

**Planning and Rights of Way Panel 23<sup>rd</sup> February 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 19 Wessex Lane Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of semi-detached pair of dwellings (1x3 and 1x2 bed), with associated parking and refuse storage following demolition of existing house (Resubmission of 20/00807/FUL) (Amended Description)			
<b>Application number:</b>	20/01675/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	EOT 01.03.2021	<b>Ward:</b>	Swaythling
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Fielker Cllr Mintoff Cllr Bunday
<b>Referred to Panel by:</b>	n/a	<b>Reason:</b>	n/a
<b>Applicant:</b> S Kalirai		<b>Agent:</b> Knight Architectural Design	

<b>Recommendation Summary</b>	Conditionally Approve
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<b>Community Infrastructure Levy Liable</b>	Yes
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, SDP23, H1, H2, H7, T1 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Previously refused 20/00807/FUL		

**Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Conditional Approval

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

- 1.1 This application site is located on the north-west side of Wessex Lane situated within a suburban area and comprises a mix of 2 storey dwellings from different eras. The site lies adjacent to the railway land to the north-west and the entrance of Swaythling railway station car park is in close proximity 25m to the south-west. The land to the south-west of the site was developed into terraced housing block approximately 20 years ago creating wide parking court fronting Wessex Lane.
- 1.2 The site itself comprises an existing 2 storey detached dwelling (site area 480sqm) with no off road parking. The existing building is set back from the street at a higher ground level which slopes up to the railway boundary at the rear. The property was built as a railway cottage in about 1882, known as The Station House (two other railway cottages to the south were demolished in the 1960s). The house is part of the 19th century village, however, the heritage status of the building is not statutorily protected for its historic significance or character. The irregular shaped side boundaries of the plot taper inwards to its centre and obliquely extend outwards to the rear behind the curtilage of no. 17 Wessex Lane. The grounds are extensively covered by vegetation and small trees, which are not protected by tree presentation orders.

## **2. Proposal & Background**

- 2.1 This resubmission follows a previously refused application in August 2020 (LPA ref. 20/00807/FUL – **see Appendix 3**) for redevelopment to provide 3 terraced houses. The quantum of development was considered excessive and out of keeping with the established character of the area, whilst the scheme was mainly refused on grounds of i) character and design, ii) overbearing impact on neighbours due to proximity of massing to shared boundaries, iii) poor living conditions for future occupants, and iv) overspill impact from on-street parking demand.
- 2.2 This resubmission seeks to address the previous reasons for refusal. It still seeks to demolition the existing dwelling, however, it now reduces the overall scale and massing to a semi-detached pair of dwellings. Since the submission of the current application, the design has been amended to:
- Remove a dwelling,
  - reduce the size and bulk of the semi-detached dwellings (Unit A = 3 bed and Unit B = 2 bed),
  - omit the front bays,
  - relocate the main entrances to the front elevation, and
  - hipped the side roof slopes (removed bedrooms in the roofspace).
- 2.3 The proposal seeks to form a new vehicle access onto the classified road (Wessex Lane known as C351) to provide 2 off-road bays each for both dwellings either side of a central turning aisle (6m wide). Other ancillary works to facilitate the development includes re-modelling of the site levels i) at the front so the parking area and access is level with the street, ii) excavate the levels down so eaves of the new building sits below the neighbouring dwellings in the street scene, and iii) create sunken rear patio terrace and steps up to the rear sloping garden at the end of the plots.

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

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

4.1 The only relevant planning history for the site is the recent delegated refusal to redevelop the site into 3 terraced dwellings (LPA ref. 20/00807/FUL) as referred to above (**see Appendix 3** for plans and decision notice).

### **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 on **16.12.2020** and erecting a site notice on **18.12.2020**. At the time of writing the report **8 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The existing cottage should be retained given its historical importance being over 100 years old and the last cottage that remains.***

#### **Response**

The building is not afforded statutory protection for its historic significance and character and, therefore, the Council cannot require its retention. A condition will be applied to require the recording of the building before it is demolished.

