

# Planning and Rights of Way Panel

Tuesday, 12th March,  
2024  
at 5.00 pm

## PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

### Members

Councillor Savage (Chair)  
Councillor Windle (Vice-Chair)  
Councillor J Baillie  
Councillor Beaurain  
Councillor Cox  
Councillor A Frampton  
Councillor Greenhalgh

### Contacts

Democratic Support Officer  
Maria McKay  
Tel: 023 8083 3899  
Email: [maria.mckay@southampton.gov.uk](mailto:maria.mckay@southampton.gov.uk)

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

## **PUBLIC INFORMATION**

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

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

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

sets out the four key outcomes:

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

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

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

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

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

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

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

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

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

## Dates of Meetings: Municipal Year 2022/2023

2023	
6 June	19 September
27 June	10 October
11 July	31 October
1 August	21 November
22 August	12 December

2024	
23 January	16 April
20 February	
12 March	

## CONDUCT OF MEETING

### TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

### BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

### RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:  
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of

- Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
  - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **OTHER INTERESTS**

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **PRINCIPLES OF DECISION MAKING**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability, and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

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

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

### 2 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

### 3 **STATEMENT FROM THE CHAIR**

#### **CONSIDERATION OF TREE APPLICATIONS**

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

### 4 **THE SOUTHAMPTON (GRENVILLE COURT) TREE PRESERVATION ORDER 2023** (Pages 1 - 22)

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

#### **CONSIDERATION OF PLANNING APPLICATIONS**

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

### 5 **22/01341/FUL ST MARY'S COLLEGE, MIDANBURY LANE** (Pages 23 - 116)

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

### 6 **23/01424/FUL 18 BRIDGE ROAD** (Pages 117 - 168)

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

### 7 **23/01585/FUL 1 BRIGHTON ROAD** (Pages 169 - 196)

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

**8** **24/00090/FUL 35 GURNEY ROAD** (Pages 197 - 214)

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

Monday, 4 March 2024

Director of Legal and Governance and Monitoring  
Officer

# Agenda Item 4

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	Objection received to the making of The Southampton (Grenville Court) Tree Preservation Order 2023.
<b>DATE OF DECISION:</b>	12 <sup>th</sup> March 2024
<b>REPORT OF:</b>	<b>David Tyrie – Head of City Services</b>

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

<b>STATEMENT OF CONFIDENTIALITY</b>	
NONE	
<b>BRIEF SUMMARY</b>	
To consider the objection received in the making and serving of a tree preservation order that protects 4 trees at Grenville Court, Old Farm Drive	
<b>RECOMMENDATIONS:</b>	
	(i) To confirm The Southampton (Grenville Court) Tree Preservation Order 2023
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	A tree preservation order was made due to concerns that the established trees may be felled.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not protecting the trees. With no formal protection of these trees, the landowner can fell the trees and can do so with no notification or any formal notice or permission. This would not only have a negative impact to the local street scene. It would also negatively impact the environmental and ecological benefits that the trees provide to the wider location.
<b>DETAIL (Including consultation carried out)</b>	
3.	26 <sup>th</sup> July 2023 – The tree team received a web form from a resident at Grenville Court requesting confirmation if the two trees at the front of the property are protected by a tree preservation order as they are alleged to be causing structural damage to the property.
4.	28 <sup>th</sup> July 2023 – A site visit was made by a tree officer to assess the amenity of the trees on the site and their suitability of a tree preservation order. A Tree Evaluation Method for Protection Orders (TEMPO) was completed at this visit. <b>(Appendix 1)</b>

5.	Due to the perceived threat and high score attained on the TEMPO assessment, a tree preservation order was deemed suitable.
6.	As the person who contacted the City Council in relation to the trees was not the owner of the land, it was not deemed urgent to make the order.
7.	October 2023 the Council received a completed tree work application from another resident of Grenville Court. In this application, the resident requested to fell the two Norway maple trees at the front of the property. The resident mistook these trees as being in an old tree preservation order that covered different trees, and therefore submitted the application.
8.	Due to the increase in threat, The Southampton (Grenville Court) Tree Preservation Order 2023 was made and served on the 5 <sup>th</sup> of October 2023. This order protects the two Norway maple contained within G1 and two silver birch contained within G2 of the order. ( <b>Appendix 2</b> )
9.	30 <sup>th</sup> October 2023 the Council received a letter from the management company, who were acting on behalf of the landlord for Grenville Court. ( <b>Appendix 3</b> )
10.	Within the letter, the agent stated that they are concerned about potential damage being caused by tree roots to the building and the drainage system. They also state that they have commissioned reports from a reputable tree surgeon and structural engineer.
11.	3 <sup>rd</sup> November 2023 an email discussion was opened with the management company detailing why the order was deemed necessary and regarding the alleged damage and reports that have been commissioned. ( <b>Appendix 4</b> )
12.	29 <sup>th</sup> February 2024. The management company were contacted to inform that their objection will be presented at this Planning & Rights of Way panel. An email response was received back, along with a copy of a recent drain report. ( <b>Appendix 5</b> )
13.	You can see from the second page of the report, drain referenced as SWMH1 has root ingress within the system. However, it can clearly be seen that the drainage system is damaged, and this has allowed roots to enter via the open areas.
14.	Tree roots will follow the water table within the soil, therefore when they locate the source of the water, which in this case is a broken joint in the drainage system, the enter and proliferate due to the high level of water available.



15.	Tree roots are not able to detect water within an enclosed drainage system and when they grow naturally, they exploit the gaps between the soil particles as they do not have the ability to move the soil out of the way. Therefore, the roots also do not have the ability to start to attack the drain structure to cause it to deteriorate in order to reach the water within.
16.	It is therefore the officers view that the roots within the drainage system are a result of a failed system, and the damage has not been caused by the roots of the trees. Making an effective repair of the system will prevent the water content of the soil rising and roots will not enter an enclosed system.
17.	Given that no evidence has been advanced that demonstrates that the trees are the factor to the alleged structural damage to the building, members are requested to consider the impact that the loss of these trees would have to the local amenity and weigh this up against the information presented in objection to it being confirmed.
18.	It is the officers view that if evidence were to be supplied after the order is confirmed, then this will be assessed as part of an application to fell. Only if this information successfully demonstrates that the trees are causing damage to the property, will approval for felling be given.
19.	The Norway maple trees that are alleged to be causing damage to the property have been pollarded in the past and Google Streetview images show this was completed in 2011 and again in 2015. The 4-year gap between pollarding is a suitable time between each pollard, however this management cycle has not been maintained as the last observable pollard was in 2015 and has not been completed since then.
20.	It is the officers view that re-pollarding the trees now would be acceptable and therefore invite the agent to apply to pollard the Norway maples back to their previous pollard points. This would then restart the management cycle of pollarding with a view of them being re-pollard in another 4 years.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<b><u>Property/Other</u></b>	
	If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.

<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke, and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received, then the Planning and Rights of Way Panel are the appropriate decision-making panel to decide whether to confirm the order or not.
<b><u>Other Legal Implications:</u></b>	
	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions, but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990)
<b>RISK MANAGEMENT IMPLICATIONS</b>	
	NONE
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
	NONE

<b>KEY DECISION?</b>	<b>Yes/No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Tree Evaluation Method for Protection Orders
2.	Tree Preservation Order plan
3.	Letter from management agent
4.	Email discussion between SCC and management agent
5.	Drain report dated January 2 <sup>nd</sup> 2024
6.	Site photos

**Documents In Members' Rooms**

1.	
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes/No</b>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>Yes/No</b>
<b>Other Background Documents</b>	

<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
1.		

This page is intentionally left blank



### TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

Date: 28 <sup>th</sup> July 2023	Surveyor: GCB
<b>Tree details</b>	
TPO Ref: T2-776	Tree/Group No:                      Species: 2 Norway maple & 2 silver birch
Owner (if known):	Location: Grenville Court – Old Farm Drive
The Southampton (Grenville Court) Tree Preservation Order 2023	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- |                     |                         |
|---------------------|-------------------------|
| 5) Good             | Highly suitable         |
| 3) Fair             | Suitable                |
| 1) Poor             | Unlikely to be suitable |
| 0) Dead             | Unsuitable              |
| 0) Dying/dangerous* | Unsuitable              |

#### Score & Notes = 5

Norway maples have been managed by cyclical pollarding and silver birch have been reduced in size several years ago.

\* Relates to existing condition and is intended to apply to severe irremediable effects only.

##### b) Remaining longevity (in years) & suitability for TPO:

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Score & Notes = 4

Silver birch will have a lesser longevity due to short lived species. The Norway maples are expected to have a longer longevity.

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

##### c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Just suitable       |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes = 4

Medium trees clearly visible from a public area.

##### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habit importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

#### Score & Notes = 1

Alleged structural damage to property, However, without evidence a reduction in the score was not applied.

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify.

- 5) Immediate threat to tree inc. s211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only.

#### Score & Notes = 2

Resident has asked if trees are protected. Alleged damage to property would indicate a potential to fell. Higher grade of 3 may also have been considered appropriate use.

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

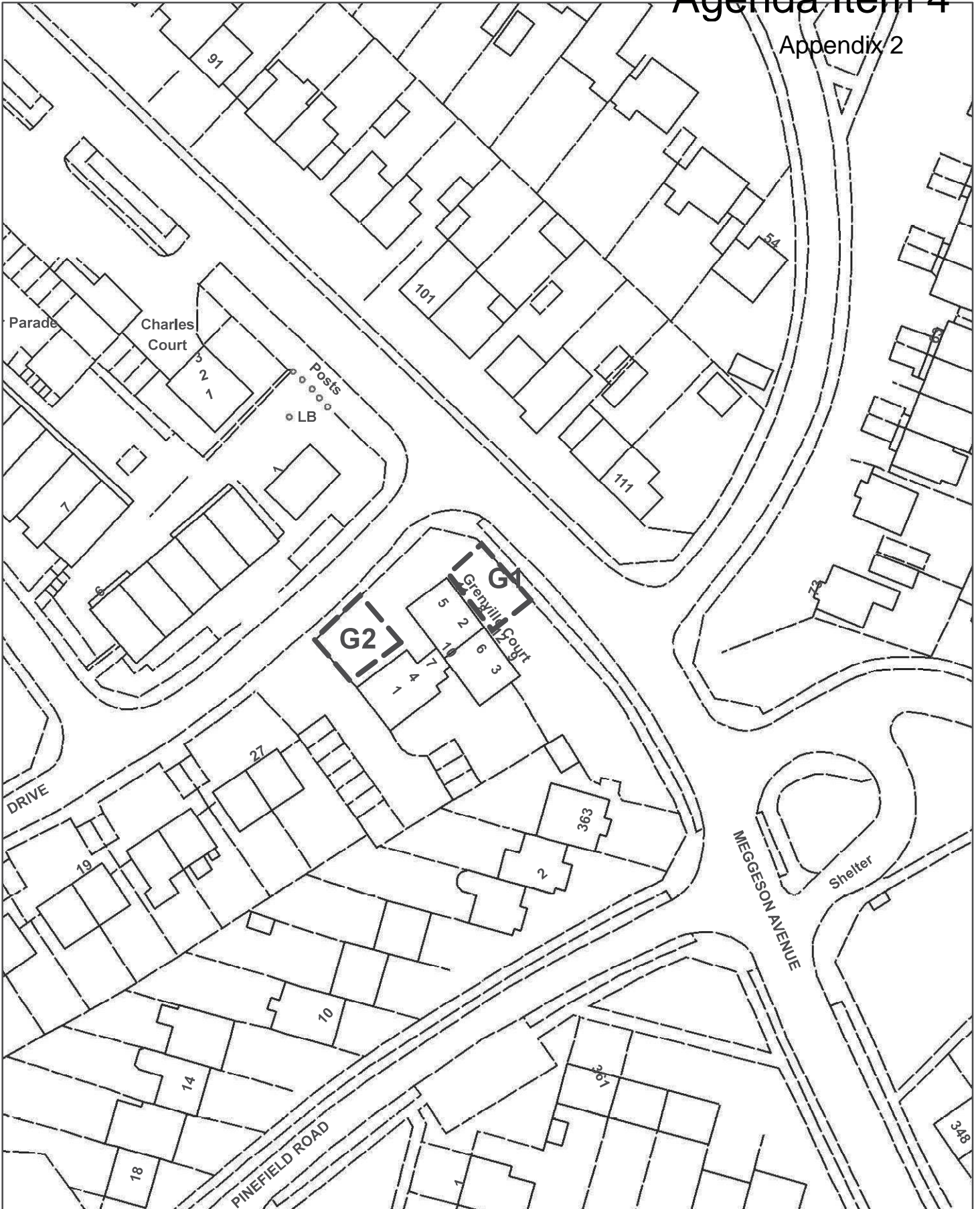
#### Add Scores for Total:

**16**






#### Decision:

Tree preservation order defensible and trees merit protection

This page is intentionally left blank



© Crown copyright and database rights 2020 Ordnance Survey 100019679  
 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

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



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

The Southampton (Grenville Court) Tree Preservation Order 2023	
TPO Ref: T2-776	Department: Trees team
Drawn: GCB	Scale: Not to Scale

This page is intentionally left blank



TREES TEAM  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY

25 October 2023

Dear Sir/Madam

**RE:** [REDACTED] - Grenville Court, Old Farm Drive, Southampton SO18 2QH

We act on behalf of [REDACTED] Landlord of Grenville Court, Old Farm Drive, Southampton SO18 2QH. We write to express our objections to the tree preservation order that has been issued on 2 Norway Maple and 2 Silver Birch under reference T2-776.

We are concerned about potential damage being caused by the tree roots to the building and drainage system. In order to gather more information and assess the situation accurately, we have commissioned reports from reputable tree surgeons and a structural engineer.

These reports are currently being prepared and will provide a clear evaluation of the extent of the damage caused by the tree roots. Once we receive these reports, we will be more than happy to share them with the council for your reference.

We understand the importance of preserving trees and the benefits they provide to the environment. However, in this particular case, our primary concern is the well-being and safety of the residents living in Grenville Court. It is imperative that the potential risks associated with the tree roots damaging the building and drainage system are considered and addressed appropriately.

We kindly request that the council review our objections and consider the evidence we will soon provide.

Thank you for your attention to this matter. We trust that you will give our concerns due consideration and act in the best interest of all parties involved.

Yours sincerely

This page is intentionally left blank

**From:** \*\*\*\*

**Sent:** Friday, November 3, 2023 2:52 PM

**To:** \*\*\*\*

**Subject:** For the attention of \*\*\*\*

Dear \*\*\*\*,

With regards to your letter of the 25<sup>th</sup> of October in which you have raised an objection to the making of a tree preservation order to protect trees at the property, I am contacting you to give you in relation to this letter.

The council received contact from a resident within the building asking if the trees are protected as they are damaging the property. The council had no information supplied that would demonstrate that the trees are causing damage and knowing that they were under threat, it issued a tree preservation order to prevent the felling of the trees. The order is originally temporary for 6 months and can be revoked at any point within this time if it is demonstrated that to continue with the protection of the trees, would not be appropriate.

I note that you say that you are having surveys undertaken and are willing to share this with the council. It would be very useful to see what the report details, so the council are able to make an informed decision.

One comment I would like to make relates to tree roots in drains. When this occurs, it points to an issue with the drain and not an issue with the tree. Tree roots are not able to detect water within a drain but will follow the water table within the soil. Therefore, when a drain leaks and this raises the water content in the soil, the roots follow this and enter the broken area of the drain. I would advise that if you are experiencing root ingress into the drains, then you may have localised damage that can be repaired.

Once we have the information that you have kindly said you would supply, this can be reviewed, and a decision issued as to what the position of the council is. If it decides to continue with the protection of the trees, the matter will go to a panel of councillors to review and issue a decision on whether the council can confirm the order.

One last thing is to ask what trees you are objecting to. Is this for all the trees or for one or two of them?

If you have any further questions, please do not hesitate to contact me.

Kind regards,

\*\*\*\*

City Tree Officer

Tree Team

City Services

Place Directorate

**Southampton City Council**

Tel: 023 8083 3005

Email: [trees@southampton.gov.uk](mailto:trees@southampton.gov.uk)

**From:** \*\*\*\*  
**Sent:** Thursday, November 9, 2023 9:58 AM  
**To:** \*\*\*\*  
**Subject:** FW: For the attention of \*\*\*\*

Dear \*\*\*\*,

Thank you for your email, I can confirm that we would like to object to all the trees. I have instructed a structural engineer and await reports from the tree surgeon and drain survey. As soon as I have all of these reports, I will forward to you for consideration.

Kind Regards

---

**From:** \*\*\*\*  
**Sent:** Thursday, November 9, 2023 10:26 AM  
**To:** \*\*\*\*  
**Subject:** RE: For the attention of \*\*\*\*

Dear \*\*\*\*,

Many thanks for confirming the position of \*\*\*.

The order has a provisional 6-month date and therefore will expire on the 6<sup>th</sup> of April 2024. Within these 6-months, I can review information supplied and, if necessary, take the matter to a Planning & Rights of Way panel meeting.

At this meeting, elected members review the information and the Tree Preservation Order and vote on whether the council can confirm the order with an objection. This is a public meeting, and you would be invited to attend and given the opportunity to put your case forward to the panel.

There is a fair amount of time left before the report would have to be written, therefore I will await to see the outcome of the reports before any further decisions are made.

I look forward to hearing from you in due course.

Kind regards,

\*\*\*\*

City Tree Officer

Tree Team

City Services

Place Directorate

**Southampton City Council**

Tel: 023 8083 3005

Email: [trees@southampton.gov.uk](mailto:trees@southampton.gov.uk)



Date: 2<sup>nd</sup> of January 2024

**Grenville Court, Southampton.**

Our operatives attended in order to carry out a full drainage CCTV survey. Please see below our findings with required repair costs and installation costs.

FMH1 Upstream 100mm clay pipework – Our CCTV showed a displaced joint at 0.14 meters entering the gully. We would recommend that the displaced joint is sealed with a single resin patch liner. We would be happy to carry out the above drain repair for the sum of [REDACTED]

FMH1 Upstream lateral 1 100mm clay – Our CCTV showed a section of pitch fibre pipework that has deformed and will require re forming to shape and a 1.5-meter-long resin patch liner. We would be happy to carry out the above drain repair for the sum of [REDACTED]

FMH1 Upstream lateral 2 100mm clay – Our CCTV showed heavy scale build up that will require 2-3 hours of chain flail removal and high-pressure water jetting. We would be happy to carry out the above drain cleaning works for the sum of [REDACTED]

FMH1 Upstream lateral 3 100mm clay – Our CCTV showed heavy scale that will require chain flail cleaning. We would allow 1 hour to carry out these works. We would be happy to carry out the above drain cleaning works for the sum of [REDACTED]

FMH1 Downstream 100mm clay – Our CCTV showed a small amount of scale build up at 0.8 meters. And 3.0 meters. No other faults or defects were identified with this drain run. We would recommend that the line is cleaned using high pressure water jetting equipment. We would be happy to carry out this work for the sum of [REDACTED]

FMH2 Upstream lateral 1 to Surface water Aco drain 100mm PVC – Our CCTV showed no faults or defects.

FMH2 Upstream lateral 2 100mm PVC – Our CCTV showed no faults or defects.

FMH2 Upstream lateral 3 100mm PVC – Our CCTV showed no faults or defects.

FMH2 Upstream lateral 4 100mm PVC – Our CCTV showed a fractured and broken drain section at 0.2 meters. We would recommend that a single resin patch liner is installed. We would be happy to carry out the above drain repair for the sum of [REDACTED]

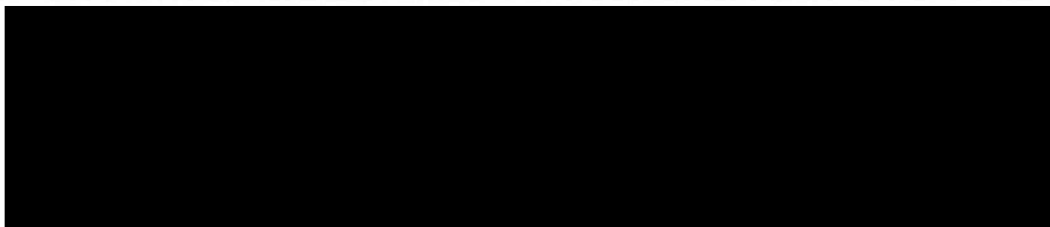
FMH2 Downstream 100mm clay – Our CCTV showed no faults or defects.

FMH3 Upstream lateral 1 100mm clay – Our CCTV showed heavy scale build up. We would recommend that 2 hours of de scale are carried out. We would be happy to carry out the above works for the sum of [REDACTED]

FMH3 Upstream lateral 1a 100mm clay – Our CCTV showed no faults or defects.

FMH3 Upstream lateral 2 100mm clay – Our CCTV showed 2 displaced joints. We would recommend that a 2-meter-long resin patch is installed to repair the drain. We would be happy to carry out the above works for the sum of [REDACTED]

FMH3 Downstream 100mm clay pipework – Our CCTV showed no faults or defects.





SWMH1 Upstream 100mm clay – Our CCTV showed cracks and displaced joints and root ingress. We would recommend that the root is removed and a full-length resin liner installed for a total of 25 meters. We would recommend that a spot dig at the head of the run is carried out to install a new manhole chamber before installing the resin liner. We would be happy to carry out the install of the manhole chamber and the resin liner for the sum of [REDACTED]

SWMH1 Upstream lateral 1 100mm clay – Our CCTV showed the line to be defective and full of roots. We would recommend that the line is excavated and replace in full with new 100mm PVC pipe. We would be happy to carry out the above works for the sum of [REDACTED]

SWMH1 Downstream 100mm clay – Our CCTV showed root ingress at 0.3 meters and a dropped section of drain at 1.5 meters. We would recommend that a spot dig and pipe replacement is carried out between 1.5 meters and 3.5 meters. We would be happy to carry out the above drain replacement for the sum of [REDACTED]

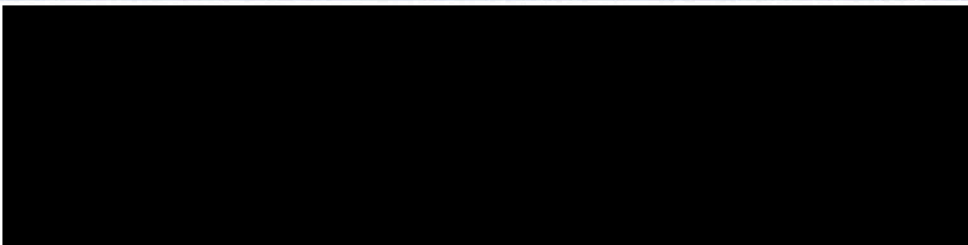
Furthermore, we have been asked to provide a cost to install a new 100mm PVC land drain at the rear of the building. We would recommend removing the existing badly designed and installed land drain in the stone and replace with a new deeper land drain against the wall of the building. We would then diver this to the newly installed manhole chamber (as per SWMH1 Upstream above). We would be happy to carry out these works for the sum of [REDACTED] We would then connect the two existing rain water downpipes at the rear of the building into the new land drain system. We would be happy to carry out these works for the sum of [REDACTED]

---

If we can be of any further assistance, please do not hesitate to contact us.

Yours Sincerely

[REDACTED]



Grenville Court, Old Farm Dr, Southampton SO18 2QH, UK



50.933229, -1.363338

06-12-2023 11:56:32

This page is intentionally left blank



2 Norway maple July 2023



2 silver birch July 2023



Norway maple trees in 2015 when last pollarded



Above image courtesy of Google Streetview

This page is intentionally left blank

## Planning and Rights of Way Panel 12<sup>th</sup> March 2024 Planning Application Report of the Head of Transport and Planning

<b>Application address:</b> Land rear of St Marys College, Midanbury Lane			
<b>Proposed development:</b> Re-development of the site to create 84 dwellings (8 x one bed apartments, 24 x 2 two apartments, 27 x two bed houses, 22 x three bed houses, 3 x four bed houses) with associated car and cycle parking, landscaped areas, play space and associated works.			
<b>Application number:</b>	22/01341/FUL	<b>Application type:</b>	MAJOR
<b>Case officer:</b>	Rob Sims	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	26.12.2022	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Barnes-Andrews Cllr Bunday Cllr Webb
<b>Referred to Panel by:</b>	Cllr D Fuller (former Ward Cllr)	<b>Reason:</b>	See comments below
<b>Applicant:</b> Sovereign Network Group		<b>Agent:</b> Vail Williams LLP	

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

<b>Community Infrastructure Levy Liable</b>	<b>Yes – Affordable Housing Relief</b>
---	--

### Reason for granting Permission

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

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Sport England Consultation

## Background

This planning application for new dwellings results in the loss of open spaces and formal playing pitches. The application was initially submitted with a proposed off-site contribution of £230k towards the Councils Sports Centre project to mitigate against the loss. Following further negotiation, and input from stakeholders, the offer has been amended and now proposed £613k towards Riverside Park. Sport England are a statutory consultee whenever playing fields are proposed to be developed and they have submitted an objection to the scheme. In such circumstances the Planning Panel are free to consider the scheme in the round, alongside all material planning considerations, but should the below recommendation be supported, the Council would first need to refer the application to the Secretary of State to ascertain if they wish to determine the application in light of the Sport England objection (known as a 'call in'). The below recommendation accounts for necessary due process.

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to:
  - a) referral of the application to the Secretary of State, via the Planning Casework Unit, following an objection by Sport England in accordance with The Town and Country Planning (Consultation) (England) Direction 2021 with their confirmation that permission can be granted; and,
  - b) the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
    - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act and/or undertakes a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
    - ii. Provision of 35% on site affordable housing units (29 in total) 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. An off-site financial contribution towards sports provision and improvements at Riverside Park, namely a new cricket pitch and renovation of the existing changing rooms ('Bitterne Park Pavillion');
    - iv. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;

- v. Submission of a Employment & Skills Management Plan committing to adopting local labour and employment initiatives with financial contributions towards supporting these initiatives during the construction phase, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
  - vii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
  - viii. The design, provision and maintenance of on-site open space and play equipment in accordance with saved Policy CLT6 of the Local Plan Review;
  - ix. Restrictions to ensure that future occupiers are aware that they will not benefit from parking permits in surrounding streets covered by Controlled Parking Zones;
  - x. Submission and implementation of a Waste Management Plan
  - xi. Securing of a 'permitted route' through the site.
- c) That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- d) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

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

- 1.1 The application site is part of the grounds of the former St. Mary's Independent School located within Bitterne Park. The 3.3ha site was formerly a grass playing field for use by the former school. The school is now in split ownership, operated as Charlton House School and Yarrow Heights Special Needs School. The

schools are currently accessed from Midanbury Lane, with internal access provided to the playing fields. Amongst the schools building stock is the original 'College Building' which is a Grade II Listed Building.

1.2 The site slopes gently from a high point in the Northeast to its lowest point in the Southwest corner. Mature trees, covered in part by the Southampton (St Marys College/Cobden Avenue) TPO 1989, surround the former playing field on all four sides. To the north, the topography rises, and beyond the heavily tree lined bank, an expanse of lawn forms the setting to the buildings that formerly accommodated St. Mary's Independent School. To the South, east and west of the site are the residential roads of Beech Avenue, Monastery Road and Cobden Crescent respectively. At the top of Monastery Road is a footpath that connects to Midanbury Lane to the west. This footpath also runs to the western boundary of the application site.

## 2. **Proposal**

2.1 Full planning is sought for the erection of 84 dwellings comprising of the following mix of housing:

- 8 x one bed apartments;
- 24 x 2 two apartments;
- 27 x two bed houses;
- 22 x three bed houses;
- 3 x four bed houses;

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

Floor/Flat	Floor Size sqm	National Standard sqm	Compliance
8 x 1 bed	50 – 57	50 – 58	Y
51 x 2 bed	70 – 80	70 – 79	Y
22 x 3 bed	96 – 98	84 – 93	Y
3 x 4 bed	115	106	Y

2.3 The proposed development would comprise of 2 and 3 storey development, with a mixture of flats, terraces, semi-detached and detached family dwellings. The dwellings would have a similar appearance, being two storey, brick and tiled roofs, and gabled ends. The development would be laid out in three different character areas: Parkland; Greenway; and Woodland edge.

2.4 In addition to the above, the development would provide:

- A minimum 35% on site Affordable Housing provision.
- A new pedestrian and vehicular access from Monastery Road including shared surfaces. Pedestrians links also created within the southern and eastern boundaries.
- Landscape scheme to incorporate public open space (8,100sqm), local equipped area for play (LEAP) and linear park with an off site financial



contribution.

- 162 parking spaces created by landscaped parking courts together with in-curtilage parking spaces.
- Sustainable Urban Drainage features (SUDs) including a drainage strategy including an attenuation pond to be located within the public open space, and a swale to be located along the southern boundary.
- The site boundaries are to be largely retained as existing, with dwelling boundaries and low-lying hedgerows (ground floor apartments).

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

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

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

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

4.1 A schedule of the relevant planning history for the site is set out in ***Appendix 3*** of this report.

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

5.1 The applicants undertook their own community engagement exercise ahead of formal submission, which included a staffed event at the Grace Hall on Thorold Rd on 18<sup>th</sup> July 2022. 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 **14.10.2022** and erecting a site notice **06.10.2022**. The planning application was advertised as a ‘Major Development’ application, but not as a ‘Departure from the Plan.’ Whilst the application is contrary to some policies within the Plan, it is not a Departure from the Plan as a whole. At the time of writing the report **189 representations** have been received from surrounding residents. The following is a summary of the points raised and have been grouped under themes below:

5.2 *a) Principle*

- According to the Annual Monitoring Report, Southampton is ahead of its 2006-2026 house-building forecasts and sees a declining overall number of new developments towards the end of this timeframe. This proposed site is also not highlighted as an area where development should be targeted.
- The proposal includes the construction of 33 Flats, Apartments or Maisonettes which represents 40% of the overall project. Southampton is already well ahead of the national average (35% compared to just 20% nationally). This will serve to further dislocate our city and is in direct resistance to our Core Strategy to build more family-conducive properties.
- Density - Bitterne's population density already sits at 5,587 / KM2. To put this into perspective, London averages 5,700 / KM2. Sport England have clear guidance when it comes to building on playing fields. This proposal does not fall into any of their 5 exceptions. While the site was privately owned, restoration of the fields and access for outdoor recreation is infinitely more beneficial to the wider community and would preserve the area, protect wildlife and prevent further pressure on local services. developers should be funding facilities in our local area . Riverside Park needs investment.
- In a densely populated urban area, St Mary's provides much needed green space. The public health benefits of access to green space are well-documented and we believe that they should be a priority for local authorities.

#### **Officer Response**

**The appropriateness of the principle of the development, proposed housing mix, and chosen density will be considered below.**

#### *b) Design*

- Development Building Design/Style. Whilst I can appreciate the need to develop space efficient dwellings in order to provide an increase in accommodation, there has to be some consideration to 'fit in' with the neighbouring housing stock/style. However, on 3 sides of the development, you have significant mature detached/semi-detached housing stock, whilst on the 4th side you have educational facilities, one of which has Grade 2 listed status. There are no large developments of modern high density 3 storey buildings overlooking the area at all, nor should there be
- The development includes 3 storey flats and apartments, which is completely at odds to the existing homes in the area. The local area does not comprise of flats but is an area of traditional family houses. Also the number of homes, 84, is I believe far too many for such a limited site size. That number is packing too many homes into a limited space.
- Design of substation not shown

#### **Officer Response**

**The design, layout and appearance of the proposed development and how it relates to the character and appearance of the wider area will be assessed**

**below.**

*c) Neighbour amenity*

- impact on our privacy and our right to enjoy our property from the new access and noise and disturbance. Light pollution.

**Officer Response**

**The impact of the development on neighbour amenity will be assessed below.**

*d) Highways*

- Object very strongly about the access to this proposed site, via monastery road, which is currently a cul de sac, and addition 100-200 cars.
- By having another clear route out of the housing estate it would at least try to halve the problem
- Is there DYL proposed on Monastery Road?
- The Midanbury lane is like a rat run and cars drive at very high speeds and the cars that are parked for the school at the top make it dangerous at the best of times. Then the road at the top of Midanbury lane to cobden avenue is a lethal crossing now let alone the extra traffic this will cause.
- Midanbury Lane from Cobden Avenue to Bitterne Road West is used as a cut through and the speed of the vehicles at times is scary. The road is always busy with parked cars with limited views of the oncoming traffic. To add extra cars into this will cause more issues, especially with the schools close by.
- There is no information in regard to reinstating the existing bollards to be removed on the footpath to allow extension of Monastery Road, which could lead to the unsuitable gravel public footpath being used as an alternative route through Monastery Road by motor vehicles, thus turning it into a through road.
- Please can a requirement be added to the planning agreement to ensure bollards are reinstated between the tarmac and gravel section (house 24 to 26) should they be removed, or damaged during extension of the tarmac area of the road.  
worry about cyclists and pedestrians, and the impact of increased traffic on their safety and well-being.

