the space between Nos. 38 and 40 Lime Avenue and 3 Lime Close.' (Paragraph 16:2014)

The development does result in the development of garden land but the resultant plot sizes are comparable to those which already exist within the area. The level of development of 26 dwellings per hectare (dph) fits within the low density parameters for the site having regard to criteria 1 of policy CS5 of the Core Strategy. This indicates that development density should have regard to the character and appearance of the existing neighbourhood. This density level is in fact lower than the recommended minimum density of 35 dph for an area of low accessibility such as this. The provision of genuine family housing is welcomed and the proposed residential mix fulfils the requirements of Policy CS16 of the Core Strategy whilst assisting the Council meeting its housing need. It should be noted that the Council has a target of delivering an additional 16,300 homes by 2026.

6.4 Design and amenity

- 6.4.1 The proposed design and layout of the development is not considered to be harmful to the character and appearance of the area. The street scene is not so homogenous that it cannot incorporate design variety. Buildings in the area are not uniform in terms of design and scale. Ridge heights vary because of the changing topography. Many bungalows in the area have been adapted with extensions and roof additions and dormer windows. There are also existing chalet bungalows and two-storey housing located nearby. The scheme has been reduced to single storey and the materials used will be a mix of render and red brick in line with surrounding properties. Landscaping and tree planting is proposed to soften the site frontage.

6.4.2 The residential amenities of nearby residents will not be significantly harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance, level changes and the orientation of the proposed dwellings in relation to neighbouring properties. The development has been pulled away from the front boundary by 8 metres which maintains good outlook to the front of 3 Lime Close. New tree planting is also proposed to soften the appearance of the development when viewed from 3 Lime Close. This degree of separation will prevent harmful shadowing or loss of light to 3 Lime Close. Tree planting is also proposed along the northern boundary to prevent inter-looking with no. 38 Lime Avenue. The proposed buildings will be set a distance of 11m from the boundary with no. 38. The development also satisfies the 45-degree code in respect of outlook and day lighting to no. 40 Lime Avenue and the development is nearly 6m from the shared boundary. The Planning Inspector agreed that the proposal would not harm the adjacent neighbouring occupiers as they stated;

'The proposal has been designed to minimise its impact on the living conditions of neighbouring residents. I consider that there would be little or no potential for overlooking of, or loss of privacy for the properties immediately adjacent to the site.' (Paragraph 5:2014)

6.4.3 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. The development provides 10m length rear gardens, in excess of 90 square metres in area, which is acceptable and satisfies the Councils minimum standards as set out within the Residential Design Guide SPD. The proposal provides adequate facilities for cycle and refuse storage. Overall the scheme provides suitable living conditions for the future occupiers and it does not result in detrimental harm to the neighbouring occupiers.

6.5 Highway Safety

6.5.1 The application site is within an area, which is not easily served by public transport. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. Therefore careful consideration needs to be made of the implications of the proposed number of spaces. The scheme proposes two spaces per dwelling which accords with the Councils maximum parking standards. There is no national or local policy requirement for the developer to design in visitor parking.

6.5.2 The level of parking provision and access arrangement will not prejudice highway safety. Sufficient access width will be maintained within Lime Close for emergency and general vehicles. The situation may be improved at the turning head because the access will need to be kept clear for the new development. The parking provision and road safety issues were addressed in the 2014 Inspectors Decision as set out below;

'while I accept that the current situation is difficult and the proposal would result in some increase in pressure for on-street parking, I consider that it is unlikely to be excessive as a result of these two dwellings and that, on the basis of the information before me, it would not be reasonable to take

account of parking generated by the schools. I do not consider that the potential increase in parking demand would be such as to compromise highway safety and I am not persuaded that the concerns regarding parking would be sufficient reason on their own to justify dismissing the appeal.’ (Paragraph 24:2014)

Therefore on this basis the proposal addresses previous concerns relating to parking and highway safety

6.6. Development Mitigation

- 6.6.1 As set out above in section 6.2 of the report the applicant has provided a financial contribution to comply with the Conservation of Habitats and Species Regulations 2010 (as amended). This contribution is a Solent wide project and therefore it is clear to see the money will be used for *‘its intended purpose’*. Therefore, officers believe regardless of how the money is paid be it via a financial contribution of a section 106 legal agreement/unilateral agreement the money will be used for the work set out above, therefore addressing the reason the Inspectorate dismissed the previous scheme.

7. Summary

- 7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The SDMP has been paid and therefore the reason for the Planning Inspectorate dismissing the proposal has been addressed. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

- 7.2 A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking within Lime Close having regard to the Council’s maximum car parking standards. Furthermore significant weight is given to the merits of housing delivery on this site.

8. Conclusion

It is recommended that planning permission be granted subject to conditions.

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

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a)

ARL for 03/05/2016 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

02. APPROVAL CONDITION - Samples details of building materials to be used (Pre-Commencement Condition)

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - 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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

Reason:

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

04. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Management Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

05. APPROVAL CONDITION - Residential - Permitted Development Restriction (Permanent Condition)

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

- Class A (enlargement of a dwelling house), including a garage or extensions including basements,
- Class B (roof alteration),
- Class C (other alteration to the roof),
- Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the limited rear garden sizes in the interests of protecting the character of the local area.

06. APPROVAL CONDITION - No other windows or doors other than approved (Permanent 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 on the north-east and north-west 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.

07. APPROVAL CONDITION - Landscaping detailed plan (Pre-Commencement Condition)

Before the commencement of any site works a detailed landscaping scheme demonstrating the inclusion of native and ornamental species and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include suitable tree planting along the northern and western boundary, as shown on the site plan hereby approved, to soften the appearance of the development from Lime Close and to provide privacy to 38 Lime Avenue. It should also include grasscrete as the surface treatment of the hardsurfacing of the parking and vehicular circulation area.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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

08. 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. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

09. APPROVAL CONDITION - Storage / Removal of Refuse Material (Pre-Occupation Condition)

The facilities for bin storage to include accommodation and the provision of separate bins for the separation of waste to enable recycling shall be provided in accordance with the approved plans prior to the first occupation of the dwellings hereby approved and thereafter shall be retained whilst the building is used for residential purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties

10. APPROVAL CONDITION - Energy & Water (Pre-Commencement Condition)

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum

19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and

105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

11. APPROVAL CONDITION - 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).

12. APPROVAL CONDITION - Protection of nesting birds (Performance Condition)

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

Reason:

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

13. APPROVAL CONDITION - Car Parking

The car parking area shown on the approved drawing shall be laid out and surfaced with grasscrete before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose. The turning area shall be kept clear unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To prevent obstruction to traffic in neighbouring roads.

14. APPROVAL CONDITION - Surface / foul water drainage (Pre-commencement Condition)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

15. APPROVAL CONDITION – Site Levels (Pre-Commencement Condition)

Prior to the commencement of development details of finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to secure a satisfactory form of development.

16. APPROVAL CONDITION - Approved Plans (Performance Condition)

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.

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Application 16/00406/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Application 16/00406/FUL

Relevant Planning History

Planning application **15/00899/FUL** for the erection of 2 x detached 3- bedroom dwellings with bin/cycle stores and parking was refused under delegated powers on 25th June 2015 for the following reasons;

Reason 1 – Out of keeping

The proposed development by reason of its layout, level of site coverage with buildings and hard surfacing would be out of keeping with the character and appearance of the area and symptomatic of a site overdevelopment. As such the development would be contrary to Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006), Policies CS13 of the Local Development Framework Core Strategy (January 2010) and section 3 of the Residential Design Guide SPG (September 2006).

Reason 2 – Lack of financial contributions

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Planning application **14/00856/FUL** for the erection of 2x 2-storey 4-bedroom detached houses with associated parking and cycle/refuse storage and altered vehicular access from Lime Close (resubmission) was refused by Panel 5th August 2014 and a subsequent appeal was dismissed

Refusal 1 - Out of keeping with the character and appearance of the area

The proposed development by reason of its design, scale, height, layout, level of site coverage with buildings and hard surfacing would be out of keeping with the character and appearance of the area and symptomatic of a site overdevelopment. Furthermore, dwelling 1 by reason of its height and proximity to the south-western boundary would appear overbearing and lead to an increased sense of enclosure when viewed from 3 Lime Close and would be detrimental to the residential amenities of those neighbouring occupiers.

Reason for Refusal 2 - Insufficient parking and increased highway congestion

The proposed development is considered to provide an inadequate amount of on-site car parking for a development of 2 no. 4 bedroom houses within an area of low accessibility, having regard to the existing take-up of on-street parking adjoining the site (exacerbated by the proximity to nearby schools and Itchen College) and narrow carriageway width in Lime Close and Lime Avenue. Taken with the likely amount of car ownership and traffic generated by the development, it is considered that any car parking overspill from the development

would impact negatively on the amenities of those living in Lime Close and Lime Avenue and would lead to increased highway congestion in the area.