5.3 ***Given the limited consultation period just before the Christmas period (18.12.2020) combined with bank holidays and covid restrictions the local neighbourhood should be given an extra week to comment as the correct planning process has not been followed fairly.***

#### **Response**

The Council has carried out the public consultation in accordance with statutory procedures, which included notification letters to adjoining landowners (and in addition other properties in the street) and posting a site notice. The final closing date of the consultation period was 8<sup>th</sup> January 2021, as stated on the site notice which was posted (18.12.2020) later than neighbour notification letters (16.12.2020). All comments received before determination are material and have been taken into consideration.

5.4 ***Detrimental impact on wildlife. Loss of mature vegetation and trees which will have detrimental visual impact.***

### **Response**

No objection raised by the Council's Ecologist subject to mitigation of biodiversity loss through landscaping improvements to be agreed by planning condition. The existing trees on site are not protected by tree preservation order and can be removed without requiring the agreement of the Council. There is adequate space to the front of the site to achieve replacement landscaping and this can be secured by condition.

- 5.5 ***Loss of amenity to neighbours from noise disturbance from extra car and traffic and increase habitation of the site, and overshadowing and overlooking of existing properties which will be increased by loss of trees and vegetation.***

### **Response**

In assessing the application, it should be assumed that future residents will use the dwellings in a reasonable manner with regards to noise, whilst the Council has separate statutory powers to enforce against noise nuisance should issues arise. In this suburban setting, close to the railway line, the noise disturbance associated with the residential plot intensification in terms of the additional car movements and activities is not considered to be significantly harmful to the amenity of the neighbouring occupiers.

- 5.6 ***Road safety problems caused by creating access onto a very busy congested route on this part of Wessex Lane near the railway station where the road is narrow and on a bend/corner. Loss of street parking for local residents in front of existing plot which exacerbates existing on-street parking pressure and congestion/obstruction to passing traffic on Wessex Lane. Pressure on street parking results in parking on private driveways of neighbouring properties and affects visibility so loss of street parking will exacerbate this problem.***

### **Response**

The Highways team does not object to the formation of the new access subject to conditions to ensure that vehicles can safely reverse manoeuvre inside the parking area to enter and leave the site in a forward gear, and to agree adequate and clear highways and pedestrian visibility sightlines for the access. Two parking spaces per dwelling is fully compliant with our standards and is reasonable. The proposed parking sufficiently caters for the parking demand and it is, therefore, unlikely to have an overspill impact on local street parking.

- 5.7 ***Over-development and out of proportion with the plot which is only large enough for the existing detached family dwelling. Out of character with street scene as dwellings are poorly designed and inconsistent building line and digging down to create parking spaces.***

### **Response**

The design as amended is considered to be in keeping with the prevailing heights and form of the neighbouring two storey properties. The existing buildings within the area are not homogeneous, albeit typically two-storey, and therefore this street scene can support design variety as proposed.

## **Consultation Responses**

- 5.8 **SCC Highways** – No objection subject to conditions to show vehicle tracking of parking spaces to ensure safe reverse manoeuvring to leave and enter the new access

- 5.9 **SCC Sustainability Team** – No objection subject to conditions
- 5.10 **SCC Archaeology** – No objection subject to building recording and archaeological ground investigation. This will be secured by the suggested condition.
- 5.11 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions for construction management and soundproofed glazing to protect from the railway noise. This will be secured by the suggested condition.
- 5.12 **SCC Ecology** – No objection subject to condition to mitigate biodiversity loss through landscaping improvements
- 5.13 **Southern Water** – No objection
- 5.14 **Network Rail** – No objection subject to compliance with asset protection informatives during construction and future occupation
- 5.15 **SCC Trees** – Tree team comments will be verbally updated at the Panel meeting

## **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;
- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

### **6.2 Principle of Development**

6.2.1 The site is not allocated for additional housing and, therefore, this proposal would represent windfall housing development. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. However, it should be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing.

6.2.2 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in 'medium' accessibility locations such as this, density levels should generally accord with the range of 50-100 dwellings per ha (dph), 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 current density of the site is 21 dph so the density guidelines allows scope to further maximise the residential use of the site. The proposal would achieve a residential density of 61 dph which, whilst compliant with the range set out above, needs to be tested in terms of the merits of the scheme as a whole.