**Officer Response**

**The impact of the development on highway safety and amenity will be assessed below. The requirement for bollards will be determined through the S278 process.**

*e) Heritage*

- The St Mary's school site has Grade II listed structures. While the proposal notes this, the impact of large-scale construction and the addition of 82 families could jeopardise the condition of these building.

**Officer Response**

**The impact of the development on the historic environment will be assessed below, however the Listed Building itself is located outside of the application site, within no works proposed to it.**

*f) Infrastructure*

- The local Schools Doctors and Dentists are already at capacity with waiting lists. 82 more families would put a significant burden on the local community and its amenities.
- Local educational facilities are oversubscribed with single-teacher average class sizes already meeting or exceeding averages
- Local Healthcare providers are oversubscribed with Bitterne Park Surgery having the highest patient-per-Doctor ratio in the Country
- Will the existing services (gas/water/sewerage/electric/wi-fi etc) be able to supply all the new properties or will new systems need to be put in place?

**Officer Response**

**Infrastructure contributions have been identified through the Section 106 scoping process. This does not include local healthcare facilities or school capacity provision as this is the responsibility of the NHS and Education Authority. The applicant has a right to connect to the associated utilities, and that application process is separate to the planning application. Any dwellings that are not provided as 'affordable' will make a contribution towards the Community Infrastructure Levy (CIL).**

*g) Social Housing Mix and Crime*

- According to research published by the Quantitative and Spatial Criminology Research Group, social renters experienced between double and 10 times the national average household crimes. Sovereign have no plan (or intention) to address these startling figures or augment our local emergency services to be able to deal with the unavoidable increase in crime and antisocial behaviour

**Officer Response**

**Anti-social behaviour and on site management of households is a separate matter to the planning considerations of this application. The application provides a mix of dwellings and meets the requirement for 35% on site affordable housing provision with a good mix of family housing on offer.**

*h) Environment*

- Severity of the flooding along Beech Avenue. And how much worse the increase the flood risks in the area is could be with the removal of so many trees and adding of 82 new homes. Reduced ability for rainwater to drain from the site is likely to cause additional flooding onto Beech Avenue which already has a history of weakness and road collapse. This along with the increased volume of traffic is likely to cause further problems.
- Concerned that the loss of mature trees on the site will have an impact on local wildlife.

- The site in question has not hitherto been developed and therefore as a consequence is a local nature home to undisturbed flora and fauna including a variety of mature trees (many subject to Preservation Orders) and wildlife including protected species e.g. bats, badgers, common buzzard, owls, hedgehog and shrews. The planning application mentions provision of bat boxes which seems unnecessary as the bats currently use the trees. Bats will be adversely affected by increased light pollution and human activity exacerbated by the high density of this proposal within an enclosed area. In summary, the proposal and the site identified are inconsistent with Southampton City Council 'Our Green City' initiative.
- Who will own / be responsible for the maintenance of the trees along the bank on the southern side? From the plan I've seen it seems that these will not be part of the properties being built.
- I have big concerns regarding the weight of construction traffic using Beech Avenue. Over the past couple of decades the road has suffered from a lot of subsidence caused by the cracking / collapsing of the two culverts that run from under Glenfield Avenue, along Monks Path, then along the majority of Beech Avenue. What assurances can be given that problems will not be created?
- Environmental impact owing to a project of this magnitude will generate thousands of tons of carbon using current methods of construction. 18-36 months of large tonnage equipment will also generate a massive amount of noise pollution and upheaval for existing residents. we will be subject to extra heavy goods vehicle (HGV) movements during the building of the development which could take years to build.

**Officer Response**

**The impacts of the development on flood risk, trees and construction management will be assessed below.**

*i) Procedure*

- Lack of meaningful and accessible public engagement
- Sovereigns' online resident feedback is decidedly negative, with 87% classing them as "Bad", the lowest possible rating.

**Officer Response**

**The Council have discharged their duty under the Town and Country (Development Management Procedure Order) 2015 to advertise and consult on the application. In this instance three site notices were displayed around the site, and letters sent to neighbouring dwellings. Furthermore the applicant carried out consultation prior to submitting the application.**

*j) Private matters*

- The proximity of Japanese Knotweed to our property (within 1 -2 meters) and the fact that root systems can extend down for up to 3metres and

across up to 7 meters from the source means excavation would present a very serious risk to our property and land.

**Officer Response**

**It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981, and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990. As the control of waste from Japanese Knotweed is covered under separate environmental legislation the planning process should not be used to duplicate those controls and enforcement. On this basis this is separate matter to the planning matters of this application.**

**Consultation Responses**

5.4

<b>Consultee</b>	<b>Comments</b>
<p>Cllr Ivan White (former ward Cllr)</p>	<p>Please find below my objections to the above Planning Application.</p> <p>The access, via a currently cul-de-sac not designed for significant traffic flow, to the proposed development is very limited. The access road is therefore limited and will cause problems not only for those who live in road but those accessing the proposed development. In-addition the additional traffic estimated at an extra 150-200 vehicles will enter local roads very close to a school leading to traffic congestion at school opening and closure but more importantly risk of safety issues. The access road is also close to an extra care facility.</p> <p>The development is by it nature in a elevated position leading to any new properties overlooking in the peripheral areas of existing properties.</p> <p>Currently the site causes problems with water and drainage from the area has been a long standing local issues and has potential for exacerbating the problem by building on the site limiting natural drainage.</p> <p>The addition of a significant properties will place pressures in the local infrastructure particularly schools and health services.</p> <p>The loss of open space both from exercising/sport and an area for nature is worrying and once lost cannot be replaced.</p>

Cllr David Fuller  
(former ward Cllr)

Updated 07/03/2023:

Please find below details of my updated objection to the above planning application on behalf of local residents.

1. Traffic. This development will lead to in excess of 150 additional vehicles (most likely nearer 200) using local roads. Many of these movements will take place at busy times of day, particularly school drop-off times when additional traffic is already on these roads. The residential nature of the local roads means they are not designed for heavy traffic use and this new development will only make problems worse. Beech avenue in particular has needed significant work on several occasions in recent years due to the number of culverts, drains and pipes running beneath it, I do not believe it will be able to take construction traffic without significant damage, which will in turn impact local residents.
2. Access. The sole access to this development is along a small, quiet cul-de-sac, certainly not designed for the use of so many vehicles as this development will bring, aside from the heavy construction traffic. The impact this will have on the lives and amenity of the current residents of Monastery Road cannot be understated, moving from a cul-de-sac to a busy access road.
3. Noise. This development will lead to significant noise pollution to local properties. In the first instance from the traffic using the quiet residential roads but also from day-to-day living in the new properties. Much of the new development will be close to the gardens of existing homes leading to a diminution of the amenity of their outdoor space.
4. Overlooking. As noted above, much of the new development will be close to existing properties and will be overlooking their gardens and rear windows. This will impact on the privacy of existing properties.
5. Overdevelopment. The development will take an existing open space and cram 84 new homes onto it. This is a significant development and an overdevelopment.
6. Flooding. The existing playing fields help reduce local flooding by soaking up rainwater that would otherwise flood existing properties and public roads.

	<p>This already happens fairly frequently. By building on much of the green space this will increase water run off and lead to further flooding. The updates water management plans will not fully mitigate this.</p> <p>7. Loss of playing fields. The development will lead to the loss of a precious piece of open space that has been used by local schools and people in recent years. There is simply no way to replace this. Any funding to mitigate the loss can only make minor improvements to already existing local open space, not increase the usable area itself. Once this green space is gone it is gone and cannot be replaced. Green open space should be protected not built upon.</p> <p>8. Nature conservation. The existing open space is a haven for local wildlife, with reports of bats, foxes and badgers just to name a few. The development of the site will lead to the irreversible loss of habitat for many species and a decrease in biodiversity for the local area.</p> <p>9. Design. The development is bland and ill-fitting with the local existing design. In the past badly designed developments have been allowed and detracted from an attractive local feel.</p> <p>10. Local infrastructure. Introducing 84 additional properties into an area where local schools, GP surgeries and dentists (as well as other local infrastructure) are already overstretched is reckless and will lead to worse outcomes for the existing residents, as well as bad outcomes for the new residents.</p> <p>I hope that Planning Officers and members of the Planning and Rights of Way Panel listen to the concerns of vast majority of local residents and reject this planning application. I would like to request that this comes before the Planning Panel on grounds of over development, impact on existing local residents amenities and impact on traffic.</p>
<p>SCC Strategic Planning Policy</p>	<p>SUPPORT - The application site is a currently unused playing pitch. It is understood to have been used as private playing fields for a private school. The proposal is to redevelop for 84 dwellings.</p> <p>The application site is designated as open space on the</p>



policies map.

The Core Strategy also set a target to deliver 16,300 new homes to 2026. Based on the latest Government housing targets (with a 35% uplift) there is a need to consider through the emerging local plan provision for a target of 26,500 dwellings, of which the draft plan has currently identified sites for 16,800 dwellings (2022 – 2040). This site (BPA005 in the draft SLAA) is identified as part of that provision. There is a strong need to focus South Hampshire's housing needs in the city as a sustainable urban location where possible.

As at 2022, the Council's housing land supply was reported as 4.53 years, short of the 5 year requirement and therefore the NPPF presumption in favour of sustainable development applies (para 11).

The Council is preparing a Playing Pitches Strategy, but this is not yet completed. The latest open space study was completed in 2015. This recommended a standard of sports provision of 0.42ha per 1,000 population (Table 6), which was based on the current provision achieved in the city (a reduction from the previous standard of 1ha per 1,000 pop).

Planning Policy conclusion to date:

There is a strong need to promote new housing in urban areas and protect / enhance green spaces / sports provision for a growing population, in a way which optimises the use of urban land across the city to meet this mix of needs. Taking all planning factors into account, the overall approach of redeveloping a private playing field in a sustainable urban area to provide housing, a new public open space and off site contributions to upgrade sports facilities is fully supported.

The outstanding issue with regard to the loss of the sports pitch relates to the appropriate strategy for an off site contribution. Sport England's concerns relating to the proximity of upgrades is recognised. Equally, I recognise the strategic significance of the Outdoor Sports Centre to the city. The housing needs / population of the city as a whole are projected to grow. I would support an approach which focuses on the Sports Centre if it is clearly demonstrable that, for a given developer contribution, this will deliver the best overall sports benefit for the residents of the city as a whole city. I note that the Outdoor Sports Centre has recently received significant

	<p>Levelling Up Funding. Therefore an up to date understanding of the extent to which the proposed contribution to the Sports Centre will add genuine additionality to sports provision is needed. In my view the key issue is whether a given sum of developer contributions will create more additionality to underlying sports facilities / participation for the city if it is focussed on the Outdoor Sports Centre, on Riverside Park, or a mix of both. I have an open view on this – and a discussion between the Council’s leisure team / Sports England / the applicant should inform this to reach a conclusion.</p> <p>It is possible that a gentle uplift in dwelling density, as well as meeting housing needs, would help unlock further value to enhance the green space mitigation package across the Sports Centre /Riverside Park / on site space, including links to the Green Grid Strategy. This may be worth considering, although I am not aware of the design / transport discussions to date on this site.</p> <p>Overall the approach to the loss of a playing pitch in order to provide new homes in an urban location alongside a package of on site and off site public open space provision / sports pitch enhancement is fully supported.</p>
<p>SCC Highways Development Management</p>	<p><b><u>Location and Principle:</u></b></p> <p>The proposed site is situated in land rear to St. Marys College and will require a new access being formed at the end of Monastery Road. Monastery Road is a residential cul-de-sac which will see a significant increase in traffic movements as a result of the proposed development. However, as the existing environment and proposed uses are residential, the nature and type of movements is not considered to change dramatically.</p> <p><b><u>Access</u></b></p> <p>The site area does not currently have much permeability from a pedestrian access point of view but the proposal will introduce new access points. One main vehicular access is being formed at the end of Monastery Road and two other pedestrian routes are formed to the Southern and Eastern boundary. The difference in levels are significant to the south of the site and therefore the access onto Beech Avenue will be stepped - gullies are requested to allow easier cyclists use these steps. A level/accessible route to the East will link up with an existing public footpath (Footpath 13), however the footpath is not the most attractive and inviting to use as it</p>

is narrow, unlit and quite enclosed due to the high boundary treatments on both sides. It is agreed that this footpath will need to be improved by removing the steel palisade fencing, trimming back and removing vegetation and providing street lighting which will make this route safer, more attractive and benefitting from better natural surveillance.

The new vehicular access being formed will remove some kerbside space for on-street parking but the proposal also includes a small extension of monastery road so that a couple of vehicles can park just north of this proposed access. It is important to note that if residents currently park two cars side by side right at the end of monastery road, cars would unlikely park in front of the space as it would block them in (where the new access is going in) and therefore in reality, there may not actually be a loss of any on-street parking or if so, would probably just be one space.

#### **Internal Road Layout**

The development includes a number of internal roads in order to serve the level of residential units. Due to the number of units being provided and the need for a refuse vehicle entering the site, the applicant has offered the roads to be adopted. Tracking for refuse vehicles and a fire tender has been submitted to demonstrate that they navigate all these roads to reach all residential units. The design of the internal roads include shared surface and are designed to limit hard surfacing and create a 'home zone' style feel. Due to this, any informal parking especially on bends and junctions, will inhibit large vehicle movements. For this reason, traffic management team have requested for no parking restrictions in order to effectively manage and prevent this from happening.

There is also a 'pedestrian only zone' route (highlighted green in the Site Plan - Access and movement [Drawing no. 6010-WLA-00-XX-DR-A-0023]) which is not proposed to be adopted but will need a S106 clause or planning condition to allow for the public to access as a permitted route.

#### **Car Parking**

The scheme consists of 84 residential units with a mix of 1-4 bed units; in accordance with Parking SPD, the maximum parking standards would result in 163 spaces. The scheme is providing 162 spaces which is considered

acceptable as one space below the limit is not considered to generate any significant harm.

There are a mix of allocated private spaces (which will not be adopted) and public spaces which allows the flexibility for the use of residents and visitors.

### **EV charging**

15% of spaces should be provided as active spaces (fully installed and ready to be used) and the rest should be 100% passive (infrastructure installed to allow future charge points to be installed easily). The active spaces would be best located in the car parks for block of flats.

### **Cycle Parking**

The Transport Assessment suggests that the development will comply with cycle parking standards as set out in the Parking SPD. There are cycle sheds in the garden for the houses and internal cycle store for the flats. However, more detail is needed for the cycle stores for the flats to ensure the space is sufficient to meet the quantum needed and that they benefit from internal stands so each cycle is secure. Furthermore, short stay cycle stands should be provided for visitors. Some could be around the open space and by entrances to the flats.

### **Servicing and Construction**

The internal roads are designed to accommodate large refuse vehicles and fire tenders. The junction around the new vehicular access will be design to accommodate passing points and with a 5.5m width. There will also be parking restrictions around the access to prevent any parking which will affect vehicles accessing the scheme and affect sightlines.

As part of the construction management plan, it is proposed that a temporary car park is to be provided by the new access to provide parking for residents in the case that on street parking is affected during the construction phase.

### **Trip Impact and Generation**

Surveys have been carried out at numerous junctions in order to provide a baseline data of existing traffic movements which will also help in showing how traffic is distributed to and from the site.

Due to the quiet nature of the cul de sac, the biggest traffic increase in terms of percentages will be Monastery road. However, the actual trip data of the development is not considered to be so significant this road or the junction with Beech Avenue is considered to be generate significant delays and congestion. However, it is important to note that the peak trips for the development would coincide with the morning peak and the school 'drop off' morning peak. As the school is in close proximity, this area would be subject to higher multi modal traffic. For this reason, improvements are sought at the Monastery Road/Beech Avenue junction to improve safety by improving crossing facilities and measures to traffic calm.

The proposed development will generate 35 two way trips in the AM peak and 33 in the PM peak. Beyond the Monastery Road/Beech Avenue junction, once the traffic is distributed based on the data captured from the surveys, the level of traffic is not considered to generate significant harm to the local highway when considering the provision of mitigation measures proposed (covered in more detail below).

An additional survey was conducted at Coleson Road due to concerns raised by local residents at a public consultation event with regards to high traffic movements due to likely rat running. This did seem the case from the survey data but the levels of traffic once distributed here is not considered to be so substantial that it would exacerbate the issue to the level of significant harm.

Overall, there will be a notable increase in traffic especially along Monastery Road and Beech Avenue but level of impact will be less noticeable once it dissipates beyond that. The level of traffic is considered to be acceptable especially with the mitigation measures proposed.

### **Mitigation Measures**

There are a number of mitigation measures proposed including:

- Improvement to the local public footpaths including the public right of way to the West (Footpath 25) and also East with further works to the footway facilities at the top end of Footpath 13 on Cobden Avenue. These include resurfacing, removing palisade fencing, clearing vegetation to improve natural surveillance and providing street lighting on

	<p>the application site lighting up the unlit sections of the footpath.</p> <ul style="list-style-type: none"> <li>• Continuous footway across Monastery Road at the junction with Coleson Road.</li> <li>• Provide works or contribution towards pedestrian crossing and traffic calming measures along Mousehole Lane and Glenfield Avenue</li> <li>• Contribution towards bus improvements along Bitterne Road West including potential relocation so that a bus shelter can be installed with up to date facilities such as kassel kerbs and RTI (real time information).</li> <li>• Traffic Regulation Orders to introduce parking restrictions in areas to improve safety for example on local junctions and new proposed access.</li> <li>• Public permitted routes to provide public access over internal routes to improve connectivity and permeability through the site including plan to ensure it is maintained and usable.</li> </ul> <p><b><u>Summary</u></b></p> <p>In summary, the proposed development is considered acceptable and can be supported subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Standard Access and Parking condition to secure the completion of works prior to the occupation of the development</li> <li>• Electric Vehicle Charging. 15% of car parking spaces (24 spaces) to be provided as active spaces (fully installed and ready to be used) with the rest of all other spaces being passive (infrastructure such as ducting installed so that future charging points can be readily and easily installed)</li> <li>• Cycle Parking. Details of cycle parking including short stay spaces to be submitted and agreed in writing by the Council</li> <li>• Construction Management Plan</li> </ul>
<p>SCC Built Heritage</p>	<p>Objection - unless it is satisfied that the proposals present clear and convincing economic and public benefits that would demonstrably outweigh the `less than substantial harm` to the heritage asset and its setting</p> <p>Background</p> <ul style="list-style-type: none"> <li>o St Marys College is located to the south of Cobden Avenue and is one of a series of educational buildings that forms the northern edge of the plot.</li> </ul>

- o The buildings are set on an east-west alignment and sit above a series of playing fields that have been cut out from the naturally sloping ridge to the south.
- o The plot is bounded on all sides by residential dwellings and roads.
- o One of the school buildings is the former Bitterne Grove, a 3-storey country manor house built in 1790 and enlarged and converted to a catholic seminary in 1910, and a catholic school in the 1920`s. Other school buildings were added to the east and west in the mid-to-late C20.
- o This property was once the principal building on-site set within a designed landscape containing lawns and trees.
- o The property is a grade II listed building whereas the surrounding landscape is on the Hampshire Register of Historic Parks and Gardens, although it has been much altered.
- o Proposals seek to re-develop the playing fields to the south of the listed building and erect residential housing with associated access arrangements and amenities.
- o The scheme was discussed during the pre-application process where it was advised that the harm to the setting of the listed building required further evaluation and whose historic layout should inform the design.
- o The current scheme has reduced the number of residential units from 88 to 84 and has revised the layout to ensure that the land below the main house to the south- west would remain open and would contain a leap and attenuation pond. The 3 storey buildings would also be positioned to the east of the plot.

#### Assessment and advice

Bitterne Grove was originally one of a series houses built by the wealthy elite in the C18 whose location was influenced by the contours of the land to provide an outlook over the surrounding countryside, which suggests why Bitterne Grove faces south-west rather than due south. Unfortunately, this original arrangement was substantially diminished by the rapid urban expansion of the city in the late-C19 and C20, as well as from development within the plot itself where the property was subsequently enlarged/extended and where the lawns to the south were all levelled to create the modern playing fields we see today.

The submitted Heritage Statement illustrates that some aspects of the original layout do survive. The original leafy access drive remains to the west of the plot and the existing shelter belt of trees to the north and south, some of which contain specimen trees, continue to instil the property with an intimate parkland setting. However, the report suggests that the modern character of the playing fields to the south has severely diluted the heritage interest of this part of the plot, and that the contribution these elements affords the setting of listed building is relatively low. It then goes on to say that although it is recognised that the proposed development, due to the intensification of the site, would cause some harm to the former garden landscape (a non-designated heritage asset), and the wider setting of the listed building (a designated heritage asset), the cumulative harm resulting from the proposals would be considered `less than substantial harm`.

On assessment it would be difficult to disagree with the above conclusions. A site visit revealed that the playing fields are all modern in character and have completely erased the former lawn and garden aesthetic to the south, and that this modification has created a form of bund which affects how we experience the landscape we see today. Likewise, the boundaries on all sides of the plot are heavily treed (which would all be retained) and restricts any medium-to-long term views into and out of the plot from further afield. The layout of the proposed development has also been revised so that the land directly south-west of the listed building would remain open and unimpeded. This would respect the original outlook from within the listed building, even though this vista is now obscured to some degree by the existing shelter belt of trees and housing outside the plot to the far south.

That said, even though it is acknowledged that the heritage interest, and hence the significance attached to the former garden landscape has been substantially diminished by the playing fields, the proposals would infill a large area of open green space that has always been devoid of structures. For instance, the listed building has always been surrounded by a soft verdant landscape to the south, the fields are open and green and present the area with a quiet and unassuming space where nature and the environment can be appreciated. The introduction of houses, traffic movements, street lighting, and all the paraphernalia and noise associated with human activity, would not be considered a positive



	<p>change to the character of this part of the site, whereas there are concerns that this form of development would result in the listed building (the most important building within the plot) being completely detached from its wider environment, especially as no heritage benefits to secure its long-term future have been forthcoming, and which could potentially lead to its further decay.</p> <p>Therefore, although the proposals would not physically impact the listed building, and that the remnants of the original formal gardens in terms of the drive to the west and the existing intimate tree belts would be retained, and although it is acknowledged that the level of harm to the assets significance would be `less than substantial` harm, it is advised that the scheme should only be supported should it be considered in the planning balance that the proposals present a sufficient level of economic and public benefits associated with the provision of new affordable housing and leisure contributions would demonstrably outweigh the identified harm above resulting from development within the setting of a listed building as per the guidance contained within the NPPF.</p>
<p>SCC Urban Design Manager</p>	<p>Clearly the development doesn't meet the high aesthetic design aspirations that the Design Advisory Panel were seeking as an exemplar of future housing, a view which I support. For me this in Southampton terms ought to be the equivalent of trying to develop in the Green Belt and therefore an expectation of something exemplary to mitigate the loss of green space should be the starting point. However, in terms of our design policies and guidance set out in the RDG the development is following a traditional perimeter block layout, with a relatively traditional form to the housing with the use of materials and pitched roofs, so in that respect the development is largely guidance compliant.</p> <p>Following receipt of these comments, amended plans were received in February 2023. The following updated comments were made to those plans:</p> <p><u>Updated Comments March 2023</u></p> <p>With regard to the letter responding to my previous design observations and the submitted amended plans I note the changes that they have made in regard of car ports, reducing areas of hard surfacing and the addition of windows into gable ends which are all positive amendments.</p>

	<p>That said the justification for not making the other changes appear to be largely on the grounds of increased cost, or increased maintenance which is common to all forms of development where changes are suggested and of course it is important not to distinguish design quality on the grounds of housing/tenure type.</p> <p>It is also unfortunate that the applicant hasn't responded to the key concern of the City's Design Advisory Panel:</p> <p>"Overall, the Panel felt that this proposal was a missed opportunity for potentially what could be a very special site, which requires a much more creative approach to layout and architecture. The Panel felt that the current response is poor and the opportunity to deliver an exemplary and architecturally stimulating development has been missed and that if a proposal came forward in this form it should be refused. A more bespoke, tailored response to the site is required rather than this essentially standardised solution."</p> <p>Naturally I support the view of the panel, although I doubt we have the planning justification to refuse a scheme on the grounds that it didn't "deliver an exemplary and architecturally stimulating development."</p>
Sustainability (Flood Risk)	<p>No Objection subject to conditions.</p> <p>Initial objections were raised by the Lead Local Flood Authority (LLFA) regarding the effectiveness of the on site drainage strategy and the capacity of the public surface water sewer outside of the site. The LLFA have reviewed further information and made the final comments below:</p> <p><u>Updated Comments February 2024</u></p> <p>I have now received the required information from Southern Water modelling team to fully justify that there is sufficient capacity to accept the 2.3l/s, however I am cautious that Southern Water claim that there has been no surface water flooding reported at this location (only foul), which is an untrue statement as reports have been raised by both the LLFA and by residents in this location. There is still a concern that there will be an increased risk of surface water flooding, at this location, however trust Southern Water's basis for the model re-run.</p> <p>With this, the site is proposing the use of sustainable drainage limited to a maximum discharge of 2.3l/s for all rainfall events up to and including the 1 in 100 year plus</p>

45% climate change. The holding objection can be removed. If the case officer is therefore minded to approve this application, it is recommended that the following conditions are applied:

**Sustainable Drainage** – Sustainable Drainage shall be implemented in accordance with the submitted and plans, with runoff from the site shall be restricted to no greater than 2.3l/s for all rainfall events up to and including the 1 in 100 year plus 45% climate change allowance.

Reason: To secure sustainable drainage and avoid increasing flood risk as per the National Planning Policy Framework and the Southampton City Council Core Strategy.

**Sustainable Drainage Verification Report (pre-occupation) –**

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

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

**Flood Resilience** - Finished Floor Levels to be set no lower than 100mm above ground level.

Reason: To protect property from water ingress in the event of exceedance or failure of the surface water drainage.

<p>SCC Ecology</p>	<p>I would like to lodge an objection to this planning application on the following grounds:</p> <ul style="list-style-type: none"> <li>o The ecological information supplied is incomplete. Additional surveys are mentioned, but the results of these have not been provided and consequently the assessment of ecological impacts is not robust.</li> <li>o Mitigation and enhancement measures in relation to species have not been spelt out in adequate detail.</li> <li>o Information associated with the Biodiversity Net Gain assessment is inadequate. I would have expected a copy of the completed metric to be provided. In addition, the net gain is less than 1%, it needs to be a minimum of 10%. Details of the proposed net gain habitats has not been provided.</li> <li>o In terms of broad impacts, there will be a loss of habitat likely to be used by badgers, bats, breeding and foraging birds and common reptiles. In addition, higher night-time lighting levels will cause disturbance to foraging bats and potentially badgers. Clear indication of how these impacts will be mitigated are required.</li> <li>o The loss of green infrastructure will result in a reduction in ecosystem services required for climate change adaptation. In particular, there will be less cooling and water attenuation capacity.</li> </ul>
<p>Open Spaces Manager</p>	<p>Given that under policy there should be no net loss of open space and that this field is identified as protected open space, than the only mitigation I would accept is for the developer to provide a similar piece of land as open space. This will need to be space that is not currently designated as open space (perhaps a piece of brownfield which they can convert to open space).</p> <p>The Sport England objection has no bearing on the loss of open space, I would consider any mitigation for this to be additional to the mitigation for the loss of protected open space.</p>
<p>Leisure Services Manager</p>	<p>No objection to improving the carrying capacity of the pitches at Riverside Park.</p>

<p>Trees &amp; Open Spaces</p>	<p>The location of the dwellings has been kept away from the root protection area of the trees on site, therefore there is no conflict with trees and the building locations. The Bellamy Roberts drainage plan appears to have located all the drainage away from the trees, apart from a small incursion where a filter drain runs to the tree line along Beech Avenue. This incursion into the RPA is minimal and with careful hand digging, it can be completed with little harm to the trees.</p> <p>There is some conflict with the RPA's for the installation of a footpaths, therefore these will need to be a no dig design incorporating a porous surface where in encroaches into the RPA.</p> <p>The arb report states that there is no need for an arboricultural method statement due to there being no encroachment into the RPA. This may be true for the main development of the buildings; however, the hard surfaces also require consideration and careful construction, therefore their construction method requires to be detailed within an AMS.</p> <p>All the trees identified for removal are of a low quality and they are not considered to be of such quality to object to the proposal, however any tree removed on site will require to be replaced on a 2 for 1 basis, therefore a detailed landscape plan will be required. Any tree that cannot be planted on site will require a s106 agreement to be in place with a contribution of £600 per tree.</p> <p>The Broad Oak Tree Consultants report gives details of the tree protection fencing that will be required for the site, however there is no plan that identifies the location of the fencing; therefore this will be required.</p>
<p>SCC Archaeology</p>	<p>The Site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. LAAP 16 covers parts of the city defined as an area of archaeological potential about which little is known at present. For this site, this is due to a lack of formal archaeological fieldwork in the immediate area.</p> <p>An archaeological desk-based assessment (DBA) has been submitted with the planning application, compiled using information from the Southampton Historic Environment Record maintained by the city council, and from historic maps. The DBA assesses the potential for prehistoric and Roman remains to be present on the site</p>

	<p>to be Moderate, for medieval remains to be Low and for post-medieval remains (associated with Bitterne Grove) to be Low to Moderate. The DBA points out that sub-surface remains may have been damaged by the modern landscaping, although the extent and depth of disturbance remains unclear. The DBA notes a local tradition that the landscaping works were carried out using explosives. (It is also worth noting that five or six WWII bomb craters are recorded for the playing field on records held by City Archives.)</p> <p>On current evidence, and given the submitted details, no archaeological investigation is required, and no archaeological conditions need to be attached to the planning consent, if granted.</p>
<p>SCC Housing Management</p>	<p>As the scheme comprises of 84 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 29 dwellings (29.4 rounded down).</p> <p>Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:</p> <ol style="list-style-type: none"> <li>1. On-site as part of the development and dispersed amongst the private element of the scheme.</li> <li>2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice</li> <li>3. Commuted financial payment to be utilised in providing affordable housing on an alternative site</li> </ol> <p>Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.</p> <p>The applicant, Sovereign, is a Registered Provider of affordable housing with existing stock in the city and a strategic partner of Homes England. Sovereign have submitted a policy compliant planning application, which is a rarity these days and the applicant is offering to deliver 30 units of much needed affordable housing.</p> <p>Sovereign's intention, should they be successful in obtaining a planning consent for this site would be to utilise Homes England grant funding to enable them to</p>

	<p>deliver the scheme as 100% affordable, with 42 of the homes being provided for rent and 42 for shared ownership.</p> <p>Housing need information was provided at pre-application stage, but to briefly summarise there are 7,457 applicants on the housing register (Sept. 22) seeking rented affordable housing and our greatest need is for 3 bed family accommodation to rent. (Families without an urgent priority can wait 9-11 years).</p> <p>The proposed scheme contains a good range of unit size &amp; types and, unlike so many planning applications, is offering 3 (&amp; 4) bed accommodation and in the form of houses. For these reasons this application is strongly supported.</p> <p><i>Updated housing need figures are as follows:-</i></p> <p><i>As of February 2023 there were 7,629 applicants on the housing register seeking rented affordable accommodation - an increase on the September 2022 figures quoted in my previous response.</i></p>
<p>SCC CIL Officer</p>	<p>The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is currently £103.75 per sq. m, to be measured on the Gross Internal Area floorspace of the building.</p> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p>
<p>Environmental Health</p>	<p>I am pleased to note that the applicant has provided a Noise Impact Assessment reference 22205-1 and a Construction Environmental Management Plan dated December 2022.</p> <p>I have no objections to this application in principal however I would recommend a condition that requires the Noise Impact Assessment and Construction Environmental Management Plan findings are implemented at the time of construction.</p>
<p>SCC Employment and Skills</p>	<p>An Employment and Skills Plan obligation will be required for this development and applied via the section 106 Agreement. Since 2009 the Council has required, under S106 of the Town and Country Planning Act, that all Major developments in the city have an Employment and</p>

	Skills Plan (ESP) in order to align the significant new opportunities for skills and jobs with local training provision and residents.
SCC Contamination	The site investigation report submitted has identified the need to incorporate gas protection measures within buildings. This is considered a remedial action and therefore I would no objection subject to conditions being attached to any approval granted.
SCC Sustainability	<p>Following on from my original comments, the position of the solar panels is on the plans. The covering letter confirms the Air Source Heat Pumps (AHSP) for each dwelling will be contained within cabinets on the rear elevation of each house.</p> <p>The applicant states in the covering letter that green roofs cannot be provide as photovoltaic panels will prevent this. Extensive green roofs can be used in combination with PV panels, and actually help optimise their efficiency but maintaining a more constant temperature.</p> <p>There is still no further information on the overall energy strategy, in particular the fabric first measures in line with SCC Energy Guidance and emerging policy. I would highly recommend that further detail is provided upfront, however if the case officer is minded to approve the application, I would recommend the conditions as set out in my original comments.</p>
Sport England - The Planning Administration Team	Objection - See <b>Appendix 4</b>
Historic England (aka English Heritage)	On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions,
Natural England	<p>OBJECTION</p> <p>As submitted we consider it will have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers</p>
Southern Water	Southern Water records show the approximate position of our existing public foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern



	<p>Water before the layout of the proposed development is finalised.</p> <p>Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.</p> <p>Southern Water has undertaken a desktop study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the “practical point of connection”, as defined in the New Connections Services implemented from 1st April 2018, there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.</p> <p>We request that should this application receive planning approval, the following condition is attached to the consent:</p> <p>Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).</p> <p>We request that should this planning application receive planning approval, the following informative is attached to the consent:</p> <p>Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water</p> <p>Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer</p>
Southampton Commons and	SCAPPS objects to housing development on the green space, formally playing fields of St Mary's College.