Planning application **13/01642/FUL** for the erection Of 3 X 2-Storey 3-bedroom detached houses with associated parking and cycle/refuse storage involving creation of an altered vehicular access from Lime Close. (Resubmission) which was refused by Panel on 20th January 2014 for the following reason:

Reason for Refusal - Out of keeping with the character and appearance of the area

The proposed development by reason of its design (resulting in bedrooms served by windows that are either required to be obscure glazed or rooflights), scale, height, layout, level of site coverage with buildings and hard surfacing and would be out of keeping with the character and appearance of the area and symptomatic of a site overdevelopment. Furthermore, dwelling 1 by reason of its height and proximity to the south-western boundary would appear overbearing and lead to an increased sense of enclosure when viewed from 3 Lime Close and would be detrimental to the residential amenities of those neighbouring occupiers

Planning application **13/00925/FUL** for the erection of 1 x 2-storey and 2 x 3-storey 3-bedroom detached houses with associated parking and cycle/refuse storage involving creation of a new vehicular access from Lime Close was refused under delegated authority on 27th August 2013.

Reason for Refusal - Out of keeping with the character and appearance of the area

The proposed development by reason of its layout, level of site coverage with buildings and hard surfacing and part three-storey scale would be out of keeping with the character and appearance of the area and symptomatic of a site overdevelopment. Furthermore, dwelling 1 by reason of its height and proximity to the south-western boundary would appear overbearing and lead to an increased sense of enclosure when viewed from 3 Lime Close and would be detrimental to the residential amenities of those neighbouring occupiers.

Planning Application **04/00257/OUT** for outline consent for the siting of 1 no. detached bungalow.
Refused under delegated powers on 7th April 2004.

Reason for Refusal - Out of keeping

The proposed location of the detached bungalow would result in development which would be out of keeping with the arrangement of nearby properties and would therefore harm the character of the established residential area; and would if permitted be likely to set a precedent which would make similar proposals harder to resist.

Planning application **03/01309/OUT** for Outline consent for the erection of a pair of semi-detached bungalows (consideration of siting only). Refused under delegated powers on 17.12.2003

Reason for Refusal - Out of keeping

The proposed location of the two semi-detached bungalows would result in development which would be out of keeping with the existing building line of adjacent properties and would therefore erode the spatial characteristics of the street scene and would if permitted be likely to set a precedent which would make similar proposals harder to resist.

Appeal Decision

Site visit made on 19 November 2014

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2014

Appeal Ref: APP/D1780/A/14/2225646
38 Lime Avenue, Southampton, SO19 8NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Dexter against the decision of Southampton City Council.
 - The application Ref 14/00856/FUL, dated 14 May 2014, was refused by notice dated 13 August 2014.
 - The development proposed is erection of 2 x 4 bedroom detached dwellings with associated works.
-

Application for Costs

1. An application for costs was made by Mr M Dexter against Southampton City Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural matter

3. The site address is given as 38 Lime Avenue, Southampton, SO19 8NZ on the application form and as Land rear of 38-40 Lime Avenue, Southampton, SO19 8NZ on the decision notice. The latter is more accurate and I have determined the appeal accordingly.

Main issues

4. The main issues are the effect of the proposal on the character and appearance of the area, on the living conditions of neighbouring residents and on highway safety.

Reasons

5. The National Planning Policy Framework (the Framework) sets out the Government's policy that applications for planning permission should be determined in accordance with development plan policies unless material
-

considerations indicate otherwise. In this case, I consider the following policies to be relevant.

6. CS13 of the Council's Local Development Framework Core Strategy Development Plan Document 2010 (the Core Strategy) relates to design. It requires development to be analysis-based and context driven and to meet a range of criteria including that it should integrate with its local surroundings, be of a high quality design, impact positively on the amenity of the city's citizens and be of an appropriate density through scale, massing and appearance.
7. CS19 requires development to have regard to maximum parking standards and that car parking provision be assessed in accordance with a number of criteria including the location and density of the development and that it be well designed and seek to enhance the local environment.
8. Saved policies SDP1, SDP7 and SDP9 of the Southampton Local Plan Review 2006 (the local plan) are also relevant. SDP1 relates to the quality of development and is partially replaced by Core Strategy policy CS13 in respect of the impact of development on the amenity of citizens.
9. SDP7 does not allow for development which would cause material harm to the character and/or appearance of an area and requires proposals to respect the existing layout of buildings in the streetscape and the scale, density and proportion of existing buildings.
10. SDP9 requires a high standard of design and, among other things, that proposals should respect the surroundings in terms of their scale, massing and visual impact and their impact on local amenity. The Council's Supplementary Planning Guidance *Residential Design Guide 2006* (the Design Guide) sets out more detailed advice with regard to matters such as layout and architectural detailing.
11. I consider that these policies are consistent with the Framework as they seek to protect and enhance the environment and ensure good standards of amenity for occupants of land and buildings.

Character and appearance

12. The appeal site is part of the side gardens of 38 and 40 Lime Avenue. It falls quite steeply in a mix of informal terracing and sloping grass towards Lime Close to the southwest and to allotments and the Scholing Common Greenway, an area of open green land below and to the southeast. It lies in a residential area which is characterised by detached and semi-detached bungalows and a small number of chalet bungalows set against the backdrop of the Greenway and woodland beyond.
13. Most of the bungalows have some form of off street parking, typically a driveway and hardstanding or garage. Some of those with short front gardens have been altered to provide hardstanding across the width of the plot.
14. I consider that the proposed two storey dwellings would be out of keeping with the character and appearance of the area because of their height, scale, form and layout. This proposal is a revised scheme following a previously refused one for three houses and I accept that it is a reduction in the amount of development and aims to address the objections to the previous scheme.

15. The houses would be of a full two storeys and set down and cut into the slope. The ridge heights would be such that the houses would appear lower than the neighbouring properties at Nos. 38 and 40 when viewed from Lime Avenue. In this context, they would not appear unduly out of scale with the neighbouring bungalows. However, in the context of Lime Close, although there would be some similarities with Nos. 5 and 7, they would appear out of scale with the majority of the bungalows there, particularly No. 3 which is set low at the end of the cul-de-sac. They would appear prominent in the street scene because of their siting, height and bulk and would impinge on the views towards the Greenway from Lime Close and to a lesser extent from Lime Avenue.
16. The layout would not be characteristic of the prevailing pattern of development in the immediate area. This would not necessarily be unacceptable because the size and shape of the site are such that some form of development could be accommodated as an infill of the space between Nos. 38 and 40 Lime Avenue and 3 Lime Close. However, I consider that the proposed juxtaposition of the two two-storey houses and the neighbouring bungalows would appear awkward and incongruous. The area of hardstanding to provide access parking and manoeuvring space would further detract from the street scene because of its extent and stark appearance, the impact of which would be difficult to screen satisfactorily with soft landscaping.
17. There is some variation in the detailed design of properties in the immediate surroundings but overall I find that there is a noticeable degree of homogeneity in the bungalows in respect of their scale, roof form and projecting gabled windows, especially in Lime Avenue. There is less homogeneity in Lime Close where a small number of houses have a clearly expressed half storey into the roof.
18. In my opinion, the proposed design would appear somewhat bland in this context and would fail to respond positively to the prevailing character of the surroundings. The need to avoid overlooking of neighbouring properties would result in long, high side walls which would be solid brick apart from one small window. These would present a monolithic appearance to those properties and, in the case of the southwest elevation of the dwelling nearest to Lime Close would appear particularly obtrusive.
19. I conclude that the proposal would harm the character and appearance of the area because it would not integrate well with the surroundings, it would not respect the layout, scale and proportion of the buildings in the streetscape, its design quality would make little positive contribution to the enhancement of the local character and it would have an unacceptable visual impact. In these respects it would be contrary to Core Strategy policy CP13, local plan policies SDP1, SDP7 and SDP9 and the advice in the Design Guide.

Living conditions

20. The proposal has been designed to minimise its impact on the living conditions of neighbouring residents. I consider that there would be little or no potential for overlooking of, or loss of privacy for the properties immediately adjacent to the site. However, notwithstanding a distance of between approximately 14m and 17m between the main front window of 3 Lime Close and the nearest of the proposed houses, the latter would have a significant adverse impact on the

outlook from No. 3 because of the difference in levels and its overbearing appearance.

21. I conclude that the proposal would harm the living conditions of neighbouring residents because of its visual impact, contrary to policies CS13 of the Core Strategy and SDP9 of the local plan.

Highway safety

22. The proposal includes an area of hardstanding for the parking of two cars for each unit and for access and manoeuvring. Core Strategy policy CS19 requires that parking provision must have regard to the scale of proposed development and its location and density. The site is in an area of low accessibility and fairly dense housing. The Council has parking standards which set the maximum requirement for development proposals. The maximum for 4 bedroom houses is three spaces per dwelling and there is no requirement that development should meet a minimum standard. I note that the Highway Authority raised no objection since the proposal meets the parking standard.

23. I understand that there is considerable pressure for on-street parking in both Lime Avenue and Lime Close and that this is compounded by parking overflow from the several schools and other educational establishments on Middle Road. I saw during my visit that many of the properties in both streets have parking facilities within their curtilages, but that there is limited capacity for those without off-street parking and for visitors to park on the street without obstructing other traffic or parking on the pavement or on the turning heads. I also saw that there is heavy demand for spaces on Middle Road in those places where there are no restrictions.

24. However, while I accept that the current situation is difficult and the proposal would result in some increase in pressure for on-street parking, I consider that it is unlikely to be excessive as a result of these two dwellings and that, on the basis of the information before me, it would not be reasonable to take account of parking generated by the schools. I do not consider that the potential increase in parking demand would be such as to compromise highway safety and I am not persuaded that the concerns regarding parking would be sufficient reason on their own to justify dismissing the appeal. I therefore conclude that the proposal is not contrary to Core Strategy policy CS19.