- 6.2.3 The existing dwellinghouse has more than 3 bedrooms with access to its own amenity space of at least 90sqm. In order to maintain mixed and balanced communities and opportunities for home ownership for families to live within the local area, policy CS16 resists the net loss of 3+ bedroom family homes (or bigger) with access to its own private and usable amenity space of a minimum size of 70 sqm (semi-detached home). In this instance, the quality and layout of the 3-bed family dwelling unit A (with direct access to over 70sqm private amenity space) being re-provided would be a suitable replacement and, therefore, the proposal would not result in a net loss of family dwellings as part of the development mix in accordance with policy CS16.
- 6.2.4 As such, the principle of optimising the efficient use in redeveloping the residential site as previously developed land (excluding the associated garden) can therefore be supported.

### 6.3 Design and effect on character

- 6.3.1 Following the submission of amended plans, the design improvements to the proportions and style of the proposed dwellings are considered to be in keeping with the established character and prevailing heights and form of existing housing within the street scene. Whilst the applicant seeks to maximise the efficient use of the residential site to deliver more housing, the two storey building is well spaced from the side boundaries, and overall the depth of the plot comfortably accommodates the footprint coverage of the building and hardstanding without being over-developed. This represents a significant design improvement compared to the previously refused scheme which over-crammed the site with three terraced dwellings right up to the side boundaries.
- 6.3.2 The visual impact from lowering of the site ground levels and replacing the front garden to facilitate the parking and access would not be out of character with the expansive front parking area at the neighbouring group of dwellings nos. 21-27 and the side parking area opposite at nos. 2-14 Wessex Lane. The central turning aisle must be retained for road safety purposes to allow adequate turning between the parking bays to prevent reversing onto Wessex Lane, so a typical suburban front garden and driveway arrangement is not possible in this instance. A landscaping scheme to be agreed by condition to ensure that planting is used to soften the appearance of the front hardstanding, plus the applicant will be requested to show the details of a modified front wall as part of the landscaping scheme

### 6.4 Residential amenity

- 6.4.1 Following the design changes made after the previously refused scheme and the hipped roof amendments, setting the building footprint at least 2 to 3m from the shared boundaries of the neighbouring properties eitherside, it is considered that the mass and bulk of the proposed dwellings combined with the lowered ground levels of the site would therefore not adversely impact on the light and outlook of the neighbouring properties. Although the two storey dwellings is located to the south of the garden of no. 17 Wessex Lane and its footprint is pushed further back into the plot compared to the existing, this relationship would not be unacceptable given that overshadowing mainly affects the side garden of the neighbouring property as the shared boundary to the side widens inwards to the rear end of the plot. As such, the most usable and private garden area of 17

Wessex Lane will maintain a reasonable level of sunlight for the majority of the day compliant with the relevant Building Research Establishment (BRE) guidelines..

6.4.2 In terms of loss of privacy, it is not uncommon for there to be an element of oblique overlooking of gardens in a suburban context where dwellings sit side by side – as is the case currently - so this arrangement is not considered adversely harmful to the privacy of the neighbouring properties, whilst the windows on the side facing elevations can be made obscured glazed and the main entrances have been moved from the side to the front of the dwellings. The side facing rooflights of unit A at a higher level would have oblique views of the windows and garden as it looks directly onto the roofslope of no. 21 and therefore would not adversely affect the privacy of the neighbouring occupiers. As such, the application complies with saved Policy SDP1(i).

## 6.5 Parking highways and transport

6.5.1 The current scheme has been reduced in size from 2 x 3 beds to 1 x 3-bed and 1x 2 bed and, therefore, slightly lessening the number of traffic movements and parking demand associated with the occupation level. Whilst the Highways team acknowledge that directly outside the proposed development Wessex Lane has a very narrow effective highway width due to on-street parking on the eastern side of the street, they do not consider that the formation of the new access and traffic movements generated will pose major highways safety issues. A 6m central aisle is wide enough between the parking bays to allow vehicles to reverse in and out without complicated manoeuvres. In addition, with the front retaining walls and hedges kept below 0.6m, so as not to obstruct pedestrian sightlines from the footway.

6.5.2 The three and two bed dwellings both require a maximum of 2 off-road parking spaces (4 total) under the Council's maximum parking standards which the development complies with. It is noted that there will be less opportunities for street parking in front of the site due to the siting of the new access, however, this impact does not directly affect the overspill impact of the parking demand from the future car users of the development itself which is well catered for off-road. Furthermore, the benefit of forming the new access will move the current on-street parking demand by the existing dwelling off the street.