Parks Protection Society

Southampton is deficient in open space ('green space'). Green space is important in maintaining quality of life, protecting air quality, the environment and character of the city. City Council planning policies require no net reduction in the area of open space/green space within the city boundaries. If green space is 'taken' for built development, green space equivalent in area and quality shall be provided elsewhere. (It is reiterated in various policy documents, stemming from the Core Strategy CS21.) This policy applies to all green open space, regardless of whether or not there is, or ever has been, public access. This policy unequivocally applies to the St Mary's College former playing field. It is irrelevant whether or not it is, by whatever standard or in the opinion of whatever body, considered 'surplus to requirements' or of poor quality as playing fields. The application fails to include proposals for replacement open space in replacement for that which it proposes be taken for built development. It should accordingly be refused.

The Planning Statement introduces the concept of 'mitigation' for loss of open space. That is not a concept proposed in relevant statements of planning policy. SCAPPS fundamentally objects to the principle of accepting payment (by section 106 agreement) toward improvement of existing sports facilities elsewhere. That gives no replacement green space; it results in a net reduction in the area of open space within the city. Improvement to sports provision at the Outdoor Sports Centre at Bassett is an existing commitment; it is inappropriate to expect it should be funded through section 106 payments from developments the other side of the City. The concept seems to have originated from discussion with Sport England as a way of avoiding an outright objection from Sport England to loss of playing fields. It is a mistaken interpretation to then apply that to 'mitigation' for loss of open space. There remains a fundamental and unavoidable conflict with planning policy unless and until the applicant proposes open/green space elsewhere equivalent in area to that which is proposed in the application shall be taken for built development -- SCAPPS recognises that part of the site is proposed to be laid out as public open space.

There is deficiency in public open space provision locally to the application site. The only local public open spaces north of Bitterne Road and in Bitterne Park are Deep Dene and Hum Hole. Riverside Park is a considerable distance from homes in much of this area. Because of local

	<p>topography, both Deep Dene and Hum Hole, while providing a welcome and appreciated opportunity for relaxation, are unsuited to active 'kick-about' activities and informal sport. The area is deficient in open, level, grassed play provision. The City Council should take the opportunity to make good this deficiency by acquiring part of the site, if necessary using compulsory purchase powers, at its present value as playing fields.</p> <p>SCAPPS objects to the proposed layout of open space. It is inappropriate for a children's play area to be located next to unprotected standing water (the attenuation pond) -- even when not holding water, the ground is likely to be soft and muddy.</p> <p>I affirm SCAPPS' objection to the proposed development for the reasons set out in the objection previously submitted. The applicant's agent's letter 23 February yet again misinterprets planning policy. It once again makes the inaccurate claim that policies in successive planning policy documents requiring replacement 'green' space to be provided in replacement for any taken for built development do not apply if the land is not open to public access. That is wrong. The policy applies to ALL 'green' land and SCAPPS expects Planning officers to stand firm on this fundamental issue. The letter goes on to assert because 'the site is not particularly visible from the surrounding area' it doesn't matter if it is built-on. Again, SCAPPS expects Planning officers to reject out-of-hand such a flimsy and inadequate reason to justify a departure from policy.</p> <p>SCAPPS objects to the fundamental principle of making a lump sum payment instead of providing replacement green space. The application should not be determined until an agreement has been drawn up and made public specifying the new land and/or sports improvements to be funded by the money payment.</p> <p>SCAPPS draws attention to the penultimate paragraph of its objection already submitted -- that the City Council should consider doing as it did with the former Civil Service playing field (The Field) -- refusing permission and compulsorily purchasing at least part of the site at present value (playing field) for public open space. There is lack of open green space for playing field type recreation activity and informal kick-about games in the Bitterne area</p>

<p>City of Southampton Society</p>	<p>The City of Southampton Society strongly supports the provision of Affordable Housing in the city. Regrettably many large planning applications do not provide the statutory minimum of 25% affordable housing on the grounds of financial viability. Sovereign Homes hope to provide 100% affordable homes (84 units), subject to grant funding being available, and on this basis have our full support.</p> <p>On balance we SUPPORT the application for Affordable Housing subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- Confirmation that the revised split of Affordable Housing will be 50% shared ownership and 50% social rent</li> <li>- The children's play area is fenced off to protect the children from the dangers of vehicles entering or leaving the site and the dangers of the pond</li> <li>- Confirmation that all the hardstanding will be of a permeable material</li> <li>- Confirmation that the proposed drainage system will be able to cope not only with normal rainfall but also the extreme and prolonged rainfall</li> <li>- Confirmation that any run off from the site will not cause flooding in Beech Avenue as it does at present.</li> </ul>
<p>Hampshire Swifts</p>	<p>In their Preliminary Ecological Appraisal Ecosupport say 'at least 50% of the dwellings on site will have a swift brick incorporated into the building'. This is welcome as current best practice guidance dictates that nest boxes on buildings should be integral swift brick types, as these are permanent, require no maintenance, have better temperature regulation with future climate change in mind, and are aesthetically integrated with the design of the development. Swift bricks are a universal nest brick as they are readily used not just by Swifts but also by House Sparrows, Starlings (provided the entrance is large enough), Great Tits, Blue Tits and other species. However, to provide swift bricks in only 50% of dwellings would fail to meet current best practice guidance. The British Standard BS 42021:2022</p> <p>Integral nest boxes recommend at least 1 integral nest brick per dwelling, and from four to 10 on a small block of flats. We request that swift bricks should be installed in accordance with British Standard BS 42021:2022 Integral nest boxes.</p>

**6.0 Planning Consideration Key Issues**

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

- Principle of development
  - Housing Mix
  - Housing Density
  - Affordable Housing
  - Loss of Playing Field
  - Loss of Open Space
- Design, Layout and effect on character;
  - Design, layout and appearance
  - Impact on Listed Building and its setting
- Residential amenity;
- Parking highways and transport;
- Mitigation of direct local impacts
  - Flood Risk
  - Ecology
  - Protected Species
  - Impact on Trees
- Air Quality and Green Charter
- S106 Obligations;
- Planning Balance / Conclusions

## 6.2 **Principle of Development**

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

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

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

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

6.2.4 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. Policy CS1 of the Core Strategy supports significant residential growth to assist in addressing the city's housing need.

#### Housing Mix

6.2.5 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 25 family homes (30% of total dwellings) and thus will help to increase the number of family houses within the local community. This level of provision meets the target. In addition the proposals would provide the following mix of housing to meet housing need in this location: 10% 1-bed flats; 29% 2-bed flats; 32% 2-bed houses; 26% 3-bed houses; and 3% 4 – bed houses.

#### Housing Density

6.2.6 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in accessibility locations such as this, density levels should generally accord with the range of 35-50 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 25 d.p.h which is well below the density of development of the surrounding area. Given that the proposals provide a significant area of public open space, the density of development is considered to be acceptable in this instance.

#### Provision of Affordable Housing

6.2.7 Policy CS15 (Affordable Housing) requires 35% affordable housing on schemes of 15 or more homes. The proportion of affordable housing to be provided by a particular site will take into account:

- The costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).
- The need to contribute towards the sub-regional target whereby the total provision of affordable housing is made up of 65% social rented and 35% intermediate affordable housing.
- The proximity of local services and the accessibility of the site to public transport.

- Constraints on the development of the site imposed by other planning objectives.
- The need to achieve a successful housing development in terms of the location and mix of affordable homes.

6.2.8 The NPPF (2023) defines affordable housing at Annex 2 as “housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)” including Affordable housing for rent, starter homes, Discounted market sales housing and other affordable routes to home ownership. The proposals to deliver 84 homes including 52 houses and 32 apartments will accord with Policy CS15 of the Core Strategy. The proposals will provide 30 affordable homes secured under Policy CS15 with a tenure split of 35% shared ownership and 65% affordable rent. The distribution between shared ownership and rental is consistent with policy CS15, with affordable rent proposed in place of social rent, which is considered acceptable by the Housing Enabling Officer. In addition, the development has the potential to secure a 100% affordable housing scheme, through grant funding, although this cannot be guaranteed at this stage.

6.2.9 The applicant has stated that they have formed a new strategic partnership with Homes England to deliver 3,338 affordable homes, with a new allocation of grant funding worth £166.9m secured as part of the Housing Infrastructure Fund. The applicant has identified this scheme in their programme to deliver additional affordable homes utilising their grant allocation from Homes England. The grant funding can be used on schemes where private market housing is converted to affordable. This can be applied to every home on a site as long as the S106 agreement and planning consent meets Homes England's rules. A minimum of 35% of the new homes (30 homes) would be secured by legal agreement as affordable in accordance with the provisions of policy CS15 and that, following agreement of the S106 with no restrictions that preclude the use of grants across the units, grant funding will be used to deliver the proposal as 100% affordable housing. Therefore, whilst the planning permission can only secure affordable housing in line with the planning policy requirements (35%), the scheme also has the potential to come forward as a 100% affordable housing site. In this regard, the compliance with the affordable housing policy, and the on site provision of a minimum of 30 dwellings, constitutes a significant benefit of the proposed development.

#### Loss of Open Space

6.2.10 Saved development plan Policy CS21 aims to retain the quantity and improve the quality / accessibility of open space; and aid the replacement / reconfiguring other open spaces to achieve wider community benefits (e.g. quality / even distribution). The supporting text of the policy highlights the importance of open spaces and para 5.4.11 elaborates that the aim is deliver the best outcome for the community, promoting participation in sports, active recreation, health / wellbeing and with regard to the natural environment. The application site is designated as open space on the policies map. The site formerly consisted of the school's private playing fields and, therefore, is not physically accessible to the public. However, the Policy and its supporting text does not distinguish between public and private

open space. The proposals to provide 84 dwellings would be directly contrary to the aims of Policy CS21 as they result in the loss of open space. The new development would create 8100sqm of open space on site that would be accessible to the public and would provide a new locally equipped play area (LEAP). However this quantum of replacement open space would fall short of the requirements of the policy. Therefore the loss of designated open space to facilitate new housing development needs to be weighed up in the 'Planning Balance' section.

#### Loss of Playing Pitches

6.2.11 The proposed redevelopment of the former school playing fields leads to the loss of land being used as a playing field (or that has been used as a playing field in the last five years), as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The playing fields have not been used since the former Senior school closed and are not required by either of the two schools currently occupying the wider site. The loss of a playing field necessitates a consultation with Sport England as a statutory requirement. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the following five exceptions apply:

- E1: A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.
- E2: The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- E3: The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.
- E4: The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
- E5: The proposed development is for an indoor or outdoor sports facility, the provision of which would be of artificial sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields. Sport England's policy statement is in line with the requirements of the NPPF (para 74) in relation to the protection of sports facilities.

These exception policies are supported by paragraph 103 of the NPPF (2023) which states:



*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

- 6.2.12 The proposed residential development of the site will result in the loss of the entire playing field at the site, therefore the only exception test applicable is E4 – relating to the replacement of the playing fields of an equivalent or better quality. The usable playing field area measures approximately a little over 2ha. The playing field has been marked out and used as sports pitches and athletics track. It has also been marked out and used for football as evidenced by a large senior 11x11 pitch and a smaller junior/youth pitch either side of an artificial cricket wicket. Therefore, in order to meet the requirements of the exception test, the proposed development would need to replace the equivalent loss of the playing fields at another location.
- 6.2.13 In response to this requirement and the initial comments made by Sport England, the applicant commissioned feasibility surveys to review the need for improvements at Riverside Park. The Council is currently working on its Playing Pitch Strategy which identifies the need for sports provision and improvements across the whole City. That strategy has not been developed to form an ‘Action Plan’ for Riverside Park, therefore appropriate schemes have not been identified yet. The feasibility surveys carried out by the applicant help to identify specific improvements needed at Riverside Park, as well as identifying projects to offset the loss of playing pitches at St Mary’s College. Based on the feasibility studies carried out and the quotes provided for the facilities most in need for upgrading, a financial contribution of £613,700 has been identified by the applicant to deliver improvements to the changing facilities and playing fields to the north of the path including the creation of a new pitch and improvements to the cricket wicket and outfield.
- 6.2.14 Notwithstanding that the financial contribution would allow for significant upgrades to the identified sports facilities at Riverside Park, Sport England have not removed their objection to the proposals. Primarily, this is because the contribution would only upgrade the existing facilities, and would not re-provide the lost pitches elsewhere in the city. Therefore, the proposals and mitigation package would not be able to meet the requirements of the E4 exception test. In addition, the ECB, via Sport England, are not satisfied that the contribution offered towards the improvements to the cricket wicket and outfield go into enough detail. In response, the applicant has pointed out that the contribution would be provided to the Council (the Sports and Leisure Team), who would be responsible for instructing the final design and project management. Therefore, this level of detail for the quote is not necessary at this stage. Officers consider that the applicant is correct in this understanding, and it would be down to the Council to determine the final design of the playing pitch and pavilion improvements.

6.2.15 Whilst Officers acknowledge that the proposals do not meet Sport England's exception tests, it should be noted that it would be impractical to re-provide the quantum of sports facilities that would be lost from the proposed development elsewhere in the surrounding urban environment. Instead, the mitigation package to upgrade existing facilities at the local playing pitches would provide a more pragmatic solution, and enable them to become more useable and beneficial to the local community. Therefore, officers consider that the loss of playing pitches from the application site would be appropriately and proportionately mitigated by the financial contribution made by the applicant to deliver improvements to the changing facilities and playing fields at Riverside Park.

#### Conclusions on principle of development

6.2.16 In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004 development proposals that are considered to be in conflict with the Development Plan should be refused, unless material considerations outweigh the perceived conflict. In this instance the proposals seek to provide: on site affordable housing, accessible public open space and equipped play facilities; and a specific financial contribution towards improvements to sports facilities at Riverside Park. These constitute significant 'benefits' of the scheme, which seek to outweigh the conflict with the Policy CS21 of the Development Plan, and loss of the on site sports pitches. These benefits will be considered within the Planning Balance/Conclusions section below.

### **6.3 Design, Layout and effect on character**

#### Design, layout and appearance

6.3.1 Saved Policy SDP1(i) of the City of Southampton Local Plan Review sets out that planning permission will only be granted for development that does not unacceptably affect the amenity of Southampton. Furthermore, Policies SDP7 and SDP9 seek to protect the character and appearance of the area in which development is located through quality design that has regard to context, scale, massing and appearance. Policy CS13 of the Amended Core Strategy sets out the fundamentals of design which include that development should respond positively and integrate with its local surroundings, and make higher densities work being of appropriate scale, height, massing and appearance. These policies are also supported by section 12 of the NPPF - achieving well designed and beautiful places – and the National Design Guide, which requires development to enhance positive local qualities, relate well to their surroundings in terms of layout, scale and appearance and contribute to local distinctiveness.

#### *- Layout*

6.3.2 The applicant's Design and Access Statement states that the proposed development follows:

*'A landscape-led design where the streets and houses are arranged to maximise*

*the space available for car-free green spaces to provide a range of benefits:*

- *Car free pedestrian routes around the site;*
- *Attractive and engaging environments for residents and the wider community;*
- *Ecological enhancement;*
- *Water retention and flood mitigation;*
- *Play and exercise.'*

To accommodate these 'benefits' the proposed layout focuses on 5 key landscape spaces in order to try creates distinct character areas:

1. Parkland setting
2. Greenway
3. Woodland edge
4. Shared Streets
5. Site entrance

6.3.3 In terms of the site entrance, a pedestrian access would be provided to the very north west corner, which would link to the existing footpath to Midanbury Lane. The vehicular access would be located slightly to the south, which provides a new access on to Monastery Road. Within the site, the north western part would comprise of the new open space and locally equipped play area and attenuation pond. The vehicular access runs along the south of this area, and helps to form the 'parkland' setting for the two storey terraced development that faces north and west towards the 'park.' In the north eastern quadrangle of the site, is the 'Woodland Edge' area, comprising of two storey semi detached and terraced dwellings. The internal access road loops around the northern perimeter and then cuts through the middle of the site to allow the new housing to face outwards towards the boundaries. The south eastern quadrangle comprises of 'Greenway' character area. This area hosts the three storey flatted development, separated by parking areas and two storey development in between. The southern part of this area comprises of the 'swale' which captures surface water drainage and provides an area for ecological enhancement.

6.3.4 In addition to the new site entrance from the north west corner, the proposed layout will provide pedestrian access through to the eastern boundary, which links up to an existing footpath. A new stepped pedestrian access is provided through the southern boundary to Beech Avenue. The permeability of the layout has been a source of discussion at pre-application stage and with the Urban Design Officer and the Design Review Panel focusing on the opportunity to 'open up' the site to the public using pedestrian links to create uninterrupted desire lines across the whole site. Existing access points through the site are mainly formalised to achieve this permeability. The pedestrian access to the north west is naturally extended in to the site from the top of Monastery Road where there is an existing gated entrance. The land naturally slopes from north to south, therefore the entrance being at the highest point on the site allows views across the whole site. The pedestrian links through the site direct users through the green space and around the northern and southern perimeter of the site, culminating in exit points centrally along the southern and eastern boundaries. This is considered to be an appropriate approach and encourages sustainable routes to and from the site. The vehicular access avoids the pedestrianised routes and skirts the open space, whilst allowing

for shared surfacing opportunities within the middle of the site for safe interactions. Furthermore, on street parking is minimised with parking spaces and parking courts being provided.

6.3.5 In terms of the layout of the residential development, the creation of the character areas seeks to provide a distinctive sense of place, whilst utilising the internal open space and landscaped boundaries. The layout is largely dictated by the setting of the Listed Building to the north, and the need to provide an on site open space, an attenuation basin and a swale. Furthermore the strong presence of trees along the boundaries of the site, dictates that residential development should follow good design principles and avoid 'backing' on to the boundaries. It is considered that the proposed layout respects the presence of natural features of the site, and the creation of character areas, responds positively to the opportunities presented to the site. In particular the front elevations of the residential development faces towards the open space and boundaries, which allows an open feel to be created, as well as natural surveillance of public spaces. Indicative hard and soft landscaping proposals have been submitted which largely respect the natural features and boundaries of the site., which gives some assurance of a high-quality appearance and layout of the site. Final landscaping details will be secured through a planning condition. On this basis the proposed layout of the development is considered to be acceptable and establishes a strong sense of place, as well as respecting existing landscape features and creating safe and accessible spaces.

- *Design and appearance*

6.3.6 In terms of design and appearance, the proposals follow the pattern of scale and form from the local context. Houses are two storeys under gabled roofs. Some have projecting porches to give articulation to the frontages of the houses. The houses are arranged in linear terraces defining the main landscape spaces and streets of the site. The flatted blocks comprise of three storey blocks, with simple facades broken up by balconies and are served by a flat roofs behind parapets.

6.3.7 The houses have a simple contemporary design with minimal detailing and consistent materials. They comprise of mainly semi detached or terraced dwellings with flat frontages and gable ended elevations. The houses generally follow a common building line while roofs follow the line of the street, giving a strong edge to the public realm. Projecting porches animate the frontages of the houses and provide cover from the elements by the front door and an enclosed space which can be used for temporary storage of bins on collection days, as well as for general storage. Tall windows are incorporated into the elevations to maximise natural light into the houses while encouraging natural surveillance of the streets and green spaces. The proposed indicative brickwork would be an earthy red brown mixed brick chosen to coordinate with the surrounding context of red brick houses. Roofs would have a slate effect tile to contrast with the red brick and break up the scale of the street. Window frames and rainwater goods are in a dark grey plastic. Porch canopies are aluminium colour matched to the window frames to provide subtle interest to the front elevations. Bands of soldier coursed brickwork are also indicated above the windows give a horizontal emphasis to the elevations. The two flatted blocks have been designed with more brick detailing to reflect their greater scale in the street scene and to articulate their facades. A brick band and stone

string course runs around the building above ground floor windows to create a plinth, while the first and second floor windows are visually joined by a panel of recessed brickwork. The top of the building is defined by another band of brickwork topped by a stone coping.

6.3.8 The residential units would also accommodate a range of sustainable features: including a high efficiency Heat Pump uses air source technology (ASHP) to heat hot water and roof mounted 1.25kWp solar PV panels on each unit, integrated within the roof covering '*offering a 70-78% improvement in CO<sup>2</sup> emissions over Part L 2021 Compliant Emissions.*' Whilst it would have also been desired by the Sustainability Officer to secure green roofs, the applicant has stated this has not been possible on this scheme due to the presence of the solar panels and access and maintenance requirements of the flatted blocks. The provision of sustainability features incorporated into the development is considered to be a benefit of the scheme and add sympathetic design features to the new dwellings.

6.3.9 The proposed dwellings adopt a very simple form and palette of materials, which is considered to be an acceptable and responsive approach for the development. The use of simple gabled ends, and limited use of additions to the elevations, enable them to sit subserviently to the heavily landscaped boundaries of the site. Furthermore, parking areas and bin and storage areas are kept off the main routes through the development. The layout also allows the character areas to be distinctive and helps to achieve a low density development that respects its surroundings. Details of materials for the dwellings and balconies, and hard and soft landscaping will be secured through a planning condition. In addition final design details of the play area, attenuation pond and any boundary treatment and the substation will be secured through a condition. Overall, the design and form of the proposed buildings are well-considered and is considered to accord with both local and national design policy and guidance.

#### Impact on the Historic Environment

6.3.10 The statutory tests for the proposal, as set out in sections 16 (Listed Buildings), 66 (Listed Buildings) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the heritage assets, their setting or, any features of special architectural or historic interest (Listed Buildings). The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.3.11 Para 200 of the NPPF states local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting - This is set out in the submitted Heritage Statement and the Council's Conservation Area Appraisal.

Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 203 describes that in determining applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution their conservation can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness;

Paragraph 205 is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (it should be noted that a scheduled monument is one of the highest level of designation). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance;

Paragraph 206 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 208 of the NPPF states that: 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

- 6.3.12 It is important to note that 'less than substantial harm' doesn't mean that the harm caused to the heritage assets is a less than substantial consideration. Less than substantial harm still has to be justified and outweighed by the benefits of the proposal in line with paragraphs 205, 206 and 208 of the NPPF. In this instance, the proposed development would be located within the setting of Bitterne Grove, a 3-storey country manor house built in 1790 and enlarged and converted to a catholic seminary in 1910. The property is a Grade II Listed Building, which was once the principal building on-site set within a designed landscape containing lawns and trees. The Historic Environment Officer raises objection to the proposals on the following basis:

*'The introduction of houses, traffic movements, street lighting, and all the paraphernalia and noise associated with human activity, would not be considered a positive change to the character of this part of the site, whereas there are concerns that this form of development would result in the listed building (the most important building within the plot) being completely detached from its wider environment, especially as no heritage benefits to secure its long-term future have been forthcoming, and which could potentially lead to its further decay.'*

*Therefore, although the proposals would not physically impact the listed building, and that the remnants of the original formal gardens in terms of the drive to the west and the existing intimate tree belts would be retained, and although it is acknowledged that the level of harm to the assets significance would be 'less than substantial' harm, it is advised that the scheme should only be supported should it be considered in the planning balance that the proposals present a sufficient level of economic and public benefits associated with the provision of new affordable housing and leisure contributions would demonstrably outweigh the identified harm above resulting from development within the setting of a listed building as per the guidance contained within the NPPF.'*

6.3.12 Whilst it is acknowledged that the proposals would not bring forward any direct heritage benefits, less than substantial harm to the setting of a heritage asset can be accommodated if the overall public benefits outweigh the identified harm. In this instance, this includes the provision of on site affordable housing, and new public open space and publicly accessible links through the site. In addition, the layout of the proposed development avoids any built development within the north western corner of the site, in order to retain the undeveloped views from the Listed Building, which is considered to be a sympathetic response to the historic setting the Listed Building. On this basis, whilst it is considered that the proposal would result in less than substantial harm to the setting of the Listed Building, the public benefits would outweigh the identified harm, when considered in the planning balance.

#### 6.4 **Residential Amenity**

6.4.1 The site is surrounded by residential development to the west, south and east. In addition, there are schools located to the north and a primary school to the south along Beech Avenue. The proposed residential development would be compatible with the character of the area. The site is enclosed with dense boundary screening on all sides, and whilst the land slopes significantly from north to south, views in and out of the application site, and the new development, would be obscured by the presence of the dense boundary treatment. In addition, the layout of the proposed development ensures that there is a 40-50m distance between the new dwellings and their nearest neighbouring dwelling outside of the application site. Therefore, the proposals would not result in any significant loss of amenity in terms of privacy, overlooking or overbearing impacts of existing neighbouring development.

6.4.2 Third party objectors, including those from residents at Monastery Road raise concern at the additional noise and disturbance that would be generated from additional occupants and new vehicle movements. In particular the additional movements from 84 new dwellings, where Monastery Road has 25 dwellings, and is a cul-de-sac, the nature of which would be changed, are raised. The impact upon Human Rights associated with this disturbance, and from construction is also raised. It is considered that the noise that would be generated from the occupants of the proposed dwellings, including any vehicle movements, would not be any different in nature than experienced in the existing residential area. Whilst there would be a greater number of residents, and a greater number of vehicle movements, this would not significantly more harmful from that which would

already occur within this residential area. Apart from peak hour conditions when most residents will be leaving or returning from work/school etc., additional vehicles will just be present as individual vehicle movements in isolation from others, which would have the same effect as an individual movement currently. It is considered that the proposed additional 84 dwellings would not significantly add to existing traffic noise/disturbance.

The Environmental Health Officer confirms no objection.

There is not considered to be anything unusual about this particular residential development proposal that means that development could not be carried out without unacceptable levels of harm to the amenities of neighbouring residents, although it is acknowledged that residents would by virtue of the nature of development works, be impacted upon, to a degree. The Environmental Health Officer has suggested conditions in respect of hours of construction associated with construction works. If any undue disturbance were to be created during building works that was of such significance that it were to cause a nuisance, this would be addressed through the provisions of Environment and Health Legislation. Nevertheless, the test of whether unacceptable harm would be caused to amenity is a lesser test than that of nuisance, and therefore conditions to control the construction activity is considered to be reasonable and necessary.

6.4.3 In terms of amenity for future residents, each dwelling would be provided with adequate external amenity space, compliant with the standards set out within the Residential Design Guide. In particular, the terraced, semi detached and detached dwellings would be provided with a garden depth of 10m. The proposed flatted blocks would not be provided with specific external amenity space around the blocks; however balconies would be provided for each flat. In addition, the public open space provided on the wider site would adequately serve the new residents. All dwellings would comply with the minimum floor space sizes given in the National Described Space Standards, as set out in paragraph 2.2 above. It is worth noting that the Council have not formally adopted these space standards; however, they are used as a general indicator of the suitability of living accommodation and compliance in this case is welcomed.

6.4.4 In terms of overlooking between the new residential properties, the two flatted blocks have been positioned to the south of the site, to avoid direct overlooking between themselves and the majority of the new dwellings. The flatted blocks are separated by two storey housing, with balconies facing towards their flank elevations. Whilst there may be some overlooking towards the rear gardens, the orientation of the buildings and their distance of 18m would not result in significant overlooking. With regards to the houses, a compliant back to back distance of 21metres is provided, except where some two storey properties are positioned at angle to each other, where the distance shortens to 18m. Paragraph 2.2.5 states the Council may apply the above standards more flexibly, depending on the context of the site. Whilst these angled properties would fall short of the recommended 21m distance, the oblique angle and the fact that new occupiers would 'buy' in to this relationship are considerable factors which overcome this conflict. On this basis all units are afforded suitable outlook without being oppressively overlooked and future occupiers would be provided with an acceptable level of amenity. The



application has been assessed as satisfying the requirements of saved Local Plan Review Policy SDP1(i), which seeks to protect existing amenity, whilst providing a decent standard of living accommodation within an attractive development.

## **6.5 Highway Matters**

### Site Access

6.5.1 A Transport Assessment (TA) has been submitted as part of the application, which the Council's Highway Officers have reviewed and accepted the findings, subject to some requirements for mitigation. The proposal would introduce several new access points, mainly the vehicular access off Monastery Road and two other pedestrian routes are formed to the southern and eastern boundary. The route formed within the eastern boundary will link up with an existing public footpath (Footpath 13), which at the moment is narrow, unlit and quite enclosed due to the high boundary treatments on both sides. The proposals include plans to remove the existing steel palisade fencing along this boundary (and all boundaries), and to trim back the vegetation and provide street lighting to make this route safer, more attractive and benefitting from better natural surveillance. The new vehicular access formed would be from the north of Monastery Road and would be 5.5m wide when running through the site. The access would remove some kerbside space for on-street parking, but the Highway Officer notes that the new access would also include a small extension of Monastery Road so that a couple of vehicles can park just north of this proposed access. As part of the construction management plan, it is proposed that a temporary car park is to be provided by the new access to provide parking for residents in the case that on street parking is affected during the construction phase. Therefore, the new access would involve the minimal loss of existing on street parking along Monastery Road.

6.5.2 Internally, the roads in order to serve the level of residential units. Due to the number of units being provided and the need for a refuse vehicle entering the site, the applicant has offered the roads to be adopted. Tracking for refuse vehicles and a fire tender has been submitted to demonstrate that they navigate all these roads to reach all residential units. The design of the internal roads include shared surface and are designed to limit hard surfacing and create a 'home zone' style feel. Due to this, any informal parking especially on bends and junctions, will inhibit large vehicle movements. For this reason, traffic management team have requested parking restrictions in order to effectively manage and prevent this from happening.

### Trip Generation

6.5.3 The amount of traffic generated from the development is one of the main sources of concern raised by neighbouring properties. The TA comprises of a number of surveys carried out at numerous junctions around the site in order to provide a baseline data of existing traffic movements which will also help in showing how traffic is distributed to and from the site. Inevitably, the biggest traffic increase would be to Monastery Road. The surveys demonstrate that the proposed development would generate 35 two way trips in the AM peak and 33 in the PM peak. Whilst this peak in trip generation would coincide the school 'drop off' morning peak, and potential added congestion to the Beechwood School traffic, the trip data itself does

not indicate that significant delays and congestion would occur at Monastery Road or the junction with Beech Avenue. Furthermore, once the traffic is distributed to the surrounding main roads, the information captured from the surveys demonstrates that the level of traffic is not considered to generate significant harm to the local highway. Therefore, whilst there will be an inevitable increase in vehicle movements using Monastery Road, these movements would not result in significant impacts to highway safety, or over capacity at local junctions. Furthermore the peak movements would not be significant in terms of impacts noise and disturbance to neighbouring residents, given the short duration of these peak movements and disturbance on to the wider highway network.