Conclusions

25. I have found that the proposal is acceptable in terms of its parking provision. However, this does not outweigh my conclusions on the other two main issues, that it would be harmful to the character and appearance of the area and the living conditions of neighbouring residents. The issues in this appeal are finely balanced and in determining this appeal I have given careful consideration to all the representations made and all other matters raised. On balance, I have found nothing to alter my conclusion that for the reasons given above, the proposal is contrary to planning policy and the appeal should not succeed.

PAG Metcalfe

INSPECTOR

Appeal Decision

Site visit made on 5 January 2016

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 March 2016

Appeal Ref: APP/D1780/W/15/3133911

Land at rear of 38-40 Lime Avenue, Southampton SO19 8NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Dexter against the decision of Southampton City Council.
 - The application Ref 15/00899/FUL, dated 1 March 2015, was refused by notice dated 25 June 2015.
 - The development proposed is 'erection of 2 x detached 3 bedroom dwellings at land of 38-40 Lime Avenue, with associated works'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on i) the integrity of the Solent Coastline Special Protection Areas and ii) the character and appearance of the area.

Reasons

Special Protection Areas

3. Policy CS22 of the Core Strategy includes the aim of protecting the integrity of international designations and requires that necessary mitigation measures are provided. The Council has raised objection to there being no mechanism for a financial contribution of £174 per dwelling to be made towards the Solent Disturbance Mitigation Project (SDMP) to ensure that the development (located within 5.6km of the Solent coastline) and the additional recreational pressures arising from it, along with other developments, would not result in increasing disturbance to waders and wildfowl within the Solent Coastline SPAs. Such disturbance reduces the birds' opportunities to feed and impacts on their winter survival and completion of their migratory journey to their summer time habitats. On the basis of the evidence before me and notwithstanding the lack of any representation from Natural England, I consider that the proposal in combination with other developments is likely to result in significant adverse impacts upon the SPAs. The Habitats Regulations contain a precautionary principle that, in the absence of evidence that an adverse effect from any proposal or project on the integrity of the SPAs would not occur, planning permission should not be granted.

4. During the consideration of the appeal, the appellant has made a direct payment to the Council by cheque for the sum required accompanied by a 'Habitats Mitigation Contribution Agreement' under Section 111 of the Local Government Act 1972. The Council states that the financial contributions it seeks towards the SDMP are focused on visitor management measures.
5. Nevertheless, I have certain reservations about the form of the agreement which does not have the same legal basis as an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). Whilst I note that the Council says it would utilise the contributions towards the appropriate mitigation, the agreement does not provide any legal certainty or guarantee that the contribution would be used for its intended purpose. Furthermore, although it refers to Core Strategy policy CS22, neither that nor the agreement provide any detail of the specific kind of mitigation the contribution would provide for. There is consequently great uncertainty as to whether the necessary mitigation would be secured in this case.
6. The Council has provided limited details of other appeal decisions including where provision for a financial contribution has allowed the Inspector to be satisfied that no adverse impacts would result upon the SPAs. However, I have no details of the mechanisms utilised to secure the mitigation in those cases although two appear to relate to s106 planning obligations which is not the case in this appeal.
7. Therefore, in the absence of any suitable mechanism to secure the provision of the appropriate mitigation in this case, I cannot be certain that the appeal scheme, in combination with other development, would not adversely affect the integrity of the Solent Coastline SPAs. In these circumstances, acting in accordance with the precautionary principle, I find the appeal scheme unacceptable in relation to this issue and contrary to Core Strategy policy CS22. Given the sensitivity of the SPAs, their European protection along with the protection within the hierarchy of designated sites in the Framework, I give significant weight to the harm arising from the potential for likely significant adverse effects.

Character and Appearance

8. In determining the previous appeal proposal¹ at this site the Inspector considered that the *proposed two storey dwellings would be out of keeping with the character and appearance of the area because of their height, scale, form and layout*, noting that they would appear as out of scale with the majority of bungalows in Lime Close.
9. The current appeal scheme proposes two dwellings of a similar siting to the previous proposal but their height and scale has been reduced. Utilising the sloping site, the dwellings would appear as single storey in height from the front and two storeys in height from the rear. The ridge lines and overall massing of the dwellings would be significantly reduced from the previous proposal which would result in the development relating more sympathetically in appearance with the existing properties in Lime Close and impinging less on the views towards the Greenway from Lime Close.

¹ APP/D1780/A/14/2225646

10. The previous appeal Inspector went on to observe that *the area of hardstanding to provide access parking and manoeuvring space would further detract from the streetscene because of its extent and stark appearance, the impact of which would be difficult to screen satisfactorily with soft landscaping.*
11. In this respect the appeal scheme proposes to utilise a *grasscrete* system to soften the appearance of the driveway and parking areas at the front of the proposed dwellings. The appellant states that the soft landscaping of the site now proposed covers more than 50% of the site, though the Council in its appeal statement considers the total site coverage of buildings and other hardstanding to be more than 50%, thereby conflicting with the Residential Design Guide in this respect. Notwithstanding this disagreement between the parties, numerical measures such as this, whilst providing a broad guide, are generally crude methods of assessing the acceptability of a development.
12. The use of grasscrete in the construction of the driveway and parking areas could help to soften its appearance, provided it is properly maintained, although not in the same way as a more established area of landscaping. I note there is currently an existing area of hardstanding adjacent to the proposed access to the site which is currently visible in the streetscene. The proposal includes, albeit fairly limited, areas of landscaping at the front and sides of the proposed dwellings including an area along the site boundary adjacent to the head of the cul-de-sac.
13. The Inspector in dismissing the previous appeal, had several concerns which resulted in the finding of harm to the character and appearance of the area including the height, scale and form of the proposed dwellings. As set out above, the reduction in height of the dwellings would assimilate their built form sympathetically into their surroundings resulting in a much less visually intrusive development than previously proposed. Their reduced massing and revised design would also overcome the Inspector's concern raised regarding their monolithic and bland appearance. In the absence of harm from the other elements of the proposal which were previously considered to be unacceptable, I do not consider in this case that the extent of the driveway and parking area at the front of the dwellings is a matter which considered alone would result in significant harm to the character and appearance of the area.
14. In conclusion on this issue, the development would not result in any significant impacts upon the character and appearance of the area. It would accord with the design aims of policy CP13 of the City of Southampton Core Strategy (amended March 2015), policies SD1, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended March 2015) and the Residential Design Guide.

Other matters

15. The previous appeal Inspector found harm in relation to the overbearing appearance of the scheme upon 3 Lime Close. However, given the reduction in the height and massing of the proposed dwellings, this concern would be overcome by the current proposal.

Conclusion

16. Although I have concluded that the proposal would be acceptable in terms of its effects on the character and appearance of the area, this would be

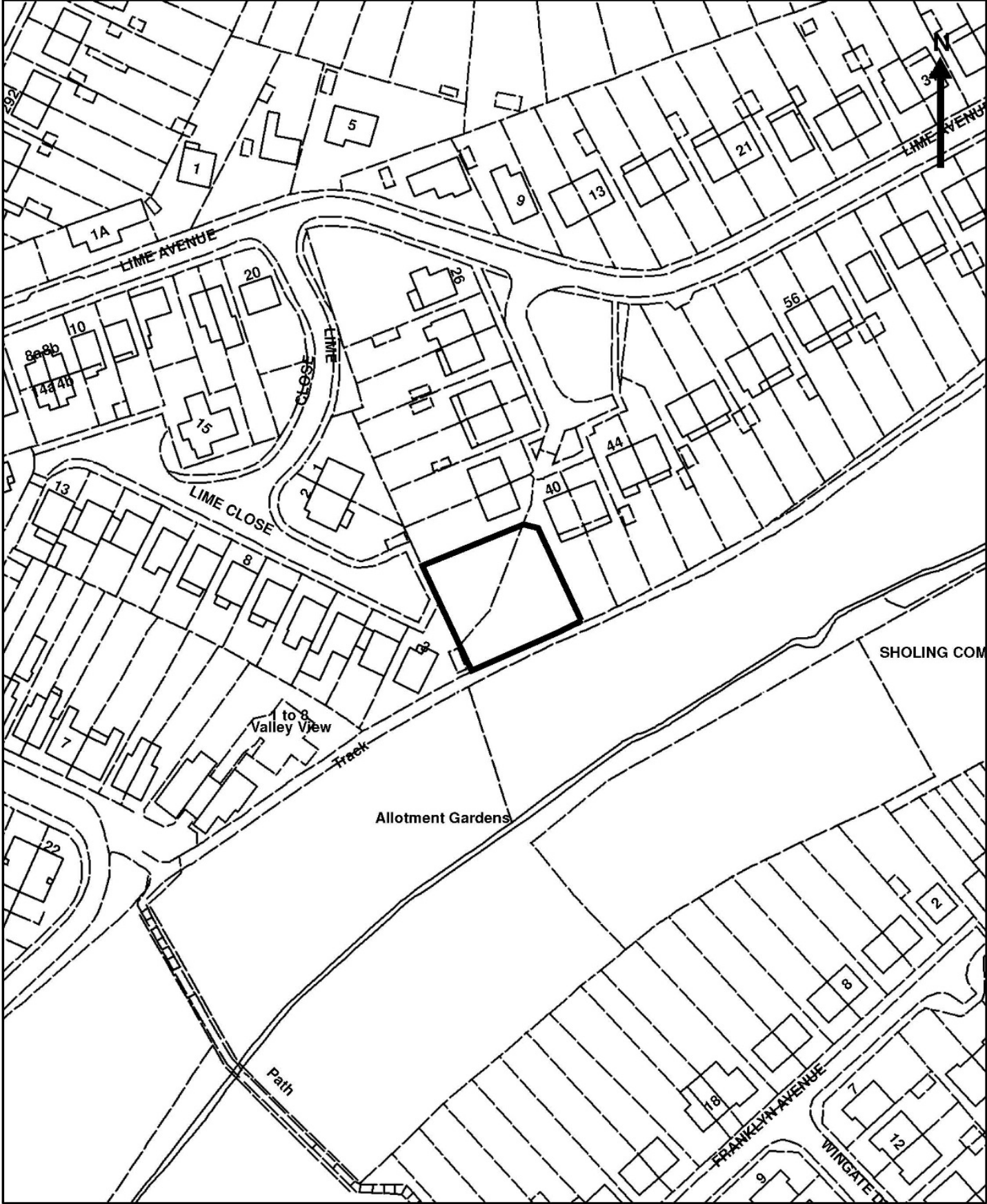
outweighed by the harm I have identified in relation to its effect on the Solent Coastline Special Protection Areas.