## 6.6 Mitigation of direct local impacts

6.6.1 Being adjacent to railway land, the Council have met its statutory obligation to consult Network Rail about the application, whereby no objection has been raised. To ensure the safe operation of the railway and protect railway infrastructure, Network Rail has advised that they have their own asset protection criteria for construction works and occupation conditions which the applicant must directly comply with or seek approval from the Network Rail Asset Protection team. As such, an informative should be applied to remind that applicant of these obligations. As the scheme is only for 2 dwellings it doesn't trigger any further off-site mitigation other than those arising from the European sites as set out in section 6.7

## 6.7 Likely effect on designated habitats

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

## **7. Summary**

- 7.1 In summary, the more efficient and effective use of the residential site will deliver a net gain of an additional home to contribute to the city's housing supply, whilst modernising existing housing stock. The development has been designed to be in keeping with the character and appearance of the overall street scene, it introduces on-plot parking and it will not adversely affect residential amenity and highways safety of the surrounding area.

## **8. Conclusion**

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

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

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

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

### **SB for 23/02/21 PROW Panel**

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

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

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

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

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

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to



review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

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

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

- a) parking of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- f) details of construction vehicles wheel cleaning; and,
- g) details of how noise emanating from the site during construction will be mitigated.
- h) The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.
- i) phasing of ground works and site preparation/demolition in relation to installation of retaining walls to secure the stability of the neighbouring land and contractors access to site to minimise the reliance on the adjacent highway and third party land to facilitate works.

The development will proceed in accordance with the agreed details.

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

### **04. Hours of work for Demolition / Clearance / Construction (Performance)**

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

Monday to Friday                      08:00 to 18:00 hours

Saturdays                                09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

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

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local

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

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

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

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

#### **06. Use of uncontaminated soils and fill (Performance)**

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

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

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

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

- i. proposed finished ground levels or contours; means of enclosure and boundary treatment; hard surfacing materials to be non-migratory and permeable to prevent surface water run off onto the adjacent highway; external lighting;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species,

plant sizes and proposed numbers/planting densities where appropriate. This shall include native and/or ornamental species of recognised value for wildlife;

- iii. detailed engineering specification of any retaining walls, and;
- iv. a landscape management scheme.

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

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

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

**08. Archaeological watching brief investigation (Pre-Commencement)**

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority

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

**09. Archaeological watching brief work programme (Performance)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

**10. Archaeological structure-recording (Pre-Commencement)**

No development shall take place within the site until the implementation of a programme of recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

**11. Archaeological structure-recording work programme (Performance Condition)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved

by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

**12. 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 agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

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

**13. Ecological Mitigation Statement (Pre-Commencement)**

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

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

**14. Energy & Water (Pre-Commencement)**

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

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

**15. Energy & Water (performance condition)**

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

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

**16. Residential - Permitted Development Restriction (Performance Condition)**

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class F (hard surface area)

Reason: To protect residential amenity and visual amenities of the area.

**17. Soundproofing - Protection from Railway Noise (Pre-occupation)**

Prior to the first occupation of the development hereby approved, soundproofed glazing units with acoustic rated trickle vents shall be installed in accordance with the details to be first submitted to and agreed in writing by the Local Planning Authority.

The glazing units approved by the Local Planning Authority pursuant to this condition shall thereafter be retained for the duration of the lifetime of the development.

REASON: To protect the occupiers of the residential development from excessive railway noise.

**18. Obscure Glazing (Performance Condition)**

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

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

**19. Cycle storage facilities (Pre-Occupation Condition)**

Before the development hereby approved first comes into occupation, 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. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

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

**20. Refuse & Recycling (Pre-Occupation)**

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

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

*Note 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.*

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

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

#### **22. Provision of family units (Performance)**

In accordance with the approved plans, the three bedroom family dwelling of unit A shall be laid out as a 3-bedroom dwelling prior to first occupation and thereafter retained as a 3-bedroom dwelling

Reason: In the interests of securing the objectives of policy CS16 to provide 3 bedroom family housing to improve opportunities for families to achieve home ownership and meet a specific housing need.