- 6.5.4 The Highway Officer has identified the need for improvements at the Monastery Road/Beech Avenue junction in order to improve safety for multi modal users of the highway, especially due to the close proximity of the school. The proposed improvements include the need to improve crossing facilities and measures to traffic calm, which are considered to be necessary mitigation measures generated from the development. On this basis the level of traffic is considered to be acceptable especially with the mitigation measures proposed.

#### Car Parking

- 6.5.5 According to the maximum parking standards provided within the Parking SPD, the proposed development would usually be required to provide 163 parking spaces to meet the requirements of each new unit (84 residential units with a mix of 1-4 bed units). The scheme is providing 162 spaces which is considered acceptable as one space below the limit is not considered to generate any significant harm. The parking spaces provided would be constructed to the appropriate dimensions and would prevent highway conflict between the shared users. In particular specific parking courts for the flats are provided with direct access off the main internal road. Designated off street parking spaces are provided for the new dwellings as well as a mix of allocated private spaces and public spaces which allows the flexibility for the use of residents and visitors. A condition is recommended to ensure parking spaces are laid out in accordance with the approved plans. Furthermore, the Highways Officer has recommended a condition to secure 15% of car parking spaces (24 spaces) as active EV spaces (fully installed and ready to be used) with the rest of all other spaces being passive (infrastructure such as ducting installed so that future charging points can be readily and easily installed). Subject to compliance with these conditions, the proposed car parking is considered to be acceptable.

#### Cycle Provision

- 6.5.6 Cycle provision for the proposed development would be provided through sheds in the garden for the houses and internal cycle store for the flats. Whilst this is acceptable and compliant in principle, more detail is needed for the cycle stores for the flats to ensure the space is sufficient to meet the quantum needed and that they benefit from internal stands so each cycle is secure. Furthermore, the Highway Officer has also requested short stay cycle stands for visitors, with details of their quantum and location to be secured through a condition. Subject to compliance with these conditions, the level of provision and access arrangements for cycle

provision is considered to be appropriate and acceptable in this instance. These spaces can be secured via a suitably worded planning condition.

### Refuse arrangements

- 6.5.7 Refuse and recycling storage areas have been provided across the site, as well as designated collection points at the front of properties to allow them to be accessed off the main internal roads. The internal roads are designed to accommodate large refuse vehicles and fire tenders, as demonstrated by swept path diagrams in the TA. The junction around the new vehicular access would also be designed to accommodate passing points and with a 5.5m width. There will also be parking restrictions around the access to prevent any parking which will affect vehicles accessing the scheme and the sightlines. On this basis the proposed refuse arrangements are considered to be acceptable.

### Highway Mitigation Works

- 6.5.8 It is considered that the proposals would meet the requirements of Policy TI2 of the Local Plan in terms of highway impacts. Site specific transport works and contributions have been requested by the Highway Officer in order to further mitigate any adverse impacts on the highway network. These can be secured through the Section 106 agreement and include the following mitigation measures:

- Improvement to the local public footpaths including the public right of way to the West (Footpath 25) and also East with further works to the footway facilities at the top end of Footpath 13 on Cobden Avenue. These include resurfacing, removing palisade fencing, clearing vegetation to improve natural surveillance and providing street lighting on the application site lighting up the unlit sections of the footpath.
- Continuous footway across Monastery Road at the junction with Coleson Road.
- Provide works or contribution towards pedestrian crossing and traffic calming measures along Mousehole Lane and Glenfield Avenue
- Contribution towards bus improvements along Bitterne Road West including potential relocation so that a bus shelter can be installed with up to date facilities such as kassel kerbs and RTI (real time information).
- Traffic Regulation Orders to introduce parking restrictions in areas to improve safety for example on local junctions and new proposed access.
- Public permitted routes to provide public access over internal routes to improve connectivity and permeability through the site including plan to ensure it is maintained and usable.

## **6.6 Mitigation of direct local impacts**

### Flood Risk

- 6.6.1 In line with National Planning Policy Framework (revised 2023) and the Southampton Core Strategy Policy CS20 (Adapting to Climate Change) (amended 2015), major developments are required to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This is to

reduce the risk of flooding to the site and areas within the catchment to which the site will drain to. Drainage proposals should be developed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage and Southampton SuDS Design Guidance.

- 6.6.2 This site is considered to be undeveloped greenfield, carrying a current very low risk of surface water flooding as a majority of the precipitation falling on the site infiltrates into the ground. The proposed development will increase the areas of impermeable land, therefore increasing both the rate and volume of runoff generated.
- 6.6.3 To the immediate south of the site, Beech Avenue is known to experience flood events that have impacted property, including an assisted living complex, from surface water indicating that there is insufficient capacity within the surface water sewer network. In some of these flood events, the foul water sewer has been overwhelmed, impacting nearby properties. Further downstream, surface water flooding to Midanbury Lane, Cobbett Road and Bullar Road has also been experienced, matching the high risk of surface water flooding as modelled by the Environment Agency. It is essential that surface water runoff is managed within the site, as to not increase the risk of flooding to neighbouring property.
- 6.6.3 The proposed layout plan and drainage strategy comprises of SuDS components (permeable paving, pond, swale and attenuation tank) in order to alleviate surface water flooding within the site and to neighbouring development. These are designed to complement natural features for slowing down surface water drainage rates, such as the wooded boundaries and utilise the natural slope of the land. The main flood prevention feature is the use of an attenuation basin in the north west corner of the site. This is served by underground pipework to allow surface water to drain away from the new properties and in to the basin and public surface water sewer. In addition, the applicant has submitted sectional drawings to demonstrate the land to the south and east of the basin will be slightly raised, to encourage surface water flows away from the residential properties. Furthermore, double height kerbs will be used in the south west corner of the development to prevent excess surface water permeating the southern boundary and creating additional flooding to Beech Avenue.
- 6.6.4 The drainage strategy submitted is largely acceptable to the LLFA, including the proposed flood mitigation measures for raising the finished floor levels by 250mm; installation of a double-height kerb along the southern and western boundaries; restriction of discharge rates to the greenfield equivalent of 2.3 l/s for all rainfall events. However there were two remaining concerns: the capacity of the Southern Water Surface Water Sewer (outside of the site); Location of on site attenuation features.
- 6.6.5 In response to concerns raised by the LLFA in November 2023, the applicant's drainage consultation provided a rebuttal, outlining how these concerns would be overcome through the updated drainage strategy, final design of the site levels, and clarification with Southern Water. The rebuttal comprises of the following responses:

- Capacity of the Southern Water surface water sewer

*'The surface water strategy proposes on-site attenuation, with a restricted discharge to the existing Southern Water sewer in Monastery Road. This strategy has previously been consulted on by Southern Water who advised that reinforcement works would be necessary to accommodate the flows proposed. However, this was based on the previous discharge rates, which proposed a maximum rate of 6.8 l/s (as per 5530/008 Rev. O).*

*Southern Water has been reconsulted following the agreement that the discharge rate would be limited to 2.3 l/s for all storm events. Southern Water has confirmed in writing that there is capacity available at the proposed connection point for the entire discharge rate of 2.3 l/s. This connection can be made without the need for any network reinforcement.'*

The applicant has also provided evidence of this confirmation from Southern Water, who have stated: *'Our technical team have confirmed that there is capacity available at your preferred connection point (SU44133451 or SU44133450) for the entire discharge rate of 2.3l/s.'* To clarify further on the need for an upgrade to the sewer, they have stated: *'Due to the reduction in the discharge rate I confirm that the connection could be made without network reinforcement.'*

- 6.6.6 The LLFA have reviewed this rebuttal and confirmed that the confirmation from Southern Water is accepted, which confirms that there is capacity at the public surface water sewer to accommodate the restricted discharge rate. Further connection details will be agreed between Southern Water and the applicant outside of the planning application process.

- Location of Attenuation Features

- 6.6.7 Initial discussions between officers and the applicant encouraged the attenuation pond to be located at the lowest point in the site, in order to utilise natural ground levels as much as possible. The layout of the residential dwellings was dictated by the requirement to avoid developing within the direct setting of the Listed Building, which faces towards the north west corner of the site. Therefore residential dwellings were concentrated in the south west corner of the site and the eastern half to reduce the harm to the setting of the Listed Building. The attenuation basin is positioned alongside the open space area in the north western corner. This has resulted in the basin being located on higher ground than the residential dwellings, which then requires the finished floor levels to be raised, and underground pipework to carry the excess surface water to the attenuation basin. Whilst this approach requires the use of more engineering, the applicant has demonstrated through their updated drainage strategy that the site can accommodate this approach and would not result in excess on or off site flooding issues. In addition to the pipework and basin, the applicant has further clarified that underground crates would be used to accommodate surface water drainage:

*Land raising in the south-western corner of the site will be necessary to direct surface water via the underground pipework to the proposed underground attenuation crates. Because of the significant land raising this would entail, it is*

*proposed to drain Area 2 to underground storage crates. The invert level of the underground crates will be lower than that of the basin (the invert levels being 18.70m AOD and 20.29m AOD, respectively), therefore the land raising necessary in this area is less significant.*

*To assist and to address the holding objection, we have prepared the attached cross-section plan of Area 2 to show the land raising necessary to ensure the drainage pipework will be prevented from protruding, as requested. This demonstrates that the below ground drainage in Area 2 can be accommodated without impacting on the viability of the drainage strategy. The levels shown on the cross-section plan match those shown on the drainage strategy (revision Q) and the exceedance flow plan, both previously submitted. Therefore, no changes to either plan is necessary, and both plans are attached for reference.*

- 6.6.8 The LLFA have confirmed that this justification is now acceptable. Whilst the location of the attenuation basin is not the preferred on site drainage solution, the applicant has provided significant detail to demonstrate how the drainage system would operate, with the use of underground pipework, crates and targeted land raising alleviating the excessive pooling of water and moving surface water away from the sensitive residential areas of the site. On this basis, it is considered that the applicant has addressed on and off site surface water flooding issues, and that the development complies the Development Plan policies and the guidance contained within the NPPF. Conditions will be imposed to ensure compliance with the submitted Drainage Strategy.

#### *Foul Sewer Drainage*

- 6.6.9 All water utility companies have a legal obligation under the Water Industries Act 1991 to provide developers with the right to connect to a public sewer regardless of capacity issues. The Act also contains safeguards to ensure that flows resulting from new development do not cause detriment to the existing public sewerage networks by imposing a duty on sewerage undertakers to take the necessary action to carry out works to accommodate such flows into their networks. Southern Water have confirmed that they can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer, therefore no additional conditions are required to secure this connection.

#### Ecology

- 6.6.10 The site comprises a parcel of land which is used as a sports field and is almost entirely comprised of amenity grassland with a very short sward height, with treelines / woodland around site boundaries. The site therefore has potential for a number of species to inhabit or forage within and around the site. The applicant has commissioned a preliminary ecological appraisal of the site in order to identify any potentially important ecological features that may be affected by the proposed development. The Biodiversity Officer has reviewed the initial reports that were submitted and made the following comments:

1. Additional surveys are mentioned, but the results of these have not been

provided and consequently the assessment of ecological impacts is not robust.

2. Mitigation and enhancement measures in relation to species have not been spelt out in adequate detail.
3. Information associated with the Biodiversity Net Gain assessment is inadequate. Details of the proposed net gain habitats has not been provided.
4. There will be a loss of habitat likely to be used by badgers, bats, breeding and foraging birds and common reptiles. In addition, higher night-time lighting levels will cause disturbance to foraging bats and potentially badgers. Clear indication of how these impacts will be mitigated are required.
5. The loss of green infrastructure will result in a reduction in ecosystem services required for climate change adaptation. In particular, there will be less cooling and water attenuation capacity.

6.6.11 In response the applicant has submitted phase II bat and badger surveys to assess the impact of the development on their habitat and any requirements for mitigation. Additional information also provided clarification that the Biodiversity Net Gain from the development would be 40%, which considered to be acceptable as it is over the recent 10% threshold introduced by the Biodiversity Net Gain legislation, applied to new applications from February 2024. The Bat and Badger surveys conclude that in the absence of mitigation measures, the proposed development is anticipated to result in certain adverse impacts and therefore suitable mitigation measures will be required, as well as licence from Natural England.

6.6.12 Badgers are protected under the Protection of Badgers Act 1992 and a Natural England licence must be obtained for any work that will disturb badgers using a sett or damage/ destroy the sett. The Badger monitoring surveys identified an outlier badger sett on the site, which would be affected by the layout of the new development. A further sett was found along the northern boundary. Due to the confirmed presence of the Badger Outlier Sett within the works area, an application to Natural England for a protected species license will be required for the closure of the sett on the boundary and the sett within the grassland. The survey recommends that an updated walkover survey of the site should be completed by an Ecologist immediately prior to the works commencing to re-assess the extent of the sett and assess the likely use of the site. In addition, specific relocation gates will need to be installed to allow the badgers to leave the sett and create tunnels to ensure the existing network is maintained. These mitigation works will need to be carried out within set seasonal periods. These measures would form part of the licence application to Natural England. Notwithstanding that the acceptability of these mitigation measures for badger sett disturbance would be determined by the license application to Natural England, it is prudent for the mitigation to be assessed from a planning perspective to establish confidence that the license will not be refused. The Government advice is that LPAs could require mitigation to be secured by a condition and consider the need for a site management and monitoring plan. In this instance the Phase II Badger Survey effectively provides a site management and monitoring plan with walkover surveys recommended prior to commencement, as well as sensitive closure approach prior to development. On this basis the proposed site management and monitoring plan, would ensure that adverse impacts on the protected badger species are adequately mitigated.

- 6.6.13 With regards to impacts on bats, which are a European protected species, a phase II bat survey has been carried out to monitor the activity levels on site. The surveys found that the overall activity levels on site were low, with low-moderate species diversity recorded on site with only 4 species recorded. In order to fully comply with applicable legislation and planning policy, it is necessary to mitigate or compensate for any significant ecological impacts. The phase II Bat survey outlines mitigation and enhancement measures to ensure that there will be an improved resource for foraging bats on site whilst also providing additional roosting opportunities for bats. These mitigation measures include providing a: Lighting strategy; habitat creation enhancement with grass and wildflower planting and; the provision of 12 bat boxes across the site. These mitigation and enhancement measures are considered to be acceptable and would provide an improved resource for the protected species, and there would be no adverse impacts.
- 6.6.14 In addition, the Preliminary Ecological Appraisal recommends that a Biodiversity Enhancement and Mitigation Plan is submitted to bring together a range of enhancements for biodiversity across the site, including swift boxes, wildflower mixes, and reptile management. This plan can be secured through an appropriate worded planning condition. Therefore, in response to the concerns raised by the Ecology Officer, the applicant has provided the additional information and surveys requirement to demonstrate: that there would be no unmitigated adverse impacts on protected species; implementation of enhancement and mitigation plans would be provided; biodiversity net gain of 40%; mitigation and enhancement for badgers and foraging bats; a biodiverse landscaping plan, which would be secured through a planning condition.

#### Protected Species

- 6.6.15 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:

#### *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 has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

#### *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 relies upon the significant CIL contribution that will support the application and the Council's commitment that at least 5% of all CIL monies will be ring-fenced to support the improvement of 'Suitable Accessible Natural Green Space' (SANGS) in Southampton (with potential for direct payments to support the Forest itself).

- 6.6.16 The Habitats Regulation Assessment provided, which is necessary as part of this determination process before the Council, as the 'competent authority' under the Habitats Regulations, confirms that direct impacts have been identified, but that mitigation is possible. The Habitats Regulation Assessment concludes that there will be no adverse effects on the European sites (Solent Waters and New Forest). 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).

#### Trees

- 6.6.17 The application site is surrounded on all sides with a dense presence of mature and semi mature trees. This coverage prevents the existing playing pitches being visible from public view. A number of these trees are protected as individual trees and group, under the 'Southampton (St. Marys College/Cobden Avenue) Tree Preservation Order 1989', which covers the southern and eastern boundaries, and a small area to the north-west of the site. The application has been accompanied with an Arboricultural Impact Assessment, which has assessed the quality of all trees within the site, that could be affected by the development.

- 6.6.18 The following tree works are recommended to facilitate the new development:
- Removal of two linear groups (and one section of another group) of 'BS category C' overgrown shrubs to create the proposed access road off Monastery Road
  - Six other trees associated with the access point are recommended for removal on safety/short lifespan grounds – however this is said to be not related to the proposals.
  - Elsewhere, a total of 18 individual trees and 12 groups of mainly young, small, poorly formed BS category C and C/U trees are recommended for removal due to their poor quality and restrictions to general access around the perimeters of the site.
  - Tree safety works are recommended to 37 individual trees and six groups, ranging from deadwood removal to felling. These primarily relate to Ash trees suffering from Ash Dieback. It is said that these works are recommended whether or not the proposals go ahead or not.

- 6.6.19 The Tree Officer has reviewed the proposals and agrees that the location of the dwellings have been kept away from the root protection area of the trees on site, therefore there is no conflict with trees and the building locations. However it is

noted that the construction of the hard surfaces could require construction within the root protection areas of the existing trees, therefore further details will be required within an Arboricultural Method Statement, to be secured through a condition. In addition a detailed landscaping plan will be required to secure details of tree replacement, their species, size and location on a 2:1 basis. A tree protection fencing plan is also required, as this information has not been submitted with the application. The views of the Tree Officer are agreed, and subject to complying with these conditions, the proposals are considered to be acceptable in this regard.

## **6.7 Air Quality and Green Charter**

- 6.7.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.7.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive. The site does not lie within or immediately adjacent to an Air Quality Management Area.
- 6.7.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive-up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
  - Minimise the impact of climate change
  - Reduce health inequalities and;
  - Create a more sustainable approach to economic growth.
- 6.7.4 The application has addressed the effect of the development on air quality and the requirements of the Green Charter by:
- Re-providing areas of open space, maintaining trees and dense landscaping around the perimeter of the site;
  - Providing a swale and opportunities for biodiversity enhancement and significant biodiversity net gain;
  - Providing Air Source Heat Pumps;
  - Incorporating photovoltaics;
  - Providing opportunities to minimise waste through recycling.

## 6.8 **Section 106 Contributions - Mitigation**

6.8.1 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, an extensive package of contributions and obligations is proposed as part of the application as summarised within the above recommendation. The development will need to mitigate against its direct impacts and to achieve this a s.106 legal agreement is recommended to secure the following contributions:

- Affordable Housing Provision (on site);
- On site open space and play facilities and management plan;
- Off site financial contribution towards Riverside Park pitches and facilities;
- Site Specific Transport contributions and works
- Refuse Management Plan
- Carbon Management Plan
- Employment and Skills plan
- Solent Recreation Mitigation Strategy Contribution

## 6.9 **Planning Balance**

6.9.1 This is a complex planning application with lots of competing material considerations. The existing site is designated open space within planning policy, and currently comprises of a vacant and private former playing field of St Mary's College. The application to construct 84 dwellings on the site has attracted a significant amount of local objection from neighbouring residents. Objections have been raised by the following consultees:

- Sport England – due to the loss of the existing playing fields and failure to meet their exception tests;
- Natural England – due to the impacts on the New Forest SPA
- SCC Historic Environment Officer – due to the less than substantial harm caused to the setting of the Listed Building;
- SCC Open Spaces Manager – due to the loss of open space and conflict with Policy CS21 (requiring no net loss of open space);
- SCC Ecology Officer – due to a lack of information within Ecology Report (further comments on new information has not been received);

6.9.2 Whilst these consultees and third party objections are notable, the opportunities for the city presented by this planning application are also considerable:

- The existing site is vacant and not accessible to the public;
- There is limited opportunity for the site to be re-used as public open space or alternative sports provision;
- The application presents the opportunity to provide 84 residential dwellings, which is significant contribution towards the City's housing land supply.
- 30 of those dwellings would be affordable units which would make a significant contribution towards the 7600 people on the housing waiting list

- seeking rented affordable accommodation;
- The development provides 8100sqm of on site public open space, and a locally equipped play area;
- A substantial contribution towards improvements to the sports facilities at Riverside Park;
- The development would incorporate notable sustainability features, such as solar panels and air source heat pumps;
- Landscaping and biodiversity enhancements;
- Off road car parking and EV charging infrastructure.

6.9.3 The principle of new residential development in this location is acceptable, albeit the loss of open space and playing pitches is contrary to Policy CS21 of the Core Strategy and fails to meet Sport England's exception tests. The proposals would deliver a mix of residential dwellings, including policy compliant on site affordable housing. The proposal comprises of a practical and sensitive layout, achieving permeability, appropriate density, and attractive design to the dwellings, with the size, scale and appearance of dwellings being compatible with the surrounding area. Visual impact and privacy are considered acceptable based on the separation distance. The development involves minimal tree loss and enhancement would be secured through a landscaping scheme. The proposal would also not cause significant loss of daylight or sunlight to neighbouring or future residents. The scheme provides notable on site public open space and a high quality external landscaped area for future occupiers of the site, as well as substantial off site contribution towards improvements at Riverside Park. Impacts on ecology and flood risk can also be mitigated. Furthermore the proposal will not have any adverse highway impacts, subject to securing the various transport works and contributions required. These represent substantial public benefits of the proposal which would outweigh the conflict with the Development Plan and the less than substantial harm caused to the setting of the Listed Building. As such, planning permission is recommended.

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

## **7.0 Conclusion**

7.1 It is recommended that planning permission be granted subject to a referral to the SoS, the completion of a Section 106 agreement and the conditions set out below.

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

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

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

**Case Officer Rob Sims - PROW Panel 12/03/2024**

---

## **PLANNING CONDITIONS to include:**

### **01.Full Permission Timing Condition (Performance)**

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

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

### **02.Approved Plans (Performance)**

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

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

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

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

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

### **04 Site Levels (Pre-Commencement)**

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

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

### **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 by the Local Planning Authority in writing, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate, surfacing of the public open space, external lighting, structures and ancillary objects (refuse bins

- etc);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
  - (iii) The Green Space Factor Tool;
  - (iv) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
  - (v) details of any proposed boundary treatment, including retaining walls and around the public open space, attenuation basin and swale, and;
  - (vi) a landscape management scheme.

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of boundary treatment, approved tree planting, bollards and external lighting which shall be retained as approved for the lifetime of the development.

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

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

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

#### **05. Road Construction (Pre-Commencement)**

Prior to the commencement of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

1. A specification of the type of construction proposed for the roads, cycle ways and footpaths 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.

2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Details of a management process which will maintain these areas in the future.

The road and footways shall be completed in accordance with the agreed details before the development first comes into occupation and thereafter retained as approved for the lifetime of the development.

Reason: To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority

**06. Demolition & Construction Management Plan**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition & Construction Method Plan for the development. The Demolition & 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) details of cranes and other tall construction equipment (including the details of obstacle lighting) – Such schemes shall comply with Advice Note 4 ‘Cranes and Other Construction Issues’
- d) Details of temporary lighting;
- e) storage of plant and materials, including cement mixing and washings, used in constructing the development, including height of storage areas for materials or equipment;
- f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- h) Control and disposal of putrescible waste to prevent attraction of birds;
- i) details of construction vehicles wheel cleaning; and,
- j) details of how noise emanating from the site during construction will be mitigated.
- k) Details of temporary car parks and timescales for their removal and any re-seeding prior to first use of the open space.

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

**07. Hours of work for Demolition & Construction (Performance)**

With the exception of the delivery and installation of tower cranes, 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.



Alternative timings for delivery and installation of tower cranes can be first agreed in writing by the Local Planning Authority.

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: In the interests of residential amenity.

#### **08. Arboricultural Method Statement (Pre-Commencement)**

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

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

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

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

#### **09. Remediation of Land Contamination (Pre-Occupation)**

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

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

On completion of the works set out in (1) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for

contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

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

#### **10. Cycle storage facilities (Pre-Occupation)**

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

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

#### **11. Refuse & Recycling (Performance)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. Refuse bins shall be stored in the designated area only except on collection day

Reason: In the interest of visual and residential amenity.

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

#### **12. Sustainable Drainage**

Sustainable Drainage shall be implemented in accordance with the submitted details and plans, with runoff from the site shall be restricted to no greater than 2.3l/s for all rainfall events up to and including the 1 in 100 year plus 45% climate change allowance, and thereafter retained and maintained for the lifetime of the development.

Reason: To secure sustainable drainage and avoid increasing flood risk as per the National Planning Policy Framework and the Southampton City Council Core Strategy.

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

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

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

#### **14. Flood Resilience**

Finished Floor Levels for the proposed dwellings shall be set no lower than 100mm above ground level.

Reason: To protect property from water ingress in the event of exceedance or failure of the surface water drainage.

#### **15. Nitrate Mitigation (Pre-commencement)**

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council Nutrient Offset Scheme (or other Nutrient Offset scheme serving the Itchen river basin catchment) for the development has been submitted to the council.

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

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

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

##### Part 1

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class F (hard surface area)

Class H (satellite antenna or dish)

##### Part 2

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

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

#### **17. External Lighting Scheme (Pre-Occupation)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

**18. No Storage Under Tree Canopy (Performance)**

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

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

**19. Biodiversity Enhancement Management Plan (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a Biodiversity Enhancement and Mitigation Plan and a Site Management and Monitoring Plan for Badgers, which shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The agreed mitigation measures shall be thereafter retained as approved.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity, and in order to provide further confidence that the required Natural England License will be granted.

**20. Bat Mitigation Measures**

The bat mitigation and enhancement measures shall be provided in accordance with the details and programme outlined within Section 5 of the Phase II Bat Survey written by Aaron Domblides dated 19/09/2022, and shall be thereafter be retained for the lifetime of the development.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity , and in order to provide further confidence that the required Natural England License will be granted.

**21. Balconies**

The balconies serving the development hereby approved shall be installed prior to the first occupation of the residential units to which they relate, and shall be constructed in accordance with the approved plans and retained thereafter.

Reason: In the interests of residential amenity.

**22. Zero or Low Carbon Energy Sources**

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO2 emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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

## **22. Energy & Water**

Before the development commences, written documentary evidence demonstrating that the residential 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).

## **23. Energy & Water - Certification**

Within 6 months of any part of the residential development first becoming occupied, written documentary evidence proving that the residential 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).

## **24. Details of the Attenuation Pond**

Notwithstanding the approved plans, no dwelling shall be occupied until final details of the attenuation pond/basin have been submitted to and approved in writing by the Local Planning Authority. Details shall include the submission of sectional drawings and plans showing the depth, landscaping (plants/species) and any barrier fencing to be installed. The development shall be completed in accordance with these agreed details.

Reason: In the interests of safety and to safeguard the open character and appearance of this important area of open space.

## **25. Car Parking - Detail**

The parking spaces for a minimum of 162 vehicles, shall be marked out in accordance with the approved plans, with a minimum of 1 space allocated to each dwelling, prior to the first occupation or operational use of the development hereby approved. These spaces shall be retained as approved in accordance with a car parking management plan that shall have been agreed in writing by the Local Planning Authority ahead of first operational use of the development hereby approved with parking retained for the parking of occupants and their visitors only. A minimum of 25 (15%) parking spaces shall be fitted and retained with a fast charging electric car charging point for use by residents and their visitors. Provision for future 'passive' infrastructure should also be provided and agreed in writing by the Local Planning Authority prior to the first

occupation of the development.

Reason: In the interests of ensuring appropriate car parking is provided and to mitigate any conflict that may otherwise arise between residents and visitors to the associated parking, and to ensure compliance with the assessment made by the Environmental Statement.

#### **26. Amenity Space Access (Pre-Occupation)**

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

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

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

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

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

#### **28. Environmental Noise Survey**

The development shall be carried out in accordance with the measures outlined within the Environmental Noise Survey and dated 27/07/2022. The approved measures 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 and residential amenity.

### **Notes to Applicant**

#### **Southern Water**

A formal application for connection to the public sewerage system is required in order to service this development. Please read our Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest

Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

A formal application for connection to the water supply is required in order to service this development. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

### Japanese Knotweed

The presence of Japanese Knotweed has been identified on site. Japanese Knotweed is a vigorous and invasive plant that spreads rapidly and is hard to kill. It can cause structural damage to buildings and hard surfaces like paths and roads. It can reach over three metres in height and forms dense thickets that kill off other plant life.

The Countryside and Wildlife Act 1981 states:

"It is an offence to plant or otherwise cause the plant to grow in the wild".

This means that cutting or disturbing the soil if not correctly managed could be an offence. If you allow the plant to spread onto adjacent land it may be considered a nuisance.

The application does not include any details of how the applicant wishes to dispose of the plant. Under the Environmental Protection Act 1990 Japanese Knotweed is classed as controlled waste and as such must only be disposed of at a licensed landfill site.

### Section 106 Agreement

Please note that a Section 106 agreement has been completed in relation to this site which should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement is available to view on Public Access via the Southampton City Council website.

### Community Infrastructure Liability

Please note that the development is liable to pay the Community Infrastructure Levy (CIL) under The Community Infrastructure Levy Regulations (2010) (as amended), a Liability Notice will be sent to you separately providing further information. Please ensure that you assume CIL liability and submit a Commencement Notice to the Council 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: <https://www.southampton.gov.uk/planning/community-infrastructure-levy/community-infrastructure-levy-process> or contact the CIL Officer: [cil@southampton.gov.uk](mailto:cil@southampton.gov.uk).

### Wildlife affected by development

The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).



## Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	22/01341/FUL
<b>Application address:</b>	Land rear of St Marys College Midanbury Lane Southampton
<b>Application description:</b>	Re-development of the site to create 84 dwellings (8 x one bed apartments, 24 x 2 two apartments, 27 x two bed houses, 22 x three bed houses, 3 x four bed houses) with associated car and cycle parking, landscaped areas, play space and associated works.
<b>HRA completion date:</b>	01/03/2024

**HRA completed by:**

Lindsay McCulloch

Planning Ecologist

Southampton City Council

[Lindsay.mcculloch@southampton.gov.uk](mailto:Lindsay.mcculloch@southampton.gov.uk)**Summary**

The project being assessed is as described above.

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

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

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

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

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

## Section 1 - details of the plan or project

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

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

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

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

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

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

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

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

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

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment

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

## Section 2 - Assessment of implications for European sites

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

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

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

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

The following effects are possible:

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

### Conclusions regarding the likelihood of a significant effect

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

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

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

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

**Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives**

**The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations**

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

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

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

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

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

**TEMPORARY, CONSTRUCTION PHASE EFFECTS**

*Mobilisation of contaminants*

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

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

A range of construction measures can be employed to minimise the risk of

mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

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

#### *Disturbance*

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

Sites considered: Solent and Southampton Water SPA

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

#### *Collision risk*

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

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

### **PERMANENT, OPERATIONAL EFFECTS**

#### **Recreational disturbance**

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

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

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely

nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

### **Nightjar**

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

### **Woodlark**

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

### **Dartford warbler**

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

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

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

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

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

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

visitors were found to have originated from Southampton.

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

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

### **Mitigation**

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

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

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

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

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

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the

New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

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

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

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

#### Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,



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

has been agreed.

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

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

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

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

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

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

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

*Water quality*

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

## site

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

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

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

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

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

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

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

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

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

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

***Reason:***

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

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

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

Conclusions

The following conclusions can be drawn from the evidence provided:

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

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

#### Demolition and Construction phase

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

#### Operational

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

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

## References

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

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

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

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

## Protected Site Qualifying Features

### The New Forest SAC

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

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

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

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

### The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

### New Forest Ramsar Site

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

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

### **Solent Maritime SAC**

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

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

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

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

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

- Black-tailed Godwit *Limosa limosa islandica*

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

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

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

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

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

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





**Application 22/01341/FUL**  
**APPENDIX 2**

**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
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
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
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
H4	Houses in Multiple Occupation
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 (revised 2023)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)  
Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Sport England Exceptions Policy

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1516/E11	Erection of a sports complex including squash courts, bar, changing rooms and games room at St. Mary's College	Conditionally Approved	10.04.1979
22/00091/ TPO	G1 - Mixed Species - Line of mixed specie trees overhanging from Charlton House Independent School on to Beech Avenue. Remove all split, hanging branches over the footpath/road. Remove all deadwood that has the potential to fall into the path/road. Fell the self-set Sycamore rubbing on the adjacent Robinia. Remove the lowest lateral branch from the Sycamore overhang the footpath adjacent to the 'no cycling' sign. Cut the 3/4 Ash Stem that lean heavily over the fence/footpath back to the fence line. Prune to achieve a 1.5 metre clearance from all street lamps. Prune the low branches from the end group of Sycamores overhanging the fence into the school playground by 2.5-3 metres. Mr Lee Penfold is acting on behalf of Charlton House Independent School	Conditionally Approved	24.05.2022

## **Appendix 4 – Sport England Consultation Response**

port England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document':  
[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposed residential development of the site will result in the loss of the entire playing field at the site. The usable playing field area measures approximately a little over 2ha. The playing field has been marked out and used as sports pitches and athletics track. It has been marked out and used for football as evidenced by a large senior 11x11 pitch and a smaller junior/youth pitch either side of an artificial cricket wicket. The playing field also has rounder pitch markings and athletics markings.