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR

Agenda Item 7
16/00406/FUL



Scale: 1:1,250

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Agenda Item 8

Planning, Transport & Sustainability Division
Planning and Rights of Way (West) Panel 3rd May 2016
Planning Application Report of the Planning and Development Manager

Application address: 61 Charlton Road			
Proposed development: Erection of a single storey side extension			
Application number	16/00135/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	04.04.2016	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and 6 letters of objection have been received	Ward Councillors	Cllr Shields Cllr Moulton Cllr Parnell
Referred to Panel by:	Cllr Moulton	Reason:	Lack of clarity on lawful use, concern from local residents and maintenance of property
Applicant: Mr Amjad Dbss		Agent: Southern Planning Practice Ltd	

Recommendation Summary	Conditionally Approve
Community Infrastructure Levy Liable	Not applicable

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is an end of terrace residential dwelling in Freemantle ward. The surrounding area is primarily residential in nature, with a mix of different dwelling styles including terraced and semi-detached houses in addition to some flatted units. There is a private footpath to the side and rear of the site.
- 1.2 The site was previously occupied as a house in multiple occupation prior to a fire in February 2015. Due to significant fire damage, the property has been vacant since. In planning terms, based on the evidence available, the established use of the property falls within Class C4, as a small House in Multiple Occupation (HMO). The available information indicates that the property has been occupied previously as a large Sui Generis HMO, although not for a length of time that would make this the established use.
- 1.3 Separate to this application, and in response to local residents concerns regarding the prospective use of the property, the Council's Enforcement Team will serve a Planning Contravention Notice to attain further evidence regarding the previous use of the property. This will enable the Council's Enforcement Team to respond appropriately once the property is made good for occupation.

2. Proposal

- 2.1 The application proposes the replacement of an existing single storey conservatory to the side of the property (mostly destroyed by the fire) with an enlarged brick built single storey extension to the side of the property with a mono-pitch roof sloping down to the side.
- 2.2 The extension is similar to the physical alterations proposed as part of a recently refused application on the site (for conversion of the property to 2 flats) however there are some differences, with a slight increase in the width of the extension but a reduction in its depth. It is noted that this application was not refused on the grounds associated with the physical alterations to the building.
- 2.3 For clarity, the application only seeks permission for the physical alterations shown on the submitted plans in the form of the replacement single storey side extension. Other internal alterations proposed do not appear to require planning permission in their own right and this application does not seek permission to change the use of the property, nor could any such proposal be considered as part of this application.

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

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 A previous two storey extension was approved to the rear of the property under planning application reference 881478/W on 10.08.1988.

4.2 More recently, a planning application was submitted under planning application reference 15/01660/FUL, subsequent to the property being vacated after suffering fire damage. The application sought to convert the existing property to 2 flats (with physical alterations to facilitate this use which included a similar extension to that being submitted as part of this application). The application was refused by the Planning Panel on 06.01.2016. The application was refused on the grounds of a lack of information on car parking and a failure to provide mitigation for the additional residential units in compliance with the requirements of the Solent Disturbance Mitigation Project (SDMP). The specific reasons for refusal are outlined in **Appendix 2**. This application is currently in the process of being appealed. It is noted that the physical impacts of the extension works were not included as a reason for refusal.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **6** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2

- The application does not clarify the use of the property/the property will be used as an HMO/the property does not have the appropriate license.

Response:

As noted in section 2.3, this application does not propose any change of use of the existing dwelling as part of this application. For clarity, the property did not require a licence to be occupied as an HMO prior to becoming vacant following the fire. Following the extension of the additional licensing scheme in October 2015 to include Freemantle Ward, the property would now require a licence to operate lawfully as an HMO (however as the building is currently vacant, no licence has yet been sought/granted).

In planning terms, based on the evidence available, the established use of the property falls within Class C4 (albeit with potential unauthorised periods of higher occupancy falling within the sui generis use as noted by local residents). It is noted that a lawful development certificate would need to be submitted to formally determine the lawful use of the building. Furthermore, as the building is currently vacant, there is not a breach of planning control nor is this issue strictly a material consideration in the determination of an application for a single storey side extension. That said, officers recognise that the prospective use of the property is

a concern for local residents and have sought to clarify the situation by serving a Planning Contravention Notice. This will enable the Enforcement Team to respond to any possible future complaints regarding the use of the property once it is re-occupied.

- 5.3
- The application should specify a maximum occupancy level/the extension represents an over-intensification in the residential occupancy of the property

Response:

This application does not seek to change the use of the property nor increase the number of bedrooms within the properties. As such, it would be inappropriate to impose conditions on the existing use of the building except where it relates to the specific issue being considered as part of this application (namely, if a single storey side extension should be approved).

- 5.4
- The living conditions for the occupiers are unsuitable

Response:

As stated, the application does not seek permission for a change in the use of the building. It is not considered that the proposed extension results in a harmful loss of garden/amenity space. In terms of the internal arrangement it is considered to represent an improvement over the existing situation in terms of providing a larger communal living area.

- 5.5
- Neighbouring path overgrown

Response:

There is a footpath running to the side and rear of the application site which is currently overgrown. It lies outside the boundary of the site and appears to be a private footpath. No evidence had been provided to suggest that the applicant is responsible for the maintenance of this footpath or to otherwise clarify who is responsible. In addition, the applicant has not relied on this access as part of their application. It would not be reasonable to require the applicant to undertake works which both do not relate to their application and which fall outside of their site as part of the application.

- 5.6
- The site is in a poor state of repair/general maintenance issues

Response:

Following the previous application the planning department was asked to pursue the clearance of the site which, following the fire, had entered a state of disrepair. Following discussion with the owners of the property, they stated they had been instructed by their insurers to leave the site until such time as the insurance issues had been resolved. However, this issue now appears to have been resolved and the owners have agreed to commence works to tidy the site imminently. The Councils Enforcement team will continue to monitor the property in this regard. That said, this is a separate issue from the current application proposal and should not, therefore, materially influence the determination of the current application.

- 5.7 • Surrounding area is heavily parked

Response:

The application does not propose a change in the use of the property. It is not clear that the proposed single storey side extension will have any impact on the local parking situation given it results in the enlargement of an existing kitchen/dining room only.

- 5.8 • The scale and design of the proposed extension is out of character with the property/surrounding area

Response:

This issue is addressed in section 6.

- 5.9 • Not clear if windows meet relevant requirements for fire safety

Response: It is noted that this application relates to a single storey side extension with direct access to the garden and side exit route to the property so it is not clear that windows will need to serve as exits in a fire safety capacity. Regardless, this issue falls under the remit of separate legislation and an application could not be refused on these grounds.

- 5.10 • The application has been submitted to increase profit revenue by renting out the dwelling

Response:

The applicant has a right to submit a planning application for determination. As outlined in section 6, the Local Planning Authority considers that the proposal will represent an improvement over the existing situation for the living conditions of occupiers of the property. Any financial implications are for the applicant to consider and do not form a material planning consideration.

- 5.11 • Concerns regarding controlling anti-social behaviour of tenants

Response:

The planning system is predicated on the assumption that individuals will behave in a reasonable fashion. If there are issues of anti-social behaviour this is usually addressed under separate legislation and can be referred to the relevant Council department or police as necessary.

5.12 **Consultation Responses**

- 5.13 **Cllr Moulton** - The property has not demonstrated a lawful use as an HMO, with significant local concern regarding the property. The site has ongoing issues with general maintenance and squatters.

6. Planning Consideration Key Issues

- 6.1 The application seeks permission for a replacement single storey side extension following the removal of an existing conservatory (following fire damage). The extension has a mono-pitch roof sloping down towards the boundary of the property. The key considerations for assessment are the effect of the extension on the character and appearance of the area and on the amenities of nearby residential occupiers.