#### **23. Approved Plans**

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

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

#### **Informative – Network Rail Advice**

Prior to the commencement of development, the applicant is advised to check whether the approved development and construction method complies with the statutory requirements for protecting the operational railway land and assets adjoining the site dated 25<sup>th</sup> January 2021. They contact Network Rail by email [TownPlanningSouthern@networkrail.co.uk](mailto:TownPlanningSouthern@networkrail.co.uk) for further enquiries or to apply for consent with the National Rail Asset Protection Engineer.

## Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

**PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.**

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

### Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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## Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

### **Solent SPAs**

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

### **The New Forest**

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

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



Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

### Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

#### Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

#### New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

#### **Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England**

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2019.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP23	Unstable Land
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

20/00807/FUL/36803



**DETERMINATION OF APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

Mr Ian Knight  
Knight Architectural Design  
Unit 7  
The Quarterdeck  
Port Solent  
PO6 4TP

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

**FULL APPLICATION - REFUSAL**

**Proposal:**                    **Erection of 3 terraced houses (1x 4-bed and 2x 2-bed) with associated parking and refuse storage, following demolition of existing house.**

**Site Address:**            **19 Wessex Lane, Southampton, SO18 2LB**

**Application No:**        **20/00807/FUL**

For the following reason(s):

**01.Out of Character**

The massing and appearance and unbalanced proportions of the proposed terraced housing would be out of keeping with the street scene. In particular, the span and slanted profile of the roof, poorly sited front dormer, poor relationship relative to the height of the adjacent properties. Furthermore, the erosion of the spacing and visual break between the adjacent terraced properties, the incongruous forward projection of the front building line ahead of the adjacent terrace blocks, and the hard surfaced frontage dominated by parked cars with a lack of soft landscaping would all negatively contribute to adversely affect the character and appearance of the street scene. As such the proposal would have an unacceptable impact on visual amenity and therefore would prove contrary to saved policies SDP7(iii)/(iv) and SDP9(i) of the Local Plan Review (March 2015 amended) and CS13 of the Core Strategy (March 2015 amended) as supported by the relevant guidance set out in section 3 and 5 of the Residential Design Guide Supplementary Planning Document (September 2006).

**02.Loss of amenity to neighbouring occupiers**

The close proximity of the mass and bulk of the proposed terraced housing to the shared boundaries of the neighbouring properties would both adversely affect the access to outlook of no. 21 Wessex Lane due to the excessive 2 storey forward projection beyond the existing front facing windows, and access to outlook and light of no. 17 Wessex Lane due to the overbearing enclosure of the 2 storey projection alongside the rear garden and adjacent habitable areas. As such the proposal would have an unacceptable impact on residential amenity and therefore would be contrary to saved policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in section 2 of the Residential Design Guide Supplementary Planning Document (September 2006).

### 03.Poor residential environment

The layout of the proposed dwellings would create a poor living environment for the future occupiers by reason:-

(a) Unit C - the tapering floor area creates an unusable and awkward living area, compounded by sense of cramped space at first floor level because of the sloping ceiling and reliance on rooflights;

(b) Unit C - the proposed rear garden for Unit C is remote from the house and directly overlooked by no. 17 and therefore the private amenity space for this dwelling is not sufficiently private and fit for purpose;

(c) The section drawings submitted fail to clearly show the full extent of the change in levels at the rear of the site and therefore it is unclear whether the sloping gardens are useable and fit for purpose for units A, B and C.

As such the proposal would adversely affect the living conditions of future occupiers and therefore would be contrary to saved policies SDP1(i) and H7 of the Local Plan Review (March 2015 amended) as supported by the relevant guidance of section 2 and 4.4 of the Residential Design Guide Supplementary Planning Document (September 2006).

### 04.Insufficient parking

Based on the information submitted, it has not been adequately demonstrated that the parking demand of the development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS10 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

Note to applicant - The guidance in the Parking Standards SPD (section 4.2.1 refers) expects the applicant to demonstrate that there is sufficient kerbside capacity to absorb the additional parking demand. This should be assessed by undertaking a parking survey using the preferred Lambeth model.