Sport England has consulted the national governing bodies for sport on the proposal and we have received the following comments.

The Football Foundation on behalf of the FA comments that the former school has had community use of the pitches in the past, and the facilities could provide an opportunity for football participation now and into the future, particularly as the emerging Playing Pitch Strategy (PPS) identifies demand for quantitative and qualitative improvements to grass pitches. Notably, in addition to the loss of pitches, there will be a loss of ancillary facilities (changing, toilets, parking, maintenance/equipment storage etc.) which supports the management, maintenance, and use of pitches.

The Foundation considers that whilst the Outdoor Sports Centre remains a key strategic priority locally, its location is several miles from the St. Mary's Independent School and therefore qualitative and/or quantitative improvements at other closer locations - such as Riverside Park Sports Fields - would be more directly related to the development. These could align with needs identified in the emerging Playing Pitch Strategy.

The Football Foundation and Hampshire FA object to the development as the proposal impacts on playing field land and insufficient mitigation is proposed to compensate for the loss of the facilities. We would seek for the site to be protected for use, or for appropriate mitigation to be identified local to school location which provides equal or better access and provision.

ECB comments that having liaised with the Hampshire Cricket Board, the ECB is aware that the school has had community use of the pitches in the past - notably with the installation of a non-turf cricket wicket in 2016. With the emerging Playing Pitch Strategy identifying further

need for the provision of cricket pitches (and associated ancillary facilities), the loss of a further facility during the development of the strategy is not welcomed.

Whilst the Outdoor Sports Centre remains a key strategic priority locally, its location is several miles from the St. Mary's Independent School and therefore qualitative and/or quantitative improvements at other closer locations - such as Riverside Park Sports Fields - would be more directly related to the development. These could align with needs identified in the emerging Playing Pitch Strategy.

Allied to this, Riverside is a key priority site for Hampshire Cricket in supporting its Urban Cricket Development and will also feature (alongside other similar sites) in its Facilities Strategy - due to be published in March 2023.

The Hampshire Cricket Board commissioned a Pitch Performance Review via the ECB's Regional Pitch Adviser earlier in 2022 and Riverside was one of three sites visited. This provides more detailed information on the upgrading of the fine-turf at two of the three grass pitches at Riverside and the reinstatement of the cricket square on pitch three.

The ECB and Hampshire Cricket Board objects to the development as the proposal impacts on playing field land and insufficient mitigation is proposed to compensate for the loss of the facilities. We would seek for the site to be protected for use, or for appropriate mitigation to be identified local to site location which provides equal or better access and provision.

Sport England notes that the emerging Playing Pitch Strategy (PPS) identifies community use of the playing field at St Mary's school for U11 9x9 football. It may be this use has ceased since the closure of the school, nevertheless, it has played a role in meeting the community need for football in the past. The proposal will therefore result in the loss of pitch provision which could be brought back into use at some point if required.

Furthermore, Sport England considers that the emerging PPS is identifying significant current shortfalls for 9x9 pitch provision to meet needs, and there is a lack of community secured sites. These shortfalls are likely to be exacerbated in the future as a result of growth in team numbers arising from population increase.

Sport England concludes that the emerging evidence base strongly supports the retention and protection of existing playing field sites given the current and predicted future shortfalls in pitch provision within the City.

In relation to the proposed mitigation to offset the loss of playing field through an off-site financial contribution of just under £250,000 to the Outdoor Sports Centre, Sport England has significant concerns about the proposed approach.

The Outdoor Sports Centre is a stand alone proposal which will see the redevelopment of the site including a combination of new sports facilities and improvements to existing provision to provide for multi-sport use. At this current time, a planning application has not been submitted for the redevelopment of the Outdoor Sports Centre. There is therefore a level of uncertainty about its deliverability.

Furthermore, Sport England considers that there is no connection between the two sites - St Mary's school and the Outdoor Sports Centre - they are both located in different areas of the city and serve different communities and catchment areas. Sport England considers that the proposed mitigation is not capable of meeting the tests for planning obligations set out in the CIL regulations. Instead, Sport England considers that any off-site mitigation would be better directed towards improvements at Riverside Park which is in a more accessible location, approximately ½ a mile from the school.

The emerging PPS has identified a number of issues with the facilities at Riverside Park in relation to both cricket and football. Sport England considers that any mitigation should be focussed on increasing capacity at Riverside to compensate for the loss of capacity at St Mary's, the mitigation package should be led by the investment required to deliver the project rather than led by a specific sum of money (ie £250,000). The proposed sum of money is considered low given the hope value of the land for residential use. We would also question the amount of playing field land as measured by the agent ie 1.55ha. The quantity of playing field land appears to be greater, ie over 2ha.

#### Assessment against Sport England Policy/NPPF

As it currently stands the proposal is not considered capable of meeting any of our exceptions in our playing fields policy or paragraph 99 of the NPPF, nor is there sufficient benefit to sport which outweighs the harm caused by the loss of playing field provision such that a departure from policy can be justified. Further work is needed to develop an appropriate mitigation package which compensates for the loss of capacity at the former school site.

#### Updated Comments October 2023

**The Football Foundation** on behalf of the FA comments that they're content with the proposed works to the grass pitches which provides a better outcome than present. There are no details provided on improvements to the pavilion. If it can be confirmed that is the case, the Football Foundation is happy with the combined pitch and pavilion works. If this is agreed as suitable mitigation, the Football Foundation would welcome an update at the relevant time on the terms/timescales of the section 106 agreement so the Foundation can gauge when the work will be completed.

**The ECB** comments that it is disappointing that there is no contribution to the improvement of the ancillary facilities in the proposal, as this will have an impact on the quality of the site and its future usage. The ECB endorses the Football Foundation's comments in this regard.

Looking at the report and notably the loam for the cricket square, can some clarity be provided on the potential re-use of stockpiled loam? This has been on site for probably a couple of years now and the ECB would question it's quality.

It is unclear as to who will be undertaking the fine-turf works for the cricket pitch and on the basis that this is to be NTS, post-delivery the ECB strongly advocate the establishment of a follow on maintenance regime for the site to be drawn up in conjunction with the contractor, Southampton City Services and the GMA to ensure that the quality of the facility is maintained. Thinking ahead and potential future site investment, could there be appropriate spacing between the two pitches to allow installation of a Non-Turf cricket pitch?

#### **Conclusion**

Sport England notes the comments from the governing bodies above. Sport England considers that while the governing bodies are supportive of the proposals, the proposed contribution (£603,000) is not sufficient to deliver the playing field/pitch improvements, and that additional funding will need to be secured to deliver these works in full. Furthermore, there is no mention of improvements to ancillary facilities.

Sport England has already stated that the application is not considered capable of meeting any of our exception policies and is therefore non-compliant with our playing fields policy. The proposed contribution of £603,000 has been developed using a formula based on the

existing playing field. This has not been formally endorsed by Sport England. However, it is clear that this is not sufficient in itself to deliver the pitch improvement works let alone much needed improvements to the ancillary facilities.

**Sport England's position is to maintain an objection to the application.**

### **Updated Comments December 2023**

I have had further queries raised by ECB following a site visit by one of their Regional Pitch Advisors who has reviewed the agent's technical report (additional statement) in respect of the improvements to the cricket square.

The pitch advisor comments:

- agree that the North Square (Cricket 2) initially needs the most attention, regarding the square and outfield.
- would like clarification on what works are being proposed to reconstruct the square.
- feasibility report is not very clear, but reading between the lines and the additional statement then after stripping the square off they are going to stockpile soil removed and reuse as the base for the square reconstruction before importing a further 50 mm of a higher % of cricket loam. Concerns here would be that they mention that around 20 mm thatch is present in the feasibility report (which would back up findings when visited last year) and this would need removal first before even considering reusing this soil as a base.
- No mention also of "keying in" the layers of soil to be retuned/imported or at the base of the hole removed (100-200 mm?), this is crucial in any square reconstruction to ensure all materials bid together provided that the soils are compatible.
- Everything else is fairly standard procedures for the type of works being proposed to the football pitches and outfields e.g. site clearance, excavation works, pitches/outfield establishment, square construction/establishment and ongoing maintenance along with the associated costs which are in the ballpark with similar projects I've seen.
- Irrigation out to both squares would definitely be required to help with square establishment and general maintenance in the future.

I think the concern here would be whether there are any additional cost implications arising from this, and we would therefore ask NTS (sports turf contractor) to review and respond to the points raised by the ECB's pitch adviser and adjust the cost figures if required?

The ECB further comment that the site has had recent investment in the form of 2no. NTPs (non-turf pitches or wickets). The ECB have requested whether the football pitches 1 and 1 could be spaced out to allow a potential 3<sup>rd</sup> NTP at a future point in time?

This would require a space of approximately 11m to provide room for the artificial wicket as well as adequate run off areas either side. At the moment the football pitch layout shows both pitches adjoining each other.

### **Comments February 2024**

I have sought further views and comments from the ECB in response the agent's comments on the scheme of works to improve the natural turf cricket square.

To reiterate that Sport England objected to the proposed development of St Mary's independent school on the basis that none of our exceptions applied in our playing fields policy. The relevant exception being E4 which relates to suitable replacement provision. The applicant/agent at no stage sought to offer replacement playing field provision for that being lost.

Therefore in order to justify departure from our playing fields policy in this case, the mitigation needed to demonstrate that the benefits to sport outweighed the harm caused by the loss of playing field. The onus is very much on the applicant to demonstrate these benefits and to make the case they outweigh the harm.

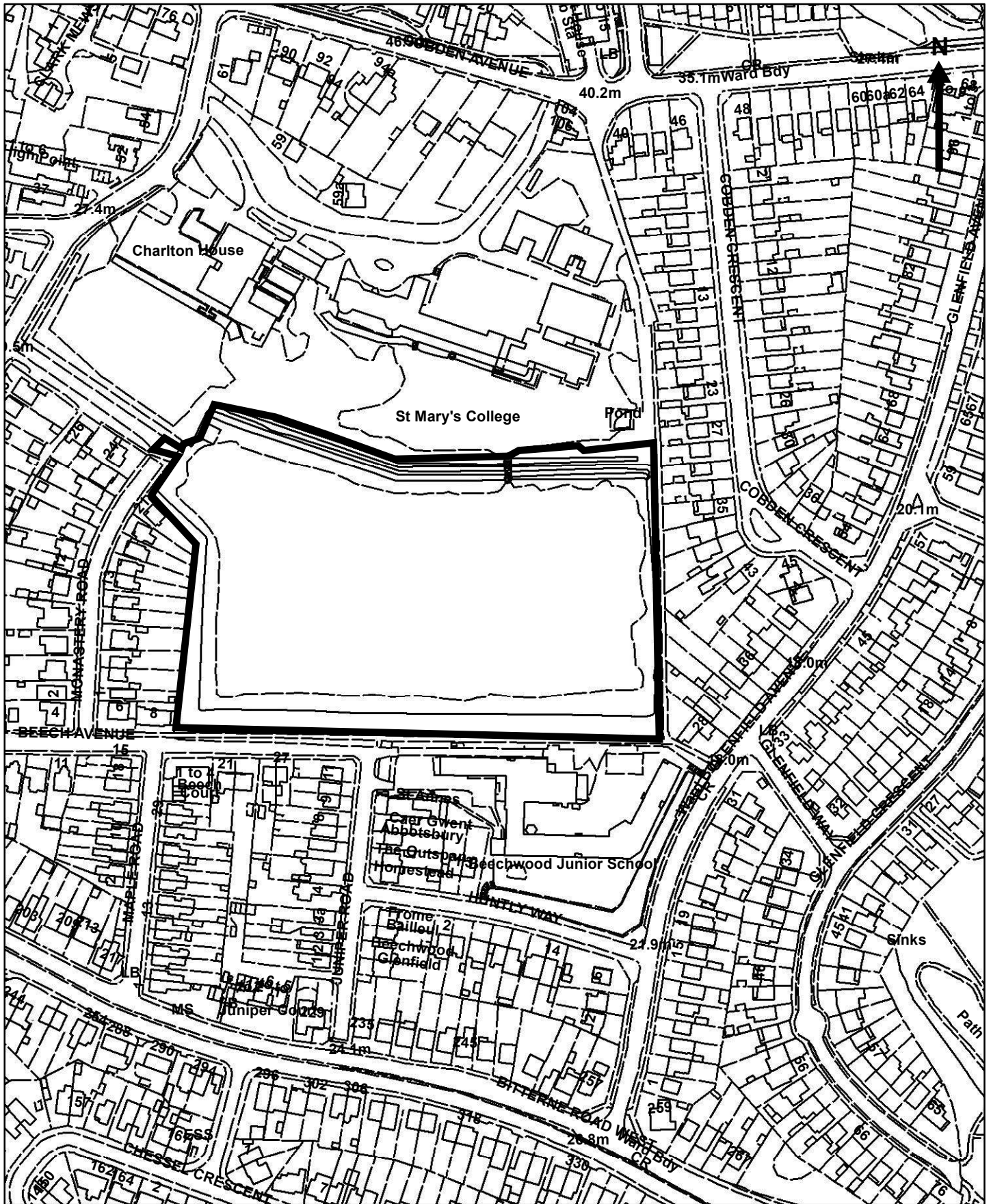
The agent's comments set out below do not provide the level of certainty or security that the proposed contribution on offer, £613,700.73, can deliver the cricket pitch improvements plus ancillary facility improvements to a sufficient standard. The concern here is that additional funds may be needed to make up the shortfall to ensure that the cricket square is refurbished in accordance with ECB recommendations. Otherwise, the risk is that the quality of the cricket pitches are compromised and any benefits are lost in the long term.

**In light of this, our final position is an objection to the application on the grounds that it has not been demonstrated the benefits to sport outweigh the harm caused by the loss of playing field.**



# Agenda Item 5

## Appendix 1



Scale: 1:2,500

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank

## Planning and Rights of Way Panel 12<sup>th</sup> March 2024 Planning Application Report of the Head of Transport and Planning

<b>Application address:</b> 18 Bridge Road Southampton SO19 7GQ			
<b>Proposed development:</b> Change of use from a dwelling house (Class C3) to a 7-person house in multiple occupation (HMO, class Sui-generis).			
<b>Application number:</b>	23/01424/FUL	<b>Application type:</b>	Full
<b>Case officer:</b>	Craig Morrison	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	27.12.2023 Extension of Time 22.03.2024	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Eamonn Keogh Councillor Alex Houghton Councillor Simon Letts
<b>Referred to Panel by:</b>	Cllr Eamonn Keogh	<b>Reason:</b>	Overdevelopment and Harm to Neighbouring residents Parking
<b>Applicant:</b> J and L Homes Ltd		<b>Agent:</b> Sanders Design Services Ltd	

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

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
<b>Biodiversity Net Gain Applicable</b>	<b>Not applicable</b>

### Reason for granting Permission

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

CS13, CS18, CS19 and CS20 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – H4 , SDP1, SDP4, SDP5, and SDP16 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Assessment of Properties within 40m
5	Parking Survey		

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the payment of a contribution towards the Solent Disturbance Mitigation Project (SDMP)
3. In the event that the contribution is not secured within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground that the proposal has not secured adequate mitigation towards in combination impacts on the Solent and Southampton Water Special Protection Area.

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

- 1.1 The application site is a 6 bedroom, two storey extended older style property which is located on a roughly triangular plot which meets the junction of Bridge Road and Lower Mortimer Road in Woolston. The front of the property faces onto Bridge Road with a hard surfaced area to the front of the property addressing Bridge Road. The side and rear of the property face towards Lower Mortimer Road.
- 1.2 To the side of the property is a garden area which has an approximately 1.8 metre fence which is hard up to the boundary of Bridge Road and Lower Mortimer Road creating an enclosed garden which serves as the private amenity space for the property.
- 1.3 The property's current planning use is as a C3 dwelling for use by a single household. 1 parallel parking space is located on site to the front of the property.

#### **2. Proposal**

- 2.1 The proposal is a change of use to a (Sui-Generis) House in Multiple Occupation (HMO) for up to 7 unrelated persons. No external changes are proposed to the building itself. Within the rear garden cycle and bin stores are proposed

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

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

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

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

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 3** of this report.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 10th November 2023. At the time of writing the report **14 representations** have been received from surrounding residents. The following is a summary of the points raised:

#### 5.2 **Impacts of Noise and Anti-Social Behaviour Response**

The property is located on Bridge Road which has a reasonable level of traffic particularly during the daytime and the shops to the south mean there is a reasonable level of activity in the area for a significant portion of the day. The proposal will likely result in additional comings and goings associated with more residents and others visiting the property, however given the level of activity in the area this is not considered to result in significant additional disturbance in the area.

The application must be considered on reasonable residential use of the property, which would not in itself result in an increase in anti-social behaviour. Any specific instances of Anti-Social Behaviour (ASB) would need to be addressed by either the police or other teams within the Council including Environmental Health with relation to noise nuisance.

#### 5.3 **Soundproofing should be required by condition. Response**

Agreed, to protect the amenity of the attached neighbour a condition requiring an assessment of the condition of the party wall and suitable soundproofing where necessary to provide an adequate noise environment in the neighbouring property is recommended.

#### 5.4 **Adequacy of 1 Bathroom for 7 persons**

**Response**

The plans show a bathroom on the first floor and an additional shower room on the ground floor labelled 'S/R'. This meets the requirements as set out in the Council's published Standards for Houses in Multiple Occupation.

5.5 ***Adequacy of Bin Storage***

**Response**

The applicant has provided additional details, which show waste will be stored within a purpose built bin store within the rear garden. A condition is recommended to secure the construction of the bin store prior to the first use of the

5.6 ***Out of Character with the Area***

**Response**

No external changes are proposed to the building, and for the reasons given above the additional comings and goings at the property are not considered to have a significant material impact on the wider character of the area.

5.7 ***Car Parking and Road Safety***

**Response**

The applicant has submitted a car parking survey which demonstrates that adequate on street car parking space is available during the busies times, which tends to be in the evenings and overnight. The Council's Highways Officer has no objection to the proposal. There is no construction proposed therefore no issue with construction vehicles.

5.8 ***Overshadowing/privacy***

**Response**

As no extension to the property is proposed there would be no increased overshadowing overlooking to neighbouring properties

5.9 ***Telegraph Pole and utility boxes as a constraint to development***

**Response**

No physical works are proposed with the exception of the addition of a cycle store within the rear garden. Given the scale of development these would not form a constraint to the change of use proposed.

5.10 ***Previous refusal of Rest Home which would be less harmful***

**Response**

A rest home was refused in the 1980s on two occasions due to inadequate outdoor space and parking provision. It is considered that adequate outdoor space is available for the proposed use, and a parking survey has been submitted which demonstrates that the proposal would not have a significant impact on the highway. The planning system and our policies and guidance has changed significantly since the 1980s.

5.11 ***On-Site Japanese Knotweed***

**Response**

The applicant has confirmed that there is Japanese Knotweed on site within the rear garden and the location of the bin and bicycle store has been amended to avoid the location of the Japanese Knotweed. The applicant has provided evidence

that there is an ongoing management plan for the professional removal it is therefore considered that non-planning legislation surrounding management and eradication of Japanese Knotweed is sufficient to control the matter.

5.12 ***Some rooms do not have windows***

**Response**

With the exception of a shower room and utility room on the ground floor all rooms shown on the proposed floor plan have windows and access to natural daylight. This is considered to be an acceptable level of amenity for the proposed occupiers of the property.

5.13 **Impact on Property Prices**

**Response**

This is not a material planning consideration and cannot be used as a justification against the proposal.

**Consultation Responses**

5.14

<b>Consultee</b>	<b>Comments</b>
SCC Environmental Health	The Environmental Health Neighbourhoods Team have no objections to this application.
SCC HMO Licensing	<p>We have not previously licenced this property. No information is given as to room sizes so no assessment can be made on whether the requirements of room sizes are met. The layout of the property is such that a protected escape route is present for fire evacuation, though the first floor right rear bedrooms appear to have a lobby area and this must be treated as part of the fire escape route. No details of other fire precautions are provided so no assessment can be made. The details given for kitchen amenities seem to meet our standards for 7 people. There are insufficient bathrooms detailed in the property for 7 people, two bathrooms are required for 7 people.</p> <p><i>Officer Comment: The room sizes have been checked and 2 bath/shower rooms are provided meaning that the scheme is compliant.</i></p>
SCC Highways (Development Management)	Regarding the parking survey, the methodology is considered reasonable and acceptable. Although a good portion of the roads surveyed do contain parking restrictions which in my view should not be included as spare capacity for residential parking, there appears to be still some capacity within unrestricted areas. Furthermore, the survey suggests the existing use is a 6 bed dwelling and

proposed use being a 7 bed HMO; as the site lies within a high accessibility zone, the maximum parking standards for both uses is the same. Therefore arguably, the difference in parking overspill impact is minimal.

## **6.0 Planning Consideration Key Issues**

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

- The principle of development
- Design and effect on character
- Residential amenity
- Parking highways and transport
- Likely effect on designated habitats
- Biodiversity Net Gain

### **6.2 Principle of Development**

6.2.1 Policy H4 (HMOs) allows for the creation of new HMOs provided that the proposal does not result in an overconcentration of HMOs (over 10%) within a 40m radius. Proposals are then subject to consideration of factors relating to the amenity of neighbouring properties, the character of the area and adequate amenities and living conditions of the proposed occupiers.

6.2.2 Saved policy H4 of the Local Plan (as amended 2015), policy CS16 of the Core Strategy (as amended 2015), and the Houses in Multiple Occupation SPD (HMO SPD) (revised 2016) acknowledge that there is a need to maintain the supply of housing whilst balancing this against maintaining a sustainable mix of households within the community.

6.2.3 Threshold Test:

The HMO SPD outlines a threshold test which investigates how many of the residential properties within a 40m radius (shown in Appendix 3), measured from the front door of the application site, are currently operating as an HMO and sets a maximum threshold of 10% across the City. This forms part of the assessment of the overall impact of the proposal on the character of the surrounding area. An explanation of how the test is calculated and applied is given in Section 4.2 of the HMO SPD (pages 9-14):

[www.southampton.gov.uk/planning/planning-policy/supplementary-planning/planning-hmo](http://www.southampton.gov.uk/planning/planning-policy/supplementary-planning/planning-hmo)

6.2.4 Currently within the 40m radius there is no evidence available to officers of any existing C4 (between 3 and 6 unrelated people) or Sui Generis HMOs (7 or more persons). This is based on evidence available from HMO licenses, Council Tax submissions and historic planning applications and lawful development certificates. On this basis, the proposal would meet the provisions of the HMO SPD in terms of remaining within the 10% maximum threshold for the number of HMOs within a 40m radius of the property.

6.2.5 Policy CS16 of the Core Strategy provides a framework for requiring balanced



communities within new developments. The proposal for a HMO in this location does not require physical alterations to the building and therefore the property would remain conducive to occupation as a single family dwelling in the future and such a planning application to convert the property back to a family dwelling would not likely be resisted on planning grounds.

6.2.6 For the reasons above the proposal to convert the dwelling to a Sui-Generis HMO is considered to be acceptable in principle subject to consideration of detailed matters as set out below.

### 6.3 Design and effect on character

6.3.1 The use of the property as a HMO requires no changes to the exterior of the property with the exception of the construction of a bin store and cycle store within the rear garden which would be screened by the existing 1.8 metre fence which surrounds the garden. Physically, therefore, it is not considered that there would be any significant material impact on the character of the area.

6.3.2 The property is located on Bridge Road which has a reasonable level of traffic particularly during the daytime, and the shops to the south mean there is a reasonable level of activity in the area for a significant portion of the day. The proposal will likely result in additional comings and goings associated with more residents and others visiting the property, however, given the level of activity in the area this is not considered to result in a significant change to the character of the area in terms of activity.

### 6.4 Residential amenity

6.4.1 For the reasons listed above in paragraph 6.3.2 it is not considered that the additional comings and goings from the property would result in an adverse impact on nearby residents.

6.4.2 Issues associated with noise and disturbance within the property would be covered by the Environmental Protection Act, however, there is a risk of increased noise associated with the intensification of the residential use. It is, therefore, considered reasonable, and in response to a representation stating that the party walls are of limited benefit to prevent noise transference to require noise insulation to be installed on the party wall to ensure that increased numbers of people residing in the property do not cause increased disturbance to the attached neighbour.

6.4.3 In terms of living conditions for the proposed occupiers of the property. The Council's 'Guidance on Standards for Houses in Multiple Occupation' requires bedrooms to meet the following size standards. For rooms occupied by a single person this is 10m<sup>2</sup> except where there a separate communal living room is provided in which case the bedroom may be 6.51sq.m. The bedroom sizes range between 10 m<sup>2</sup> and 15.8 m<sup>2</sup> and are therefore considered to provide a good standard of amenity. 2 bathrooms should be provided, and the applicant has confirmed that there is a shower room on the ground floor and a bathroom on the first floor thereby providing adequate sanitation facilities. There is a large kitchen and dining room and separate television and living rooms thereby providing a good standard of shared facilities. Conditions

are recommended to require the shared living spaces to remain available to all residents.

## 6.5 Parking highways and transport

6.5.1 Concerns have been raised by a number of representations regarding the impact on parking. The existing property is a 6 bedroomed family dwelling, which is located within a high accessibility area. It is within a 300 metre straight line distance of the Woolston public transport interchange to the south (with frequent bus routes to the city centre and other destinations in the eastern side of the city) as well as Woolston Rail Station with services to Southampton Central and stopping services to Portsmouth. The existing maximum parking requirement is therefore 2 car parking spaces. Table 1 of the HMO SPD sets out parking standards specifically for Houses in Multiple Occupation and for those housing up to 7 persons the maximum requirement within the high accessibility area is also 2 car parking spaces (so the same for both a 6 bed dwelling and a 7 bed HMO).

6.5.2 There is a single car parking spaces available on the existing area of hardstanding to the front of the site measuring 9.3m x 4.1m which is in excess of the 6m x 2.5m required for a single parallel parking space. This means that there is a deficiency of a single car parking space compared to the maximum standard; however as this is an existing deficiency this is considered to be acceptable.

6.5.3 Nonetheless the applicant has commissioned a Parking Survey, which shows that there are surrounding roads that are capable of accommodating the deficiency of on site parking both in the existing and proposed use. The survey work was undertaken on Tuesday 16<sup>th</sup> January at 4:30am and Sunday 21<sup>st</sup> January 4:30am. The first survey showed 97 available spaces of the 314 surveyed. The second survey shows 96 available spaces. The proposal is not considered to cause shortages in parking in the surrounding roads and would, therefore, not result in a highway safety issue as a result of anti-social or dangerous parking by virtue of the proposed change of use.

6.5.4 A cycle store and bin store are proposed within the rear garden which is in excess of the size required to store 8 bicycles and 6 bins respectively located such that bins and bikes can be taken to Bridge Road for collection in the case of bins. A condition is recommended for the above to be provided prior to first use of the building as a HMO.

## 6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**.

6.6.2 A recent appeal decision at 24 Wilton Avenue in the city has resulted in the need to

secure contributions towards the Solent Disturbance Mitigation Project (SDMP) and towards the mitigation of additional nitrates as a result of an increase in population. The proposed development, as a residential scheme which increases overnight accommodation with the occupancy rate to be based upon 1 person per bedroom, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast.

6.6.3 A nitrates budget calculator has been submitted since the validation of the application, which sets out the nitrogen emissions to be mitigated. A Grampian condition will require the requisite number of credits from the Eastleigh Nutrient offset scheme to be secured prior to the occupation of the large HMO. The SDMP contribution will be secured by officers prior to releasing permission as per the delegation sought in the above recommendation. The HRA concludes that, providing the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and nitrates credits, are secured the development will not adversely affect the integrity of the European designated sites.

## 6.7 Biodiversity Net Gain

6.7.1 The Council's adopted saved LDF Core Strategy Policy CS22 requires all new development to produce a net gain in biodiversity by designing in provisions for wildlife. From 12 February 2024 all new planning applications for MAJOR development will need to explain at the application stage how they will provide at least a 10% Biodiversity Net Gain as per national legislation. For MINORS the start date for 10% BNG is 2 April 2024. As the proposal is not a major development the requirement for a 10% Biodiversity Net Gain does not apply at this time.

## 7. Summary

7.1 The proposal for a Sui-Generis HMO does not breach the Council's adopted 10% threshold for HMOs within 40 metres of the site, and is not considered to have a significant impact on the character of the area or amenity of neighbouring properties. Given the available public transport and limited uncontrolled parking availability it is considered that the proposal would not have an adverse impact on the local highway network.

7.2 The proposal, therefore, complies with the relevant saved policies of the City of Southampton Local Plan Review and Core Strategy.

## 8. Conclusion

8.1 It is recommended to Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the payment of a contribution towards the Solent Disturbance Mitigation Project (SDMP)

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

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

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

**Case Officer Craig Morrison PROW Panel 12/03/2024**

**PLANNING CONDITIONS to include:**

01. Full Permission Timing (Performance)

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

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

02. Approved Plans (Performance)

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

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

03. Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. Refuse bins shall be stored in the designated area only except on collection day

Reason: In the interest of visual and residential amenity.

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

04. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

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

05. Noise Insulation

Prior to first occupation as a House in Multiple Occupation a scheme for noise insulation of floor to ceiling height of the party wall in the existing roof space, shall be installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained for the lifetime of the development.

Reason: to protect the amenities of neighbouring properties in accordance with saved Policy SDP16 of the City of Southampton Local Plan Review (2015).

06. Retention of communal spaces & numbers of occupiers

The rooms labelled Kitchen, Diner, TV Room, Lounge and Utility on the ground floor plan, together with the external amenity areas, shall be made available for use by all of the occupants prior to first occupation of the property as a HMO use, as hereby approved, and thereafter shall be retained and available for communal purposes when in use as a HMO. The number of occupiers within the property, in connection with the change of use hereby permitted, shall not exceed 7 persons.

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

07. Nitrogen Neutrality (Pre-Occupation)

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

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

Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	23/01424/FUL
<b>Application address:</b>	18 Bridge Road Southampton SO19 7GQ
<b>Application description:</b>	Change of use from a dwelling house (Class C3) to a 7-person house in multiple occupation (HMO, class Sui-generis).
<b>HRA completion date:</b>	3 November 2023

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## Section 2 - Assessment of implications for European sites

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

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

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

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

The following effects are possible:

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

### Conclusions regarding the likelihood of a significant effect

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

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

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

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

**Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives**

**The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations**

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

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

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

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

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

**TEMPORARY, CONSTRUCTION PHASE EFFECTS**

*Mobilisation of contaminants*

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

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

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust,

and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

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

#### *Disturbance*

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

Sites considered: Solent and Southampton Water SPA

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

#### *Collision risk*

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

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

### **PERMANENT, OPERATIONAL EFFECTS**

#### **Recreational disturbance**

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

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

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler

*Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

### **Nightjar**

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

### **Woodlark**

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

### **Dartford warbler**

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

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

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

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

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

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

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

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

### **Mitigation**

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

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

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

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

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

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle

routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

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

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

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

#### Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

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

has been agreed.

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

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

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

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

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

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

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

### *Water quality*

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

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

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

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

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

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

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

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

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



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

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

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

***Reason:***

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

---

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

***submitted to the council.***

***Reason:***

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

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

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

#### **Conclusions**

The following conclusions can be drawn from the evidence provided:

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

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

#### **Demolition and Construction phase**

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

#### **Operational**

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

the planning permission. The mitigation measures will be consistent with the requirements of the Southampton Nitrogen Mitigation Position Statement to ensure nitrate neutrality.

- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

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

## References

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

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

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

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

## Protected Site Qualifying Features

### The New Forest SAC

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

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

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

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

### The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

### New Forest Ramsar Site

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

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

### **Solent Maritime SAC**

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

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

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

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

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

- Black-tailed Godwit *Limosa limosa islandica*

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

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

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

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

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP11	Accessibility & Movement
H1	Housing Supply
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
HMO SPD (2016)

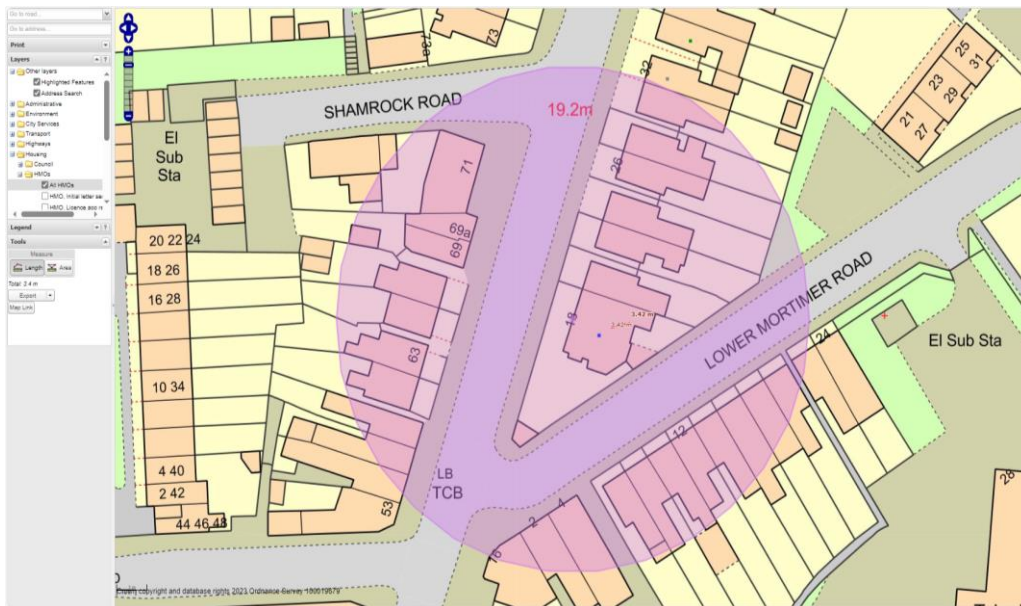
Other Relevant Guidance

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

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1531/E5	ERECTION OF TWO SINGLE STOREY REAR EXTENSIONS	Conditionally Approved	29.11.1977
1549/E16	BRICKWALL AND RAILINGS ON HIGHWAY FRONTAGE	Conditionally Approved	09.01.1979
1615/E21	ERECTION OF TWO STOREY REAR EXTENSION	Conditionally Approved	27.04.1982
E25/1639	CHANGE OF USE TO REST HOME FOR 7 ELDERLY PERSONS	Application Refused	20.12.1983
E25/1641	CHANGE OF USE TO REST HOME FOR 7 ELDERLY PERSONS	Application Refused	31.01.1984





**Properties Included within Assessment.**

Number	Road	Counted
16	Bridge Road	No
20	Bridge Road	Yes
22	Bridge Road	Yes
24	Bridge Road	Yes
26	Bridge Road	Yes
28	Bridge Road	Yes
30	Bridge Road	Yes
32	Bridge Road	Yes
55	Bridge Road	No
57	Bridge Road	No
59	Bridge Road	No
61	Bridge Road	Yes
63	Bridge Road	Yes
65	Bridge Road	Yes
67	Bridge Road	Yes
69	Bridge Road	Yes
69a	Bridge Road	Yes
71	Bridge Road	No
2	Lower Mortimer Road	No
4	Lower Mortimer Road	Yes
6	Lower Mortimer Road	Yes
8	Lower Mortimer Road	Yes
10	Lower Mortimer Road	Yes
12	Lower Mortimer Road	Yes

14	Lower Mortimer Road	Yes
16	Lower Mortimer Road	Yes
18	Lower Mortimer Road	Yes
20	Lower Mortimer Road	Yes
22	Lower Mortimer Road	Yes



This page is intentionally left blank

<b>Project Name:</b>	18 Bridge Road, Southampton
<b>Document Reference:</b>	020.0922/PTN/1
<b>Document Name:</b>	Parking Technical Note
<b>Prepared By:</b>	Tom Purnell (February 2024)
<b>Checked By:</b>	Adam Ford (February 2024)
<b>Approved By:</b>	Kim Hammonds (February 2024)

Revision Record				
Rev	Date	By	Summary of Changes	Aprvd

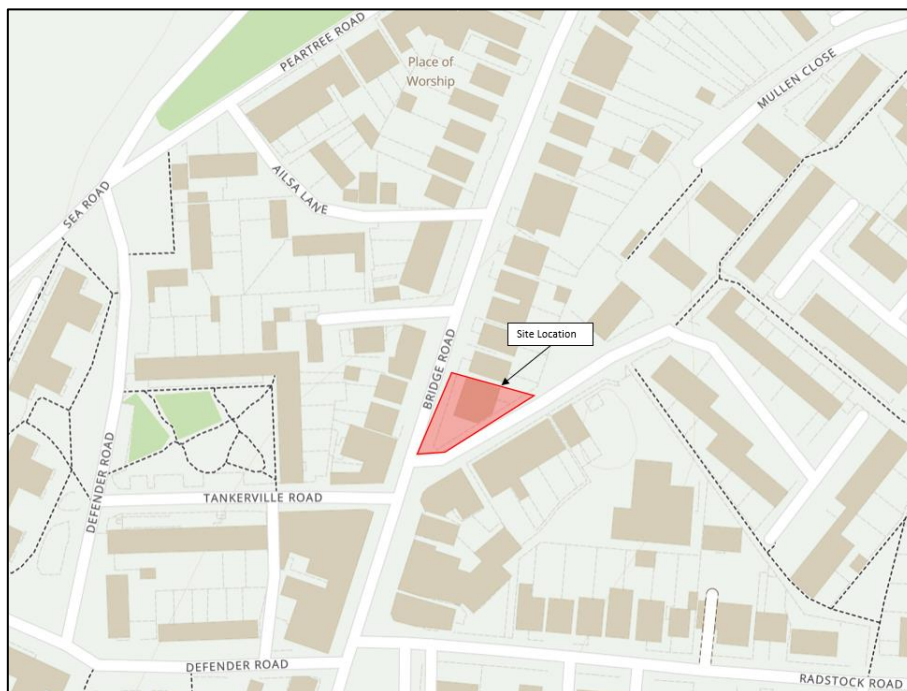
**Disclaimer**

This document has been prepared in accordance with the scope of Paul Basham Associates Ltd’s appointment with its client and is subject to the terms of that appointment. It is addressed to and for the sole use and reliance of Paul Basham Associates clients. Paul Basham Associates accepts no liability for any use of this document other than by its client and only for the purposes, stated in the document, for which it was prepared and provided. No person other than the client may copy (in whole or in part), use or rely on the contents of this document, without the prior written permission of a Director of Paul Basham Associates. Any advice, opinions, or recommendations within this document should be read and relied upon only in the context of the document as a whole. The contents of this document are not to be construed as providing legal, business or tax advice or opinion.

© Paul Basham Associates Limited

## 1. INTRODUCTION

- 1.1 This Parking Transport Note (PTN) has been prepared by Paul Basham Associates on behalf of Sanders Design Services to support a live planning application (Planning Reference: 23/01424/FUL) for the proposed change of use from a 6-bed dwelling to a 7 person HMO at 18 Bridge Road, Southampton. The site location is shown in **Figure 1**.



**Figure 1:** Site Location

- 1.2 The site has been subject to a planning application for the proposed change of use of a 6 bed dwelling to a 7 person HMO, and although Southampton City Council's (SCC) Highways department did not raise an objection to the application, local residents commented on the existing local parking stress on the road network surrounding the site. In response to these comments, the highways officer requested that parking surveys are undertaken.
- 1.3 Southampton City Council provide specific parking standards to serve HMO residents which are set out in the Houses in Multiple Occupation Supplementary Planning Document (2016). Outlined within the standards, the maximum provision for a 7-bedroom HMO is 3 car parking spaces.
- 1.4 The existing 6-bedroom dwelling has 1 allocated parking space, and this is proposed to remain as part of the proposed change of use application. As with the existing scenario for residents of 18 Bridge Road, any additional parking demand is accommodated on the local road network.
- 1.5 This report seeks to address the concerns raised by the planning officer at Southampton City Council as part of the application. To support the application parking surveys have been completed to assess the parking capacity on the local highway network and to determine if the parking demand of 2 parking spaces can be accommodated.

## 2. PARKING SURVEY METHODOLOGY

- 2.1 To further guide the parking methodology a review of the London Borough of Lambeth's parking survey methodology with SCC's adaptation was undertaken.
- 2.2 Lambeth Council have specific requirements for parking surveys within the Borough. The requirements detailed in the 'Lambeth Council Parking Survey Guidance Note' are generally regarded as the most detailed, and the 'Lambeth Style Parking Survey Methodology' is therefore used as general guidance for most highway authority parking surveys. Southampton City Council have adapted the requirements of the methodology slightly.
- 2.3 Relevant requirements of the Lambeth model parking survey in Southampton are as follows:
  - An area of 250m (or a 2.5-minute walk) around a site:
  - Two surveys should be undertaken on 'normal days': ideally one weekday and one weekend day during peak demand, which is between 22:00 and 06:00;
  - Should not be undertaken in weeks that include Public Holidays and school holidays.

2.4 The Lambeth Council Parking Survey Guidance Note states that the following information should be included in the survey results, to be submitted to the Council:

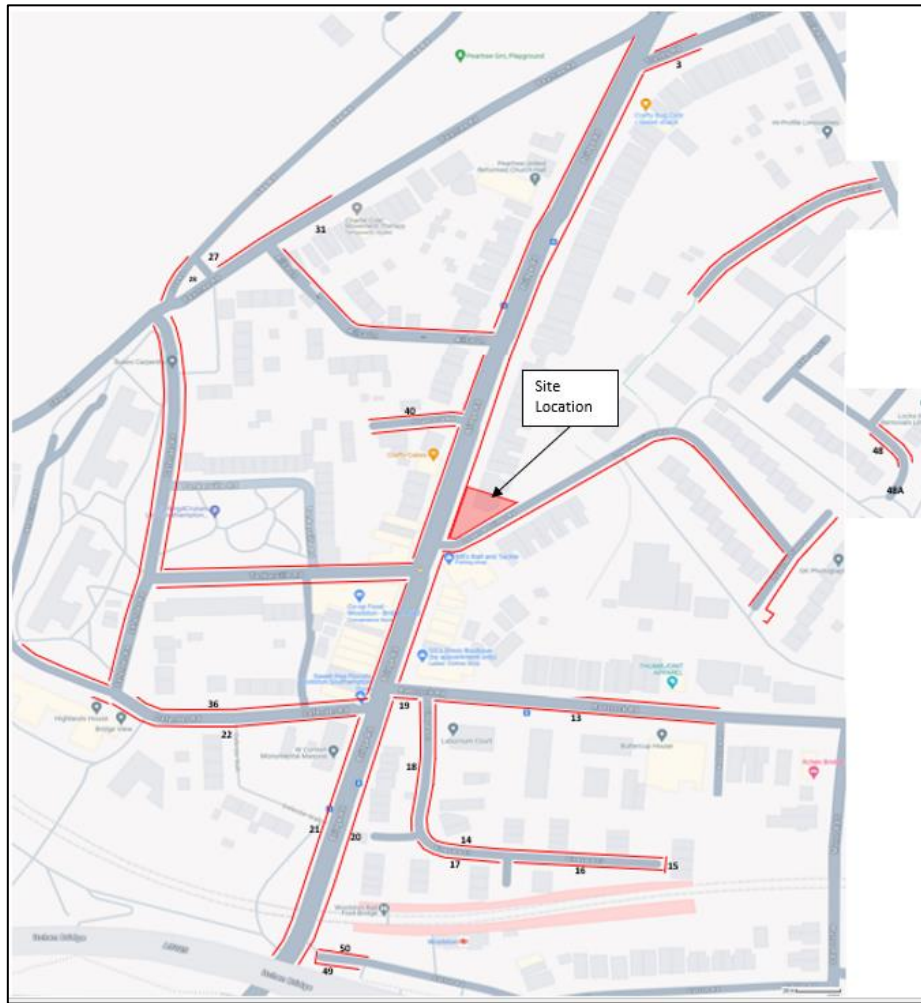
- The date and time of the survey:
- A description of the area noting any significant land uses in the vicinity of the site that may affect parking within the survey area (e.g. churches, restaurants, bars and clubs, train stations, hospitals, large offices, town centres etc.);
- Any unusual observations e.g. suspended parking bays, spaces out of use because of road works or presence of skips etc.:
- A drawing showing the site location and extent of the survey area. All other parking and waiting restrictions such as double yellow lines and double red lines, bus lay-bys, kerb buildouts, and crossovers (vehicular accesses) etc. should also be shown on the plan:
- The number of cars parked on each road within the survey area on each night should be counted and recorded in a table:

2.5 The Lambeth methodology states the locations where cars can legally park overnight should also be identified.

### 3. PARKING SURVEYS

3.1 Car parking beat surveys were undertaken on Tuesday 16<sup>th</sup> January 2024 at 04:30 hours and Sunday 21<sup>st</sup> January 2024 at 04:30 hours. The surveys covered all unrestricted spaces, unrestricted marked bays, disabled parking bays and single yellow lines within a 250m walk from the site location, in line with the Lambeth Methodology and SCC's requirements.

3.2 The roads included within the survey were Bridge Road, Tranby Road, Lower Mortimer Road, Radstock Road, Vineyard Road, Defender Road, Wharncliffe Road, Spa Road, Peartree Road, Tankerville Road, Shamrock Road, Aisla Road, Mullen Close, Swanage Close and Grafton Road. The extent of the survey area can be found in **Figure 2**.



**Figure 2:** Parking Survey Scope

- 3.3 The results of these parking surveys are summarised within **Table 1** and **Table 2**, with the full survey outputs attached as **Appendix A**, which includes a map demonstrating where vehicles were parked. The number of parked vehicles includes all parked vehicles at the time of the surveys, some of these vehicles were improperly parked in spaces that were not considered as observed spaces in line with the Lambeth methodology.
- 3.4 It should be noted that on Tuesday 16<sup>th</sup> January, roadworks were in place along sections of Bridge Road and Tranby Road but had finished and were no longer present by Sunday 21<sup>st</sup> January. We therefore do not believe this roadworks would have impacted on the results. On Bridge Road, Radstock Road, Vineyard Close, and Shamrock Road car parking restrictions are in place between Monday – Saturday 08:00 – 18:00 but is unrestricted outside of those times.



Tuesday 16<sup>th</sup> January at 04:30

Location	Total Available Parking (all spaces)	Tuesday 16th January at 04:30		
		No. of Parked Vehicles	No. of Spaces Empty	Total Occupied %
Bridge Road	51	30	19	59%
Tranby Road	1	0	0	0%
Lower Mortimer Road	35	24	11	69%
Radstock Road	21	20	4	95%
Vineyard Road	28	14	14	50%
Defender Road	53	45	5	85%
Wharncliffe Road	16	15	1	94%
Spa Road	8	7	0	100%
Pear tree Road	9	9	0	100%
Tankerville Road	31	21	8	68%
Shamrock Road	13	8	5	62%
Aisla Road	0	0	0	N/A
Mullen Close	20	9	9	45%
Swanage Close	25	6	19	24%
Grafton Road	3	1	2	33%
<b>Total</b>	<b>314</b>	<b>209</b>	<b>97</b>	<b>67%</b>

Table 1: Tuesday Parking Survey Results

3.5 Table 1 demonstrates that on Tuesday 16<sup>th</sup> January 2024, across the whole survey area, car parking capacity was utilised at 67%, equating to 97 unoccupied spaces. It should be noted that 29 of these available spaces were in areas with daytime parking restrictions.

Sunday 21<sup>st</sup> January 2024

Location	Total Available Parking (all spaces)	Sunday 21 <sup>st</sup> January at 04:30		
		No. of Parked Vehicles	No. of Spaces Empty	Total Occupied %
Bridge Road	51	28	27	55%
Tranby Road	1	2	0	100%
Lower Mortimer Road	35	24	10	69%
Radstock Road	21	22	3	100%
Vineyard Road	28	15	14	54%
Defender Road	53	43	6	81%
Wharncliffe Road	16	16	0	100%
Spa Road	8	7	0	100%
Pear tree Road	9	9	0	100%
Tankerville Road	31	24	4	77%
Shamrock Road	13	10	3	77%
Aisla Road	0	0	0	N/A
Mullen Close	20	10	9	50%
Swanage Close	25	5	20	80%
Grafton Road	3	2	0	100%
<b>Total</b>	<b>314</b>	<b>217</b>	<b>96</b>	<b>69%</b>

Table 2: Sunday Parking Survey Results

3.6 **Table 2** demonstrates that on Sunday 21<sup>st</sup> January 2024, across the whole survey area, car parking capacity was utilised at 69%, equating to 96 unoccupied spaces.

*Parking Survey Summary*

3.7 In summary, utilising the Lambeth methodology adapted to SCC requirements, 97 spaces were vacant on the Tuesday survey and 96 spaces were vacant on the Sunday survey. The results of the car parking survey demonstrate that there is ample on-street parking capacity available within 250m of the site to accommodate the demand for 2 parked vehicles associated with the development and based on SCC's parking standards for an HMO.

3.8 As aforementioned The Lambeth methodology states the locations where cars can legally park overnight should also be identified. The Lambeth methodology also states that surveys should be undertaken when the highest number of residents are at home; generally late at night during the week and therefore it is overnight parking that is assessed.

3.9 The local road network does include areas where on-street parking during the day is not permitted, where single yellow lines are present. At the time of the survey 29 and 26 spaces were available on the two respective nights. If these were discounted from the survey, the number of available spaces during the survey period there would still be 68 – 70 available spaces. There is therefore sufficient parking available to support the proposed development (potential parking demand for 2 spaces) without resulting in a detrimental impact on the local road network.

3.10 Based on the above it is not considered that the reduced parking provision of the development would result in a detrimental impact on the operation, capacity or safety on the highway network, in line with Paragraph 115 of the National Planning Policy Framework.

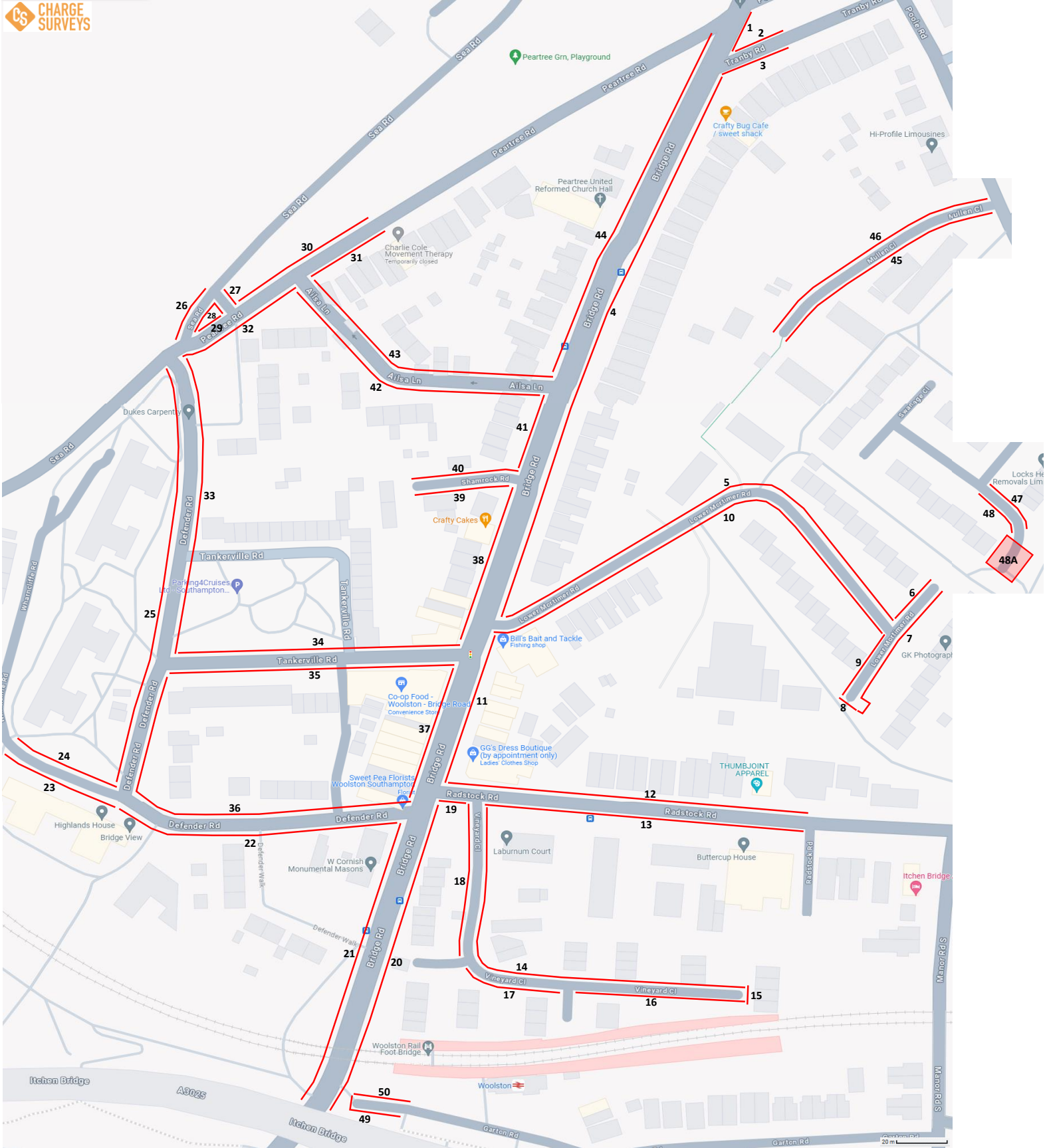
#### 4. SUMMARY AND CONCLUSIONS

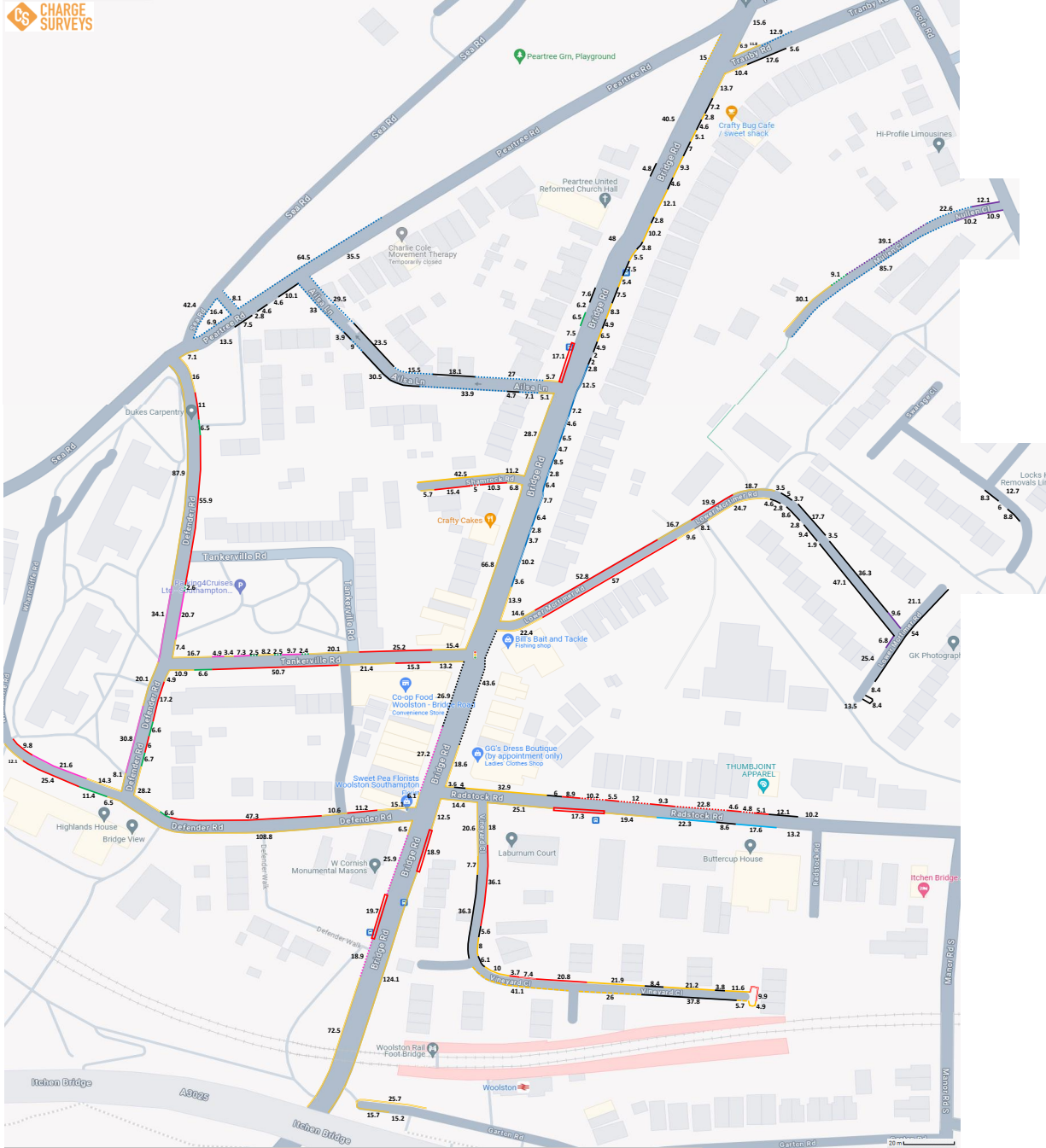
4.1 This PTN has been prepared by Paul Basham Associates to support a live planning application (ref 23/01424/FUL) for the proposed change of use from a 6-bed dwelling to a 7 person HMO at 18 Bridge Road, Southampton.

4.2 SCC's parking standards require parking provision for up to 3 vehicles, associated with the HMO's operation. The proposed application includes one retained parking space, clear of the public highway, therefore a review of local capacity to accommodate up to 2 additional vehicles has been undertaken.

- 4.3 Two overnight parking surveys were undertaken on Tuesday 16<sup>th</sup> and Sunday 21<sup>st</sup> January within a 250m radius of the site in accordance with the Lambeth Methodology and SCC's requirements.
- 4.4 The results of the survey demonstrate that 97 on-street parking spaces were available on the Tuesday and 96 parking spaces were available on the Sunday all within 250m of the site.
- 4.5 The surveys demonstrate that there is sufficient available capacity across the local road network to accommodate the parking demand of 2 parking spaces associated with the development.
- 4.6 Based on the above it is not considered that the reduced parking provision of the development would result in a detrimental impact on the operation, capacity or safety on the highway network, in line with Paragraph 115 of the National Planning Policy Framework.
- 4.7 We would therefore encourage Southampton City Council to look favourably upon this development in relation to highways.

## Appendix A

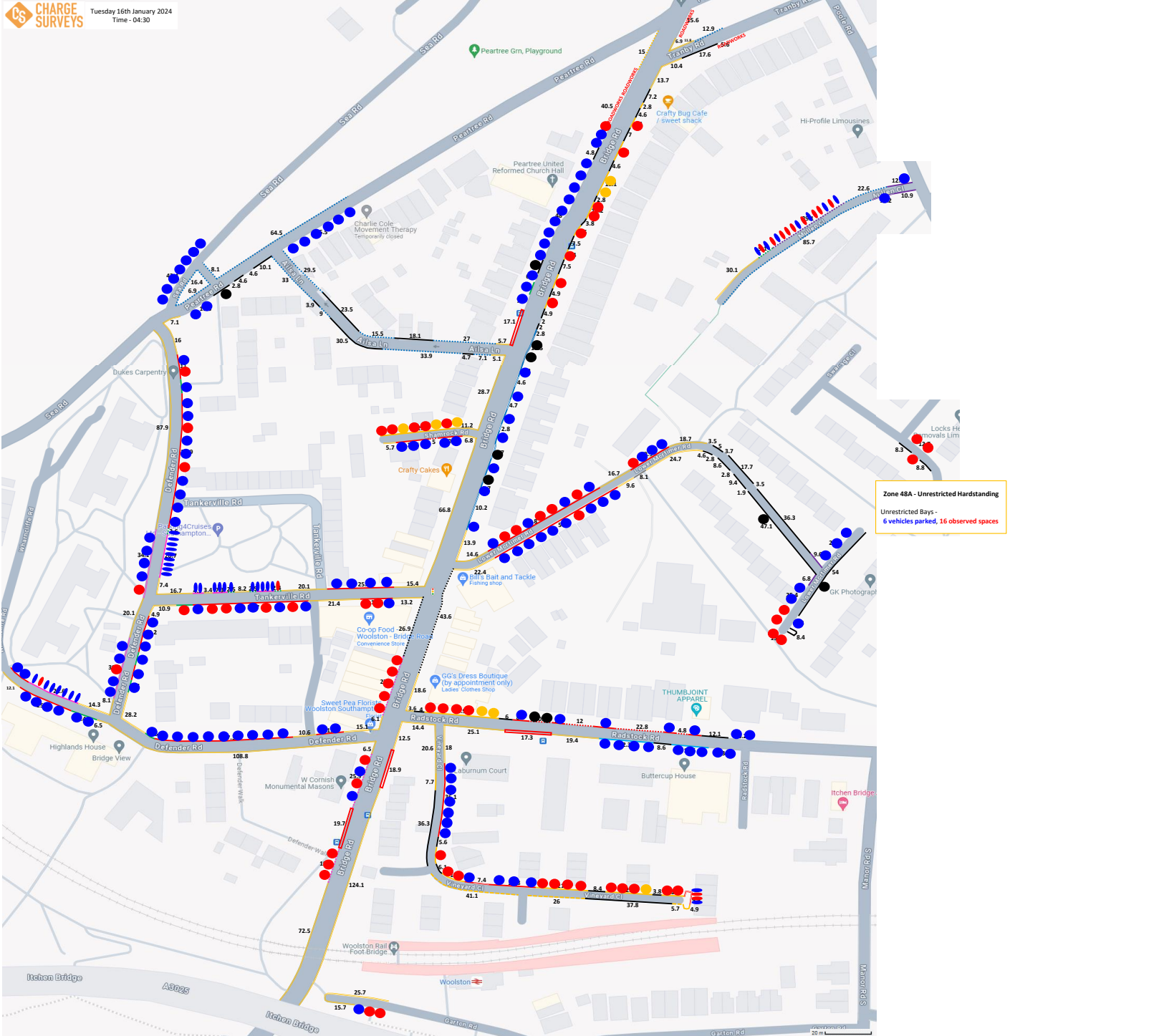




**KEY:**

- = SINGLE YELLOW LINE MON-SAT 0800-1800
- = SINGLE YELLOW LINE MON-SAT 0800-1800 - TOO NARROW
- = DOUBLE YELLOW LINE
- = DOUBLE YELLOW LINE / ROADWORKS
- = DROPPED KERB
- = PEDESTRIAN CROSSING
- = ACCESS
- = DISABLED BAY
- = NOSE IN PARKING DISABLED BAY / DROPPED KERB
- = 30 MINS MON-SAT 0800-1800
- = BUS STOP
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / DROPPED KERB
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / NOSE IN PARKING
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / LAYBY
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY NOSE IN PARKING / DROPPED KERB
- = NOSE IN PARKING RESIDENTS ONLY
- = CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700
- = UNRESTRICTED BUT WOULD NOT PARK
- = UNRESTRICTED TOO NARROW
- = UNRESTRICTED PARKING BAY
- = UNRESTRICTED PARKING BAY / DROPPED KERB
- = UNRESTRICTED VEHICLE PARKED 1/2 ON PATH AND 1/2 ON ROAD
- BLANK = UNRESTRICTED





Zone 48A - Unrestricted Hardstanding  
 Unrestricted Bays -  
 6 vehicles parked, 16 observed spaces