- 6.2 As set out above, it is noted that residents have raised concerns regarding how the property will be used in the future. The current application proposes to extend an existing living space to the ground floor of the property, no new bedrooms will be formed and the extension will not enable the property to be used more intensively. The prospective use of the property, is therefore, a matter for the Planning Enforcement Team, should issues arise in the future. As noted, the Enforcement Team are taking reasonable steps to ensure that they are best placed to respond to any future issues by serving a planning contravention notice.
- 6.3 The planning history set out above is relevant to the determination of this application. As noted, the previous application sought to convert the property into two flats and also included a ground floor extension. Whilst this application was refused planning permission, this was not on the basis of the ground floor extension to the property. When compared with the refused scheme, the extension is 0.35m wider but 3 metres shorter than previously proposed.
- 6.4 The extension will have minimal visibility from the front of the property. Given the scale and design of the proposal, it is not felt that it would have a harmful impact on the overall character and appearance of the property or the surrounding street scene. The site retains sufficient amenity space and provides an improved internal communal living space for the occupiers of the host dwelling.
- 6.5 The proposed extension is set back from the neighbouring property, leaving an existing side access, in addition to being set off the boundary. Taking into account the scale of the proposal and the set back from the neighbouring property, it is not considered that there would be a harmful impact in terms of the creation of an overbearing or overshadowing form of development. There are a number of side facing windows on both the application site and neighbouring property. Given the room benefits from outlook to the rear and roof lights, in order to avoid potential overlooking it is considered reasonable to impose a condition requiring the ground floor side facing windows in the new extension to be obscured.
- 6.6 The impact of the extension is not greater than previously found to be acceptable by the Council. It is considered that there have been no changes in material planning considerations since the last application was determined that would justify the addition of a new reason for refusal.

7. Summary

- 7.1 The proposal is relatively small in scale and integrates into the overall character and design of the host dwelling. It represents an improvement for the living conditions of the existing occupiers and is not considered to otherwise harm the amenities of neighbouring occupiers. Potential inter-looking of habitable room windows can be avoided by the use of conditions.

8. Conclusion

- 8.1 The potential harm can be mitigate through the use of conditions and therefore the application is recommended for conditional approval.

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

1(a)(b)(c)(d), 2(b)(d), 4(f), 6(a)(b)

JF for 03/05/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

02. Materials to match (Performance Condition)

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

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

03. 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)

CS13 Fundamentals of Design

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

15/01660/FUL, Conversion of existing dwelling to 2 flats comprising 1x 3-bed flat and 1x 1-bed to include replacement ground floor side extension [description amended]
Refused, 06.01.2016

REASON FOR REFUSAL: Insufficient Information relating to car parking.

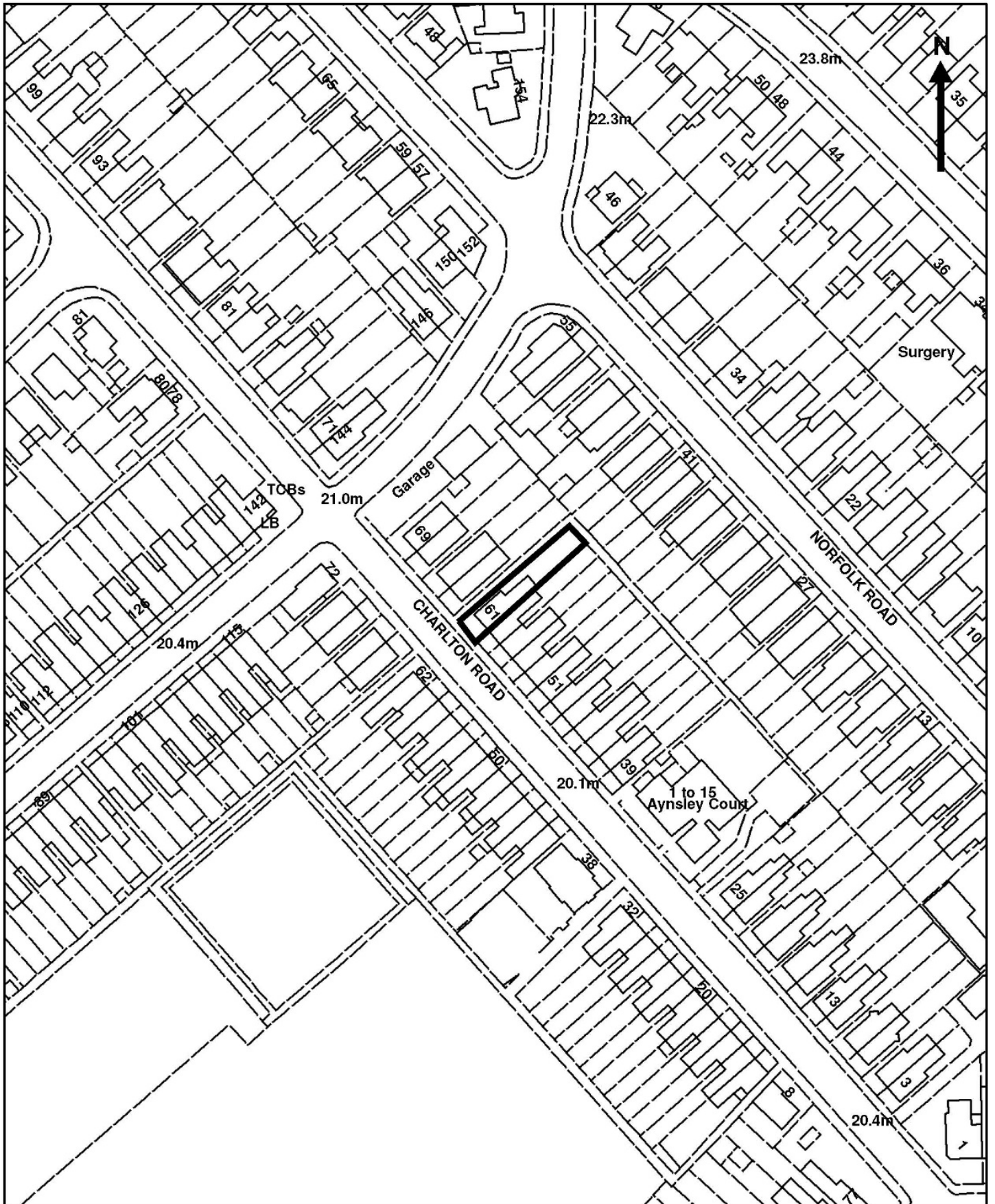
Based on the information submitted, the applicant has failed to adequately demonstrate that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. The submitted parking survey does not comply with the Lambeth Model and was undertaken outside of University term time, subsequently failing to take account of cars owned by students in the surrounding area. As such, it is not clear the level of car parking proposed is sufficient to serve the development, particularly since significantly fewer spaces would be provided than the Council's maximum adopted standards. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

REASON FOR REFUSAL: Lack of SPA Mitigation

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted Core Strategy Partial Review (March 2015) as supported by the Habitats Regulations.

881478/W, Erection of a two-storey rear extension
Conditionally Approved, 10.08.1988

16/00135/FUL



Scale: 1:1,250

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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way (West) Panel 3rd May 2016
Planning Application Report of the Planning and Development Manager**

Application address: 16-22 The Polygon			
Proposed development: Application for variation of condition 2 (opening hours) of planning permission ref 920959/2644/e to allow opening hours of 10:00am -12:00 midnight Monday - Saturday and 10:00am - 11:00pm on Sundays			
Application number	16/00189/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	01.04.2016	Ward	Bargate
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker
Referred to Panel by:	Cllr Noon	Reason:	Proposal will result in increased disturbance and traffic late at night
Applicant: Talking Heads (Southampton) Ltd		Agent:	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Planning 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 186-187 of the National Planning Policy Framework (2012). Policies -SDP1, SDP16, CLT15, REI7 of the City of Southampton Local Plan Review (Amended 2015); CS1, CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site lies just outside of the defined city centre and is occupied by a large building which has historically been used as a private members club and a live entertainment venue for non-members.
- 1.2 The main building is set back from properties on both sides, with a side access on one side leading to an open informal parking area to the rear. The surrounding uses are primarily a mix of guest houses and other residential uses.

2. Proposal

- 2.1 The site has operated as a private members club since approval of planning application 1603/C4 in 1981. More recent applications have re-imposed the previous hours of operation for the private members club in addition to granting temporary periods as a non-members venue. The site can currently operate as a private members club from 8AM-11PM Sun-Thur and 8AM-midnight. The current application proposes the variation of the conditions attached to planning application 920959/E (the most recent consent for which permanent hours of operation for the use as a private members venue were imposed).
- 2.2 The current application seeks to amend this consent to allow hours of operation from 10AM and an additional hour until midnight on Monday to Thursday:

10:00 - 00:00 Mon-Sat
10:00 - 23:00 Sun

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). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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 site has a complex planning history, with a number of applications having been submitted to extend and alter the building, in addition to a number of applications relation to the use as a members club and live entertainment venue.
- 4.2 The main relevant applications have been laid out in section 2, with a full planning history attached in **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 (16.02.2016). At the time of writing the report 3 representations have been received from surrounding residents (2 from the same address). The following is a summary of the points raised:

- 5.2
- Unclear about relationship between licensing hours of operation and planning hours of operation

Response: The licensing and planning systems are two separate regulatory processes and the assessments made as part of these considerations are subject to different criteria (which can lead to differences in authorised hours of operation between planning and licensing). In order to operate lawfully the premises must comply with all the relevant regulatory constraints imposed under both licensing and planning.

- 5.3
- Later hours will cause additional disturbance and traffic late at night, causing disturbance to neighbouring residential occupiers

Response: This is discussed in more detail below.

5.4 Consultation Responses

5.4.1 **SCC Highways** - No objection.