### 05.Lack of Section 106 or unilateral undertaking to secure planning obligations

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

### Note to Applicant - Community Infrastructure Liability (Refusal)

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



**Paul Barton**  
Interim Head of Planning & Economic Development

26 August 2020

For any further enquiries please contact:  
**Stuart Brooks**



WEBCHAT

[southampton.gov.uk](http://southampton.gov.uk)

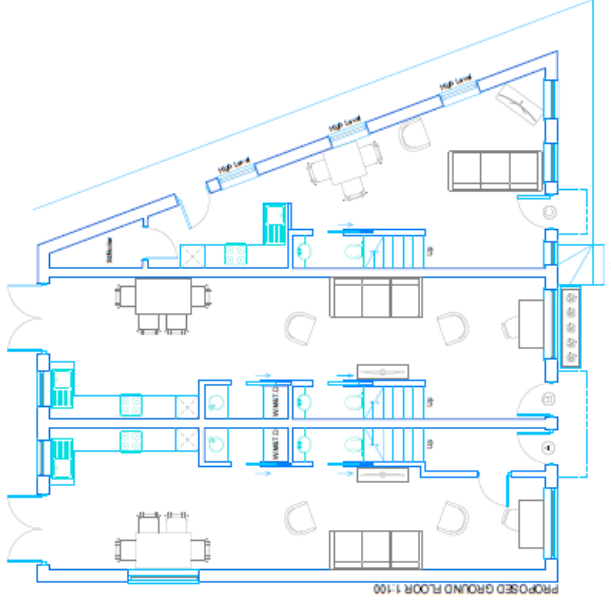
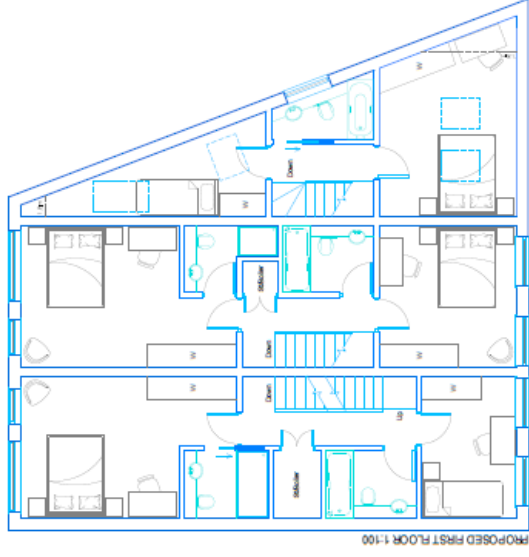
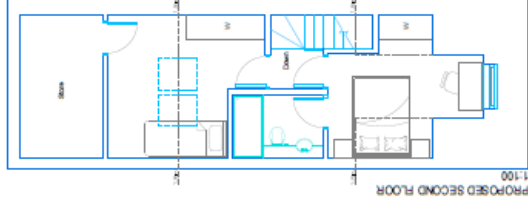