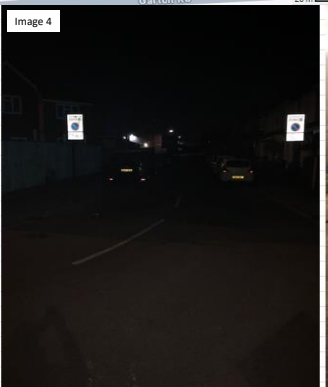
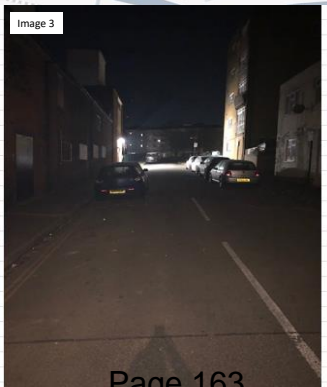
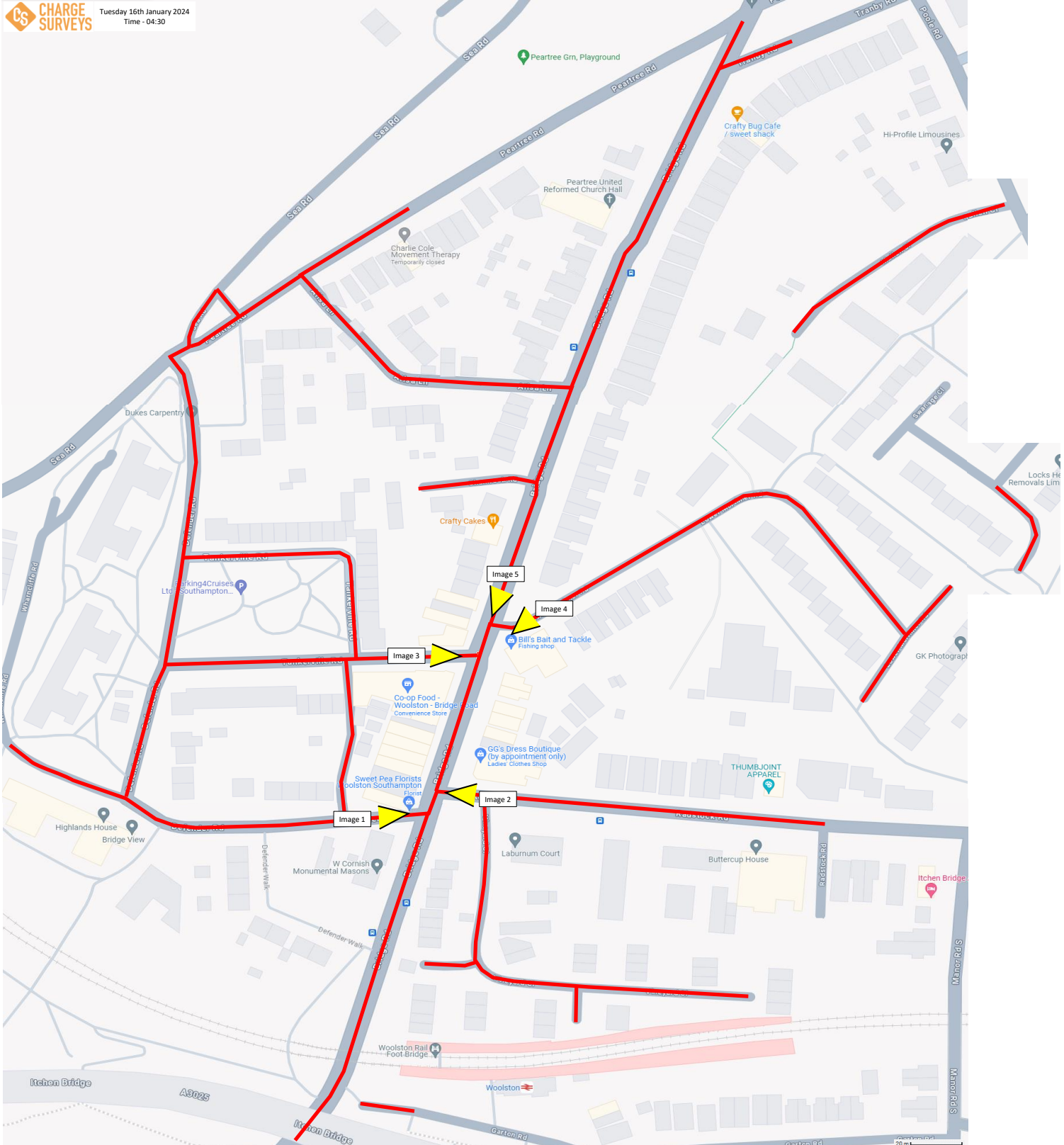
KEY:

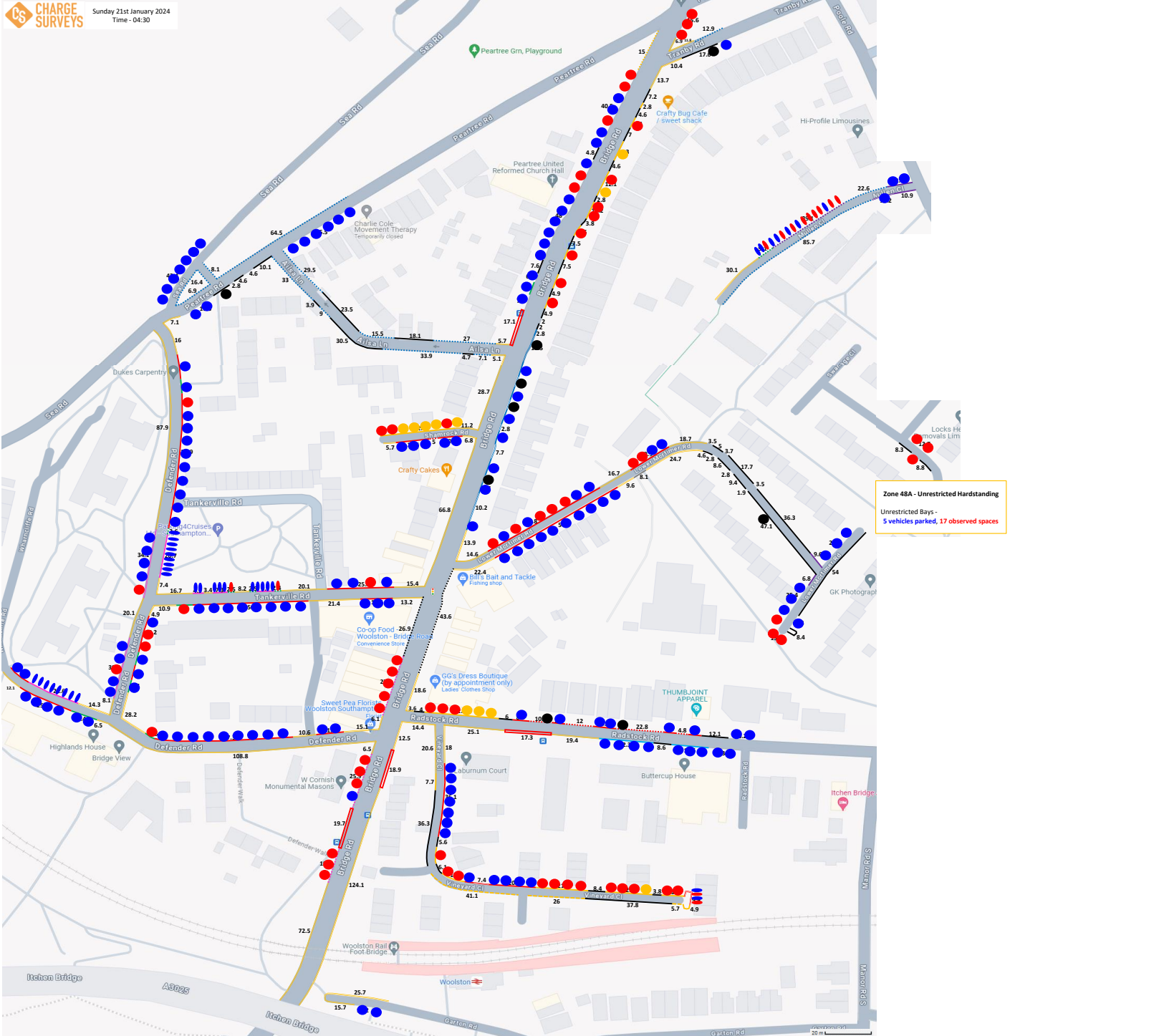
- SINGLE YELLOW LINE MON-SAT 0800-1800
- - - SINGLE YELLOW LINE MON-SAT 0800-1800 - TOO NARROW
- = DOUBLE YELLOW LINE
- · - · - DOUBLE YELLOW LINE / ROADWORKS
- DROPPED KERB
- · - · - PEDESTRIAN CROSSING
- ACCESS
- DISABLED BAY
- · - · - NOSE IN PARKING DISABLED BAY / DROPPED KERB
- 30 MINS MON-SAT 0800-1800
- = BUS STOP
- · - · - A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY
- · - · - A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / DROPPED KERB
- · - · - A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / NOSE IN PARKING
- · - · - A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / LAYBY
- · - · - A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY NOSE IN PARKING / DROPPED KERB
- NOSE IN PARKING RESIDENTS ONLY
- CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700
- · - · - UNRESTRICTED BUT WOULD NOT PARK
- UNRESTRICTED TOO NARROW
- UNRESTRICTED PARKING BAY
- · - · - UNRESTRICTED PARKING BAY / DROPPED KERB
- UNRESTRICTED VEHICLE PARKED 1/2 ON PATH AND 1/2 ON ROAD
- BLANK = UNRESTRICTED

KEY:

- = PARKED VEHICLE
- = OBSERVED SPACE
- = PARKED ON YELLOW LINES
- = PARKED ON DROPPED KERB







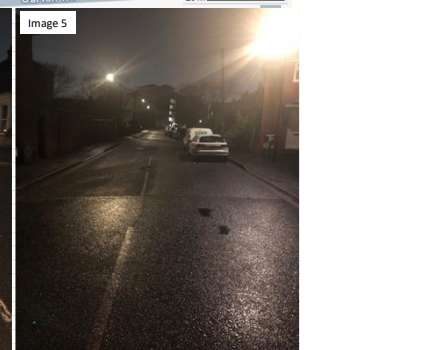
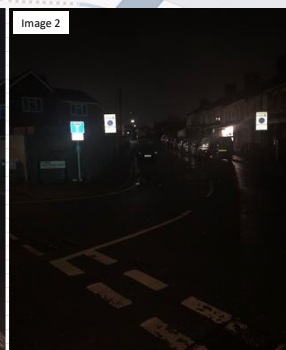
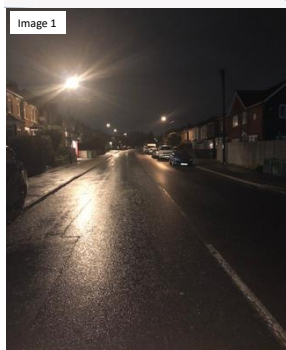
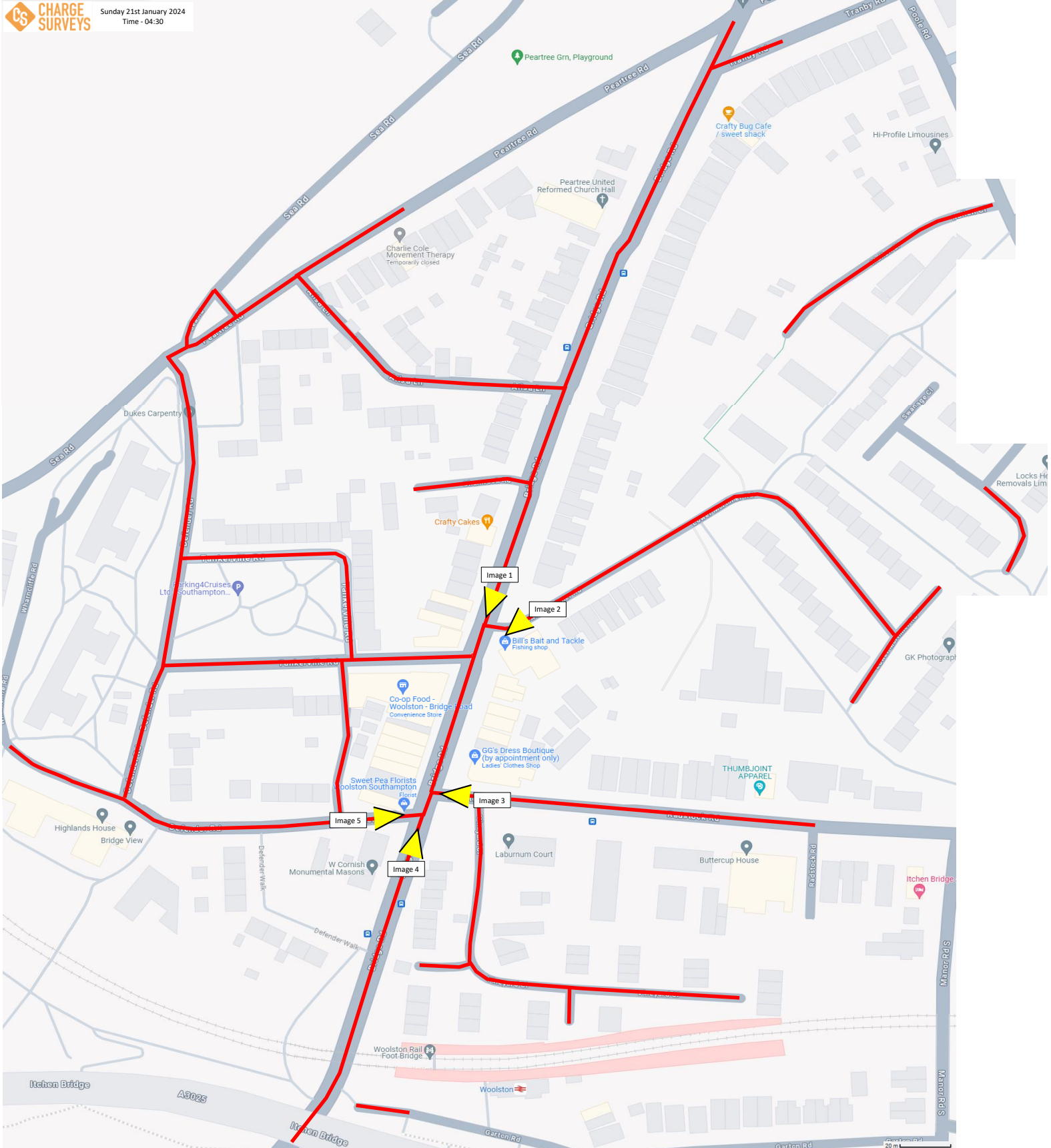
**Zone 48A - Unrestricted Hardstanding**  
 Unrestricted Bays -  
 5 vehicles parked, 17 observed spaces

**KEY:**

- = SINGLE YELLOW LINE MON-SAT 0800-1800
- = SINGLE YELLOW LINE MON-SAT 0800-1800 - TOO NARROW
- = DOUBLE YELLOW LINE
- = DOUBLE YELLOW LINE / ROADWORKS
- = DROPPED KERB
- = PEDESTRIAN CROSSING
- = ACCESS
- = DISABLED BAY
- = NOSE IN PARKING DISABLED BAY / DROPPED KERB
- = 30 MINS MON-SAT 0800-1800
- = BUS STOP
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / DROPPED KERB
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / NOSE IN PARKING
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY / LAYBY
- = A) CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700, PERMIT HOLDERS OR 1 HOUR NO RETURN TO SAME STREET WITHIN THE SAME DAY NOSE IN PARKING / DROPPED KERB
- = NOSE IN PARKING RESIDENTS ONLY
- = CONTROLLED ZONE STADIUM EVENT DAYS 1200-1700
- = UNRESTRICTED BUT WOULD NOT PARK
- = UNRESTRICTED TOO NARROW
- = UNRESTRICTED PARKING BAY
- = UNRESTRICTED PARKING BAY / DROPPED KERB
- = UNRESTRICTED VEHICLE PARKED 1/2 ON PATH AND 1/2 ON ROAD
- = UNRESTRICTED

**KEY:**

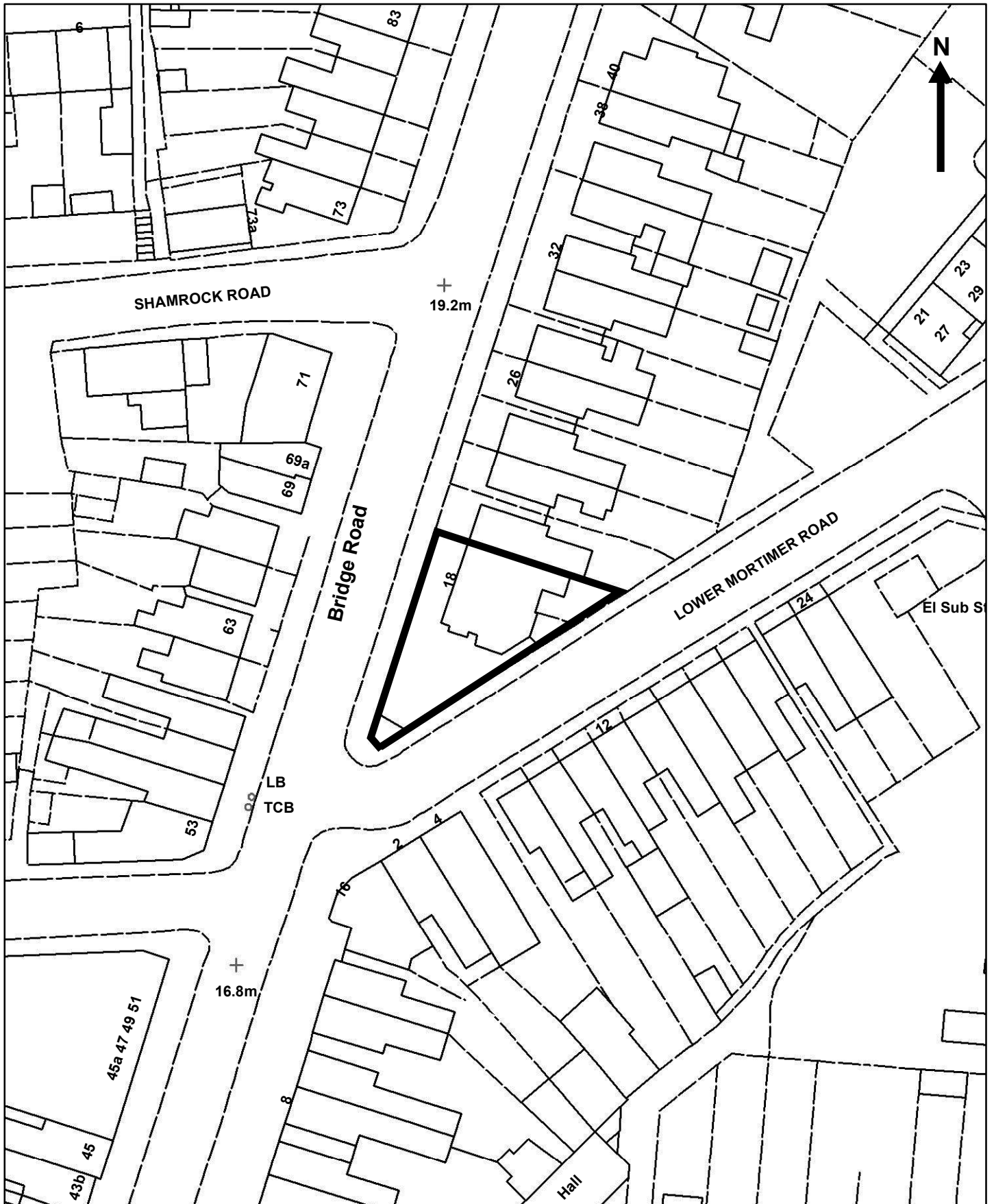
- = PARKED VEHICLE
- = OBSERVED SPACE
- = PARKED ON YELLOW LINES
- = PARKED ON DROPPED KERB



This page is intentionally left blank

# Agenda Item 6

## Appendix 2



Scale: 1:625

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank

**Planning and Rights of Way Panel 12<sup>th</sup> March 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 1 Brighton Road, Southampton			
<b>Proposed development:</b> Change of use from a House in Multiple Occupation for up to 6 people (Use Class C4) to an 8-bed House in Multiple Occupation (Sui-Generis).			
<b>Application number:</b>	23/01585/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	30.01.2024	<b>Ward:</b>	Banister and Polygon
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Councillor P. Every Councillor S. Leggett Councillor V.Windle
<b>Applicant:</b> HMO (Southampton) Ltd		<b>Agent:</b> Pure Town Planning	

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

<b>Community Infrastructure Levy Liable</b>	Not applicable
<b>Biodiversity Net Gain Applicable</b>	Not applicable

**Reason for granting Permission**

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

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Habitats Regulation Assessment		

**Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 3** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure either a scheme of measures or a financial

contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

3. That the Head of Transport and Planning be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

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

- 1.1 The application site is located on the north side of Brighton Road. Brighton Road is a Cul-de-sac with the access to The Avenue (50m to the east) closed to vehicular traffic.
- 1.2 The application site contains one half of a pair of symmetrical, semi-detached, brick-built dwellings. There is a flat roof garage and an existing amenity area to the rear, a parking space to the side, and the building's current use is as a 6 person HMO (C4) with Council Tax records confirming that this use was established prior to the Council's HMO Article 4 Direction in March 2012.
- 1.3 The site is abutted by construction sites to the north and east. The attached property (No.2) has an HMO license for up to 6 occupants (C4 HMO). The eastern boundary also abuts the rear boundary of the amenity area of the flats at 76 The Avenue.
- 1.4 The northeast boundary abuts the 'The Avenue' Conservation Area. The application site lies just outside the defined city centre.

#### **2. Proposal**

- 2.1 The application seeks to increase the number of bedrooms in an existing HMO from 6 to 8. This results in a material change of use from a C4 HMO to a sui-generis larger HMO.
- 2.2 The proposal does not seek any external alterations to the premises. The additional accommodation can be achieved through the conversion of existing rooms within the building. An existing study/gym at first floor is to be converted into a bedroom as is the existing storage in the roof space.

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

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.

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

- 4.1 A schedule of the relevant planning history for the site is set out in ***Appendix 2*** of this report.
- 4.2 There are no previous planning applications relevant to this proposal. Any planning history is associated with works to protected trees on site.



## **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 15<sup>th</sup> December 2023. At the time of writing the report **12 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 *Over proliferation of HMOs. This area is already densely populated with students, which doesn't help to create a balanced community.*

### **Response**

The existing C4 use as an HMO is established through the records held by the Council. As such the 40m 10% threshold tests do not apply and the principle of an HMO is not up for consideration. Consideration will, instead, be given to the policy context of increasing the number of bedrooms from 6 to 8 and the impact on the community.

5.3 *Such a concentration of short-term rental property inevitably leads to problems with increased noise, litter and late-night disturbance.*

### **Response**

Whilst this concern generalises the occupation of an HMO, the impacts associated with the change of use will be assessed below. The Panel will be aware that HMOs can be occupied by people of all ages and backgrounds with many choosing such shared accommodation as an affordable option to be able to live, work and study within Southampton.

5.5 *Precedents have been set where sound proofing was a condition of HMO use. The same needs to be applied here.*

### **Response**

The application property is semi-detached. However, it is also noted that the neighbouring property No.2 also benefits from a HMO License. As such, both of the properties can be expected to have similar levels of operation negating the need for insulation between the dwellings.

5.6 *Insufficient and extra pressure on parking. Continual abuse of parking on yellow lines- in front of drives etc.*

### **Response**

Impact on parking demand and associated requirements for bin and cycle storage and amenity space will be considered in the Planning Considerations section below, noting that this is a highly sustainable location.

5.7 *The loft is being proposed for a bedroom, previously this property restricted access to this region due to fire regulations, have fire provisions been made?*

### **Response**

The proposal has been reviewed by the Council's HMO Team. Fire safety risk formed part of that consideration. They have raised no objection on these grounds.

**Consultation Responses**

5.8

<b>Consultee</b>	<b>Comments</b>
Cllr Steve Leggett	As the sitting councillor in this ward I want to add my objection to this planning application due to the reasons that this road already has too many HMOs.
Council Tax	Council Tax records show this has been a house in multiple occupancy let to 4 tenants since at least 2011.
Environmental Health	<p>Environmental Health have no objections in principle to this application. However, I recommend a condition for hours of construction work and a condition regarding no bonfires, in order to protect the local neighbourhood.</p> <p><i>Officer Response</i>  <i>With no building works proposed these conditions are not required.</i></p>
HMO Licensing	<p>The layout of the property poses no atypical risks for fire safety, similarly the layout of the property poses no atypical issues regarding which floors the kitchen and bathrooms occupy. The lack of floor area details mean no comment can be made on room sizes, similarly a lack of details on fittings mean no comment can be made on amenities provision or detailed assessment of fire safety. The applicant should be aware that naturally increasing the size and number of storeys in a property will increase the required fire safety standards and amenities.</p> <p>Following receipt of further confirmation and plans from the applicant HMO Licensing advised:</p> <p>The room size requirements are all met. The landlords have fitted a Grade A LD2 alarm system, which was exactly my concern, also suggests they understand the requirements well.</p>
Highways	<p>The proposed development is considered to be an intensification of existing use from a highways perspective. The increase in 2 occupants is not considered to generate any significant highway impacts and is considered acceptable in principle.</p> <p>Regarding maximum parking standards, the change from 6 to 8 occupants will increase the</p>

	<p>standards by one parking space. Justification is normally required to demonstrate that providing under this maximum would not generate harm. Looking at local on street parking, all roads contain parking restrictions except for a small stretch along Court Road which is just within a 200m radius of the site but not within 200m walking distance. It will be difficult to determine if the impact of one overspill parking will be severe. Notwithstanding this, the local junctions are protected by double yellow lines and therefore any overspill impact is considered to be an amenity issue rather than safety and therefore will hold limited weight in this recommendation.</p> <p>The level of bins should reflect the increase in occupants and details should be provided to show suitable storage and collection (without impacting on the public highway).</p> <p>Due to the living style of HMO occupants, one long stay cycle space (as defined by the Council's Parking SPD) should be provided for each occupant.</p> <p>Subject a condition securing the bin details and cycle parking, the proposal is supported by the Transport Team.</p>
Historic Environment Officer	No external changes to the host building are being proposed to facilitate the increase in occupiers. As such, there would be no direct impact on the character of the host building or the setting of the adjacent conservation area.

## 6.0 Planning Consideration Key Issues

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

- The principle of development
- Design and effect on character
- Residential amenity
- Parking highways and transport

### 6.2 Principle of Development

6.2.1 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are

supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood

6.2.1 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. In this instance the 10% threshold test (carried out over a 40m radius) as set out in the HMO SPD is not relevant as the local concentration of properties occupied as HMOs would remain unchanged as a result of the proposal and, therefore, would not further imbalance of mix of households within a community.

6.2.2 Section 4.6 of the HMO SPD states that cases of intensifying the use from a small to a large HMO will be assessed on their own individual merits on a case by case basis against the council's relevant policies and guidance, including standard of living conditions and parking standards set out in section 5. Other impacts will be assessed as set out in the policy text. Section 4 of the HMO SPD sets out that notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the council's relevant development management policies and guidance.

### 6.3 Design and effect on character

6.3.1 Notwithstanding that the 10% threshold test set out in the HMO SPD is not relevant for considerations, concern has been raised by third parties that the proposed change of use would result in harm to the character and mix of households within the community. The concerns of residents that live amongst high concentrations of HMOs are noted, but the Panel have to consider the impacts of the proposed development (which in this case is the introduction of up to 2 additional residents). A negative impact on character from this change of use and intensification is difficult to substantiate, especially as Brighton Road comprises of a mix of properties, including flats, family dwellings and HMOs. Whilst the majority of properties in Brighton Road are family dwellings, there are other HMOs and flatted development that line Brighton Road which creates a mixed set of households. The proposals do not alter this mix in any substantive way, except for the issues to be discussed below that include impact on noise and disturbance, parking and waste.

6.3.2 The proposal does not result in any external alterations to the premises. As such the appearance of the building will not change when viewed in the street scene of from the neighbouring Conservation Area. There is a flat roof garage to the rear of the site that will provide an appropriate space for bin and cycle storage to reducing such clutter from the public realm.

6.3.3 Therefore, given that Brighton Road already comprises of a mix of households, it is not considered that the proposals can be resisted based on any adverse impact to the character and appearance of the area or the neighbouring Conservation Area.

### 6.4 Residential amenity

6.4.1 The eastern boundary also abuts the rear boundary of the flats at 76 The Avenue.

The site is abutted to the north and east by construction sites. To the north the previous commercial garage has been demolished and significant works have been undertaken in building the approved scheme of flats alongside a care home. To the east of the site the previous block of flat roof domestic garages has been demolished and the exterior of the site secured with Herras fencing. The proposal will not be in any conflict with these development and future occupiers will be aware of the status of the application site prior to purchase.

6.4.2 The proposal does not require any external alteration to the building. In the absence of any additional built form or window openings the proposal is considered to preserve the amenities of the occupiers of the neighbouring dwelling in terms of light, outlook and privacy.

6.4.3 The neighbouring property to the west (No.2) is current licensed as a C4 HMO. As such this property is in a similar use to the application property. Given that the two properties will be in similar uses it is not considered reasonable for additional sound insulation to be required between the two dwellings and the proposed development would not adversely impact on the amenity of that neighbour in terms of noise and disturbance.

6.4.4 Concern has been raised that HMO's are a cause of noise and disturbance. Each application must be assessed on its own merits. There is currently no evidence to suggest that an additional 2 bedrooms in this property will result in any increased noise or disturbance to the wider area. The existing dwelling is an established C4 HMO and the proposal seeks to increase the level of accommodation from 6 residents to 8. The planning system can only plan for reasonable behaviour and statutory noise nuisance or anti-social behaviour is controlled under separate legislation enforced by the Council's Environmental Health Team or the Police. It is noted the Environmental Health Team have raised no objection to this proposal.

#### 6.5 Occupier Amenity

6.5.1 The additional accommodation within the property is achieved through conversion of existing communal rooms and loft storage.

6.5.2 In response to the comments received from the HMO Licensing team regarding fire safety and room sizes, additional information was provided by the applicant. The HMO Team later confirmed that the room sizes were sufficient and appropriate consideration had been given to fire safety.

6.5.3 The existing residents would continue to benefit from the large existing ground floor communal living area that comprise of an open plan lounge/dining area and kitchen, with 2 bathrooms on offer. The proposal will retain a rear amenity area suitable for relaxation and more practical functions such as drying washing. The floor area of the new bedroom space in the loft will comply with minimum space and license standards, whilst the occupants would benefit from sufficient ventilation, headroom and outlook/light/privacy. On this basis the proposals would provide an adequate living environment for future occupiers. The communal facilities can be secured and retained by condition.

#### 6.6 Parking highways and transport

6.6.1 The application retains 1 off road parking space. The site is sustainably located near the city centre with high accessibility to public transport and shops/services. There

are parking permit controls on the surrounding streets (residential parking zone 1 'The Avenue' with restrictions operating 8:00am to 6:00pm Monday to Friday), which appropriately controls existing parking behaviour. The existing property will be subject to limited number of parking permits and would have to apply on an individual basis for additional permits, which would be issued by the Council's Parking Team. A condition in this respect is not necessary for planning purposes. On this basis the additional residents would not result in any significant or harmful to change to existing parking arrangements.

- 6.6.2 This proposed change of use would alter and increase existing bin storage requirements. Details of the exact size and location of the bin store has not been submitted with this application, however the existing garage is of a size able to accommodate the bin store without any loss of amenity to existing residents.
- 6.6.3 The proposed plans indicate that cycle storage space is available within the existing garage. The required level of storage for cycles 1 space per resident/room shall be provided for the new development. On this basis, subject to a condition securing this storage, the proposals would not result in adverse impacts on highway safety or amenity.

#### 7.0 Likely effect on designated habitats

- 7.1 Having regard to the attached appeal decision, paragraphs 6 to 22 (**see Appendix 3**) officers acknowledge that increased occupancy of larger HMOs triggers the requirement for a Habitats Regulation Assessment (HRA). The proposed development, as a residential scheme which increases overnight accommodation with the occupancy rate to be based upon 1 person per bedroom, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast. Accordingly, a HRA has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and is appended at **Appendix 4**.
- 7.2 A Grampian condition will require the requisite number of credits from the Eastleigh Nutrient offset scheme to be secured prior to the occupation of the large HMO. The SDMP contribution will be secured by officers prior to releasing permission as per the delegation sought in the above recommendation. The HRA concludes that, providing the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and nitrates credits, are secured the development will not adversely affect the integrity of the European designated sites.

### 8. Summary

- 8.1 The change of use of the property from a 6 bedroom C4 HMO to a 8 bedroom HMO (Sui Generis) would not adversely harm the character and amenity of the area, residential amenity or highway safety. The comings and goings, including traffic and parking demand generated, associated with the HMO use would not be detrimental to the amenity and safety of the residents living in the area or further imbalance the mix of properties within the area and the community.