5.4.2 **SCC Environmental Health** –

They have visited the premises and discussed the management of the site with the occupiers. Noise attenuation has been installed and is considered to attenuate sound sufficient with checks having been carried out. Bottles/bins will not be emptied at night and a dispersal policy will be written to ensure that the terminal hour will be the closing time (without additional time to clear the premises). Any loading and unloading of equipment should take place prior to midnight. Door staff will be employed to help control noise outside premises - due to the long foyer and front bar it is not considered there will be a need for patrons to queue on the street. The external smoking area should be limited to use until 23:00 hours. Noise from the event room is unlikely to be problematic as it is protected by other rooms, foyers with two sets of doors set far enough apart for one to close before the second is opened.

While the nature of the proposed use will generate a certain amount of noise and activity, it is considered that the imposition of suitable conditions will sufficiently mitigate the potential impacts of the proposal.

5.4.3 **Cllr Tucker** – Did not object or support proposal but requested additional clarification on sound proofing measures.

5.4.4 **Cllr Noon** – Objects to proposal on grounds that additional noise and late night activity will have a harmful impact on the amenities of neighbouring residential occupiers.

6. Planning Consideration Key Issues

- 6.1 The application proposes a change of use of the existing hours of operation of the property to operate from 10AM until midnight 6 days a week (Mon-Sat) and 10AM-11PM on Sundays. The site can currently operate as a private members club from 8AM-11PM Sun-Thur and 8AM-midnight, with previous consents for use as a live entertainment venue for non-members operating to similar hours (albeit on a temporary basis).
- 6.2 The site could continue to operate the proposed use under the existing consent with the hours of use for the private members club. Previous temporary consents for use as a non-members club have expired, however it is noted that there is no formal barrier to membership being granted to patrons on entry, so in practise it is not felt that the use as a authorised use as a private members club is a significant material consideration in the assessment of the scheme. As such, it is considered that the main impact would be associated with the addition 1 hour of opening from 11pm until midnight on Monday to Thursdays.
- 6.3 While the site does not lie within the defined city centre, it is situated immediately adjacent to the boundary. Given this immediately proximity to the main city centre it is considered that a number of the nearby policy allocations have relevance in considering the impacts of the proposal. The site shares a boundary with the defined Cultural Quarter late night zone, for which the City Centre Action Plan suggests the latest opening time of 1am. The site also lies in close proximity to the Bedford Place/London Road late night zone and associated transport facilities. Furthermore, the Council's policies recognise that night-time uses play an important part in the city's economy.
- 6.4 Notwithstanding the above, the application site is situated on The Polygon, which is set somewhat away from the main late night areas and the surrounding properties typically being residential. As such, the proposal needs to ensure that the amenities of these adjoining neighbouring properties is adequately safeguarded as part of any application.
- 6.5 The majority of concerns raised by local residents focus on the potential increase in later night activity from people entering, leaving and congregating at the venue later into the night. Broadly speaking, given the highly accessible nature of the premises and proximity to the city centre, it is not felt that the increase of 1 additional hour until midnight as proposed by the application will represent such a significant increase when compared to the existing situation so as to justify refusing the application on this basis.
- 6.6 With reference to the comments made by the Environmental Health team (section 5.6 of this report) it is considered that the potentially harmful impacts caused by the proposal can be mitigated through the use of conditions controlling the development. On this basis, it is considered that the impacts on neighbouring residential properties would be sufficiently mitigated. A condition requiring a management plan is recommended to give a greater degree of control over the existing and proposed impacts of the site.

7. Summary

7.1 While the development will result in additional activity associated with the site, it is felt that the potentially harmful impacts can be sufficiently mitigated through the use of conditions.

8. Conclusion

8.1 For the reasons discussed above, the application is recommended for conditional approval.

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

1(a)(b)(c)(d), 2(b)(d), 3(a), 6(a)(b)

JF for 3/5/16 PROW Panel

PLANNING CONDITIONS

1. Hours of Use (Performance)

The use hereby approved shall not operate outside the following hours:

Monday to Saturday - 10:00-00:00 (10AM to midnight)

Sunday - 10:00-23:00 (10AM to 11PM)

Notwithstanding the above, the use of the external areas of the site as a smoking area associated with the use hereby approved shall not operate outside of the following hours:

Monday-Sunday - 10:00-23:00 (10AM-11PM)

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

2. Servicing hours (Performance)

No loading/unloading or other servicing of the premises (including emptying bottles/bins) shall take place outside of the following times:

Monday-Sunday - 08:00-00:00 (8AM-midnight)

Reason: To protect the amenities of neighbouring occupiers.

3. Management Plan (Performance)

Within 2 months of the date of this decision a document shall be submitted in writing for agreement with the Local Planning Authority outlining how the property will be managed to reduce the impact on neighbouring residential occupiers. Once agreed, the site shall operate in accordance with the details of this plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protecting the amenity of neighbouring residents.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1 City Centre Approach
CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP16 Noise
CLT15 Night Time Uses in Town, District and Local Centres
REI7 Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 8 The Night time economy

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

12/00364/FUL, Replacement of southern boundary wall/fence (affects setting of a listed building)
Conditionally Approved, 22.01.2013

06/01362/FUL, Conversion of roof space and the installation of dormer windows to both sides of the roof slopes
Conditionally Approved, 07.11.2006

06/00569/FUL, Erection of first and second floor front extension and installation of two dormer windows to rear roofspace.
Refused, 11.08.2006

05/00713/FUL, Erection of first floor extension.
Conditionally Approved, 07.10.2005

99/00726/FUL, Construction of first floor extension and conversion of part to fitness suite/health centre
Conditionally Approved, 15.08.2000

941465/E, Extension of operating hours to allow the use of the premises to cease at 1AM on Friday and Saturday evenings 11pm on Sundays and midnight Monday-Thursdays inclusive
Refused, 19.04.1995

941464/EX, Relief from Condition 1 of planning permission 931207/2644/EX - Continued use of premises as a live entertainment venue for non-members
Refused, 31.03.1995

931207/EX, Relief from Condition 6 of planning permission 920959/2644/E - continued use of premises as a live entertainment venue for non-members
Conditionally Approved, 28.06.1994

Condition 2

Unless the Local Planning Authority agree otherwise in writing, the premises to which these premises relate shall not operate as a non-members live entertainment venue outside the hours specific below:

1800 hrs Sunday to 2300 hrs Sunday

1800 hrs Monday to 2300 hrs Monday

1800 hrs Tuesday to 2300 hrs Tuesday

1800 hrs Wednesday to 2300 hrs Wednesday

1800 hrs Thursday to 2300 hrs Thursday

1800 hrs Friday to Midnight Friday

1800 hrs Saturday to Midnight Saturday

931093/EX, Relief from condition 2 of planning permission 920959/2644/E - to change the opening hours of both the private club and non members live entertainment venue

Refused, 30.06.1994
Appeal Dismissed, 06.06.1995

920959/E, The use of part of the premises as a public music and dance venue with the continued use as a private members social club
Conditionally Approved, 23.10.1992
Appeal Dismissed (with regard to relief from Condition 6), 06.06.1995

Condition 2

Unless the Local Planning Authority agree otherwise in writing the premises to which this permission relates shall not be open for business outside the hours specified below:

Private Members Club:

*8.00 am to 11.00 pm Sunday to Thursday inclusive
8.00 am to 12 midnight Friday and Saturday*

Non-Member live entertainment venue:

*6.00 pm to 11pm Sunday to Thursday inclusive
6.00 pm to 12 midnight Friday to Saturday*

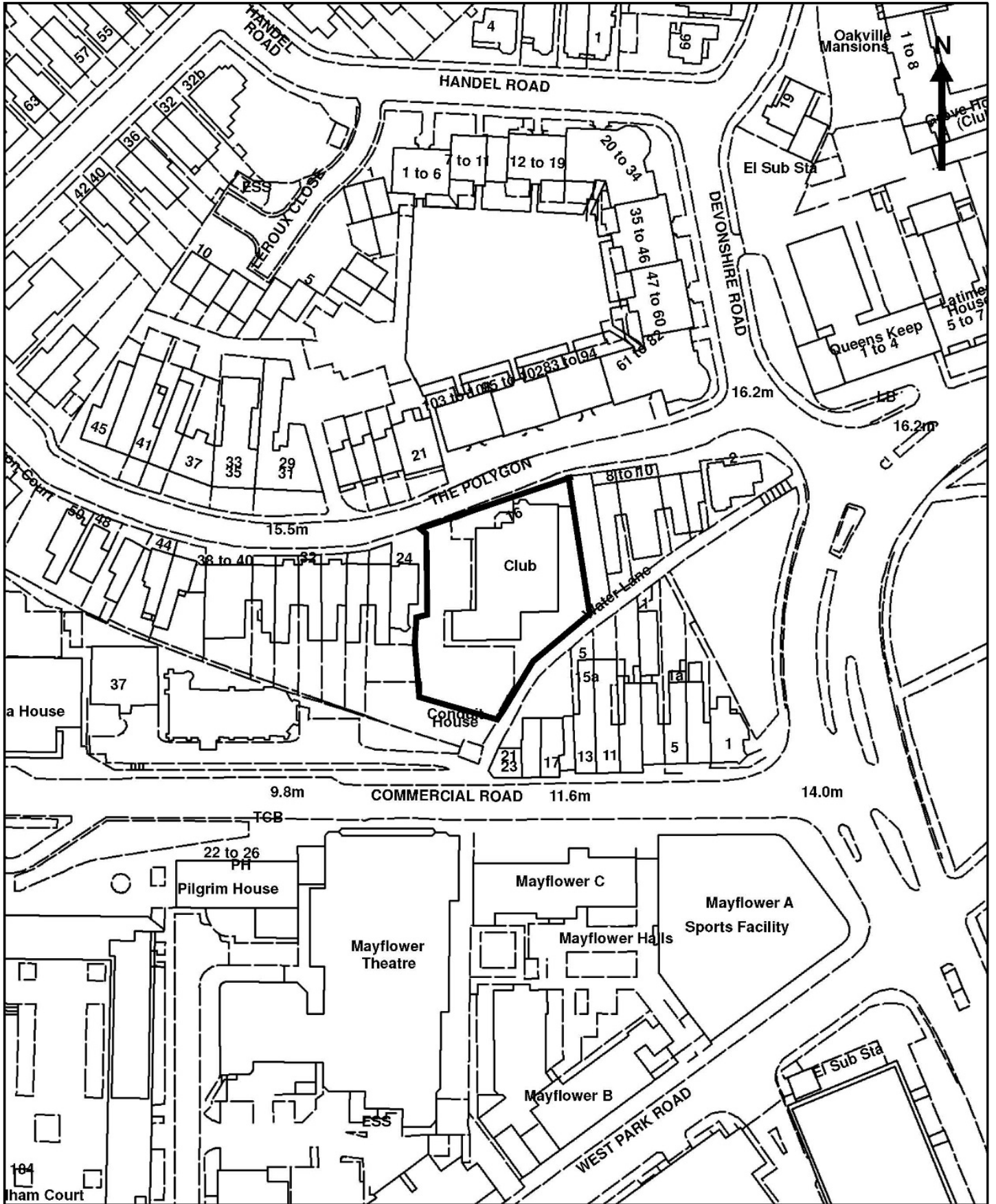
M15/1645, Variation of condition 2 of 16043/C4 to allow use of premises to 2am each day of the week
Refused, 04.06.1984

1603/C4, Use as private members social club
Conditionally Approved, 03.09.1981

Condition 2

The use of the premises shall cease at midnight on Friday and Saturday evenings, and at 11.00 pm Sunday to Thursday inclusive, unless otherwise agreed in writing by the Local Planning Authority.

16/00189/FUL



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**Planning, Transport & Sustainability Division
 Planning and Rights of Way (West) Panel 3rd May 2016
 Planning Application Report of the Planning and Development Manager**

Application address: 88 Chessel Crescent			
Proposed development: Application to increase the size of the decking area to rear, add a privacy screen and relocate the raised steps.			
Application number	16/00171/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	30/03/2016	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Paul Lewzey Cllr Alex Houghton Cllr Eamonn Keogh
Referred to Panel by:	Cllr Alex Houghton	Reason:	Overlooking and overshadowing
Applicant: Mr & Mrs Taak		Agent: Sanders Design Services Ltd	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site contains a two-storey, detached dwellinghouse located on the northerly side of Chessel Crescent. The property is located in a residential area characterised by two-storey, semi-detached houses. There is both a change in levels from the higher eastern end of the road to the lower west and a drop of approximately 1.4m from the ground floor level of the application property to the general level of the rear garden.
- 1.2 The property has been extended previously to the rear at single-storey level. In addition to this, adjacent to the western garden boundary is an existing area of raised decking, which links to an area of new decking, subject of this application. The decking is level with the ground floor of the house and is accessed from patio doors in the dining room and the kitchen. There are also some centralised stairs which are used to access the garden from the decking area.

2. Proposal

- 2.1 The planning application is retrospective and seeks to regularise an additional decking area to the rear of the property. The application proposes to increase the size of the original decking area by adding a section measuring 1.2m protrusion from the rear wall, 4.9m width, and 1.2m maximum height, as well relocating the steps which provide access to the garden. The scheme also proposes the extension of the existing fence in order to function as a privacy screen equivalent to 1.8m in height when measured from the raised decking level. The fencing will then slope down gradually in line with the land level and return to the original 1.8m fence height at approximately 2.4m from the rear wall.
- 2.2 In line with Enforcement procedures, permission has been sought following the request of planning enforcement due to the height of the decking being over 0.3m, which means that it does not fall within the criteria of permitted development as specified in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Notwithstanding the retrospective nature of the application, the proposal has still been considered fully, in line with the relevant local planning policies.

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). The most relevant policies to this proposal are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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 From at least 2008 the application property benefitted from an existing raised decking area to the rear, located adjacent to the western site boundary. This decking still exists.
- 4.2 The planning history of the site includes planning permission for a single-storey side/rear extension with an extended rear decking (application 08/01804/FUL approved in 2009). This permission was not implemented. Prior to this, an earlier application for a two-storey side extension was refused for the impact on the character of the area (application reference 08/01061/FUL).
- 4.3 More recently, in 2014, planning permission was granted for a single-storey side and rear extension with raised steps to the rear (planning application reference 14/00320/FUL). This application also granted a decking area, accessed from the dining room as well as some raised steps from the double doors serving the kitchen, down to the garden. This application has been implemented, albeit the raised steps are in a different location and are sought to be regularised in this application.
- 4.4 Extracts of the previous approved plans are provided as **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **3** representations have been received from surrounding residents together with an objection from Councillor Houghton. The following is a summary of the points raised:

- 5.1.1 *At a height of approximately six feet or more from the ground and right up to the boundary and house wall of no. 86, the deck looks straight into several large picture windows in a reception room and kitchen.*

Response: The plans include the erection of a 1.8m privacy screen when measured from the height of the proposed decking in order to eliminate direct overlooking into the rear windows of number 86 from the decking. A condition is suggested to secure the implementation and retention thereafter of the screen.

- 5.1.2 *The decking causes a severe breach of privacy looking down into the neighbouring garden and patio.*

Response: The privacy screen will eliminate any direct overlooking of the most private and useable area of the neighbouring garden. It is accepted that, given the change in levels in the area, some additional views of the neighbouring garden would be achieved. These views are filtered by existing boundary vegetation. However, this is no different from the over-looking that would occur from windows in the rear elevation of the property, which is a typical situation within an urban environment. Furthermore, the privacy screening will reduce over-looking from the kitchen windows within the application property, meaning the proposal will have a neutral effect on privacy when compared with the existing situation.

- 5.1.3 *The [previous] plans have been flouted in a very blatant manner. It seems to be a case of 'we will build it anyway and will then put in retrospective plans with slight*

amendments to what we've actually been stopped from building.' It is not up to everyone else to compromise and sort out.

Response: Where breaches of planning control occur, the first step in the process is for a planning application to be submitted, so that the Planning Authority can assess whether or not the breach is otherwise acceptable in planning terms. A breach in planning control in itself is not reason to resist a planning application but rather the works must be assessed against the policies and guidance in the same way as any other development proposal.

- 5.1.4 *The works subject of this application represent a deliberate act to enhance the property, penalising the neighbours by infringing their privacy even more. Flouting planning laws should not be rewarded.*

Response: The application will be judged in accordance with the local planning policies as per a prospective planning application.

- 5.1.5 *The screening is overbearing in nature and would give a sense of enclosure to the neighbouring property and garden. It would have a harmful impact on outlook from two much-used rooms in the neighbouring property.*

Response: Given the change in levels, the proposed screening would be approximately 3 metres in height from the natural ground level. However, it would protrude under one metre further to the rear than the single-storey extension to the rear of no. 86. As such, the screening complies with the guidance set out in Council's adopted Residential Design Guide Supplementary Planning Document, with regards to the impact on outlook from habitable room windows. Given the limited projection of the privacy screening the effect on outlook from either the neighbouring house or garden is not harmful in planning terms.

- 5.1.6 *The screening would result in a total loss of view, loss of light and a feeling of being 'boxed in' from all ground floor rooms of no. 86.*

Response: The loss of a view is not a material planning consideration. However, the loss of light is thought to be insignificant considering the north facing orientation of the gardens and the modest projection and height of the privacy screen is not thought to present unacceptable enclosure given the large and spacious gardens of the neighbouring properties.

- 5.1.7 *For no. 90 any extension to the height of the boundary fencing would mean it was higher than the roof of my side extension and would drastically affect the light in my rooms.'*

Response: As the proposal is only considering the eastern section of the decking, there is thought to be very little impact to the neighbours both to the west and to the north of the site.

- 5.1.8 *A high decking will overlook the gardens to the rear, there will be no walls around blocking their noise when have their large parties.*

Response: Again, the proposal is only considering the eastern section of the decking and there is thought to be very little impact to the neighbours to the north, given the separation involved. In addition, the noise created from gatherings at

the property is not a consideration as is dealt with under separate legislation to planning.

6. Planning Consideration Key Issues

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

6.2 Effect on the Character of the Area

6.2.1 As aforementioned, planning permission was granted in 2014 for a single-storey side and rear extension at the property. The plans included raised steps to the rear of the extension, adjacent to the boundary with the property at 86 Chessel Crescent. Whilst the extension was constructed in accordance with the approved plans, the existing decking to the rear of the property was extended to provide a 1.2 metre deep area of raised deck immediately adjacent to the boundary. This needs planning permission by virtue of it being more than 300mm in height. As such, the eastern section of the decking which measures 1.2m protrusion from the rear wall, 4.9m width, and 1.2m height must be judged but the western side of the decking is excluded from consideration.

6.2.2 The property has a relatively large garden which comfortably accommodates the modest development and it is considered that negligible harm will be caused to the amenity of the occupants as a result. The development is also situated to the rear of the property and is not visible from the highway or from any public vantage points. As such, there is thought to be a minimal impact to the character of the area as a result of the scheme however, the main issue of neighbouring amenity must be judged.

6.3 Residential Amenity

6.3.1 Given the situation of the new area of decking in relation to the site and the neighbouring properties, the primary issue in respect to residential amenity is the impact of the development on the neighbour's property at number 86 Chessel Crescent.

6.3.2 In relation to privacy, as the decking is set at a raised level, a privacy screen has been incorporated into the scheme. This would measure 1.8m from the level of the decking to prevent any direct over-looking into the neighbouring property and a condition has been recommended to ensure the retention of this for as long as the decking is in situ. However, it should be acknowledged that there will always be some mutual overlooking towards the bottom of each neighbours properties, and this is not expected to be completely eradicated. As noted, the new screening would result in a reduction of over-looking from the rear-facing kitchen window and so over-all the development is considered to have a neutral impact on the privacy of the neighbouring residents.

6.3.2 Additionally, due to the height of the proposed screening on the boundary, the possibility of overshadowing from the screening has to be considered. As the depth will be limited to cover the raised decking before returning to the existing fence level, the impact to sunlight and daylight into the neighbouring property is thought to be negligible. Similarly, due to the north facing orientation of the gardens there will be no significant overshadowing caused and as such it is

deemed acceptable in this respect.

6.3.3 In respect of outlook, the Council's Residential Design Guide (2006) provides general guidance for the design of new extensions and additions, in terms of the '45 degree code'. The proposed screening would comply with this test for outlook from neighbouring windows and is therefore judged to be appropriate. In addition to this, the Design Guide also advises that when assessing the impact of development sited onto a garden boundary, where the neighbouring garden enjoys outlook in a number of directions (other than the developed land), the consideration will be less imperative. In this case, the neighbouring property benefits from 3 large windows to the rear of the property, and thus has outlook from multiple windows in a number of directions. As such, the impact to the rear living room of the neighbouring property, through the proximity of the privacy screening to the most western window, though already deemed to be negligible, is further diminished.

6.3.4 Furthermore, as noted above, since the privacy screening would project less than one metre from the ground floor building line of the neighbouring property it is considered that it will not have a harmful impact in this respect. It is also important to note that the current proposal is very similar to the planning permission granted in 2008 (reference 08/01804/FUL), the block plan of which is included in **Appendix 2**. This previous planning permission also included decking directly adjacent to the boundary with no. 86 Chessel Crescent, albeit privacy screening was not secured by the planning permission. Whilst this permission has expired, it was assessed in terms of the same Local Plan policies and Residential Design Guidance that are applicable today. As such, the previous permission has weight in the consideration of this application.

7. **Summary**

Upon reflection, the scheme is deemed acceptable from the point of view that significant harm shall not be caused to neighbouring amenity. In addition the site is considered large enough to deal with the proposal and the design is sympathetic to the character of the property and the local area. Consideration has also been made to limit the impact of the raised decking upon neighbouring residents by incorporating a privacy screen which is judged to be acceptable to target this.

8. **Conclusion**

In conclusion, the proposal is thought to have an acceptable level of impact and is therefore recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 6(a)

AT for 03/05/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

02. Privacy Screening (Performance Condition)

Within 3 months of the date of this consent, the timber privacy screen shall be erected to the eastern side of the decking, in accordance with the plans hereby approved. The erected screen shall thereafter be retained and as long as the decking is in situ.

Reason: To protect the amenities and privacy of the occupiers of the neighbouring property at 86 Chessel Crescent.

03. 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.

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Application 16/00171/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

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Agenda Item 10

Appendix 2

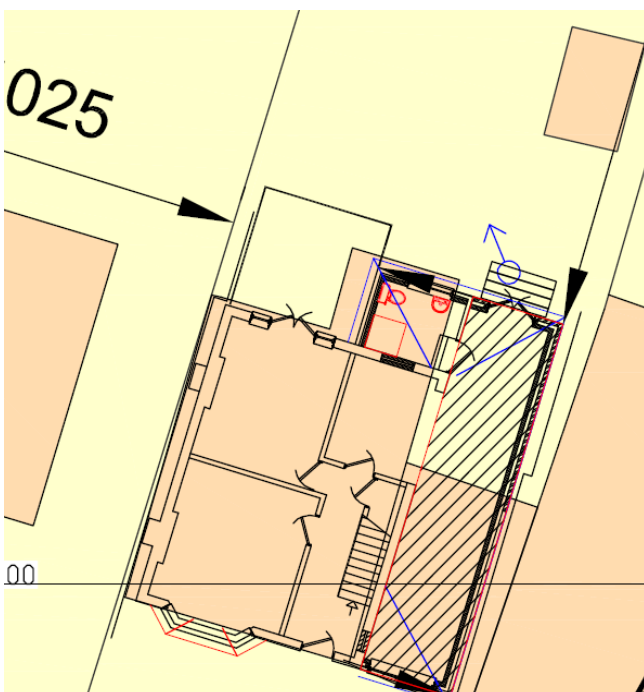
APPENDIX 2

Application 16/00171/FUL

Planning Application 08/01804/FUL – Approved Block Plan



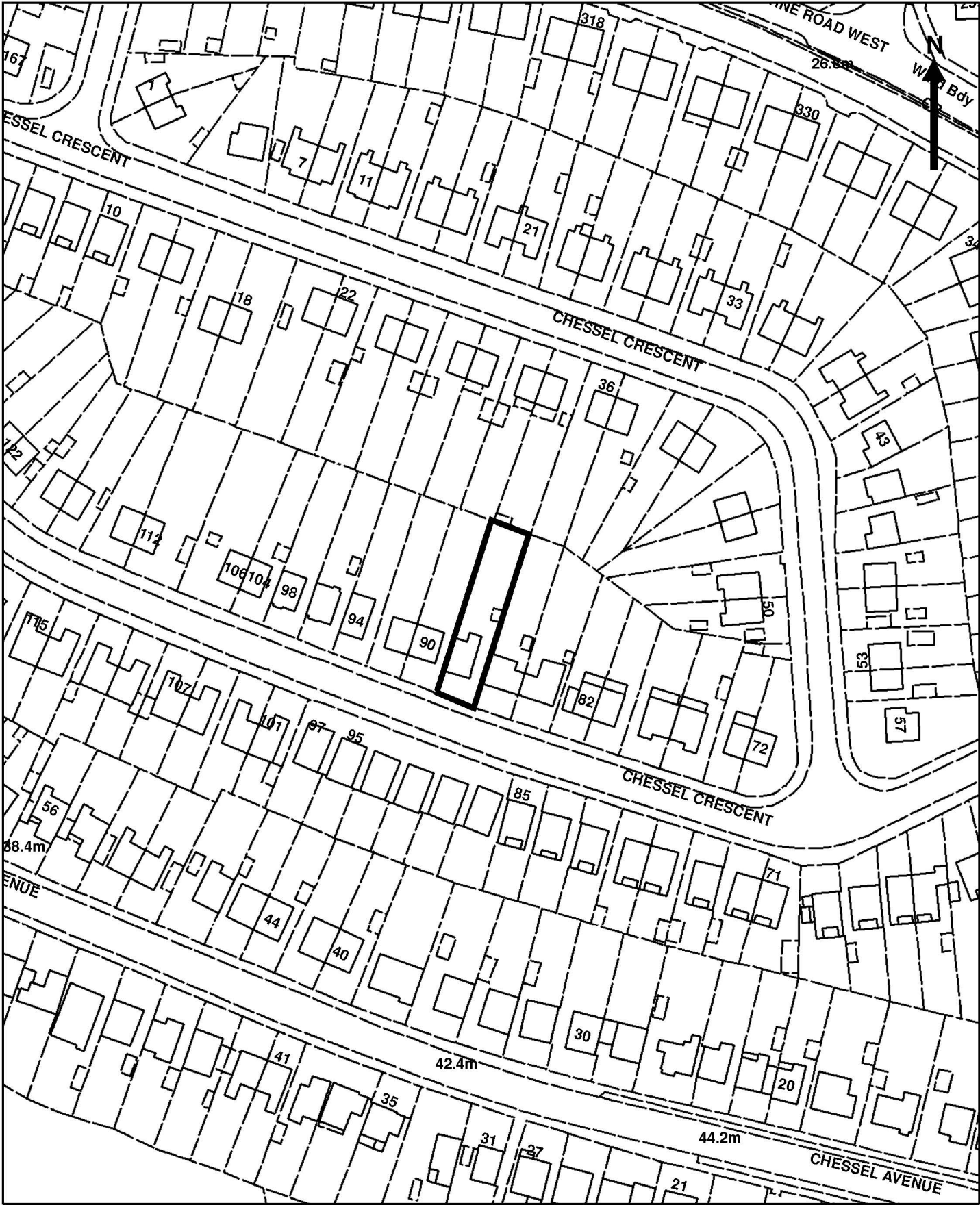
Planning Application 14/00320/FUL – Approved Block Plan



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Agenda Item 10
16/00171/FUL

Appendix 3



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