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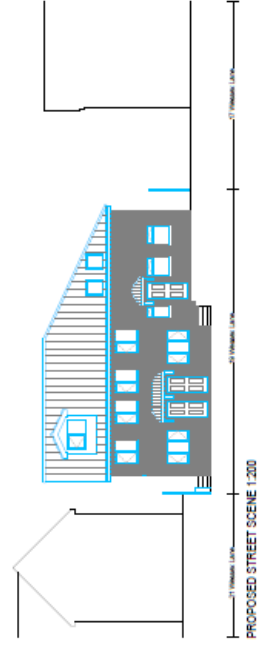
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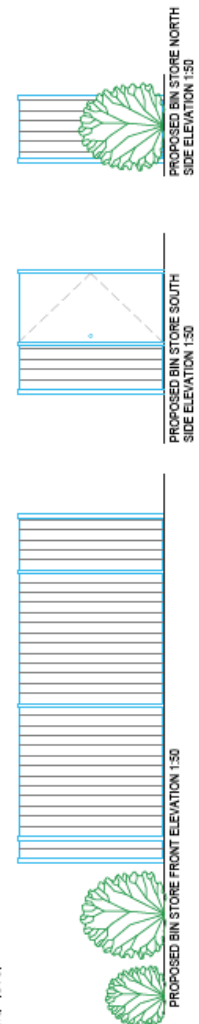
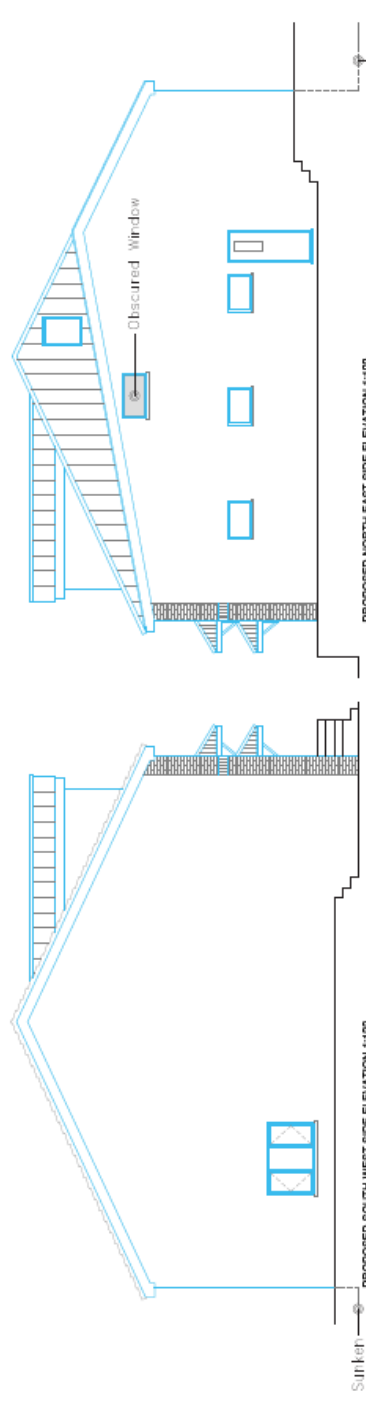
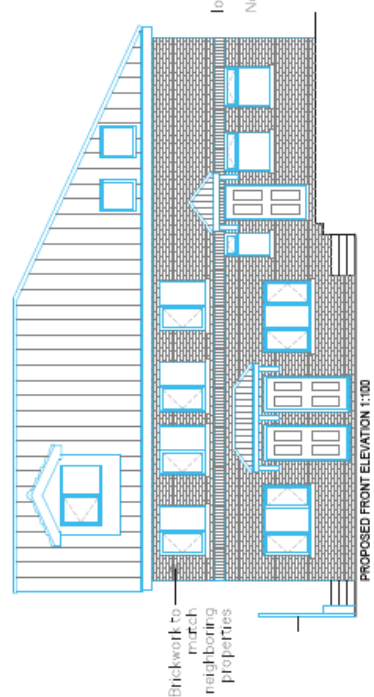
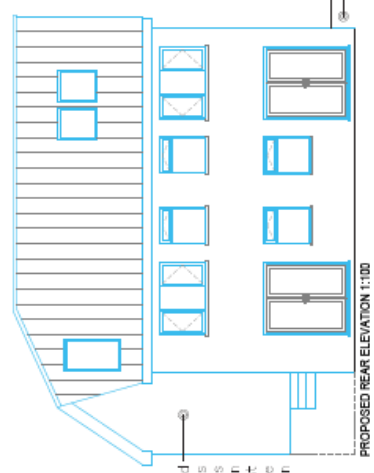
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AREAS:  
A - 283SP - 115M<sup>2</sup>  
B - 284UP - 90.2M<sup>2</sup>  
C - 283UP - 70M<sup>2</sup>

SUE KALIRAI 18 WESSEX LANE SOUTHAMPTON SO18 2LB											
PROPOSED PLANS Date: 1:100@A3 Date: JUNE 2020											
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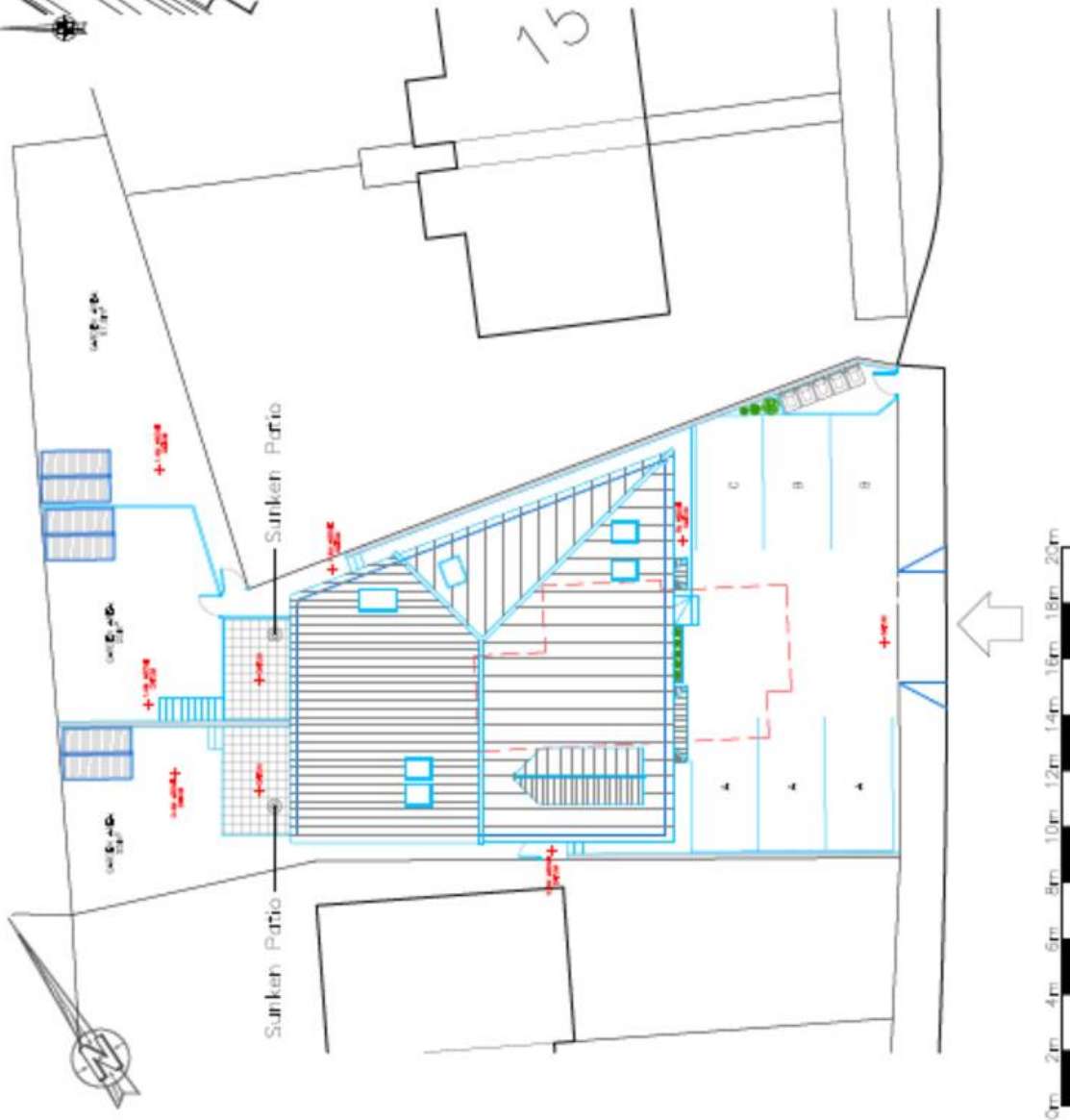
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KAD ARCHITECTURAL  
ARCHITECTS  
SUE KALIRAI  
19 WESSEX LANE  
SOUTHAMPTON  
SO16 2LB

Project: 19 WESSEX LANE  
Date: JUNE 2020  
Scale: 1:100 @ A3

PROPOSED ELEVATIONS

Drawn	Checked	Approved	Issue
KAD	02	A	PP
			A





FORMER BUILDING  
RETAINING WALL

A. Name of project/contract etc.		Date	
KAD ARCHITECTURAL DESIGN		SUE KAIRAI	
KAD ARCHITECTURAL DESIGN 19 WESSEX LANE SOUTHAMPTON SO18 2LB		19 WESSEX LANE SOUTHAMPTON SO18 2LB	
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Project No.	Drawn/Checked	Height/Scale	Rev.
KAD 03	A	PP	.