### 8. Conclusion

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

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

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

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

Case Officer **Mark Taylor** PROW Panel 12<sup>th</sup> March 2024

**PLANNING CONDITIONS to include:**

1. 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).

2. Approved Plans (Performance)

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.

3. Retention of communal rooms (Performance)

The communal rooms and spaces shown on the plans hereby approved, namely the Kitchen and dining/living room, bathrooms and hallways, shall be retained for use by residents and their guests as communal spaces and shall not be converted to form additional bedrooms.

Reason: To ensure a good quality residential environment is retained and to ensure that the use does not intensify further to protect the amenities of nearby residential occupiers.

4. Amenity Space Access (Performance)

The external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

5. Refuse and Recycling (Performance)

With the exception of collection days all refuse and recycling adequate size and bin shall be provided and stored in the existing garage.

Reason: In the interests of residential and the visual amenity of the area.

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

6. Cycle Storage (Pre-Occupation)

Prior to the occupation of the property by seven or more occupants, secure and enclosed storage for 8 bicycles shall be provided within the existing garage. The storage shall thereafter be retained as approved.

Reason: To promote cycling as a sustainable form of transport.

7. Limit of occupiers (Performance)

The HMO hereby approved shall be occupied by no more than 8 persons.

Reason: In the interests of protecting the character and amenity of the local area.

8. Eastleigh Nutrients offset scheme (Pre-occupation)

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

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



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

CS16 Housing Mix and Type

CS19 Car & Cycle Parking

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

SDP1 Quality of Development

SDP5 Parking

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

SDP16 Noise

H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Houses in Multiple Occupation SPD

Other Relevant Guidance

The National Planning Policy Framework (2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

---

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
22/00267/TPO	G123 Lawson cypress remove northly stem due to fire damage.	Conditionally Approved	06.12.2022
22/00269/TPO	G124 Group of beech cut back low level fire damaged branches of easterly tree to suitable live side branches or remove back to point of origin.	Conditionally Approved	06.12.2022

## Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	23/01585/FUL
<b>Application address:</b>	1 Brighton Road Southampton SO15 2JJ
<b>Application description:</b>	Change of use from a House in Multiple Occupation for up to 6 people (Use Class C4) to an 8-bed House in Multiple Occupation (Sui-Generis).
<b>HRA completion date:</b>	8 December 2023

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

### Summary

The project being assessed is as described above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

## Section 2 - Assessment of implications for European sites

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

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

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

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

The following effects are possible:

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

### Conclusions regarding the likelihood of a significant effect

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

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

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

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

### Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

**The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations**

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether

the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

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

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

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

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

## **TEMPORARY, CONSTRUCTION PHASE EFFECTS**

### *Mobilisation of contaminants*

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

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

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

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

### *Disturbance*

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

Sites considered: Solent and Southampton Water SPA

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

#### *Collision risk*

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

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

### **PERMANENT, OPERATIONAL EFFECTS**

#### **Recreational disturbance**

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

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

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

#### **Nightjar**

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

#### **Woodlark**

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

#### **Dartford warbler**

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

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is

designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

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

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

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

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

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

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

### **Mitigation**

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

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

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

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



suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

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

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

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

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

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

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

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

has been agreed.

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

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

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

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

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

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

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

*Water quality*

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

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

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

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

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

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

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

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

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

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

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

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

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

***Reason:***

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

---

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

***Reason:***

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

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

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

Conclusions

The following conclusions can be drawn from the evidence provided:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.

- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

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

#### Demolition and Construction phase

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

#### Operational

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

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

## References

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

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

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

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

## **Protected Site Qualifying Features**

### **The New Forest SAC**

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

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

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

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

### **The New Forest SPA**

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

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

The SPA qualifies under Article 4.2 of the Birds Directive by supporting

overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

### **New Forest Ramsar Site**

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

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

### **Solent Maritime SAC**

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

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

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

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

The SPA qualifies under Article 4.2 of the Birds Directive by supporting

overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

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

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

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

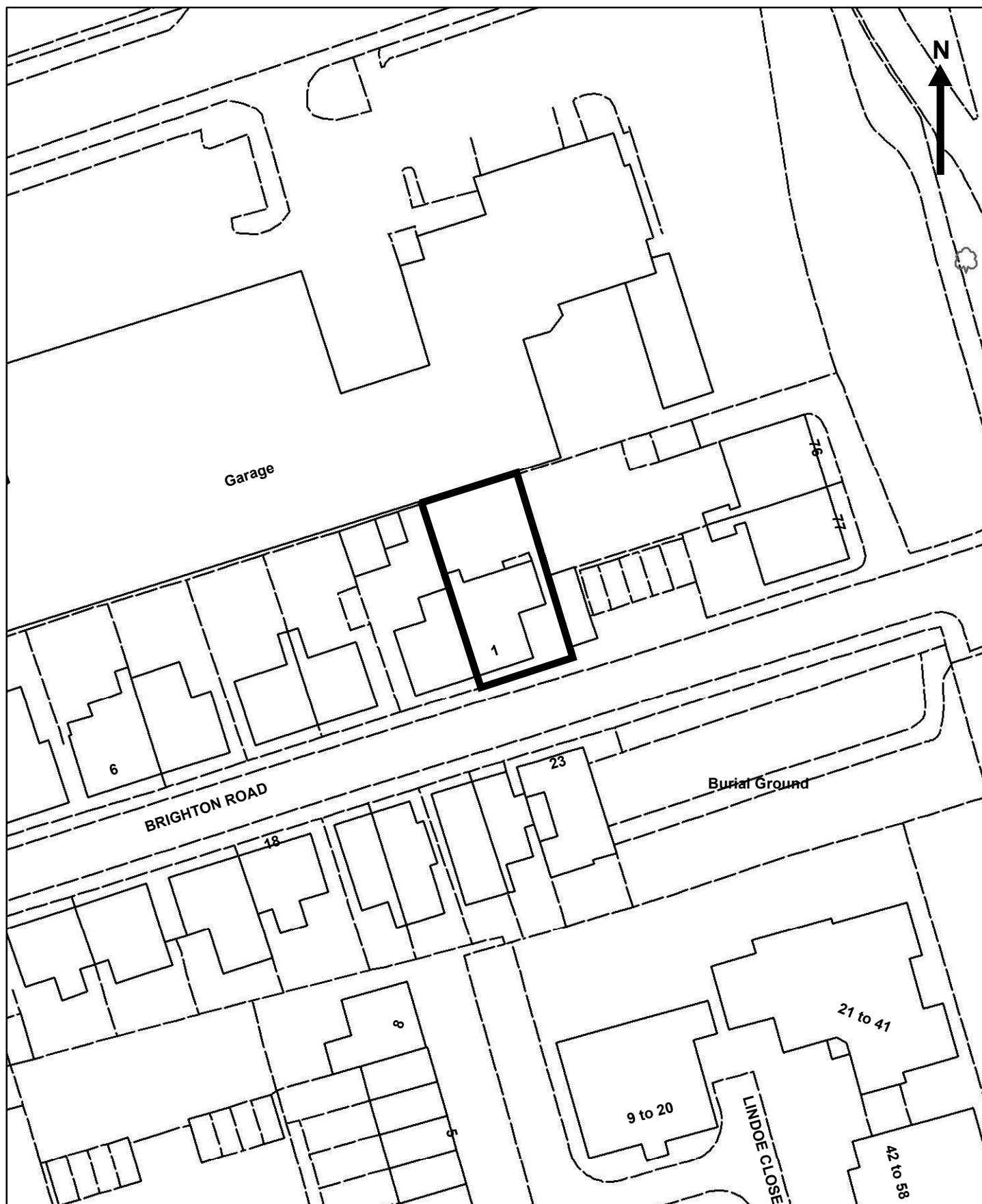
The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

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



# Agenda Item 7

Appendix 1



Scale: 1:625

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank

**Planning and Rights of Way Panel 12<sup>th</sup> March 2024  
Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 35 Gurney Road, Southampton			
<b>Proposed development:</b> Erection of a single storey outbuilding at rear of garden.			
<b>Application number:</b>	24/00090/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	25.03.2024	<b>Ward:</b>	Shirley
<b>Reason for Panel Referral:</b>	SCC Employee known to the Planning Department	<b>Ward Councillors:</b>	CLlr Satvir Kaur CLlr Alexander Winning CLlr Razwana Quadir
<b>Applicant:</b> Roland Fugh			

<b>Recommendation Summary</b>	Conditionally Approve
-------------------------------	-----------------------

<b>Community Infrastructure Levy Liable</b>	Not applicable
<b>Biodiversity Net Gain Applicable</b>	Not applicable

**Reason for granting Permission**

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

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Previous Appeal Decision	4	Previously Refused Plans

**Recommendation in Full  
Conditionally approve**

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

1.1 The application site is located on the northwest side of Gurney Road. The site contains a two storey, brick built, semi-detached residential property. The property has a brick plinth at ground floor with pebble dash above. Works to the rear of the property to implement consent 22/01273/PAH (single storey rear extension) have commenced.

1.2 Views of the rear of the site are not readily available from the public realm due to the tall side gate access. The rear of the site contains several smaller outbuildings.

1.3 The predominate character of Gurney Road is of a residential nature formed of two storey symmetrical pairs of dwellings. A number of properties in the vicinity have been altered, including extensions and outbuildings at the rear. Both properties either side of the application site (No.33 and 37) have sizeable summer house style outbuildings to the rear of the site.

1.4 Land levels at the rear of the site are notably higher at the rear boundary than they are of the front boundary of the site.

## **2. Proposal**

2.1 The proposal is a revised scheme following the dismissed appeal of the previous proposal (22/01230/FUL) for an outbuilding.

2.2 The application seeks to erect a single storey, dual pitch roof outbuilding at the rear of the site. The footprint measures 6.5m in width and 9m in length. The height of the building from its base to roof ridge will be 3.6m.

2.3 The proposed external facing materials will be felt roof shingles, Hardie plank cladding to the elevations, white PVCu windows and doors.

2.4 The applicant has advised that the outbuilding will be used for martial arts training by friends and family members. However, the consent being sought is an outbuilding as future occupiers of the host dwelling may wish to use the outbuilding for a different use.

## **3. Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

## **4. Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 Of particular note is the previously refused application for an outbuilding referenced 22/01230/FUL. This decision was the subject of an dismissed appeal. A summary of the Inspectors findings is provided later in this report. A full copy of the Inspectors decision can be found in **Appendix 3**. The previously refused plans can be found in **Appendix 4**.

## 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. The application requires a Panel decision as the applicant is an employee of SCC and is known to the Planning Department. At the time of writing the report **1 representation** has been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***We have concerns regarding noise and disturbance to local residents. Judo is a very noisy sport with shouting, grunting and thudding noises. We are not satisfied that the measures put in place in the proposed plans would stop several properties from enjoying their gardens. We fear that the peace and quiet of our private space will be ruined by noise.***

### **Response**

Outbuildings in rear gardens can be used for a wide number of uses from hobbies, gyms, workshops, offices to entertaining and relaxing in summer houses. Many 'conventional' outbuilding uses have the potential for noise and disturbance.

Whilst the applicant has advised that the outbuilding would be used for martial art training, given the nature of martial arts and the physical exertion required the use of the outbuilding for martial arts can be expected for limited durations.

Noise disturbance did form part of the considerations of the previously refused scheme 22/01230/FUL. In their consideration of the appeal the Inspector concluded:

*'I note objections submitted from neighbouring properties raised concerns over the potential noise that would arise from the use of the outbuilding for training purposes, concerns which are also referred in the Council's officer report. However, I give some weight to the appellant's view that this could be controlled through the construction of the building and controlled by conditions if the appeal were acceptable in all other respects.'* (Paragraph 13)

In order to prevent the noise emission escaping from the outbuilding the

applicant has incorporated the following into the design of the proposal: There are limited openings (such as windows) on the property. Both side elevations contain two narrow windows, the same on the rear elevation. The building is accessed via the front elevation through PVCu glazed door.

Drawing 2201-06 provides a cross section of the building construction. It demonstrates the roof and walls will be insulated with 100mm polyisocyanurate (PIR) insulation. Whilst this is more for thematic insulation it is also noted that the walls are to be covered with 40mm thick vinyl foam matting that will help dampen noise within the outbuilding particularly knocks.

It is also noted that the applicant is very keen to practice martial arts at the property. This is the second application for such a use on the site following the undertaking of an unsuccessful appeal. An alternative to training in the proposed outbuilding would be to train in the open air. Whilst this may not be desirable for the applicant in the winter months, during the better weather, when people can be expected to be enjoying their gardens the applicant would be free to train in the open air without the need for express planning consent.

## **6.0 Planning Consideration Key Issues**

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

- Design and effect on character
- Residential amenity

### **6.2 Design and effect on character**

6.2.1 In their consideration of the previously refused scheme the inspector concluded:

- *‘Due to the size of the proposal I consider it would appear as an overly dominant and incongruous feature when viewed from neighbouring properties.’ (Paragraph 6)*
- *‘The proposal would also take up a significant proportion of the rear garden that combined with the existing outbuilding and extension under construction would result in an over development of the plot.’ (Paragraph 7)*
- *‘The proposed building would be considerably larger than existing outbuildings near to the appeal site along this part of Gurney Road.’ (Paragraph 7)*
- *‘The size of the outbuilding to be out of character with the general pattern of development in the area where outbuildings mainly appear as subservient features within rear gardens.’ (Paragraph 7)*

6.2.2 In order to overcome these concerns the applicant has made a number of amendments to the revised scheme. The original outbuilding measured 12m in depth, up to 6.4m in width, and a maximum height of 4.2m (with eaves at

2.6m) within 1m and 0.6m of the side boundaries of No.33 and 37 Gurney Road. The guest bedroom and ensuite have been removed from this revised scheme.

- 6.2.3 The footprint now measures 9m in depth, and 6.5m in width. Furthermore, the height of the building has been reduced by approximately 60cm (to 3.6m), and it is also proposed to level the ground levels at the rear of the site to allow the outbuilding floor to be located at a lower height sunken into the existing ground levels.
- 6.2.4 The reduction in depth creates a greater level of separation from the host property; retaining a more spacious amenity space at the rear. It is noted that as part of the assessment for permitted development up to 50% of the site (excluding the original dwelling) can be covered by an outbuilding/s. In this instance the revised scheme will cover far less than 50% of the rear garden let alone the site as a whole.
- 6.2.5 As a result of this reduction of depth, height and through setting the building on lower ground levels than previously proposed the revised scheme reduces the level of proposed development on site and will allow the proposal to appear more subservient to the host property and the wider area.
- 6.2.6 It is noted that many of the neighbouring properties have outbuildings many of a summer house design. Whilst these are not of the scale of that currently proposed, it is noted that such outbuildings are being used to make use of the land available and make further use of the amenity areas particularly as the outbuildings face in southeast direction to take advantage of the natural light available.
- 6.2.7 The proposal will be constructed of materials that reflect the spectrum of materials used in the outbuildings within the vicinity. The proposal will not be in any conflict with any trees or landscape features of particular amenity to the area. As such the revised design has addressed the previous reasons for refusal, the concerns of the Planning Inspector and now accords with saved Local Plan policy SDP1(i) and our adopted guidance in respect of householder design

### 6.3 Residential amenity

- 6.3.1 There are standards set out in section 2.2 of the adopted Residential Design Guide (2006) to protect the living conditions of the existing and future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas.
- 6.3.2 In their consideration of the previously refused scheme the inspector concluded:
- *'The size of the proposal is too large for the plot and would harm the outlook of neighbouring properties from their garden areas.'* (Paragraph 11)

- 6.3.3 The Inspector's concerns with regard to neighbour amenity were limited to scale of the proposed building and the proximity of the outbuilding to the shared boundaries resulting overbearing impact.
- 6.3.4 The revised scheme is much smaller than that previously considered with a reduction in depth of 3 metres. This will reduce the footprint of the building by 25% and locate the proposed outbuilding further away from the host property and habitable areas of the neighbouring properties either side.
- 6.3.5 The scale of the built form has also been reduced by lowering the ridge height of the outbuilding. The height of the building has been reduced by approximately 60cm. A further reduction in height is achieved through a reduction in ground levels at the rear of the site. As a result, the proposal would be set on ground levels much lower than previously considered.
- 6.3.6 Whilst the proposal will retain a similar proximity to the shared boundaries, the reduction in depth and height of the proposal will significantly reduce any overbearing impact to the amenities of the neighbouring occupiers. The revised scheme will have an eaves height that will be set lower than the boundary treatments with those neighbouring properties, with a dual pitch roof that slopes as shallow 20° up from the shared boundary.
- 6.3.7 As a result in the reduction in ground levels the side and rear facing windows of the building will look out onto the boundary treatments between the application site and the neighbouring properties. These boundary treatments are approximately 1.8m above existing ground levels screening views from these windows. To further mitigate any overlooking from these windows it is noted from the construction detail drawing 2201-06 that these windows are to be obscure glazed. Obscure glazing of these side facing windows can be secured via a planning condition.
- 6.3.8 The proposal will have double access doors facing towards the host property, it is noted that the outbuilding located on neighbouring properties either side have a similar arrangement. As such any overlooking would be reciprocal.
- 6.3.9 The previous proposal was not considered to result in any material harm to the light or privacy currently enjoyed by the occupiers of the neighbouring dwelling. This reduced scheme is, therefore, also considered to preserve those amenities. The potential for noise disturbance is covered in section 5.2 above. As such given the significant reduction in scale of the proposed building, both in footprint, roof pitch and ridge height the proposal is no longer considered to result in an overbearing impact to the occupiers of the neighbouring dwellings.

## **7. Summary**

- 7.1 This application is for an outbuilding for incidental use to the main dwelling. Whilst the applicant intends to practice martial arts in the building the Panel



will be aware that domestic outbuildings are free to be used for a wide range of activities providing they remain 'incidental'. The proposal has been significantly reduced in scale from the previously refused scheme. The bedroom and ensuite have been removed from the proposal. This results in a reduction in length from 12m to 9m reducing the footprint of the building by some 25% from the scheme previously considered.

- 7.2 Furthermore, the height of the building has been reduced by approximately 0.6m. A further reduction in ridge height will be achieved through the levelling of ground levels at the rear of the site. As such, the proposal will be set on ground levels notably lower than previously considered reducing the ridge height of the building when viewed from neighbouring dwellings.
- 7.3 The revised scheme has been revised to limit any views towards the neighbouring properties and measures taken to reduce any noise and disturbance during its use.
- 7.4 Whilst still sizeable the revised scheme retains sufficient rear amenity space for use by the occupiers of the host property with sufficient space for leisure, relaxing and functions such as drying washing. Outbuildings of a variety of designs and scales form part of the established character of the vicinity.

## **8. Conclusion**

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

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

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

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

Case Officer **Mark Taylor** PROW Panel 12.03.2024

### **PLANNING CONDITIONS**

1. Full Permission Timing (Performance)  
The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. Approved Plans (Performance)  
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.  
Reason: For the avoidance of doubt and in the interests of proper planning
3. Materials in accordance with submission (Performance)  
The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby

permitted shall be in accordance with the submitted plans and information hereby approved.

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.

4. Incidental Use Only (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking, re-enacting or modifying that Order) the building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and for no other purpose including any business use, and shall not be sold, leased or rented separately to the main dwelling.

Reason: To maintain planning control in the interests of amenity of the site.

5. Obscure Glazing (Performance)

All windows in the side and rear elevations shall be obscurely glazed to Pilkingtons level 3 or above before the development is first brought into use. The windows shall be thereafter retained in this manner.

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

6. No Other Windows or Doors (Performance)

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

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

Note to Applicant

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

Note to applicant: You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at [www.communities.gov.uk](http://www.communities.gov.uk).

**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 (2023)

---

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
22/01230/FUL	Erection of a detached outbuilding to provide a guest bedroom and personal martial arts training room	Application Refused – Appeal dismissed	27.10.2022
22/01273/PAH	Erection of a single storey rear extension (Max Depth 3.6m, Max Height 3.2m, Eaves Height 3m)	Prior Approval Not Required	19.10.2022



---

## Appeal Decision

Site visit made on 2 June 2023

**by N Perrins BSc (hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 July 2023**

---

**Appeal Ref: APP/D1780/D/23/3314898**  
**35 Gurney Road, Southampton, SO15 5GF**

- 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 Roland Fugh against the decision of Southampton City Council.
  - The application Ref: 22/01230/FUL, dated 3 September 2022, was refused by notice dated 27 October 2022.
  - The development proposed is an annexe to provide training room & guest bedroom incidental to the main house.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's decision notice has a different description of the appeal proposal than that used on the planning application form. I have not seen any correspondence to confirm there was agreement to change the description of development so have used the wording from the planning application form in this appeal decision.

### Main Issues

3. The main issues are the effect of the development by virtue of its size, height, design and siting on:
  - the effect of the development on the character of the area
  - the living conditions of neighbouring properties; and
  - whether it would create an independent living unit.

### Reasons

#### *Character of the area*

4. The appeal property is a semi-detached house located within the urban area of Southampton. Gurney Road comprises a mix of semi-detached and detached 2-storey dwellings set within a suburban character. The appeal property has a rear garden approximately 29m in length, which includes an existing outbuilding. A rear extension to the dwelling is under construction following an earlier prior approval decision.
5. The appeal proposal would erect a detached outbuilding just over 12m from the single storey rear extension currently under construction and approximately

- 16m from the original rear elevation. The proposed building would be 12m in depth, up to 6.4m in width, maximum height of 4.2m (with eaves at 2.6m) and within 1m and 0.6m of the side boundaries of No.33 and 37 Gurney Road.
6. Whilst the appeal proposal would not be visible from Gurney Road, it would be noticeable from adjoining rear gardens by virtue of its height and pitched roof that extends along the full length of the proposed building and proximity to adjoining boundaries. Due to the size of the proposal I consider it would appear as an overly dominant and incongruous feature when viewed from neighbouring properties.
  7. The appeal proposal would also take up a significant proportion of the rear garden that combined with the existing outbuilding and extension under construction would result in an over development of the plot when compared with others near to the site. In particular, the proposed building would be considerably larger than existing outbuildings near to the appeal site along this part of Gurney Road. I therefore consider the size of the outbuilding to be out of character with the general pattern of development in the area where outbuildings mainly appear as subservient features within rear gardens.
  8. I note the appellant has provided examples of similar sized outbuildings that have been constructed relatively near to the site although the specific details of those permissions are not before me in this appeal. Each case also needs to be assessed on its own merits and in this case I find the size of the structure including the extent to which it would cover the rear garden to result in harm to the character of the area.
  9. I also have considered the appellant's position that the appeal proposal is needed to provide an additional bedroom for visitors as well as a space to undertake Judo training to prepare for competitions. Whilst I am sympathetic to this it does not outweigh the harm I have identified from the size and scale of the proposal being too large for the plot and out of character with the area.
  10. Policy CS13 of the Southampton City Council Core Strategy incorporating Partial Review 2015 requires development to respond positively and integrate with its local surroundings and character. Saved Policy SDP7 of the City of Southampton Local Plan Review 2006 requires development to respect the scale, density and proportion of existing buildings. Saved Policy SDP9 requires development to respect their surroundings in terms of scale, massing and visual impact. Guidance is also contained in the Council's Residential Design Guide 2006 seeks to ensure development is well designed in terms of context and impact on character. For the reasons outlined above I conclude that the development would have a harmful impact on the character of the area contrary to Policies CS13, SDP7 and SDP9 of the Development Plan and the guidance contained in the Council's Residential Design Guide.

*Living conditions of neighbouring properties*

11. The Council's residential design guide provides advice for proposals to protect living conditions of neighbouring properties. As already identified, the size of the proposal is too large for the plot and would harm the outlook of neighbouring properties from their garden areas, which is contrary to Saved Policy SDP9 that requires development to respect their surroundings in terms of impact on surrounding land uses and local amenity.

12. The Council's officer's report also refers to there would be harm to privacy and available light. Whilst the appeal proposal would be a very a large structure, I do not agree that it would cause unacceptable harm in terms of loss of light or privacy as the windows proposed would use obscure glazing that could be controlled by condition. The appellant has also provided shading analysis that demonstrates the effects of shading would not in be materially harmful to living conditions of neighbouring properties.
13. I note objections submitted from neighbouring properties raised concerns over the potential noise that would arise from the use of the outbuilding for training purposes, concerns which are also referred in the Council's officer report. However, I give some weight to the appellant's view that this could be controlled through the construction of the building and controlled by conditions if the appeal were acceptable in all other respects.
14. The loss of outlook caused by the excessive size of the proposed building would, however, cause harm to living conditions contrary to Policies CS13, SDP7 and SDP9 of the Development Plan and the guidelines contained within the Residential Design Guide.

*Creation of an independent living unit*

15. The appellant's submission explains clearly that the proposal is to provide additional ancillary accommodation for visitors as well as the area for him and his son to train for Judo competitions. There is no evidence that disputes that that the building would be used for these activities, which in my view would be ancillary to the use of the site as a single dwelling. In this context just because the proposal is a very large building it does not automatically follow that it would be tantamount to the creation of an independent living unit. Furthermore, If the appeal were being allowed a condition could be attached to control this issue but as I have found it unacceptable on other grounds it does need any further consideration in this appeal.

**Conclusion**

16. I conclude that the works will harm the character of the area and the outlook of neighbouring properties. There are no material considerations that outweigh harm I have identified and therefore the appeal is dismissed.

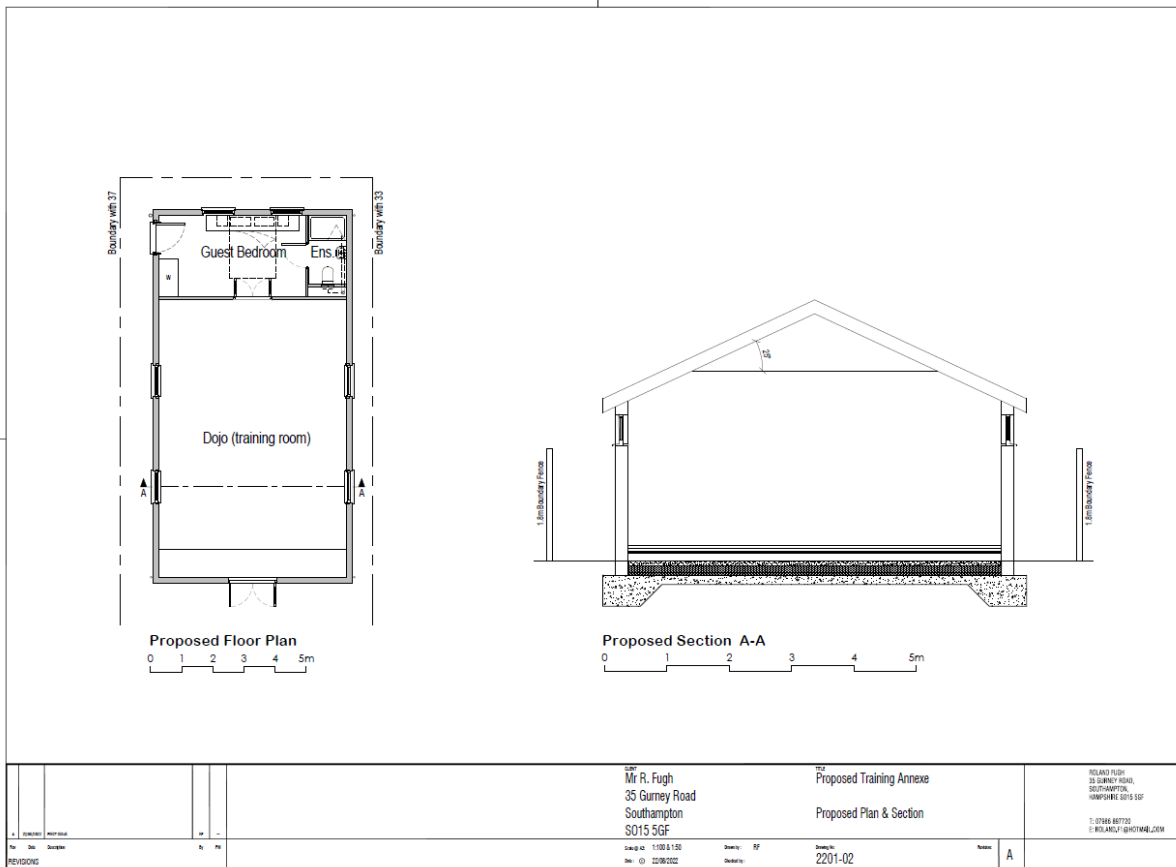
*N Perrins*

INSPECTOR

This page is intentionally left blank



## Appendix 4 Previously Refused Plans (Not to Scale)

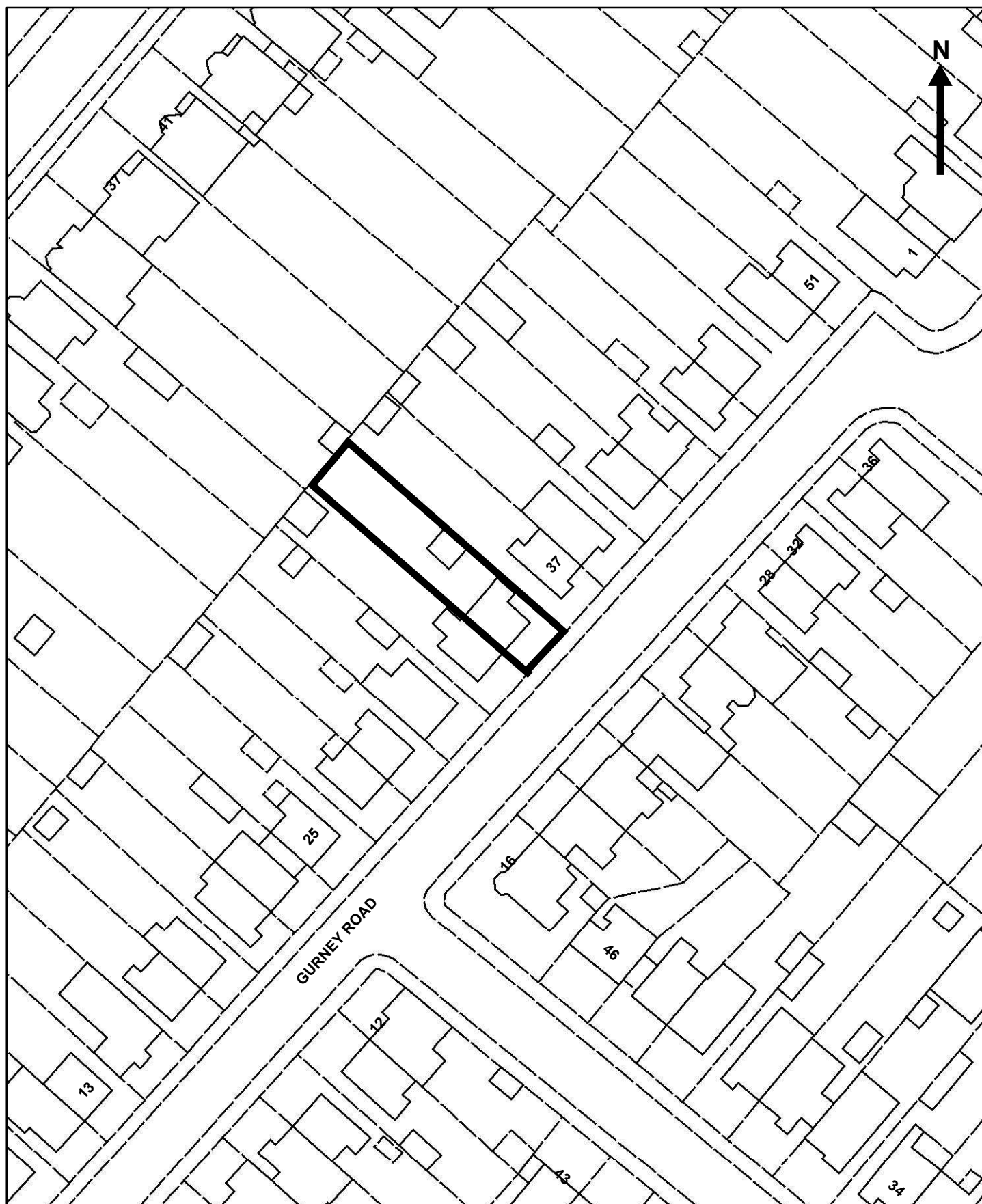


Appendix 4  
Previously Refused Plans (Not to Scale)



# Agenda Item 8

Appendix 3



Scale: 1:750

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank