

# Planning and Rights of Way Panel

Tuesday, 15th February,  
2022

at 4.00 pm

**PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

## **Members**

Councillor L Harris (Chair)  
Councillor Prior (Vice-Chair)  
Councillor Coombs  
Councillor Magee  
Councillor Savage  
Councillor Vaughan  
Councillor Windle

## **Contacts**

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Interim Head of Planning and Economic  
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## **PUBLIC INFORMATION**

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

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

### **Southampton: Corporate Plan 2020-2025** 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

### **Dates of Meetings: Municipal Year 2020/2021**

<b>2021</b>	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 December

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

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

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

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

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.

<b>2022</b>	
25 January	29 March
15 February	26 April
8 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 the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
  - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
  - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **OTHER INTERESTS**

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

- Any body to which they have been appointed or nominated by Southampton City Council
- Any public authority or body exercising functions of a public nature
- Any body directed to charitable purposes
- Any body whose principal purpose includes the influence of public opinion or policy

## **PRINCIPLES OF DECISION MAKING**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

### 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.

#### **PLEASE NOTE**

This meeting is being held adhering the public health guidance necessary precautions to try and combat the spread of Covid, complying with Covid social distancing requirements.

Space is limited and whilst ever effort is being taken to ensure there is enough room it would be helpful if you could register in advance especially if you wish to address the meeting.

During the meeting you may be asked to wait in an alternative room while preceding matters are dealt with. You will be able to follow the meeting on screen and will be called to the meeting room when the item you have registered for is being considered.

Presentation to the Panel can also be made virtually.

The online agenda has a link so that you will be able to watch the meeting virtually.

Should you wish to attend the meeting to address the Panel please register with Democratic Services in advance of the meeting by emailing [democratic.services@southampton.gov.uk](mailto:democratic.services@southampton.gov.uk)

Thank you for you corporation.

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

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

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

### 4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 25 January 2022 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 20/00255/FUL - SOUTHAMPTON COMMON**

(Pages 13 - 42)

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

### **6 PLANNING APPLICATION - 21/01534/FUL - 220 BURGESS ROAD**

(Pages 43 - 56)

Report of the Interim Head of Planning and Economic Development recommending that the Panel refuse planning permission in respect of an application for a proposed development at the above address.

### **7 PLANNING APPLICATION - 21/01652/FUL - 2 NEWTOWN ROAD**

(Pages 57 - 84)

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

### **8 PLANNING APPLICATIONS - 21/00910/FUL & 21/01244/FUL - HAWKESWOOD ROAD**

(Pages 85 - 108)

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

### **9 PLANNING APPLICATION - 21/01352/FUL - 7 LEIGH ROAD**

(Pages 109 - 130)

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

Monday, 7 February 2022

Service Director – Legal and Business Operations

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 25 JANUARY 2022

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Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Magee, Savage (except for minutes item 52) and Windle

Present Virtually Councillor Vaughan

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

**RESOLVED:** that the minutes for the Panel meeting on 14 December 2021 be approved and signed as a correct record.

52. **PLANNING APPLICATION - 21/01027/FUL - UNIT 5, 140 ABOVE BAR STREET**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Variation of condition 21 of planning permission ref 13/00593/FUL sought to extend opening/closing hours for Unit 5, 140 Above Bar Street only (Departure from Local Plan) (amended after validation to amend hours and specify departure)

Councillor Savage representing City Eye, Mr Ferreira (applicant), and Giles Semper from Go Southampton (supporter) were present and with the consent of the Chair, addressed the meeting. Additionally, Marian Hubble (local resident objecting) sent in a statement that was circulated to the Panel and noted at the meeting.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously..

**RESOLVED** that planning permission be approved subject to the conditions and open hours set out within the report.

**NOTE:** Councillor Savage withdrew from the Panel for this item.

53. **PLANNING APPLICATIONS - 20/01716/FUL & 20/01717/LBC - 1A BUGLE STREET**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of the applications for a proposed development at the above address.

20/01716/FUL - Change of use of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01717/LBC).

20/01717/LBC - Listed Building Consent sought for conversion of existing offices (use class B1) to form mixed use event spaces and wedding venue (sui generis) and 7 no. hotel guest bedrooms (use class C1) (Submitted in conjunction with 20/01716/FUL)

Ron Williamson (local resident objecting) Simon Reynier (City of Southampton Society) were present and with the consent of the Chair, addressed the meeting. In addition, statements from the Andy Gravell from Local Residents' group and from Professor Elia and Dr Elia were received and circulated to the Panel and posted online.

The presenting officer reported that the recommendation needed to be amended to include a Habitats Regulation Assessment. It was noted that the HRA had been circulated to Panel separately. It was further explained that the officers also required that the Section 106 legal agreement to be amended to secure both a contribution towards the New Forest National Park Authority Habitat Mitigation Scheme and site-specific highway works. The presenting officer also proposed the amendment of Condition 9 and an additional condition relating to landscaping.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendations for each aspect of the development.

Upon being put to the vote the recommendation relating to the Listed Building Consent ( 20/01717/LBC ) was carried unanimously.

Upon being put to the vote the amended recommendation for application number 20/01716/FUL was lost unanimously.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor Windle and seconded by Councillor Harris was then carried unanimously.

**RESOLVED** that the Panel:

**20/01717/LBC – Listed Building Consent**

That planning permission be approved subject to the conditions set out within the report.

**20/01716/FUL**

**RESOLVED**

- (i) To confirm the Habitats Regulation Assessment.
- (ii) To refuse planning permission for the reasons set out below:



## Reasons for Refusal

- 1) Insufficient information has been submitted to demonstrate appropriate management of the site and the intended use, particularly, whilst 'events' are taking place, including details of booking systems, the type and number of on-site staffing, security arrangements including guest safety and controls for dealing with neighbour complaints and the termination of the 'event' at a reasonable hour, servicing arrangements including the storage and collection of food waste, recycling and laundry and the arrangements for catering in the absence of any substantial cooking facilities. These issues run to the heart of the use and its acceptability, and cannot be addressed with a post permission planning condition. Furthermore, without these details and a more refined definition of the likely 'events' the true impacts of the use cannot be properly assessed, controlled and mitigated. In the absence of this information, the proposals could result in undue noise and disturbance to neighbouring properties alongside wider public safety concerns. The proposal is therefore contrary to saved Policies SDP1 (i), SDP16 of the City of Southampton Local Plan Review (adopted 2006 – amended 2015) and saved Policy CS13 of the Council's Local Development Framework - Core Strategy Development Plan Document (adopted 2010 – amended 2015), as supported by Section 12 of the National Planning Policy Framework.
- 2) In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-
  - (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and a Travel Plan, in line with Policy SDP1, SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18, CS19 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013)
  - (ii) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - (iii) In the absence of an alternative arrangement the lack of a financial contribution towards New Forest National Park Authority Habitat Mitigation Scheme in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.
  - (iv) Financial contributions towards Late Night Community Safety Facilities and CCTV in line with Policy SDP1 of the City of Southampton Local Plan Review (Amended 2015), Policy CS25 of the adopted LDF Core Strategy (Amended 2015) and Policy AP8 of the City Centre Action Plan and the adopted SPG relating to Planning Obligations (August 2005 as amended).

- (v) In the absence of a commitment towards a staff and guest travel plan the development fails to assist the Development Plan in delivering a scheme that encourages more sustainable transport to the private car.
- (vi) In the absence of a commitment towards CCTV the scheme fails to offer sufficient site security for the intended use.

54. **PLANNING APPLICATION - 21/01329/FUL - 61 HIGHFIELD CRESCENT**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Roof alterations including installation of side dormer and roof lights to facilitate a loft conversion and change of use from 5-bed HMO (class C4) to large 7-bed HMO (Sui Generis use).

Phil Noad (local resident objecting), Andy Evason (agent), and Councillor Mitchell (ward councillor) were present virtually and with the consent of the Chair, addressed the meeting. In addition the Panel noted statements of objection were received from Denise Long and Cristina Carretero which were noted and circulated to the Panel.

The presenting officer advised that Condition 6 would be amended to ensure that bins were stored at the rear of the property. Officers advised that an additional Condition 9 would be required in regarding removing permitted development rights for hardstanding the front garden. The Panel voted to support the need for a further additional condition agreed to secure additional soundproofing on all floor.

The Panel considered the recommendation to grant conditional planning permission, with the amended conditions. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission authority delegate approval for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Harris.

RECORDED VOTE refuse planning permission  
FOR: Councillors Coombs, L Harris and Savage  
AGAINST: Councillors Prior, Magee and Windle

The Chair used his second and casting vote to pass the recommendation for refusal.

**RESOLVED** to refuse planning permission for the reasons set out below:

**Reasons for Refusal**

The intensification in occupation arising from the larger HMO use alongside the associated noise and disturbance from the comings and goings and related activities of the cumulative number of unrelated occupants will adversely impact on the amenity of the neighbouring occupiers and adversely affect the mix, balance and character of housing in the wider area. Therefore, the proposal cannot be supported as it will be contrary to saved Policies SDP1(i) and H4(i) of the Local Plan Review (Amended

2015) as supported by the relevant sections of the Houses in Multiple Occupation Supplementary Planning Document (Approved May 2016).

55. **PLANNING APPLICATION - 21/01363/FUL - 17A BROOKVALE ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Demolition of existing laundry building and provision of new two storey 3 bedroom dwelling including provision of a new access onto Brookvale Road associated parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL)

Mrs Jameson (local resident objecting), Ian Donohoe (agent), and Councillor Mitchell (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted and received a statement from the Highfield Residents' Association.

During the debate at the meeting the presenting officer agreed to amend Condition 5 and add an additional condition in relation to access to the bathroom, as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED** that the Panel:

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegated authority to the Head of Planning and Economic Development 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 Planning and Economic Development 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
4. That the Head of Planning and Economic Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

## Additional and amended Conditions

### 05. Amenity Space Access (Pre-Occupation) - AMENDED

Within 3 months of the decision notice date, the external amenity space and pedestrian access to it for the existing dwelling at 17a Brookvale Road and the approved dwelling, 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.

### 12. Bathroom access – ADDITIONAL

Within 3 months of the decision notice date, direct internal doorway access to the first floor bathroom shall be provided from the stairway landing and shall be thereafter retained for the lifetime of the approved dwelling.

REASON: In the interests of the living conditions of the occupiers.

### 56. **PLANNING APPLICATION - 21/01578/FUL - 20 HOWARD ROAD**

Change of use of premises to Offices (Class E(g)(i), removal of Condition 07 of the consent dated 23 September 2021 (Application No. 21/01047/FUL) to remove limit on number of staff employed on the premises. The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use of premises to Offices (Class E(g)(i), removal of Condition 07 of the consent dated 23 September 2021 (Application No. 21/01047/FUL) to remove limit on number of staff employed on the premises.

Mr Bendermacher (local residents/ objecting), and Councillor Shields (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that that highways comments received in addition to agenda report were forwarded to Members prior to the Panel meeting

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission authority delegate approval for the reasons set out below was then proposed by Councillor Windle and seconded by Councillor Harris.

RECORDED VOTE refuse planning permission

FOR: Councillors L Harris, Savage and Windle

AGAINST: Councillors Coombs, Magee and Prior

The Chair used his second and casting vote to pass the recommendation for refusal.

**RESOLVED** to refuse planning permission for the reasons set out below:

## Reasons for Refusal

The proposed change of use, without a restriction on the number of staff, as hereby proposed has been assessed as harmful by the Local Planning Authority (LPA). A restrictive planning condition was initially applied as a response to the applicant's submission and the likely occupancy levels envisaged, which have since changed since permission 21/01047/FUL was issued. By removing condition 7 from planning permission LPA ref no. 21/01047/FUL to allow unlimited staff occupancy, the impact associated with the change of use to an office will in the opinion of the LPA adversely affect i) the amenity of the neighbouring occupiers from the increased comings and goings from the building, and the associated activity associated with the unrestricted office environment given the semi-detached nature of the building and ii) the likely pressure for existing on-street parking availability in the locality for local residents caused by the additional car parking demand linked to an unlimited number of staff and the provision of only 6 on-site parking spaces. As such, the proposal would impact existing neighbouring amenity and prove contrary to saved Policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in the Parking Standards Supplementary Planning Document (September 2011).

### 57. **PLANNING APPLICATIONS - 21/01389/FUL & 21/01308/FUL 10 PRINCES STREET**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an applications for a proposed development at the above address.

#### 21/01389/FUL

Temporary Consent (5 years) for continued use of property for reception, storage and processing of scrap metal (Departure from Local Plan)

*NB. description amended 12.11.21 to change from permanent to temporary application*

#### 21/01308/FUL

Erection of additional boundary fencing on top of original perimeter walls and gates

Peter Harding (local residents objecting), Alexandra Munday (agent) and Zach Salt (applicant) were present and with the consent of the Chair, addressed the meeting. In addition the Panel received and noted a statement from Andrew Ballard.

The presenting officer reported that an additional condition was required in regard to the perimeter works, as set out below.

The Panel then considered the recommendations for the two applications separately for the temporary consent and the boundary fencing to grant conditional planning permission. Upon being put to the votes the recommendations were carried unanimously.

#### **21/01389/FUL**

**RESOLVED** that planning permission be approved subject to the conditions set out within the report

**21/01308/FUL**

**RESOLVED** that planning permission be approved subject to the conditions set out within the report and the additional conditions set out below:

**Amended condition**

**Condition 4 – Fence and gate (Performance) - ADDITIONAL**

The installation of the perimeter boundary works hereby approved shall be completed in accordance with the plans hereby approved within 3 months of the decision notice date. The perimeter boundary works and associated materials shall be dismantled and removed from the site within 1 month from the operation of the temporary metal recycling use ceasing.

**REASON:** In the interests of safety and amenity of neighbouring occupiers and the visual amenity of the local area.

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 15<sup>th</sup> February 2022 - 4pm

### PLEASE NOTE:

Public Health guidelines have unfortunately limited the numbers of seats available.

Timings are estimated Members of public are advised to attend in advance of these estimated timings. Members of public are advised that virtual attendance is possible. Those members of public attending physically will be asked to wait in a separate room prior to the item you are interested in being heard.

Please make the effort to arrive in good time allowing for potential variation to the timings.

Members of public wishing to speak must register in advance with the Panel clerk by emailing [democratic.services@southampton.gov.uk](mailto:democratic.services@southampton.gov.uk)

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<b>This application will be heard at 4:00pm</b>				
5	MP	DEL	15	20/00255/FUL Southampton Common
<b>This application will be heard at 5:00pm</b>				
6	RS/MT	REF	5	21/01534/FUL 220 Burgess Rd
<b>This application will be heard at 5:30pm</b>				
7	AC	DEL	5	21/01652/FUL 2 Newtown Rd
<b>This application will be heard at 6:00pm</b>				
8	SB	CAP	5 + 5	21/00910/FUL & 21/01244/FUL Hawkeswood Road
<b>This application will be heard at 6:45pm</b>				
9	RS/MT	CAP	5	21/01352/FUL 7 Leigh Rd

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

### Case Officers:

MP Mat Pidgeon  
 RS Rob Sims  
 MT Mark Taylor  
 AC Anna Coombes  
 SB Stuart Brooks

## **Southampton City Council - Planning and Rights of Way Panel**

### **Report of Service Lead – Planning, Infrastructure & Development**

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

#### **Index of Documents referred to in the preparation of reports on Planning Applications:**

##### **Background Papers**

1. **Documents specifically related to the application**
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. **Statutory Plans**
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  - (g) Bassett Neighbourhood Plan (Adopted 2016)
  
3. **Statutory Plans in Preparation**
  
4. **Policies and Briefs published and adopted by Southampton City Council**
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Developer Contributions SPD (September 2013)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)



- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

\* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

## 5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

# Agenda Item 5

## Planning and Rights of Way Panel 15<sup>th</sup> February 2022 Planning Application Report of the Head of Planning and Economic Development

<b>Application address:</b> Southampton Common, The Avenue, Southampton			
<b>Proposed development:</b> Widening of the path known as 'Lovers Walk' that runs north to south on the eastern side of Southampton Common between Burgess Road and Westwood Road.			
<b>Application number</b>	20/00255/FUL	<b>Application type</b>	FULL
<b>Case officer</b>	Mat Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	17.04.2020	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received.	<b>Ward Cllrs:</b>	Cllr Cooper Cllr Mitchell Cllr Savage
<b>Applicant:</b> Southampton City Council		<b>Agent:</b> Balfour Beatty Living Places	

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	No
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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 were reported to the Planning and Rights of Way Panel on 15<sup>th</sup> February 2022 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 – CS13, CS14, CS18, CS21, CS22, CS23 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP10, SDP11, SDP12, NE3, NE4, HE5, CLT3 of the City of Southampton Local Plan Review (Amended 2015).

	<b>Appendix attached</b>		
1	Relevant Development Plan Policies	2	Overview plan

### Recommendation in Full

Conditionally Approve

## **1.0 The site and its context**

- 1.1 Lover's Walk measures 1.3km long and is situated within a 36.6 hectare area of Southampton Common known as Little Common (east of The Avenue) and is defined as a Site of Importance for Nature Conservation (SINC). Much of Lover's Walk is bordered by broadleaved woodland and amenity grassland. Adjacent verges have in many locations been worn back to bare ground where pedestrians and cyclists have deviated from the path to pass each other. There are three sections to the route:
- Section 1, between Burgess Road and Highfield Avenue, is currently of varying width generally between 2.5m and 3m and is of tarmacadam surface.
  - Section 2, between Highfield Road and Winn Road is between 1.8 & 2m wide and is also a tarmacadam surface.
  - Section 3: is currently a compacted gravel path between Winn Road and Westwood Road.
- 1.2 The wider landscape is dominated by Southampton Common Site of Special Scientific Interest (SSSI) to the west and the University of Southampton and suburban residential housing to the east. Lover's Walk is situated in a SINC due to a significant element of ancient semi-natural woodland, semi-improved grasslands and notable presence of biodiversity, including stag beetles. At its closest point, it is 45m away from Southampton Common SSSI. Southampton Common is owned and managed by Southampton City Council, and its partners, and is designated 'Leisure' land and is subject to the Commons Act 2006.

## **2.0 Proposal**

- 2.1 The proposal consists of work to three separate sections of Lovers Walk:
- Section 1:  
Widening of the existing unsegregated shared use cycle/pedestrian path between Burgess Road and Highfield Avenue. It is currently of varying width generally between 2m and 3m and is of tarmacadam surface. This application proposes widening to 3.5m, with two shorter sections of up to 4m, and a new tarmacadam surface. This part of the route is part of the cycle corridor (SCN5) defined by the City's cycling strategy.
  - Section 2:  
Widening of the existing footpath of Lover's Walk between Highfield Road and Winn Road. The section between Highfield Road and Blenheim Avenue will be widened from between 1.8 and 2m to 2.5m; to enable it to meet current user demand. This is also to be tarmacadam surface similar to the current surface. This section does not form part of the Council's signed cycle corridor; instead cyclists will be directed onto an on road segregated cycle lane on The Avenue. This does not, however, prohibit cyclists from using any of section 2.
  - Section 3:  
Since the submission in 2020 the hoggin path between Winn Road and Westwood Road has been replaced by a 3m wide compacted gravel path

which did not require planning permission. The planning application seeks to change the surface material to tarmacadam to 3m in width.

- 2.2 The aim of the works proposed are to repair the sections of broken poor quality tarmacadam surface and remove the damaged verge/reinstating an improved verge and re-establish a better environment for all users of the path including pedestrians, wheelchair users, the elderly, cyclists and scooter users. These works will improve pedestrian safety and improve the cycle network within the city. The legal status of the route will remain unchanged remaining shared use between the following:
- Burgess Road and Highfield Avenue;
  - Shared use between Highfield Road and Oakmount Avenue; and
  - and shared use between Winn Road and Westwood Road.
- 2.3 In response to initial reservations over pedestrian safety the scheme has been amended to include signage, information boards and repeater '*share with care*' signs to establish and reinforce a behavioural code of conduct. Currently eight physical interventions in the form of street furniture (bollards) and short sections of textured tarmacadam along the route have also been introduced with the aim of reducing the speed of bicycles and scooters, encouraging considerate use of Lovers Walk, the details of these will be controlled by planning condition.
- 2.4 The proposal takes account of trees positioned close to the path and construction methods will limit impact by treating the entire route as a root protection area. A no dig strategy, where necessary due to tree roots, is also proposed. No protected trees are to be felled as a consequence of the path widening scheme. This is a response to initial reservations identified by the Council's Tree Team.
- 2.5 Approximately 1,422sq.m of common land will be required for the works, which also requires an application for consent to Secretary of State under s.38 the Commons Act (2006). Mitigation for the loss of green space will be achieved by transferring 157sq.m of public highway (currently hard surfaced) to common land. Soft landscaping and a scheme of biological enhancement measures will be introduced to offset the net loss of approximately 1265sq.m of open space. It should also be noted that since the original submission the location intended for biodiversity offset has changed and measures also no longer include the separation of the boating lake by fencing of any type (which proved to be unpopular with members of the public). The proposed biodiversity offset will now take place in a different location to that which was originally proposed; the details of which will also be secured by planning condition.

### **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out in **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision

making purposes, unless otherwise indicated.

- 3.3 Southampton Common is owned and managed by Southampton City Council and is designated 'Leisure' land. There are various levels of planning policy and legislative protection afforded to The Common. At the local level the LDF Core Strategy seeks to '*protect and enhance*' existing open space (Policy CS21). Paragraph 5.4.11 adds that '*the LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and well-being and has regard for the city's rich natural environment*'. The LDF also safeguards international, national and local designated sites from inappropriate development, thereby promoting biodiversity and protecting habitats (Policy CS22). These points are also echoed by the more general criterion of Policy CS13, which also promotes safe, secure, functional and accessible streets and quality spaces (Point 4); supports development that impacts positively on health, safety and amenity of the city and its citizens (Point 7); and seeks to improve accessibility throughout the city by ensuring that developments, including public places, are accessible to all users including senior citizens and disabled people (Point 9).
- 3.4 Policies in the Local Plan also seek to protect important landscape and wildlife features ensuring that any loss is mitigated and by enhancing other biological assets; policy SDP12 (Landscape and Biodiversity) refers. HE5 (Parks and Gardens of Special Interest) notes that development must not detract from the historic character.
- 3.5 *Although entirely separate from the planning process, with no bearing on the determination of this planning application, s38 of The Commons Act 2006 explains that additional consents are required from the Planning Inspectorate, on behalf of the Secretary of State, to carry out any works that would prevent or impede access to common land or for works for the resurfacing of land. These works could include:*
- *putting up new fences*
  - *erecting buildings*
  - *making ditches or banks*
  - *resurfacing the land*
  - *building new solid surfaced roads, paths or car parks*

#### **4.0 Relevant Planning History**

- 4.1 950346/295/W – Conditionally Approved 6th June 1995, Provision of cycle path and relaying footpaths.
- 4.2 A subsequent application to the Department of the Environment, Transport and the Regions (DETR) was made under s.194 of the Law and Property Act (1925) for approval of the works to The Common. DETR approval was given, following a Public Inquiry, in November 1998.
- 4.3 Planning permission for the replacement and widening of existing steps and ramp leading from Lovers Walk to the University of Southampton Highfield campus was granted on appeal in October 2017.

4.4 Two previous applications seeking to widen Lovers Walk have been withdrawn; 15/02327/R3CFL and 17/00703/FUL refer. The applications were withdrawn due to the concerns raised by members of the public and the Council's Trees and Ecology Officers and the reservations highlighted by the Open Spaces Manager. Where practical, and considering the necessary widening works that aim to improve the path from a highway's perspective, the current application has overcome the concerns raised.

## **5.0 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 (28.02.2020) and publishing a press notice (28.02.2020). At the time of writing the report **69 representations** have been received, with **15** objections and **51** in support. The City Council (as applicant) has also undertaken its own consultation exercise, which has helped to widen public knowledge of the project. The following is a summary of the relevant planning related points raised in response to the consultation carried out by the Planning Department:

5.2 At the time of writing **51 letters of SUPPORT** have been received including letters received from Highfield Residents' Association Committee, Sustrans, The University of Southampton, The University Students Union, Southampton Cycle Campaign and Southampton Friends of the Earth. The comments received include the following:

5.3 Additional lighting requested between Highfield Road and Blenheim Avenue. If this is not possible infrastructure, to allow future lighting to be installed, should be added.

RESPONSE: Lighting is not proposed. The southbound cycle corridor will divert cyclists around the unlit part of section 2 from Highfield Road to Blenheim Avenue via the segregated cycle route on The Avenue; this route is already street lit.

5.4 Highway's improvements, including road crossing and junction changes.

RESPONSE Changes to the highway do not require planning permission, not form part of the planning application and is not a material planning consideration.

5.5 Routing would be improved if cyclists were directed onto Westbourne Crescent rather than The Avenue.

RESPONSE: The suggested route would direct cyclists onto (albeit short) a section of Lovers Walk which is currently not lit.

5.6 A clearly defined cycle lane on the path to separate pedestrians and cyclists/scooters would be welcomed.

RESPONSE: The increased width, speed calming features and behavioural code of conduct is intended to prevent the need for formal separation of uses including defined lanes. Provision of segregated two-way cycle facility alongside a pedestrian footpath would require a wider path than proposed and greater hard surface on Common land. The proposed width, without lane definition, is compliant with the most relevant national standards for shared routes.

5.7 The university steps junction has poor alignment creating a permanent desire line. The amendments should improve the junction.

RESPONSE: Whilst the junction could be improved this does not mean the current scheme is not acceptable in its own right.

- 5.8 The route would be improved (safety and convenience) if kinks are removed.  
RESPONSE: Highways do not oppose the scheme on the grounds of highways safety (sight lines) and the curves will, to some degree, help naturally reduce user speeds.
- 5.9 Slower speeds could be achieved by changing the surfacing material to compacted gravel or hogging.  
RESPONSE: Tarmacadam is the most appropriate material for achieving a surface which improves use for all members of society including the elderly and disabled.
- 5.10 More benches should be provided.  
RESPONSE: There is also no policy requirement to incorporate benches on the route. Benches can be added without the need for planning permission.
- 5.11 Is the proposed thickness of for the tarmacadam of 25mm required given the intended use by pedestrians, cyclists and scooters etc.  
RESPONSE: The surface will also need to be capable of accommodating Open Space's Team's vehicles for maintenance purposes and ensure longevity.
- 5.12 Some tree removal will reduce the canopy cover and increase the amount of natural light received to the path.  
RESPONSE: Loss of protected trees is not proposed.
- 5.13 Given the existing damaged caused by verge over run the ecological impact will be negligible.  
RESPONSE: Ecological mitigation is included to offset the loss of land with the potential to form wildlife habitat.
- 5.14 Ecological surveys are out of date so will need to be reviewed.  
RESPONSE: Support for the scheme has been given by the Council's Ecologist. Where necessary ecological surveys can be updated to inform the detailed mitigation strategy; both of which can be secured by plaining condition.
- 5.15 The widened path will need to be maintained to prevent narrowing over time as is the case with some paths within the common, notably those adjacent to the Avenue.  
RESPONSE: Agreed, a condition is recommended.
- 5.16 No drainage detail provided - porous material and/or cambered surface, Porous should be used?  
RESPONSE: The surface will not be porous. The paths will be designed with a camber including verge for surface run off. Where bunds are located paths levels will still allow for good drainage to surrounding verges. A sealed tarmacadam surface is needed as this is the best surface for pedestrians, cyclists and disabled users; and will have significantly reduced maintenance costs over the expected lifespan.
- 5.17 A large amount of material will need to be imported to level the path and verge along section 1 if the proposed path will not be lowered.



RESPONSE: This is correct and does not prevent permission being granted.

- 5.18 Benefits outweigh the negative by encouraging less motor traffic and reduced air pollution whilst also improving health and wellbeing of users.

RESPONSE: Agreed.

- 5.19 At the time of writing **15 letters of OBJECTION** have been received including letters received from Oakmount Avenue Residents Association and Southampton Common and Parks Protection Society (SCAPPS). The comments received include the following:

- 5.20 Harm to character to the common (increased width and lighting).

RESPONSE: The impact on the character of the common will need to be judged against the positive aspects of the scheme in the planning balance – please see considerations section. Additional lighting is not proposed.

- 5.21 Use by commuters will intimidate recreational users. No evidence to support widening will result in safer environment. Wider paths encourage faster cycle speeds.

RESPONSE: The code of conduct information boards and share with care repeater signs and traffic calming measures have been included to encourage considerate use of the route. Speed of users will be determined by user behaviour. Planning must be determined with reasonable behaviour in mind. The scheme seeks to improve an existing path so that it achieves, where practical, widths that reflect relevant Department for Transport guidance (Cycle Infrastructure Design Local Transport Note 1/20 – July 2020) on shared use routes (3m – 4.5m).

- 5.22 There are better alternatives to the proposed cycle route.

RESPONSE: The highways team have explored alternatives and the Local Planning Authority have an obligation to consider this application its own merits, noting that there are always alternatives.

- 5.23 The section between Blenheim Avenue and Oakmount Avenue would be insufficiently wide to achieve recommended standards for shared unsegregated footpaths & cycle paths and notwithstanding this should not be part of the cycle route.

RESPONSE: The section referred to is not formally part of the north/south cycle corridor (SCN5) and signage will be added to direct cyclists around the section. The widening works proposed, to 2.5m, is deemed necessary to meet current user demand. It is also recognised that, whilst not part of the official cycle corridor, cyclists are legally allowed to use the route provided.

- 5.24 Widening the path between Blenheim Avenue and Oakmount Avenue will reduce the vegetative border separating the path from rear gardens (Westbourne Crescent) reducing protection from intruder access.

RESPONSE: Most of the space upon which the path will be expanded upon is currently devoid of soft landscaping due to verge overrun and so there will be little net loss of vegetation as a direct consequence of the proposal. The police have not raised an objection on this basis.

- 5.25 No Equality Impact Assessment has been carried out. The scheme fails to comply with the Equality Act 2010 on recommended widths for shared use paths that provide access for disabled users.

RESPONSE: The proposal will improve the surface and widen it to improve access and safety for all members of society. The new improved surface, increased width, behavioural code of conduct, noticeboard repeater '*share with care*' signage and traffic calming measures all seek to encourage considerate use of the route by all users and improve safety for all users. Where the route is to be part of the formal cycle corridor, and where not constrained by protected trees the scheme is compliant with national guidance (Department for Transport Cycle Infrastructure Design Local Transport Note 1/20 – July 2020) regarding minimum widths for shared use routes (3m – 4.5m). An Equality Impact Assessment is not a requirement for the planning purposes although the decision is bound by the requirements of the Act and the issues raised have been considered ahead of this recommendation.

5.26 Widening the path will not prevent verge overrun thus causing additional vegetation loss.

RESPONSE: Where appropriate the verge will be defined by raised bunds to reduce opportunity to overrun. The current narrow width is deemed the most likely cause of verge overrun; the scheme seeks to address this.

5.27 Establishment of successful grass verges could be achieved by improved maintenance.

RESPONSE: This would not lead to a share route which meets recommended widths set out in national guidance.

5.28 Widening the whole length is unnecessary. Commuter cyclists should be using the Avenue. The application is premature.

RESPONSE: The proposal does not prevent cyclists from using the Avenue and the applicant is entitled to submit any scheme of their choosing which must be determined on its own merits.

5.29 A more practical solution would be to improve the footpaths next to the Avenue and allow dual pedestrian and cycle use.

RESPONSE: Each application must be judged on its own merits. Alternative cycle route proposals are not a significant material consideration for the assessment of this application.

5.30 A formal Landscape Visual Impact Assessment (LVIA) has not been prepared –  
RESPONSE:

An LVIA is not a validation or policy requirements, and officers do not consider that such an assessment is needed to assess the impact of this development on the landscape character of the Common.

5.31 Mitigation proposals so far submitted do not provide appropriate, fair and sufficient compensation for the loss of green space and habitat.

RESPONSE: The Council's Ecologist supports the amended ecological mitigation and enhancement plans.

5.32 Confirmation requested regarding fencing of the boating lake and no electrical infrastructure added to the section of Lovers Walk behind Blenheim Avenue and Oakmount Avenue to facilitate future street lighting.

RESPONSE: There will be no fencing of the boating lake and no electrical infrastructure added as part of this scheme.

## **Consultation Responses**

### **5.33 SCC Highways Development Management – No objection**

5.34 The proposal seeks to improve the route in conjunction with the recently constructed cycle facilities on The Avenue which do not require the benefit of planning permission. The purpose of the proposed widening is to provide a fit for purpose walking and cycling facility that addresses the current and ongoing demand of cyclists and pedestrians, as Southampton City Council (SCC) continue to promote active travel across the network. The Lover's Walk path on the east side of Southampton Common is currently one of the most heavily used cycle routes in the city. However, the route does not meet the latest standards and is an inadequate width for being shared between walking and cycling (3 – 4.5m being needed).

5.34 The existing route is also in a poor state of repair in sections, particularly section 1 between Burgess Road and Highfield Avenue, where the existing path is not wide enough and has led to over-run which has degraded the soil and surrounding common land. It has also resulted in cracking of the existing tarmac surface causing trip hazards.

### **5.36 Sustrans – No objection**

5.37 Sustrans broadly supports the proposals as improvements to make it easier for people to walk and cycle.

5.38 Currently, there are some instances of conflict on Lovers' Walk, particularly at the busiest times of day. The path must be an inclusive space for everyone. The changes in the proposal would help to address these issues and reduce conflict.

5.39 Routes for walking and for cycling, regardless of purpose, should be designed with the following outcomes in mind, as emphasised in Department for Transport's Local Cycling and Walking Infrastructure Plans guidance:

- Safety and comfort
- Directness
- Coherence
- Attractiveness
- Adaptability

5.40 The plans in the application address these outcomes, within the context of an important green space in Southampton. Research shows that there is a need for the route to be improved on the basis of existing use and the scheme will encourage more people to cycle as the main reason cycling is not a preferred mode of transport for many is safety. The existing narrow path is below recommended levels for shared use according to London Cycle Design Standards and that narrow width brings people walking, running, and cycling at various speeds into closer proximity and potential conflict. The plans to widen should increase comfort for most users.

5.41 Lack of lighting in the proposal is disappointing. Surface quality is important to the comfort for users.

### **5.42 SCC Planning Ecologist - No objection**

- 5.43 No objection subject to the requested planning conditions to secure the details within the amended ecological method statement; and the compensation and management plan submitted to address the points raised within the original holding objection and concerns raised by members of the public.
- 5.44 Vegetation removal also has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). It is important, therefore, that any vegetation clearance should either, take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged
- 5.45 Supported documents to be secured by condition:
- Lovers Walk, The Avenue, Southampton Common, Southampton. Ecological Method Statement, ECOSA Ltd Final Document 16th August 2018
  - Lovers Walk Cyclepath Upgrade, Southampton Common, Southampton. Ecological Compensation and Management Plan, Final Document (Revision 3) May 2021.

5.46 **SCC Open Spaces Manager – No objection**

- 5.47 Following negotiation between the Open Spaces Manager and the Highways Team responsible for submitting the scheme no objections are raised subject to the requested planning conditions (see below) to safeguard existing trees. The entire site should be considered as a root protection area with no dig strategy adopted.

RESPONSE: In some situations (for example where the path is adjacent to amenity grassland rather than semi-natural broadleaved woodland) it may be possible, practical and more appropriate to dig lower into the ground to create the subbase for the widened surface treatment and so conditions will be worded to allow hand dug foundations if necessary. With works taking place on land managed by the Open spaces Team they will ultimately control the specific construction method along each section of the path. Ecologist and Tree Officer supervision of construction phase activities will also be achieved on a regular basis.

- Arboricultural Method Statement [Pre-Commencement Condition]
- Protection of Trees and Green Space Performance condition
- Tree Retention and Safeguarding [Pre-Commencement Condition]
- No storage under tree canopy [Performance Condition]
- Replacement trees [Performance Condition]

5.48 **SCC Historic Environment Officer – No objection**

- 5.49 The scheme will not affect the setting of the Oakmount Triangle Conservation Area as the overall character of the CA is internal facing and is defined by residential street pattern. As for the wider common area, the path will become more formal in terms of its surface treatment and appearance and would have an impact on local character but given cyclists young and old now use this route, widening the path would put less stress on the fringes of the path in the long term and would create a clear and neater boundary edge between path and habitat, whilst creating

access for all.

#### 5.50 **SCC Urban Design Manager – No objection**

- An impact on the visual character of Lover’s Walk is anticipated.
- The submission does not provide any great assessment of visual impact.
- Character would change due to increased cycle traffic (which the scheme seeks to encourage).
- It would be interesting to see what a landscape character assessment would conclude on the impact of the change.

RESPONSE: The central purpose is to improve the existing route which is currently too narrow for mixed use paths when reviewed against current national guidance. LVIA is also not a policy or validation requirement.

#### 5.51 **SCC Archaeologist/Historic Environment Record Officer – No objection**

5.52 The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 6 (Southampton Common). Prehistoric and later evidence has been found on the Common. It is proposed to widen the path known as Lovers Walk. A no dig construction will be used, raising the ground level, although in some places turf may be removed. Generally, the scheme will not impact on archaeological remains. At the south end of the scheme, south of Winn Road, a new footpath/cycleway will be created along what appears to be an existing earth-covered path. Construction details of the new path in this area need to be confirmed, before I can assess the archaeological impact. Unless these details are forthcoming, I request that the following conditions are applied to any consent, to secure an archaeological watching brief with provision for excavation on the southern part of the scheme:

- Archaeological watching brief investigation & watching brief work programme.

#### 5.53 **Hampshire Constabulary, Crime Prevention Design Advisor – No objection**

5.54 Previous comments linked to withdrawn applications acknowledge that there have been police investigations associated with the route in the past. The current response, in contrast, reports that the officer has been unable to find any recorded incidents over the past year and notes that the Neighbourhood Policing Team advise that there are very few incidents that occur along the path. However, the main point raised in all responses relates to lighting whereby it is requested that street lighting is added to the currently unlit section between Blenheim Avenue and Oakmount Avenue.

RESPONSE: Lighting does not form part of the application; lack of lighting does not make the scheme (which seeks to address the substandard width of the shared route) unacceptable. It is also a short section that does not include lighting and there is alternative, street lit, pedestrian and cycling routes that can be used to avoid the unlit section.

### **6.0 Planning Consideration Key Issues**

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

- a) The Principle of Development;
- b) Residential Amenity;
- c) Design & Impact upon The Common;
- d) Highway Safety & impacts; and
- e) Trees & Ecology.

## **6.2 Principle of Development**

6.3 Southampton Common is owned by Southampton City Council and is designated 'Leisure' land. It is subject to the Commons Act 2006. Most of the Lover's Walk path itself is designated as 'unadopted unclassified highway' (where it is within the boundary of The Common). There are however two sections which differ:

- Part of section 2 between Highfield Road and Oakmount Avenue the footpath is adopted; and
- Section 3 between Winn Road and Westwood Road is informal with no highway designation.

6.4 It is proposed that 1422sq.m of common land will be removed to become shared use path (0.003% of the total SINC area) as a consequence of the development. This requires an application for consent to Secretary of State for Environment under Commons Act 2006, Section 38 but does not prevent the Council from granting planning permission for the development. These processes are separate.

6.5 The proposed Lover's Walk scheme forms part of the Southampton Cycle Network (SCN) as identified in the Southampton Cycle Strategy 2017-27. The Cycle Strategy aims to make Southampton a true cycling city where cycling is an everyday norm. The SCN is part of the approach to achieving this as a network designed to provide good quality, safe and continuous cycle facilities on all the major radial routes from the suburbs, places of work and into the city centre. Part of Lover's Walk forms a section of SCN8 Orbital cycle route connecting Shirley and Southampton University Hospital with Portswood and the University. The route is also part of the northern cycle corridor, SCN5 of Southampton City Council's Cycling Network. It is designated as a Parkway route because it is within Southampton Common, these routes are designed to be shared between people cycling and walking. The Cycle Strategy forms part of the vision within Connected Southampton 2040 Transport Strategy (LTP4) to make Southampton a modern, liveable and sustainable place to live, work and visit, this is achieved by investing in better, safe, cleaner and inclusive transport and cycling is a key part of this. Providing the SCN also helps to achieve the aims of Our Green City Plan.

6.6 There are various levels of planning policy and legislative protection afforded to The Common. At the local level the LDF Core Strategy also safeguards international, national and local designated sites from inappropriate development, thereby promoting biodiversity and protecting habitats (Policy CS22).

6.7 As the route already exists the principle of improving them is considered to be acceptable provided that the proposal successfully integrates with; and improves, the city's transport infrastructure by promoting sustainable modes of transport; as well as maintaining the integrity of the Common as a wildlife habitat, protects the overall visual amenity of the Common and does not significantly harm the living environment enjoyed by neighbouring residents.

## **6.8 Impact on Residential Amenity**

- 6.9 The residential properties most effected by the scheme will be those located along Section 2 which face onto or back onto Lovers Walk between Highfield Road and Blenheim Avenue; these neighbours are already affected by the existing path. In response the official cycle corridor (SCN5) will be directed around the Lovers Walk section between Highfield Road and Blenheim Avenue, with northbound cyclists using an on road segregated cycle lane on the Avenue; and southbound cyclists being directed onto an on road segregated cycle lane on the Avenue. The width of the path will also be limited to 2.5m to meet existing demand and limit residential impact. This is considered a reasonable compromise given the conflicting public opinion on how the section of the route should be treated.
- 6.10 Whilst some consultees (most notably the Police) and many members of the public are keen to see street lighting added to section 2 between Highfield Road and Blenheim Avenue there have also been representations submitted requesting that street lighting is not included, and indeed some that request the path not to be widened at all on security grounds. Putting the representations aside the scheme does not include any additional street lighting or associated infrastructure; it is merely concentrated on improving an existing path which is no longer deemed fit for its intended purpose or existing user demand. Alternative public routes, that are street lit, around the unlit section will remain unchanged and available to all user groups and as such the scheme does not result in any additional increase in risk to safety and security. Moreover, the police have not raised an objection. The widening of the path in section 2 between Highfield Road and Blenheim Avenue (to up to 2.5m) is also not considered to significantly increase the vulnerability of properties that back onto Lovers Walk; again, its noted that the Police have not objected to the widening of the path.
- 6.11 Design & Impact upon The Common**
- 6.12 Policy CS 21 (Protecting and Enhancing Open Space) of the Core Strategy emphasises the need to both protect and enhance key open spaces including Southampton Common, as well as improving their accessibility (Point 1). Point 2 confirms that open spaces can be reconfigured *'to achieve wider community benefits'*. This scheme supports that aim - to widen the path, reduce conflict, and improve the surface so that more can enjoy their journey through the Common, regardless of the reason for that journey. The policy background/justification also states that the LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and wellbeing and has regard for the city's rich natural environment.
- 6.13 Policy HE5 (Parks and Gardens of Special Historic Interest) is also material in the determination of this planning application as it seeks to prevent development that would *'detract from the character or setting'* of the City's parks and gardens of special historic interest. Furthermore, LDF Policy CS13 (4) promotes safe, secure, functional and accessible streets and quality spaces that contribute to place making and the quality of the public realm.
- 6.14 Whilst the introduction of an increase of hardstanding to the natural environment of the Common would normally be resisted from a character perspective, the proposed varied 0.5m - 1.5m increase in the width of the path along its route is judged to, in reality, only affect the flanks of the path, which have been encroached

upon and damaged by users of the path, be it cyclists avoiding pedestrians, or vice versa. Consequently, these areas are judged to be of very low amenity value. Furthermore, no trees would be lost, and no illumination would be introduced along its route further limiting impact.

- 6.15 The main purpose of the proposal is also to bring the scheme up to modern standards for shared use paths and whilst the city seeks to encourage cycling as an alternative mode of transport it is not anticipated that a significant increase in cycling traffic would be generated specifically because of this one proposal meaning that the argument of increased cycle use significantly impacting character falls away. Moreover, if the scheme does indeed result in greater commuter use this is likely to only have an effect at certain time of the day (peak traffic hours), and so there is likely to remain many hours of the day when the impact will not be experienced; thus again whilst there is likely to be an impact, if there is an increase in use, that impact is not considered to be likely to be significant enough to harm the overall character of the Lovers Walk.
- 6.16 The only other part of the scheme that could impact character involves traffic calming measures and signage used to encourage considerate use of the path by its users; these will be designed to be in keeping with the character of wider Common landscape being similar to or improvements on existing street furniture used within the Common.
- 6.17 As such, the path widening scheme is considered not to present harm to the setting of the adjacent locally listed buildings/conservation area, and whilst it is acknowledged that changing the surface of the flanks of the path from grass to tarmac and use by cyclists would cause some impact to the over-riding character of Lovers Walk this is not judged to be significantly harmful when assessed against the positive aspects of the overall scheme.
- 6.18 Accordingly, the scheme is considered to be compliant with policies CS13, CS21 and HE5 as the overall character and setting of Lovers Walk and the Common will not be harmed.
- 6.19 The increased tarmac needed to create the fit for purpose walking and cycling facility and associated infrastructure to encourage considerate use will also require s.38 consent. Temporary fencing required during construction will also need s.38 consent. It should be noted that this process is independent of planning and should not influence the determination of this planning application, which should be assessed on its own planning merits and the impacts of the proposed development. It is feasible that a scheme can secure a planning permission and then fail the s.38 application. These processes are independent of one another.

## **6.20 Highways Safety & Impacts**

- 6.21 The general criterion of Policy CS13 of the Amended LDF Core Strategy (2015) *promotes safe, secure, functional and accessible streets and quality spaces* (Point 4); *supports development that impacts positively on health, safety and amenity of the city and its citizens* (Point 7); and *seeks to improve accessibility throughout the city by ensuring that developments, including public places, are accessible to all users including senior citizens and disabled people* (Point 9).



- 6.22 Policy CS18 of the Amended LDF Core Strategy (2015) is also relevant as it seeks to *'promote patterns and forms of development that reduce the need to travel, especially by car'* (Point 7) and supports infrastructure which promotes *'active travel (walking and cycling)* (Point 8); and is supported by the policy background/justification of CS 19 whereby *'The Core Strategy seeks to reduce unnecessary car use, by encouraging people to use other travel options, such as..., walking or cycling.'*
- 6.23 The proposal is also supported by Core Strategy policy CS21 which seeks to *protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and well-being and has regard for the city's rich natural environment'*.
- 6.24 Policies set out within the City Council's Amended Local Plan Review (2015) also support the principle of the development; policy SDP11, Accessibility and movement, states: *Planning permission will only be granted for development which:*
- (i) *Contributes to an attractive network of public routes and spaces for pedestrians, cyclists and vehicles.*
  - (ii) *Secures adequate access for all pedestrians including people with mobility and sensory difficulties such as the elderly, disabled people, the very young and those using prams and wheelchairs.*
- 6.25 The scheme is also in line with the Council's Greener City Plan's goal to *'encourage promote and incentivise the use of sustainable and active travel'*.
- 6.26 The most relevant national guidance to use in order to consider the appropriateness of the width and surface proposed is included within the Department for Transport's Cycle Infrastructure Design Local Transport Note 1/20 – July 2020. The guidance states that a minimum width of between 3m and 4.5m should be used for shared use routes (paragraph 6.5.7 & Table 6-3 refers).
- 6.27 The existing width and condition of Lover's Walk does not sufficiently accommodate the existing number of daily users and as a consequence creates conflicts between users and has resulted in overrun degrading the path verges by up to 1 metre in parts. For this reason, it is considered necessary for the path is widened to meet national standards.
- 6.28 In initially preparing for the planning submission guidance for shared use footpaths/cycle ways as set out in Department of Transport's publication Shared Use Routes for Pedestrians and Cyclists (2012) was consulted. The document has now been updated by Cycle Infrastructure Design Local Transport Note 1/20 – July 2020. The guidance states that a width of 3 metres should generally be regarded as the preferred minimum on an unsegregated shared route but acknowledges that in areas with fewer cyclists or pedestrians a narrower route might suffice. Where a significant amount of two-way cycling is expected, additional width is also recommended. To reflect the guidance sections 1 and 3 will be 3.5m in width. As section 2 will not be a formal cycle route (although cyclists will not be prohibited from using the route) the width narrows to generally 2.5m. The Manual for Streets (2002) was also reviewed, it recommends at least 2 metres for footways.

- 6.29 The guidance also recognises that when considering an appropriate width, the needs of disabled people and older people also need to be accounted for, with these user groups tending to need more space to manoeuvre. Increasing width to an average of 2.5m and 3.5m for the different sections respectively will therefore improve access for these user groups.
- 6.30 As such from a policy perspective and having received support from the Highways Development Management Team there is no reason to oppose this scheme which seeks to bring an existing shared footpath/cycle route up to modern standards.
- 6.31 It is noted that in the representations concerns have been raised to indicate that path widening would be simply increasing the scale of the problem as path overrun is always a likely consequence of highly used shared paths located in public parks within highly urbanised environments. In addition, concerns have been raised that a widening project of this nature would also lead to increased speeds and a reduction in safety for pedestrians. These potential problems need to be considered in the planning balance which, it is important to remember, must take reasonable behaviour into account rather than the behaviour of a minority of users who choose not to be considerate. As a direct response to these practical concerns the proposal now includes traffic calming measures to encourage slower travel speeds. A behavioural code of conduct has also been established with signage erected and '*share with care*' surface repeater signs consistent with signage on other parts of the Common where paths are also shared. Earth bunds will also be used on edges of the path where it is deemed appropriate to do so which will also discourage verge overrun.
- 6.32 It should also be noted that since the application was originally submitted changes to the Avenue cycle route (SCN5) that have occurred with the northbound and southbound cycle corridor being changed, removing the northern part of the segregated cycle lane on the Avenue and moving in onto the common. This should however not influence the determination of this planning application, which should be assessed on its own planning merits.
- 6.33 The temporary diversion, of parts of the route will be needed for construction purposes. There is no objection to the temporary diversions in planning or highway safety terms.
- 6.34 Overall, it is considered that the development contributes to, and will not adversely affect, an attractive network of public routes and spaces for pedestrians and cyclists. The scheme is also considered to encourages a reduced need to travel by car, promotes health and wellbeing and will benefit all members of society including the elderly and disabled as is required by Local Plan Review saved policies SDP11 and CS13, CS18, CS19 and CS21 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).
- 6.35 Trees & Ecology**
- 6.36 Amended Local Plan Review (2015) policies NE3 (Sites of Local Nature Conservation Importance), NE4 (Protected species) and SDP12 (Landscape and biodiversity) recognise the Common As an important feature for nature conservation and require development to, prevent habitat loss and enhance existing natural resources and protect important habitats and species. CS22 the

Local Development Framework Core Strategy Development Plan Document (Amended 2015) also supports these objectives.

- 6.37 It is estimated that 1,422sq.m of common land will become shared use path (0.003% of the total SINC area). This requires an application for consent to Secretary of State for Environment under Commons Act 2006, Section 38. By transferring this green Common space, compensation and/or mitigation measures are required that should be funded through the scheme budget. 157sq.m of public highway will be transferred to common land as part of this. There is also a proposal for habitat management works on Little Common as mitigation for this loss. This is detailed in a separate Ecological Compensation and Management Plan. The net loss of open space is 1265sq.m. The mitigation will create forest margin sections along Carriage Drive to increase species diversity where currently the canopy cover is almost fully enclosed and characterised by broadleaf woodland.
- 6.38 As most of the land required for widening has been worn there is little vegetation clearance required to facilitate the development. Where vegetation is required to be removed it is low quality amenity grassland and ruderal vegetation. There will naturally however, be an impact on the immediate area of the Common during works and for a period afterward as local wildlife returns. While unfortunate in the short-term over a longer period and whilst the compensatory management measures are established, offsetting will lead to improved biodiversity within the common.
- 6.39 The alignment of the path has been designed to reduce the land take as far as practical and ensure to that there is no tree loss. This tactic will also limit impact on biodiversity. A precautionary approach to the construction will be achieved with all works assumed to be within tree root protection areas and thus any foundations needed will be hand dug to avoid severing roots that could undermine the health and longevity of protected trees although owing to the request of the Parks and Open Spaces Manager the project intends to be a no dig construction wherever possible and practical.
- 6.40 The ecological mitigation proposed will improve existing areas of low ecological value within the common increasing species diversity and natural value. The works will be secured by planning condition. The amended ecological mitigation and enhancement plan submitted has been agreed by the Council's Ecologist. The plan will secure funding for ten years which will pay for management and site works, mostly cutting back edge encroachment of broadleaf trees, along Carriage Drive. This will compensate for the biological damage caused by the works.
- 6.41 No changes to street lighting are proposed along the route and as such no direct additional impact on protected bat species will occur. Therefore, as per the existing layout 850m will be lit, while 480m will remain unlit.
- 6.42 For clarity there will be no fencing of the boating lake which was formally part of the mitigation measures included as part of the two previously withdrawn applications and was objected to by members of the public.
- 6.43 Numerous culverts cross under the route in order to drain the surrounding Southampton Common. These will be maintained with the same pipe diameter and will therefore not affect drainage. There is a small stream at the far north of Section 1; the bridge over it will be unaffected by the proposed works.

6.44 The proposal does not jeopardise the overall wildlife value of 'Little Common' or the ability of Little Common from supporting protected species and thus the scheme complies with policies NE3, NE4 and SDP12 of the Local Plan and CS22 of the Core Strategy.

## **7.0 Summary**

7.1 This planning application seeks to improve the existing Lover's Walk shared path so that it meets appropriate local and national standards. The existing path is no longer fit for purpose and is in need of investment. The planning application has been assessed as acceptable in terms of highway safety, neighbouring residential amenity, biodiversity and tree impact. Whilst it is acknowledged that there will be an impact on character and in the short term there would be ecological impacts this minor level of harm would be far outweighed in the planning balance by the public benefits of the scheme which ultimately creates a suitable unsegregated pedestrian/cycle path that promotes active travel and has regard to the natural environment through mitigation and enhancement measures. Accordingly, the scheme is recommended for approval subject to securing the proposed biodiversity mitigation and enhancement measures and the suggested planning conditions.

## **8.0 Conclusion**

8.1 It is recommended that conditional planning permission for this development is granted.

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

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

1(a)/(b)/(c)/(d), 2(b)/(d), 4(f), 6(a)/(b).

Mat Pidgeon for 15.02.22 Planning Panel

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

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

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 condition)**

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

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

#### **3.Cycle Speed Calming Measures (Pre-operation condition)**

Prior to the use of the hereby approved development final design details of the cycle speed calming measures shall be submitted to and agreed in writing with the Local Planning Authority and any subsequent design changes to any of the approved traffic calming measures shall first be agreed (by further condition discharge). The development shall be implemented as agreed and thereafter retained as approved.

Reason: In the interests of the users of the route, highways safety and visual amenity.

#### **4. Shared Path Construction (Pre-Commencement condition)**

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 shared path including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with 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 use and thereafter retained as approved for the lifetime of the development.

Reason: To ensure that the shared path is constructed in accordance with standards required by the Highway Authority.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

#### **6. Construction Management Plan (Pre-Commencement condition)**

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) details of temporary lighting
- (d) storage of plant and materials, including tarmac mixing and washings, used in constructing the development;
- (e) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (f) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (g) details of construction vehicles wheel cleaning; and,
- (h) details of how noise emanating from the site during construction will be mitigated.
- (i) Schedule of onsite supervision/inspection with/by Council Tree and Ecology Officers.

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

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

#### **7. Removal of reductant concrete (Pre-operation condition)**

Prior to the upgraded Lover's Walk route hereby approved first coming into use, the 157m of public highway, to be converted to common land, will be completed including soft landscaping to the specification approved by the below landscaping condition.

Reason: To secure part of the necessary ecological mitigation measures.

### **8. Foundation construction (Pre-operation condition)**

Notwithstanding the no dig intended approach to the construction proposed if practical to do so, due to site levels and distance from protected trees, no mechanical machinery shall be used in the excavation of foundations at any time. Any excavation of foundations will need to be carried out by hand and shall first be agreed in writing by the Local Planning Authority. REASON: In the interests of the health and protection of protected trees along the site and in the interests of the character of the Lovers Walk and the wider Common setting.

### **9. Ecological Mitigation Statement (Pre-commencement condition)**

Prior to development commencing, including site clearance, the developer shall implement the programme of habitat and species mitigation, compensation and enhancement measures, as set out in:

1. Lovers Walk, The Avenue, Southampton Common, Southampton. Ecological Method Statement, ECOSA Ltd Final Document 16th August 2018
2. Lovers Walk Cyclepath Upgrade, Southampton Common, Southampton. Ecological Compensation and Management Plan, Final Document (Revision 3) May 2021.

The programme of habitat and species mitigation, compensation and enhancement measures shall accordingly be continued for a minimum period of 10 years.

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

### **10. Protection of nesting birds (Performance condition)**

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been 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.

### **11. Arboricultural Method Statement (Pre-Commencement Condition)**

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

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. A method statement showing any trees lost or impacted; the extent of any pruning necessary to facilitate the build and any replanting (with location species, and stock type/size) and any special engineering or protection required.

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

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

### **12. Protection of Trees and Green Space (Performance condition)**

Work vehicles will not be driven or parked on any part of the root protection zone or green space without prior written permission from the Council.

Reason: To ensure green space is protected and not damaged through compaction by vehicular access

### **13. Tree Retention and Safeguarding (Pre-Commencement condition)**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan (tree protection plan) and agreed with the Local Planning Authority in writing before any site works commence in line with BS5837:2012 trees in relation to design, demolition and construction. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

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

### **14. No storage under tree canopy (Performance Condition)**

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

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

### **15. Archaeological watching brief investigation (Pre-Commencement Condition)**

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.

### **16. Archaeological watching brief 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.

The fencing of the boating lake will not be included as part of the mitigation measures required to offset the impact of the development.

### **17. Landscaping detailed plan - verges and bunds (Pre-Commencement (condition))**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme, including plans, and implementation timetable detailing how the verges and bunds adjacent to the path will be treated shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours with a section showing existing and proposed spot heights and the proposed build up on typical edges along the route (Above Ordnance Datum - AOD);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.
- iii. a landscape management scheme.

The approved landscaping scheme for the whole site shall be carried out prior to the first use of the shared path, or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

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

#### **18.Width maintenance (Performance condition)**

The path shall be inspected on a regular basis and the full width shall be maintained at a frequency to first be agreed in writing by the Local Planning Authority prior to the first use of the shared path. Once agreed the details shall be complied with throughout the lifetime of the development.

Reason: To maintain the full width of the path (preventing vegetation growth over the edges).

#### **19. No lighting (Performance condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2021 as amended or any Order amending, revoking or re-enacting that Order, at no time shall lighting of any type be added without separate planning permission. No lighting infrastructure shall be added as part of this scheme.

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.



**Application 20/00255/FUL**

## **POLICY CONTEXT**

### Core Strategy - (as amended 2015)

CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce – Manage - Invest
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity & Protecting Habitats
CS23	Flood Risk

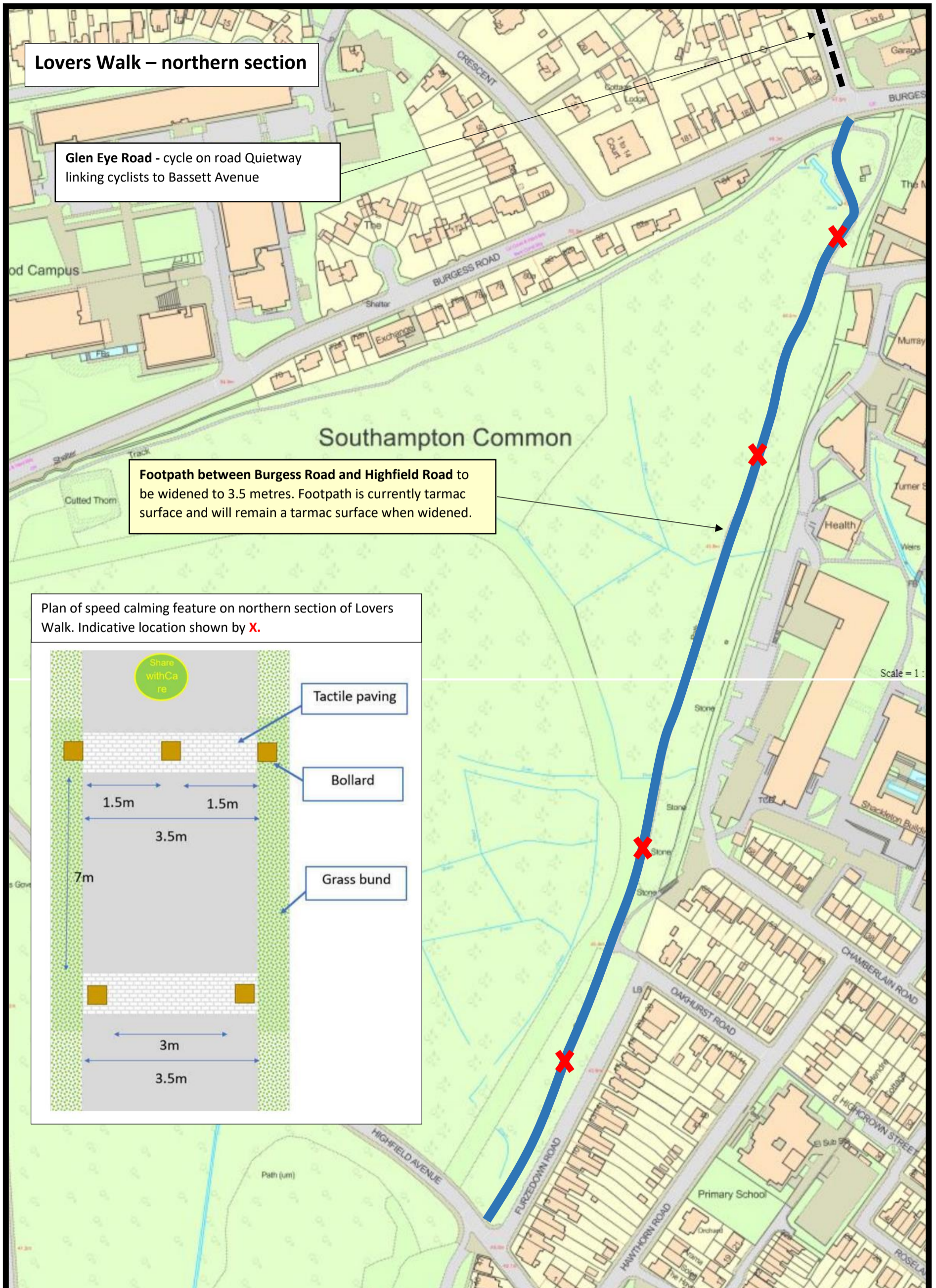
### City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP7	Context
SDP10	Safety & Security
SDP11	Accessibility & movement
SDP12	Landscape & Biodiversity
NE3	Sites of Local Nature Conservation Importance
HE5	Parks & Gardens of Special Historic Interest
HE6	Archaeological Remains
NE4	Protected Species
CLT3	Protection of Open Spaces

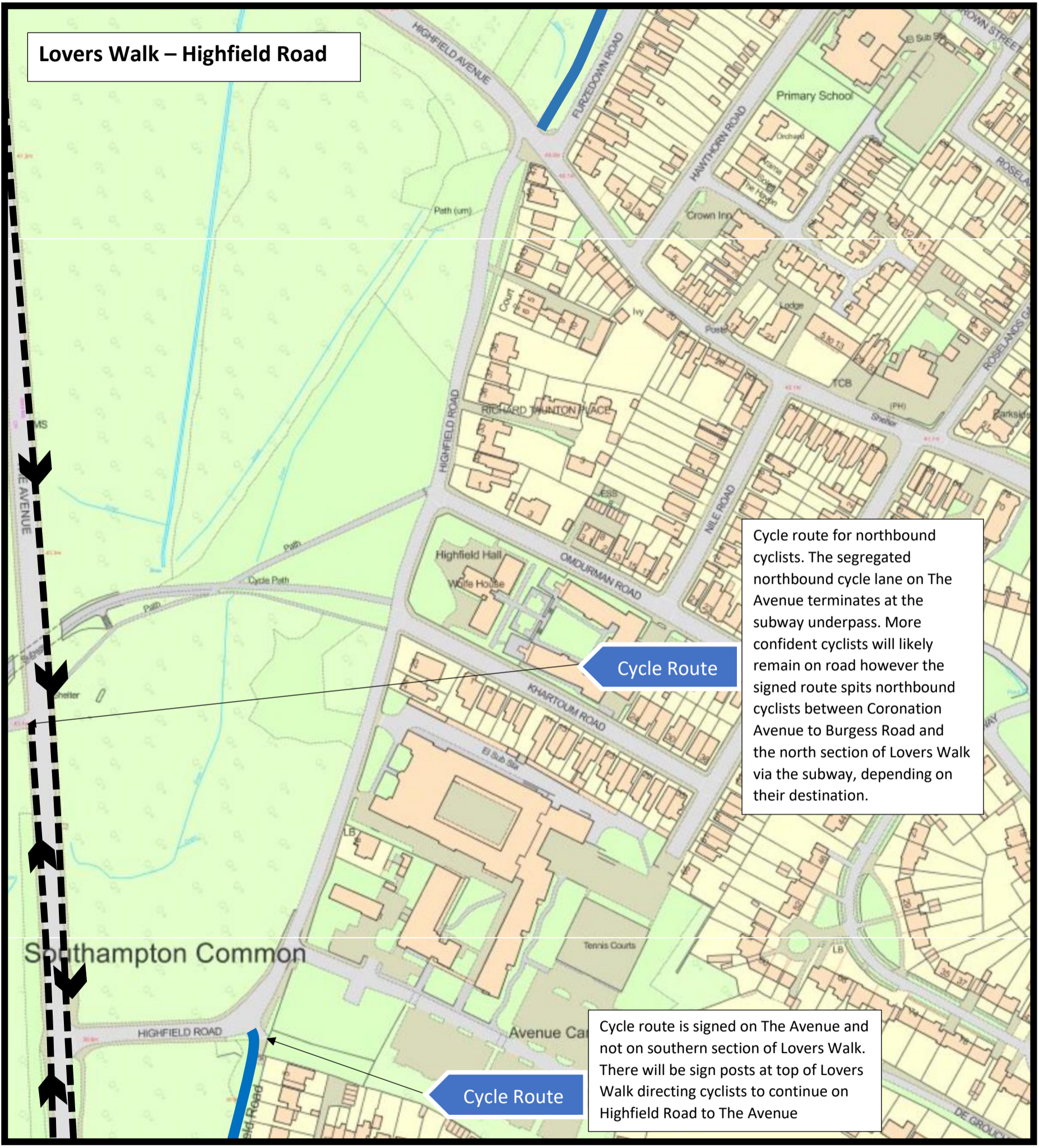
### Other Relevant Guidance

The National Planning Policy Framework (2021)  
Cycle Infrastructure Design Local Transport Note 1/20 – July 2020.

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**Lovers Walk – Highfield Road**

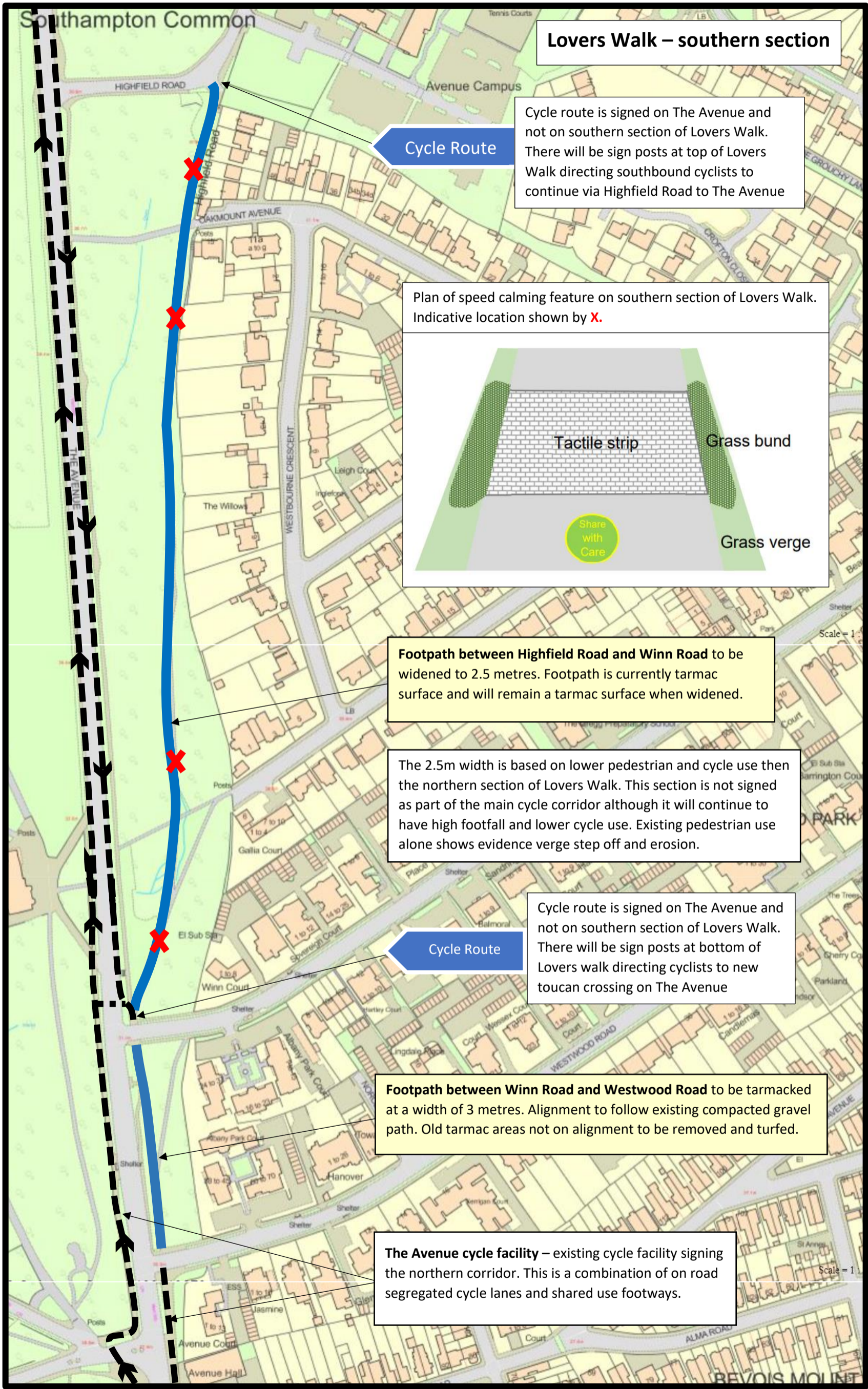


Cycle route for northbound cyclists. The segregated northbound cycle lane on The Avenue terminates at the subway underpass. More confident cyclists will likely remain on road however the signed route spits northbound cyclists between Coronation Avenue to Burgess Road and the north section of Lovers Walk via the subway, depending on their destination.

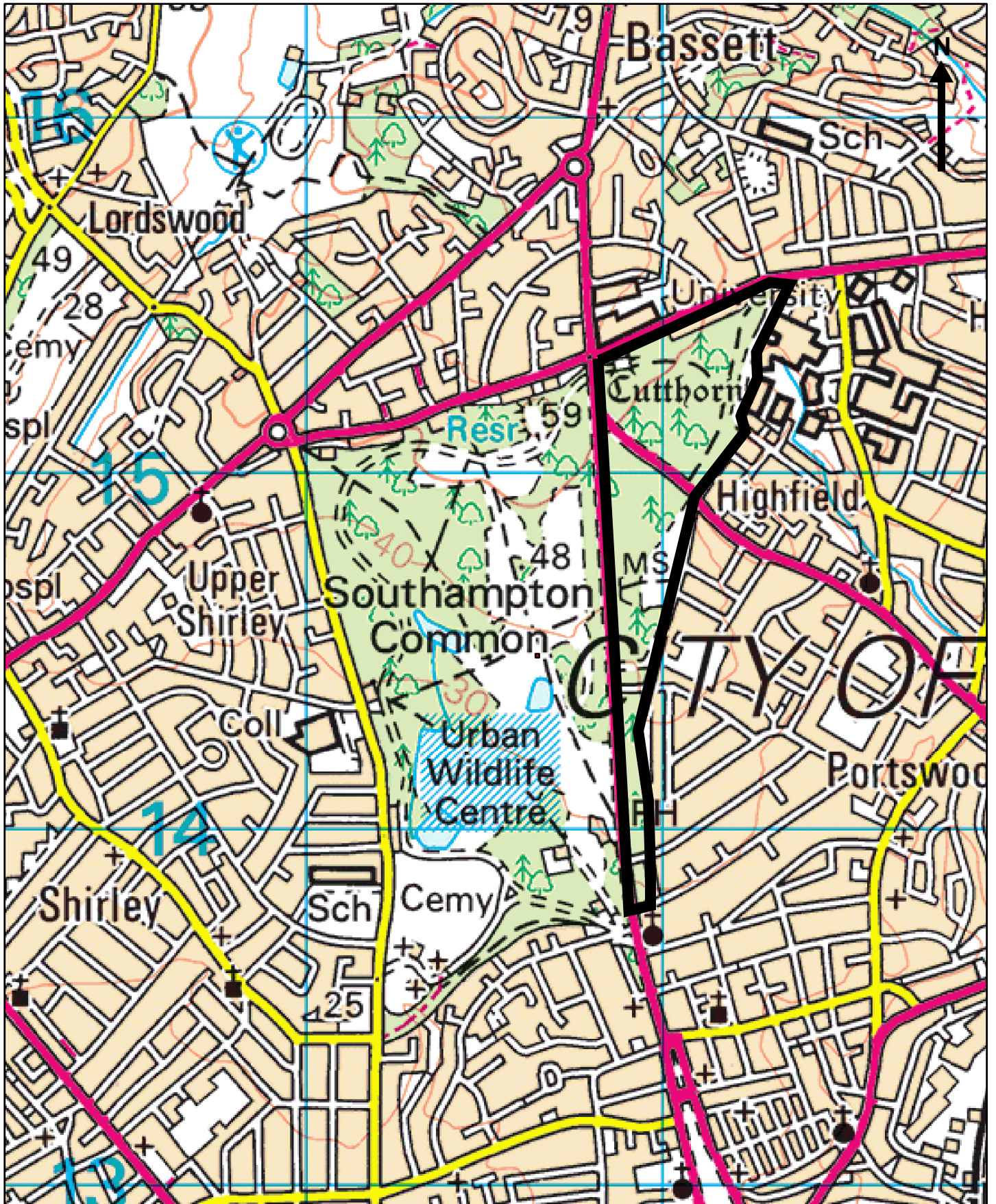
**Cycle Route**

Cycle route is signed on The Avenue and not on southern section of Lovers Walk. There will be sign posts at top of Lovers Walk directing cyclists to continue on Highfield Road to The Avenue

**Cycle Route**



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**Planning and Rights of Way Panel 15<sup>th</sup> February 2022**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 220 Burgess Road, Southampton			
<b>Proposed development:</b> Installation of covered seating area to front - Retrospective (Submitted in conjunction with 21/01535/ADV)			
<b>Application number:</b>	21/01534/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>	08.12.2021	<b>Ward:</b>	Swaythling
<b>Reason for Panel Referral:</b>	Five or more letters of support have been received, contrary to Officer's recommendation	<b>Ward Councillors :</b>	Cllr L Fielker Cllr M Munday Cllr S Vassiliou
<b>Applicant:</b> Uni Kebab		<b>Agent:</b> Studio Four Architects	

<b>Recommendation Summary</b>	<b>Refuse</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for Refusal**

The introduction of a canopy structure to the front of the existing restaurant/takeaway, and wider building line, would result in an unacceptable development that would be out of keeping and visually harmful to the character and appearance of the area. An approval would also create a difficult precedent to resist for neighbouring sites to the potential detriment of the wider streetscene. The application is therefore contrary to Policy CS13 of the adopted Local Development Framework Core Strategy (as amended 2015), saved policies SDP1, SDP7 and REI 8 of the City of Southampton Local Plan Review (as amended 2015) and Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (2015) and paragraph 187 of the National Planning Framework 2021 linked to good design.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**1. The site and its context**

1.1 The site lies within a defined Local Centre within the Council's Development Plan and comprises of a dual restaurant and takeaway business, which was approved in 2019 under application 19/00250/FUL.

1.2 The premises lies at the end of a terrace, with a dental practice in the middle of the terrace and a hairdressing salon completing the terrace. A Sainsbury Local supermarket is located the other site of the application site.

## **2. Proposal**

2.1 The application seeks planning permission for the retention of a covered seating area to the front of the premises. The seating area is constructed with a timber frame, raised decking and metal balustrades to the side and polycarbonate roof sheets. The sides would be enclosed with canvass material.

2.2 The covered seating area extends to the front by 4.5m, with a width of 7.3m and overall height of 2.6m. It is also proposed to add advertising logos on the front and sides of the canopy (subject to separate application 21/01535/ADV)

## **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** and will be applied in the assessment of the proposals.

3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 The NPPF is generally supportive of existing businesses and their growth. Paragraph 81 of the NPPF (2021) states that: ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’ Paragraph 187 also states that ‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

3.4 Under Schedule 2, Part 4, Class BB (moveable structures for historic visitor attractions and listed pubs, restaurants etc) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), some businesses are entitled to erect a temporary marquee/canopy structure without planning permission for up to 120 days in order to respond to covid restrictions. However, the applicant has applied for permanent permission and, in any event, this premises would not benefit from these permitted development rights for the following reasons:

- The business does not operate as a standalone restaurant use or drinking establishment
- the moveable structure would be within 2 metres of the curtilage of any adjacent land that is used for a residential uses.
- the moveable structure is used for the display of an advertisement

#### 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.

#### 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, erecting a site notice 29.10.2021. At the time of writing the report **17 letters of objection** have been received and **16 letters of support**. The following is a summary of the points raised:

##### **Summary of OBJECTION letters:**

- 5.2
- Loss of light (specially the reception area on the ground floor).
  - Loss of patient's privacy (As whoever is sitting in this outside area could overlook the reception and movements off the patients in and out of the practice).
  - Loss of visibility and obscuring of entrances to neighbouring commercial units
  - Noise nuisance to neighbouring commercial and residential uses
  - Would lead to more litter and accumulation of uncollected street rubbish
  - Out of character and overdevelopment of the site as the whole of the site would be built on.
  - Does not promote healthy lifestyles and activities.
  - Development encroaches on to the pavement reducing manoeuvrability
  - Along with Bar S0/16 directly, anti-social behavior, car park intrusion, littering, urination in doorways, trespass, loitering and the discovery of drug paraphernalia will increase.

##### **Officer Response**

**Impacts on neighbour amenity are discussed in the assessment sections below. This includes loss of light, loss of visibility and noise and disturbance to neighbouring uses. Issues relating to the use of the premises as a restaurant and takeaway use are not relevant as planning consent has already been granted for the use under 19/00250/FUL.**

##### **Summary of SUPPORT letters:**

- 5.3
- Good design and adds appeal to both the restaurant and the surrounding area. We should support the regrowth of such business for

the economy and life of its city.

- It will be a halal and new style restaurant, and we need it in that area. The business owner is also a well-known person who supports students and the local community.
- The objections on the grounds of added noise and disturbances etc, seem unfair given that there are already many businesses with late openings hours on that stretch. The roof is transparent and would not result in loss of light to neighbouring businesses.

**Officer Response**

**Comments regarding the design of the structure are noted. The type of restaurant and their reputation in the community is not a material Planning consideration. Impact on noise and disturbance are considered below.**

**Consultation Responses**

5.4

<b>Consultee</b>	<b>Comments</b>
Environmental Health	Following a perusal of the submitted documentation the Environmental Health Service have no objections no make concerning this proposal but recommend that the opening hours are conditioned 7 days per week (including Bank Holidays) - 12:00 - 22:00 hrs
Highways Officer	Highways DM have no objection to the proposals for an outside covered seating area.
Urban Design Manager	Objection The roof canopy and associated structure creates a visual barrier to the pedestrian in an otherwise visually cohesive commercial street frontage and additionally involves the pedestrian having to deviate around the structure when walking along this otherwise wide pedestrian apron to the buildings. Creating a pinch point within this apron is at odds with the efficient functioning and established character of this commercial street frontage. At the end of this run of buildings there appears on google streetview a café called Bar SO16 which temporarily colonises the street frontage in a much more visually and physically appropriate manner to the functioning and appearance of a mixed commercial frontage.

CIL Officer	This one wouldn't trigger a CIL payment, for retail developments like this it needs to be over 100 sq m new floorspace for CIL to be charged.
Cllr Matthew Bunday	Support this application. I believe what Uni. Kebab are proposing will enhance the area and create a nice space for the community to come together.
Cllr Lorna Fielker	I support this application for a covered area at the front of the new Uni-Kebab restaurant. The design will enhance this local shopping area and help create a sense of vibrancy in the evenings.

## 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;
- Neighbour amenity; and
- Highway safety

### 6.2 Principle of Development

6.2.1 The principle for the use of the premise as a mixed use A3/A5 (restaurant/cafe/hot food takeaway) was established in the 2019 planning permission. This application purely relates to the front canopy addition, and whether or not it is appropriate in terms of its visual impact and impact on neighbour amenity. In general the policies of the Development Plan are supportive of the expansion of existing businesses and their growth. The National Planning Policy Framework is also supportive of economic growth provided proposals integrate sympathetically with its surroundings and neighbouring uses. In particular, Paragraph 187 of the NPPF also states that 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

### 6.3 Design and effect on character

6.3.1 Policy REI 8 of the Local Plan states that: Shop fronts which harm the character or appearance of an area through inappropriate design or use of unsympathetic security measures will not be permitted. Proposals should:

- (i) respect the proportions of the building and surrounding shop fronts and not dominate the street in terms of materials and scale of illumination;
- (ii) respect traditional features and aspects of local character;
- (iii) ensure the signs and advertisements, including projecting signs are only installed at fascia/ sub-fascia level;
- (iv) ensure that in the city, town and district centres, security measures are visually unobtrusive.

In addition Policy CS13 of the adopted Core Strategy states development should “respond positively and integrate with its local surroundings”. Policy SDP1 of the City Local Plan states that Planning Permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens; and contributes, where appropriate, to a complementary mix of uses. Policy SDP7 seeks to prevent “development which would cause material harm to the character and/or appearance of an area”.

- 6.3.2 The sites lies along Burgess Road which comprises of a small row of shops, with residential accommodation above. Properties comprise of flat two storey frontages, which are set back from the pavement and highway. The area in front of these shops/businesses is free from any development, except for bicycle hoops and bollards. None of the properties have front additions and none have closed or cordoned off frontages. However the boundary of the forecourt frontages are distinguished with block paving, which is different from the paving slabs used for the highway pavement. The works the subject of this application have already been carried out, with a canopy roof structure covering a decking area measuring 4.5m deep x 7.3m wide and 2.6m high. The structure is enclosed with metal balustrades and timber vertical posts supporting a polycarbonate roof. The enclosure would also have canvass sides and it is proposed to add advertising on the front and side of the canopy.
- 6.3.3 This canopy structure is the first of any front addition within the immediate streetscene, which otherwise comprises of flat frontages that afford a generous set back between the front of the building and the pavement and highway. Whilst the lack of any other examples does not preclude any front addition from being considered acceptable in principle, it does establish a consistent building line and open frontage character to the immediate street scene. The application proposals are prominently visible when approaching the site from the east or west and the depth of 4.5m projects significantly beyond the front elevation of the building. The size and design of the structure results in a dominant feature of the existing building, which would be further compounded by its enclosed sides and proposed advertising. The dominance of the structure relates unsympathetically with the existing building and significantly detracts from its character and appearance within the street scene. Furthermore, the structure is at odds with its neighbouring properties and would significantly detract from, and be detrimental to, the visual amenities of the existing street scene. It is on this basis that the application proposals are considered to be unacceptable and would be contrary to saved policies REI8 and SDP7 of the Local Plan as they do not respect the proportions of the building and surrounding shop fronts and fail to respect traditional features and aspects of local character. Furthermore it is not considered that the development sympathetically integrates with existing businesses and the character of the area, as such the proposals also be contrary to paragraph 187 of the NPPF.

## 6.4 Neighbour amenity

- 6.4.1 The site comprises of an end of terraced property that operates within the ground floor of the building. A dental practice lies to the immediate east within the middle of the terrace and a hairdressing salon lies the other side. A Sainsbury Local supermarket is located to the west of the application site. Most of these ground floor units have residential accommodation above them, which would be sensitive receptors to this development. Concerns have been raised by third parties that the proposals result in loss of light and visibility of neighbouring businesses, as well as noise and disturbance and additional littering and anti-social behaviour.
- 6.4.2 In terms of loss of light and impact on the visibility and functioning of neighbouring businesses, the immediate premises affected by the physical development is the dental practice to the east and the Sainsbury Local to the west. Both have entrances located within the middle of their shopfronts, as such access to these premises will not be directly affected by the development. The Sainsburys Local covers the whole of its premises and is detached from the application site, therefore it is not considered to be adversely affected in terms of light and access requirements. The adjoining Dental Practice has frosted glass full length windows either side and a central access leading to a reception area. The adverse impacts on neighbouring development resulting from loss of light usually applies to the loss of a habitable residential room, as opposed to commercial development. In this instance, where the application site lies to the west of the Dental Practice, any loss of sunlight and daylight would be primarily restricted to evening light. Furthermore concerns relating to the loss of light to the reception area within the practice would be difficult to substantiate and quantify as a reason for refusing planning permission. On this basis, the proposals would not result in any significant loss of light to the neighbouring premises.
- 6.4.3 The second point of concern for neighbouring premises relates to the loss of visibility of the neighbouring business, primarily the fascia signs and frontage of the business. The canopy structure has a height of 2.6m, which is marginally below the height of the fascia on the existing building and neighbouring buildings. However the projection of the canopy to the front by 4.5m, coupled with the enclosed sides, would obscure views of the dental practice from the west, particularly from the level seen by motorists or pedestrians. That said, it is noted that most trips to a dental practice are specific journeys compared to trips to a restaurant or shop. Even with 'drop in' visits, it is assumed most visitors would have a vague idea on the location of the practice before visiting. Coupled with this assumption, the canopy does sit below the fascia signage of the neighbouring property and the practice retains an unfettered access and frontage. On this basis it is not considered that the canopy result in any significant loss of visibility of neighbouring premises within the street scene.
- 6.4.4 With the regards to the noise impacts from the enclosed seating area specifically, whilst the structure does have covered roof and canvass sides, it does have the potential to have open sides, particularly in the warmer months.

Therefore there is potential for noise to project out on to Burgess Road, especially to the flats above these row of commercial units. The original use of the premise was granted planning permission for opening hours of

- Monday to Saturday - 10:00hours to 23:00hours and
- Sunday and recognised public holidays - 10:00hours to 22:00hours,

which are considered to be appropriate hours for the size, scale and nature of the development and the mixed-use character of the immediate area. The Council's Environmental Health Officer raises no objection to the proposals but recommends that the opening hours are conditioned 7 days per week (including Bank Holidays) - 12:00 - 22:00 hrs. Whilst the no objection from the EHO is noted and agreed, additional restrictions beyond those originally approved are considered to be unnecessary and unjustified in this instance given the mix of uses within the area. If this application were to be recommended for approval it would be more appropriate to condition the use of the canopy area in line with the original hours. However, it would be prudent and reasonable to restrict any additional music sources (either live or amplified) in this area unless a noise assessment has been submitted and any associated mitigation. Therefore, subject to reiterating the original hours of use of the premises and a condition ensuring no music sources underneath the canopy structure, it is not considered the proposals result in adverse noise impacts to neighbouring residential and commercial uses. Furthermore anti-social behaviour and litter policies would be secured and enforced through the terms of the original licence and the canopy would not generate any additional measures of control in this instance.

6.4.5 It is acknowledged by officers that the canopy structure would result in some loss of light and visibility of the neighbouring Dental Practice. However, it is not considered that a reason for refusal on this basis could be justified in this instance. On this basis, notwithstanding the design objections set out above, the application is considered to be acceptable in terms of its impact on the amenity of neighbouring occupiers.

#### 6.5 Impact on access and pedestrians – highway safety

6.5.1 Concerns have been raised by third parties that the proposed canopy reduces the width and useability of the existing pavement. As described above, the forecourt frontages of the commercial units are clearly delineated from the surface of the highway pavement. Whilst the set back of the premises from the pavement enables a greater free flowing space and manoeuvrability around the pavement, the forecourts do not form part of the highway boundary. The proposals extend to the depth of the forecourt outside the application site, but they do not encroach on the public footpath, which would retain a width of approximately 2.0m. Notwithstanding that the Highway Officer does not raise objections to the proposals in terms of highway safety, the Department for Transport Manual for Streets (2007) confirms that there is no minimum width for footways. It suggests that the minimum unobstructed width for pedestrians should generally be 2.0m. Inclusive Mobility (2002) advises that ideally the width of the footway should be 2.0m to facilitate two people in wheelchairs to pass each other comfortably. On this basis the proposals would not adversely impact on highway and pedestrian safety and



manoeuvrability.

## **7. Summary**

- 7.1 The proposed canopy structure has partially been erected to the front of the site and comprises of vertical timber posts, metal balustrades and roof structure. The application proposals also include canvas material enclosing the sides, which have not been added (to date). The size, siting forward of the established building line, and the chosen design of the canopy structure results in a dominant and unsympathetic addition to the area, which would be out of keeping and visually harmful to the character and appearance of the area, and is therefore not considered to be an appropriate and acceptable addition to the area. On this basis the structure would be contrary to the Development Plan and guidance contained within the NPPF.

## **8. Conclusion**

- 8.1 It is recommended that planning permission is refused for the reason set out above.

### **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 15/02/20222

**Application 21/01534/FUL**

**APPENDIX 1**

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

SDP10 Safety & Security

SDP16 Noise

REI6 Local Centres

REI7 Food and Drink Uses (Classes A3, A4 and A5)

REI8 Shopfronts

Other Relevant Guidance

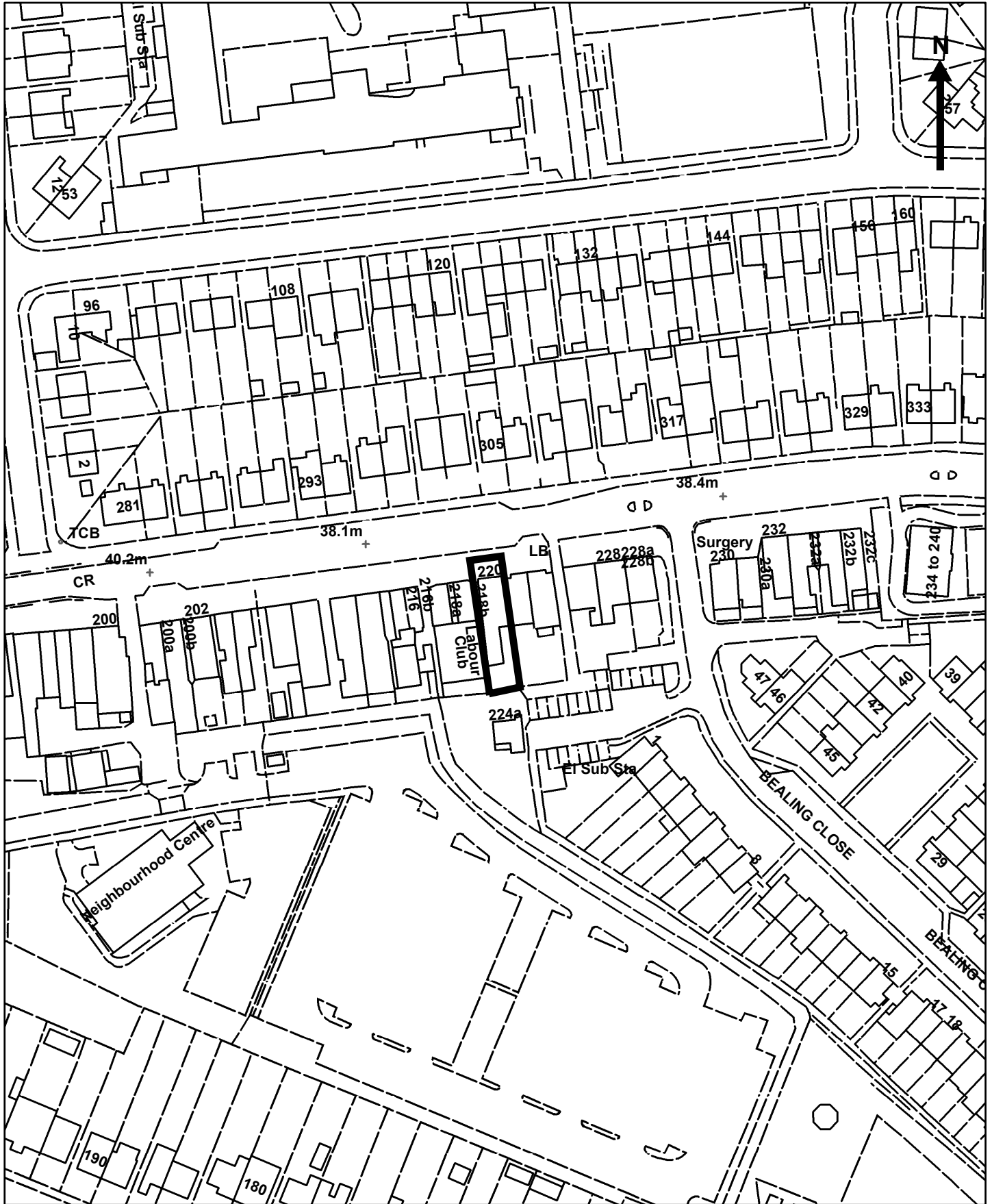
The National Planning Policy Framework (2021)

**Application 21/01534/FUL**  
**APPENDIX 2**  
**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1401/20	Alterations and additions.	Conditionally Approved	13.10.1970
1474/M33	Erection of a single storey extension to shop and living accommodation.	Conditionally Approved	23.04.1974
1489/M3	INSTALLATION OF NEW SHOPFRONT	Conditionally Approved	25.03.1975
891164/W	INSTALLATION OF NEW SHOP WINDOW	Conditionally Approved	06.10.1989
891393/WA	ILLUMINATED FASCIA SIGN 'WASHING MACHINE SPARES' AND ILLUMINATED PROJECTING SIGN 'PREMIER ELECTRICS'	Conditionally Approved	02.08.1989
970714/W	ERECTION OF A SINGLE STOREY REAR EXTENSION AND COVERED WAY	Conditionally Approved	07.08.1997
06/01433/FUL	Erection of garage to rear of property.	Conditionally Approved	30.11.2006
19/00250/FUL	Change of use of existing shop (A1 retail) to a mixed use A3/A5 (restaurant/cafe/hot food takeaway) and single storey rear extension	Conditionally Approved	27.03.2019
19/01819/DIS	Application for approval of details reserved by condition 6 (Ventilation and extraction) of planning permission ref: 19/00250/FUL for change of use to restaurant/cafe/hot food takeaway (Class A3/A5).	No Objection	15.11.2019
20/01558/FUL	2 bedroom first floor flat over existing single storey rear building.	Application Refused	05.01.2021
21/01535/ADV	Installation of 3x non-illuminated canopy signs (Submitted in conjunction with 21/01534/FUL)		

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# Agenda Item 6 21/01534/FUL



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# Agenda Item 7

## Planning and Rights of Way Panel 15th February 2022 Planning Application Report of the Head of Planning & Economic Development

<b>Application address:</b> 2 Newtown Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of a 3-storey building containing 7 flats (4x 1-bed, 2x 2-bed and 1x 3-bed) with associated parking and cycle/refuse storage, following demolition of existing building			
<b>Application number:</b>	21/01652/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Coombes	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	31.01.2022	<b>Ward:</b>	Woolston
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Stead Cllr Hammond Cllr Payne
<b>Cllr Objections:</b>		<b>Reason:</b>	
<b>Applicant:</b> Mr Dhaliwal		<b>Agent:</b> Southern Planning Practice	

<b>Recommendation Summary</b>	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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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 – CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS23 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Planning Panel Minutes 23.02.2022		

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. An agreement between the applicant and the Council under s.278 of the Highways Act to undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements, including a Traffic Regulation Order (if required) and the reinstatement of the dropped kerb, 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. The submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. 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 Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

- 1.1 The site comprises a prominent corner plot at the junction of Newtown Road, Weston Lane, Upper Weston Lane and Wrights Hill. A railway line runs to the rear of the site.
- 1.2 The site is occupied by a detached two storey building with a retail use at ground floor and an associated three bedroom flat at first floor. At present the site frontage is used for customer parking, with the rear of the site in use for ancillary parking/storage for the retail and residential elements.

### **2. Proposal**

- 2.1 This application follows a previously approved scheme last year which proposed the enlargement of the existing building on site through extensions and alterations to achieve a building of 3 storeys in height and providing 7 flats with 2 parking spaces (LPA 20/00681/FUL refers). Following that previous approval, the applicant has reviewed the feasibility of that scheme and now seeks to achieve a very similar development but by way of redevelopment of the site. The current



proposal now involves demolishing the existing building on site and erecting a new 3 storey building to the same design, scale and layout as the previously approved scheme.

- 2.2 The proposed new building would appear almost identical to the previously approved scheme in terms of the footprint, massing and elevations of the building. The site layout with two parking spaces, turning area and bin area to the front, and amenity space for the proposed flats provided to the rear remains the same as previously approved. The number and mix of flats proposed remain the same as the previously approved scheme. The 7 flats proposed are still comprised of 4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flat.
- 2.3 There are minor changes to the position of internal walls of each of the flats, but these do not compromise the quality of the living environment, nor would they impact the proposed number or arrangement of windows from that of the previously approved scheme.

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

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

- 4.1 There have been various applications for this site pre-1999, relating to advertising and changes of use for the existing commercial unit. These application records have not been included here, as they are not directly relevant to this current application.
- 4.2 The only relevant application record is the recent approval of an almost identical scheme for a 3 storey building providing 7 flats which was approved by the Planning and Rights of Way Panel in February 2021 (20/00681/FUL – “Alterations and extension of existing building to form 7 flats (4 x 1 bed flats, 2 x 2 bed flats and 1 x 3 bed flat)”).
- 4.3 This previously approved scheme involved the alteration and extension of the existing building to provide the consented 7 flats. Following a feasibility review of delivering that previously approved scheme, the applicant has revised the design and now proposes to demolish the existing building and erect a replacement 3 storey building containing 7 flats that is almost identical to the previous approval.

### **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 (03.12.2021). At the time of writing the report **11 representations** have been received from surrounding residents.

The following is a summary of the points raised:

- 5.2 ***Insufficient on-site parking spaces for the number of flats proposed. No provision for electric vehicle charging.***

**Response**

The application provides 2 parking spaces for the 7 flats, as previously approved under 20/00681/FUL. The application has been supported with a parking survey, showing that there is parking capacity in the local area to accommodate potential overspill parking. The parking layout and sightlines remain as previously approved.

- 5.3 ***Parking survey inadequate due to its age (March 2020), being undertaken during lockdown, and not correctly reflecting the current high traffic levels.***

**Response**

Concern has been raised that the parking survey was undertaken at times when traffic around the site was low (05:15 Sunday and 22:15 Monday). The survey is not intended to assess traffic movements but seeks to establish whether there is sufficient on-road parking capacity to meet the needs of the proposed development. The survey times comply with Council guidance in undertaking parking surveys at times when uptake of on-road parking is high (typically between 22:00 and 06:00 when residents are most likely to utilise on-road parking).

This survey is the same March 2020 survey as was approved under the previous scheme, and there has been no change in the overall quantum of development or number of units proposed. Whilst this survey is over a year old, there have been no significant developments in the area since that date that are considered to impact day-to-day parking availability. The fact that the parking survey was conducted during lockdown gives a more accurate representation of the peak parking demand when most people are at home. It is noted that this would not capture the additional pressure caused by the school. The Council has already supported the proposed parking arrangement when it approved the previous scheme. This issue is discussed in more detail in section 6 below.

- 5.4 ***The proposed site entrance is too near the junction and the additional cars will exacerbate problems here.***

**Response**

The parking layout, site entrance and sightlines for vehicles leaving the site remain as previously approved under 20/00681/FUL. The Highways Development Management team have no objections to the proposal. It is also noted that the existing retail parking arrangement results in a high number of vehicle movements in close proximity to the junction. The current proposal is considered to reduce the number of vehicular movements, particularly removing the need to reverse onto the highway, due to the provision of an on-site turning area and reduction in parking spaces. The Council has already supported the highways impact when it approved the previous scheme.

5.5 ***Loss of local shop.***

**Response**

While the Council supports the retention of local community facilities where possible, it is noted that the site is not allocated for a particular use and the surrounding area is residential in nature. It is not considered that the residential use of the site is objectionable in principle and the shop could close, or exercise prior approval benefits, at any time and is not afforded protection through Planning policy. The Council has already supported the loss of the shop when it approved the previous scheme.

5.6 ***Noise and disruption during construction.***

**Response**

Construction traffic, noise and disruption is typically temporary, nevertheless, a condition has been proposed to secure a demolition statement, a construction environment management plan and to limit hours of construction on site to protect the amenity of neighbouring residents. The Council has already accepted that the development can be undertaken without undue disruption when it approved the previous scheme.

**Consultation Responses**

5.7 **SCC Highways** – No objection.

The proposed change of use will reduce trips compared to the existing retail use. On-site turning space is welcomed to prevent reversing onto the highway and should be secured by condition to allow for turning / grocery deliveries etc. Restrict front boundary height to no more than 600mm. Double yellow lines to the junction should be secured via S106. Refuse and cycle storage are acceptable in principle, subject to more details being secured. The parking survey suggests there is sufficient on street parking available to accommodate overspill parking. Whilst the parking survey is from March 2020, it is not necessarily out of date, as long as there have been no significant recent developments that would change the findings. Request conditions to secure the parking and turning layout, further details of sightlines, and front boundary height restriction.

5.8 **Archaeology** – The proposal has the potential to threaten archaeological deposits. A written scheme of investigation (WSI) compiled for the previous application 20/00681/FUL has been submitted and approved, however it will need updating to reflect the current proposal and as such suitable conditions are recommended to ensure appropriate investigation/recording.

5.9 **CIL** – The development is CIL liable as there is a net gain of residential units.

5.10 **Ecology** – The existing site has negligible biodiversity value. A condition is recommended to secure simple biodiversity enhancements by way of an Ecological Mitigation Statement.

5.11 **Environmental Health** – No objection subject to conditions to secure a Demolition Statement and Construction Management Plan.

- 5.12 **Sustainability** – No objection subject to Energy and Water pre-commencement and performance conditions to ensure compliance with core strategy policy CS20.
- 5.13 **Southern Water** – No objection in principle, subject to investigation and protection of public water main and public sewer. Request condition to secure this. An application to Southern Water will be required for connection to the public foul sewer.
- 5.14 **Cllr Payne (summary)** – No objection in principle, however the parking provision is inadequate. There is existing parking pressure due to the nearby school. Concerns regarding safety of nearby junction.

**Officer Response**

*The Council's standards allow for this level of car parking, and the previous extant permission was approved with the same arrangement for the same level of development.*

**6.0 Planning Consideration Key Issues**

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

6.2 Principle of Development

- 6.2.1 The principle of development was established when the Council approved the earlier scheme for 7 flats (20/00681/FUL refers). 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.
- 6.2.2 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 hectare 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. Following the proposal the site would have a residential density of 101 dwellings per hectare. This is the same level of development as the previously approved scheme. Maximising previously developed land with high density residential schemes is an underlying principle of local and national planning policy.
- 6.2.3 The principle of the loss of the existing retail unit was established under the previously approved scheme 20/00681/FUL. The site is not located in a defined primary or secondary shopping frontage and the proposal includes a number of visual benefits to the site frontage which can only be realised through the loss of the retail use which is therefore considered acceptable in this instance.

6.2.4 The proposal includes a replacement 3 bedroom flat with access to rear amenity space (48sqm), therefore there is no loss of family dwelling and the proposal complies with Policy CS16. The surrounding area is broadly residential in nature and no objection is raised to the principle of residential accommodation in this location. The key issues are the specifics of how the proposal integrates with the site and its surrounding context, which is considered in more detail below.

### 6.3 Design and effect on character

6.3.1 The application site is situated in a primarily residential area, with a mix of different dwelling types. The site forms of corner plot between Newtown Road and Weston Lane/Upper Weston Lane and is prominently visible from both frontages.

6.3.2 The proposed 3 storey building copies the scale, footprint, height and design of the previously approved scheme under ref 20/00681/FUL, achieving this development by way of demolition of the existing unit and erection of new 3 storey building, rather than by altering and extending the existing building on site. The proposed elevations are the same as previously approved.

6.3.3 The particular circumstances of this corner plot location, and the existing 3 storey development opposite the site, suggest there is capacity for increasing the building massing on site and the accommodation to third storey level.

6.3.4 Given that the currently proposed new 3 storey building matches the design, scale, form, and layout of the previously approved scheme, and the nearby 3 storey development, it is not considered that the proposal would be harmful in the context of the surrounding built form.

6.3.5 Substantial improvements would be made to the street scene through new landscaping to the frontage and a new boundary wall. In addition, the existing hardstanding parking and storage areas to the rear of the site would be improved by being replaced with new amenity areas for the proposed flats and the proposal would result in the removal of the existing large advertising board to the west elevation, which is welcomed. Overall, it is considered these improvements to the overall appearance of the site represent substantial benefits to the character and appearance of the local area. The Council reached the same conclusion when it approved 20/00681/FUL.

### 6.4 Residential amenity

6.4.1 The application proposes 2 flats at ground floor (1x 3-bed and 1x 2-bed) which both have access to their own private amenity space (48sq.m and 26sq.m respectively). The remaining 5 flats (4x 1-bed, 1x 2-bed) share the remaining 95sq.m to the rear (76sq.m of useable amenity space when excluding the cycle store). Flats 4 and 5 additionally have 4.5sq.m of balcony space and Flats 6 and 7 have 3sq.m of balcony space. Flat 3 (1 bed) is the only flat without its own private amenity space, although residents can utilise the communal space at the rear of the site. This arrangement is the same as the previously approved scheme and is fairly typical for flatted developments.

6.4.2 The Council's Residential Design Guide seeks 20sq.m of amenity space per unit. As with the previously approved scheme, the site provides 170sq.m of amenity

space in total averaging at 24.3sq.m per unit. The two larger amenity spaces for the 3-bed and 2-bed units exceed this threshold, while the remaining 2-bed and 1-bed units fall marginally under this, using balconies and the communal space (18.8sq.m per unit). Notwithstanding this, it is noted that the larger communal amenity space area to the rear is a spacious, functional and accessible space which would serve the needs of the proposed occupiers.

- 6.4.3 On balance it is considered that providing a larger amenity provision for the ground floor units is an acceptable use of the land available on the site and overall the development provides a high quality living environment for future occupiers.
- 6.4.4 In terms of internal living environment, the property relies on outlook to the front, rear and side (towards Weston Lane). The position, size and number of windows are the same as in the previously approved scheme. The windows proposed on the south east elevation serve as secondary windows or to non-habitable rooms and as such it is reasonable to impose a condition securing obscure glazing for these windows to minimise the potential for overlooking of the neighbouring site. While the outlook of some of the ground floor rooms is somewhat constrained by the landscaping arrangements, it is considered that the proposal provides a generally good quality of overall outlook for the proposed occupiers.
- 6.4.5 In terms of internal amenity, the Council has not adopted the Nationally Described Space Standards (NDSS), however they do serve as an indicator of the quality of residential environment. Each of the proposed flats would meet or exceed these standards and, overall, it is considered that the internal living environment for future occupiers is acceptable.
- 6.4.6 There are some minor amendments to the internal layout of the flats, however these amendments do not compromise the light, outlook or quality of the residential environment. As shown in the table below, the proposed floorspaces remain either the same, or slightly higher than in the previously approved scheme, except for Flat 3 which loses just 1sqm, however this still complies with the NDSS minimum standard and does not compromise the quality of the living environment.

Accommodation	NDSS Space Standard (sqm)	Currently proposed (sqm)	Previously approved (sqm)
Flat 1: 3 bedrooms	74 (4 people) 86 (5 people) 95 (6 people)	93	93
Flat 2: 2 bedrooms	61 (3 people) 70 (4 people)	72	71
Flat 3: 1 bedroom	37 (1 person) 50 (2 people)	50	51
Flat 4: 1 bedroom	39 (1 person) 50 (2 people)	42	41
Flat 5: 2 bedrooms	61 (3 people) 70 (4 people)	72	70
Flat 6: 1 bedroom	39 (1 person) 50 (2 people)	66	65

Flat 7: 1 bedroom	39 (1 person) 50 (2 people)	49	49
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6.4.7 In terms of neighbouring occupiers, the site is well set back from properties on three sides of the site given the spacious plot. The proposed additional massing closer to the boundary with adjacent residential property at 8 Newtown Road would have some impact, however this property is set further back from the road, with an existing outbuilding to the front of the site. Taking into account the layout and relationship with the new development it is not felt that the additional massing would prove substantially harmful.

6.4.8 For the reasons laid out above it is considered that the proposal would have an acceptable impact on the amenities of both existing residents and provide a reasonable quality of living environment for the proposed occupiers.

## 6.5 Parking highways and transport

6.5.1 The site is situated in an area with a number of existing highway pressures, in terms of both the existing parking demand, the nearby junction which serves as a key through route for traffic and the pressure from the nearby school.

6.5.2 The existing retail use on site has off-road parking and generates a number of trips to the site. The existing layout of the access and proximity to the junction are not ideal with regard to vehicular movements and associated servicing of the commercial premises. The intensification of the residential use is likely to lead to its own separate pattern of impacts, however the reduction in the number of parking spaces and the provision of a turning area will help to reduce the volume of traffic to and from the site and will prevent the need for vehicles to reverse onto the highway near this busy junction.

6.5.3 With regard to highways safety and the relationship with the nearby junction, the Council's Highways team negotiated alterations to the proposed landscaping arrangement under the previously approved scheme to ensure suitable sightlines were retained to the north-east. These negotiated changes have been retained on the current plans, as per the previously approved scheme, and a condition is recommended to secure these sightlines.

6.5.4 A statement has been submitted with the application to outline how the transport needs of the occupiers will be met. The site has close access to nearby public transport options and appropriate cycle storage can be secured to encourage alternative forms of transport.

6.5.5 The application proposes a total of 7 units on site (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats). The maximum standards set in the Council's Parking Standards SPD equate to a maximum parking standard of 10 spaces, as the site is not within an area of high accessibility. The application proposes 2 on-site parking spaces, which is the same ratio of provision as the previously approved scheme. Provision of less than the maximum standard can be acceptable, if developers can demonstrate that there is sufficient on street parking capacity.

- 6.5.6 The applicant undertook a parking survey under the original application to assess the existing uptake of on-street parking and demonstrate sufficient capacity to accommodate the shortfall of 8 parking spaces. Two surveys were undertaken (Sunday 1<sup>st</sup> March at 05:15 and Monday 2<sup>nd</sup> March at 22:15). The first survey found 29 spaces within the 200m radius and the second found 28 spaces free within the 200m radius. Whilst the survey was completed in 2020, there have been no significant developments in the local area that would suggest this situation has significantly changed since that time and the Highways team have no objection to using this survey again, as the nature of the development has not changed. As such, there appears to be sufficient on-street capacity to accommodate the additional needs of the development.
- 6.5.7 It is noted that a recent consented scheme on the other side of the junction (The Conifers Wrights Hill, 19/01963/FUL) is under construction. This scheme was taken into consideration under the previous approval for 2 Newtown Road. This development provides 2 on-site parking spaces per dwelling to meet the maximum parking standards, in addition to informal provision for additional visitor parking. As such, it is not considered that this development would substantially alter the existing on-street parking demand.
- 6.5.8 Whilst the parking survey has noted the existence of nearby schools, the timings of the parking survey have not accounted for the school traffic. In terms of the application site, this is less likely to affect residents direct ability to find a parking space given the narrow window of school drop off and pick up times, but could potentially exacerbate the existing pressure around these times meaning parents and children may need to park further from the school, or exacerbate existing amenity issues for nearby residents.
- 6.5.9 The application has proposed locations for refuse and cycle stores to meet the needs of the proposed units with acceptable access and layout. Further details of the precise appearance and specifics of these structures should be secured by a suitable condition.
- 6.5.10 On balance, given the previously approved scheme, the available overnight on-street parking capacity and the overall improvements over the existing situation of vehicular movements and servicing close to the junction, the proposal is not considered to cause significant harm in terms of highways amenity or safety.

## 6.6 Mitigation of direct local impacts

- 6.6.1 Given the scale and impact of the development, the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). A Section 106 legal agreement with the applicant will seek to secure these. In addition the scheme triggers the Community Infrastructure Levy.
- 6.6.2 Furthermore, to address its impact on European designates sites for nature conversation, the application is delegated for approval subject to the payment of a contribution towards the Bird Aware Solent scheme. 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 Habitats Regulations Assessment (HRA) has been undertaken, in accordance with the 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.

## **7. Summary**

- 7.1 The application proposes to erect a new 3 storey building that will appear almost identical to the previously approved scheme on this site, with the same number of flats, parking provision and site layout. The minor internal changes to the layout of the flats do not compromise the quality of the residential environment and there are no additional impacts on neighbouring residents over the previously consented scheme.
- 7.2 No objection is raised to the principle of the residential use of the site and loss of the existing retail use. The proposal represents significant improvements to the visual appearance of the site within its surroundings including the site frontage and appearance of the building in its residential environment. The proposals provide an acceptable quality of living environment for the proposed occupiers without harmful impact on the amenities of nearby properties. While it is accepted that the area surrounding the site is under a number of pressures with regard to on-road parking and highways safety, it is not considered that the proposal would result in substantial harm in this regard. On the contrary the proposal should improve the visual appearance of the streetscene and remove conflicting vehicle movements associated with the existing shop.

## **8. Conclusion**

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

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

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

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

**AC for 15/02/2022 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. Approved Plans  
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: For the avoidance of doubt and in the interests of proper planning.

03. Details of building materials to be used (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.

04. 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; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

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

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

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

05. Sightlines specification (Pre-Commencement)  
Further details of sightlines and visibility splays for vehicles exiting the application site, and for vehicles turning left into Newtown Road, shall be submitted to and approved in writing by the Local Planning Authority. The sightlines and visibility splays shall then be provided in accordance with the approved plans prior to first occupation of the building hereby approved and shall be retained thereafter for the life of the development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays or along the length of the front boundary line.  
Reason: To provide safe access to the development, to prevent congestion on the highway and to preserve pedestrian sightlines.
06. On Site Turning (Pre-Occupation)  
The proposed on site parking for 2 vehicles and access (including on-site turning space) shall be provided in accordance with the details hereby approved prior to the occupation of the development hereby approved. The site shall be maintained in accordance with these details as such thereafter and the on site turning space shall be clearly marked out and kept clear for this purpose with no parking at any times.  
Reason: In the interest of highways safety so that vehicles do not need to reverse out onto this junction and to ensure that parking is provided.
07. Refuse & Recycling (Pre-Commencement)  
Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.  
Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.
- Note 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](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.
08. Cycle storage facilities (Pre-Commencement 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. The storage shall be thereafter retained as approved.  
Reason: To encourage cycling as an alternative form of transport.
09. Construction Environment Management Plan (Pre-Commencement)  
Prior to the commencement of any development or demolition works, details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Environment Management Plan. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The

Construction Environment 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. Details of the timing and management of construction deliveries so as to avoid key school pick up and drop off times.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority. Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

10. Demolition Statement (Pre-Commencement Condition)

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason: To protect the amenities of users of the surrounding area.

111. Ecological Mitigation Statement (Pre-Commencement)

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

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

12. Public Sewer protection (Pre-commencement)

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

Reason: To safeguard the public sewer.

13. Energy & Water [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. SCC Energy Guidance for New Developments should be followed. 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 (Amended 2015).

14. Energy & Water [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use 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. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

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

15. Archaeological evaluation/watching brief investigation (Pre-Commencement)

No development t (apart from above-ground demolition) 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.

16. 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

17. Obscure Glazing (Performance Condition)

All windows in the south-east side elevation, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

18. Use of uncontaminated soils and fill (Performance)

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

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

19. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an

assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

20. 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.

## NOTES TO APPLICANT

### 1. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

### 2. Network Rail

Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website [www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/](http://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/).

### 3. Community Infrastructure Liability (Approval)

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

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)?	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.  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.  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.

## 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	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

Therefore, in order to deliver 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 2012.

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
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide SPD (2006)  
 Parking Standards SPD (2011)  
 Developer Contributions SPD (2013)

Other Relevant Guidance

The National Planning Policy Framework (2021)  
 The Southampton Community Infrastructure Levy Charging Schedule (2013)

**Minutes of PROW Panel Meeting 23.02.2021 – Previous approval 20/00681/FUL****53. PLANNING APPLICATION - 20/00681/FUL - NEWTOWN ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Alterations and extension of existing building to form 7 flats (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats)

Chris Leeder, (local residents/ objecting), Neil March (agent), and Councillors Blatchford and Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition, a written statement from Mr Rawlings was circulated to the Panel.

The presenting officer reported an amendment to the space standard as set out in the table in the report, noting that Flat 7 should read 43m<sup>2</sup> and Flat 6 should read as 56m<sup>2</sup>. In addition, it was explained that the conditions required amending as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission with the additional and amended conditions. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Coombs, L Harris, Prior, Savage and Windle

AGAINST: Councillor Mitchell

ABSTAINED: Councillor Vaughan

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
  - a. An agreement between the applicant and the Council under s.278 of the Highways Act to undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements, including a Traffic Regulation Order (if required) and the reinstatement of the dropped kerb, 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);
  - b. The submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

- c. 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.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic Development be granted authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **Additional and Amended Conditions**

#### **Amended Condition**

#### **08 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. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.
- (h) Details of the timing and management of construction deliveries so as to avoid key school pick up and drop off times.

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.

#### **Additional Conditions**

##### **ON SITE TURNING**

The proposed on site parking for 2 vehicles and access (including on-site turning space) shall be provided in accordance with the details hereby approved prior to the occupation of the development hereby approved. The site shall be maintained in accordance with these details as such thereafter and the on-site turning space kept clear for this purpose with no parking at any time.

REASON: In the interest of highways safety so that vehicles do not need to reverse out onto the junction and to ensure that parking is provided

#### ECOLOGICAL MITIGATION STATEMENT

Prior to the development commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures to be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with these details prior to the first occupation of the development hereby approved with the agreed scheme being retained as such thereafter.

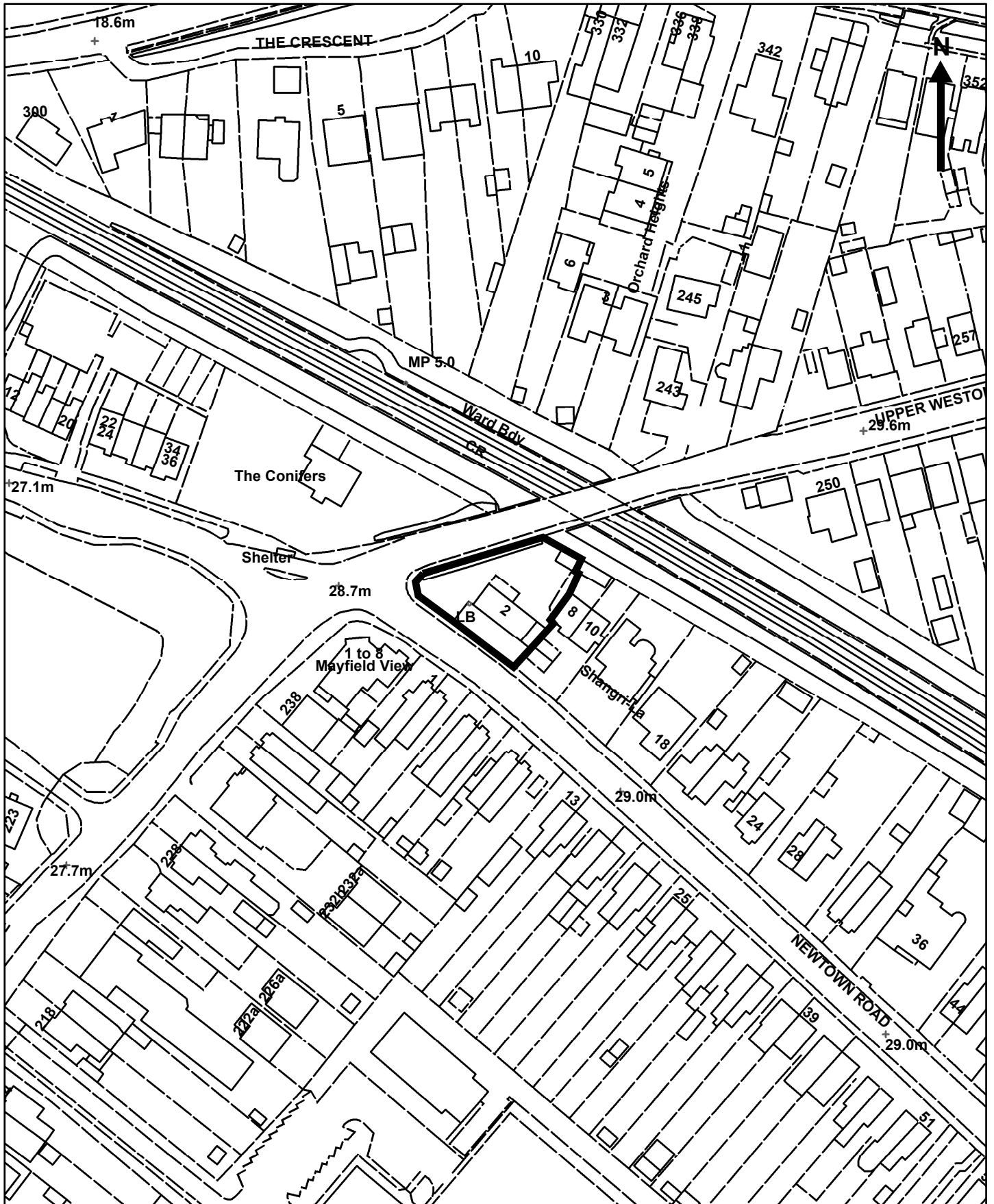
REASON: To safeguard the ecological value of the surrounding area.

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# Agenda Item 7 21/01652/FUL

Appendix 1



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**Planning and Rights of Way Panel 15<sup>th</sup> February 2022**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Former Field and Trek, Hawkeswood Road, Southampton			
<b>Proposed development:</b> This item refers to 2 linked planning applications:			
<b><u>21/00910/FUL</u></b> Installation of new shop front and external alterations including installation of trolley bays, refuse store and ramp and reconfiguration of car park layout (retrospective)			
<b><u>21/01244/FUL</u></b> External alterations to eastern elevation and installation of external lighting (part retrospective)			
<b>Application number:</b>	21/00910/FUL & 21/01244/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes per application
<b>Last date for determination:</b>	10.08.2021	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Referral request by Ward Member	<b>Ward Councillors:</b>	Cllr Fuller Cllr White Cllr Harwood
<b>Referred to Panel by:</b>	Cllr Fuller	<b>Reason:</b>	Residential Amenity
<b>Applicant:</b> Company Shop Limited		<b>Agent:</b> Lichfields	

<p><b>Recommendation Summary:</b></p> <p><i>This item refers to 2 linked planning applications and will require 2 Panel votes</i></p>	<p><b><u>21/00910/FUL</u></b> <b>Conditionally approve</b></p> <p><b><u>21/01244/FUL</u></b> <b>Conditionally approve</b></p>
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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 (2021). Policies – CS7, CS13, CS18, CS19, CS21 of the of the Local Development Framework Core Strategy Development Plan

Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP15, SDP16 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Refused plans 21/00939/ADV	4	HGV Access and Routing
5	Servicing & Delivery Management Plan		

### **Recommendation in Full**

Under consideration are 2 linked planning applications for the same site:

21/00910/FUL:-

Conditionally approve

21/01244/FUL:-

Conditionally approve

### **1. Background**

- 1.1 The applicant 'Company Shop Ltd' are a discount food and household product retailer and began trading from this premises in August 2021. The business takes leftover produce (which otherwise would be wasted) and stock from other retail businesses and resells them at discounted prices. Planning permission was not required for use of this building as a retail supermarket because the premises already benefited from existing lawful class E retail use (granted under lawful development certificate ref no. 17/00660/ELDC in 2017).
- 1.2 The applicant has undertaken a range of building works without planning permission associated with setting up the shop and refurbishing the building/land. These planning applications under consideration have been submitted to regularise the unauthorised building works. Officers have been working with the applicant to resolve the amenity and safety issues associated with the site. The Environmental Health Officer and applicant met on site on 10<sup>th</sup> September 2021 (at 20:00 hours as scheduled with a neighbour) to resolve the nuisance issue relating to the external lighting installed and agreed details of a servicing and noise management plan to safeguard residents living opposite in Hawkeswood Road. Furthermore the applicant has also been working with officers to find a solution to ensure safe access for HGV lorry deliveries to the site in relation to the conflict with the on-street parking bays in Hawkeswood Road and the need to secure on-site turning.
- 1.3 Despite the applicant carrying out unauthorised works and applying for permission retrospectively, officers have held enforcement action in abeyance as the applicant has continued to cooperate. These planning applications provided the opportunity to secure enforceable planning conditions to mitigate the amenity and safety impacts on the local residents of Hawkeswood Road.

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

- 2.1 This commercial site has an area of 0.38sqm and lies on the corner of Bitterne

Road West and Hawkeswood Road. The site comprises a retail shed formerly occupied by the company Field and Trek (camping and caravan goods). The current business occupiers known as Company Shop operate the following hours:

Monday to Saturday 08:00 – 20:00 and  
Sundays 10:00 – 16:00 hours.

- 2.2 The surrounding area is characterised by a mix of commercial (Centurion Park to the south) and residential properties opposite in Hawkeswood Road. The site partly falls within flood risk zone 3 and 2. The existing trees along the Hawkeswood Road frontage are protected by a TPO. The designated Bitterne Road West Air Quality Management Area (AQMA) lies to the south of the site.

### 3. **Proposal**

- 3.1 Application no. **21/00910/FUL** seeks retrospective permission for the installation of new shop front and external alterations including trolley bays, refuse store and ramp and reconfiguration of car park layout. Since the submission of the application, officers have secured the following amendments and additional control measures:-

- i. Relocation of the refuse store away from Hawkeswood Road to the far north west corner of the car park.
- ii. Relocation of the trolley bays away from Hawkeswood Road edge.
- iii. Widening the eastern car access fronting Hawkeswood Road to accommodate HGV lorry deliveries and HGVs only approaching from the north along Bitterne Road West (***see Appendix 4***).
- iv. Servicing Management Plan restricting deliveries to take place no earlier than 06:00 weekdays and 08:00-10:00 on Sundays (***see Appendix 5***). Only one HGV delivery is required every morning. Deliveries will take place before store opening times to keep the customer car park clear for on-site turning and enable HGV deliveries to access the loading bay in a forward gear without having to reverse onto Hawkeswood Road and Bitterne Road West.

- 3.2 Application no. **21/01244/FUL** seeks retrospective permission for the external alterations to the eastern elevation and installation of external lighting (part retrospective). Since the submission of the application, officers have secured the following changes:-

- i. Replacing mounted advertising graphic vinyls (refused under split decision ref no. 21/00939/ADV – ***see Appendix 3***) on the blank glazed frontage facing Bitterne Road West with a plain cream vinyl to match the rendered colour treatment approved on the north elevation facing Hawkeswood Road.
- ii. Lighting – An electrician went to site on 21<sup>st</sup> September 2021 and installed a second timer and split the outside lighting circuit for the lights closer to Hawkeswood Road. All the external lights now automatically switch off at 20:30, apart from the light over the staff exit/entrance.
- iii. Resolved archaeological issues.

### 4. **Relevant Planning Policy**

- 4.1 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**.
- 4.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 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.

## **5. Relevant Planning History**

- 5.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report. The premises were granted a lawful development certificate in 2017 (ref no. 17/00660/ELDC refers) to continue retail use without a restriction on trading.

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

- 6.1 Following the receipt of the planning application nos. **21/00910/FUL (shop front/car park works) & 21/01244/FUL (vinyls/lighting)** a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 02.07.2021 and 27.08.2021 accordingly. At the time of writing the report **4 representations** have been received from surrounding residents for both applications, including a Panel referral by Ward Cllr Fuller.

The following is a summary of the points raised under application no. **21/00910/FUL (shop front/car park works)**:

- 6.2 ***The application is not supported with a design and access statement.***  
**Response**  
This is not a validation requirement for this scale of application.
- 6.3 ***Lack of information about operating hours. A licensing application has been put in for music to be played and an alcohol licence 'until 10pm'. Jobs already being advertised for hours between 06:00-23:00 hours. Late night trading hours would be inappropriate for the quiet residential road, and will cause late night disturbance. This will lead to increased opportunities for anti-social behaviour, noise and disturbance arising from the general comings and goings, and from car parking, which will be harmful to the residential amenities of nearby occupiers. Should open no later than 18:00 in line with previous business Field and Trek operating hours.***  
**Response**

The applicant is not applying for permission to change the use of the premises in this instance. The trading hours being operated are currently Monday to Saturday 08:00 – 20:00 and Sundays 10:00 – 16:00 hours.

- 6.4 ***Size and time of deliveries should be controlled. It is unsafe and is likely to cause damage to parked cars as the road is too narrow for lorries to pass.***

**Response**

The applicant has agreed to widen the eastern access point so HGV delivery lorries can avoid passing the on street parking bays on Hawkeswood Road. Deliveries will take place from 06:00 on weekdays and 08:00 Sundays so the lorries can turn on-site without being obstructed customer parking.

- 6.5 ***Adverse noise and disturbance caused to local residents and impact on trees due to proximity of trolley bay. The deliveries before 07:00 cause noise disturbance to local residents.***

**Response**

The Environmental Health Officer is satisfied that deliveries taking place from 06:00 hours in accordance with the Servicing and Delivery Management Plan (*see Appendix 5*) will have an acceptable noise impact to the local residents having regard to existing background noise from road traffic on the A3024/Bitterne Road West. The applicant has moved the trolley bay further into the site to minimise noise and disturbance. This location is not considered to cause adverse amenity impact to neighbouring occupiers.

- 6.6 ***Lack of car parking available so will overspill into street parking available for local residents - the plans mention that they believe the car park will hold 75 cars, however, it is likely to hold less than 40.***

**Response**

The parking capacity is shown as 70 spaces overall. Notwithstanding, the impact of the parking capacity is not being assessed under this application as the business doesn't need planning permission to operate at the site.

- 6.7 ***Development has commenced prior to the granting of planning permission, with the excavation of groundworks, and the installation of a series of large lights on the exterior of the building which are on all night and prevent the neighbours from sleeping. These lights are not shown on the planning application documentation.***

**Response**

The applicant has applied for retrospective planning permission for the works submitted under the planning applications. Officers do not condone the manner in which development and applications have occurred but have a duty to determine these applications in accordance with current legislation and guidance. Permission for the lighting was subsequently applied for under the separate application no. **21/01244/FUL**.

- 6.8 The following is a summary of the points raised under application no. **21/01244/FUL (vinyls/lighting)**:

**Nuisance and intrusive impact to residents of Hawkeswood Road**

**caused by lighting operated until 23:30 every evening. Dispute that this diagram dated 8th July is accurate and reflects what was actually installed on 6th/7th August. The comment from environmental health seems solely based on the diagram submitted rather than a direct observation of what has already been installed and the clearly seen impact on the houses and flats opposite.**

**Response**

The Environmental Health Officer has met the applicant on site to resolve this issue. The applicant has rewired the lighting circuits so the main car park lights are on a timer to switch off when the shop is closed.

**6.9 The application is misleading in regard to parking, trees, protected areas and biodiversity sites. There are trees on the site which are covered by a TPO but the applicant denies this fact and has failed to provide a full tree survey. The sites lies adjacent or close to the**

- Solent and Southampton Water RAMSAR,**
- Solent and Southampton water SPA,**
- The Lee on the Solent to Itchen Estuary SSSI, and**
- The Chessel Bay LNR**

**The high levels of illumination throughout the night will adversely affect the local wildlife in the nearby SSSI and other protected sites. The council should seek the advice of their ecologist in regard to this aspect of the development.**

**Response**

Given the scale and nature of the proposed works it is not necessary to submit a full tree survey. The lighting is switched for the majority of the night once the shop is closed, whilst the location of the site is not on the waters edge within a commercial urban area so there would not be a limited ecological impact.

**6.10 The tall lamp posts that have been installed were done so without any consultation with city archaeology with deep holes dug and electricity installed to accommodate 5m poles. Some of these are angled in a way they shine over the boundary wall at the height of the first floor in the houses in the road.**

**Response**

The Council's Archaeologist is satisfied that the method of installation will not disturb archaeological remains so no post works investigation is required.

**6.11 The contractor carrying out the building works had no regard to the local residents in terms noise and hours of works.**

**Response**

Noted. This application is retrospective. Given the building works were carried out without planning permission the site was not subject to planning conditions to control the hours and method of building works.



## Consultation Responses

6.12

<b>Consultee</b>	<b>Comments</b>
Archaeology	<p>There is potential for important archaeology beneath this site given it lies within a Roman fort/settlement probably known as Clausentum, the main Roman settlement in the Southampton area</p> <p>21/00910/FUL is for the installation of a new shop front and external alterations including installation of trolley bays, refuse store and ramp and reconfiguration of the car park layout. Potential archaeological impact would be from groundworks in the car park, for instance for the refuse store, trolley bays and cycle spaces. The refuse store (3.6m by 6.0m) will be built on a concrete base, although the depth of dig for the foundation is not given. No details are given of the design of the trolley bays and cycle spaces, so I cannot tell what groundworks (if any) will be required for these.</p> <p>21/00939/ADV includes the installation of three free-standing totem signs. Sign A will re-use existing posts at the east corner of the site. However, Signs B and C along Hawkeswood Road will each require groundworks for two new posts, although no details are provided.</p> <p><u>Officer Response</u>  <i>The applicant confirmed that the lighting posts installed are 6m high. As part of installation the holes were dug 400mm wide by 800mm deep and back filled with sand to 400mm and topped with concrete. All power is surface mounted and housed in galvanised trunking. As such, the Archaeologist has confirmed that no archaeological investigation is required.</i></p>
Highways	<p>Comments for 21/00910/FUL - Based on the new tracking and the confirmation (and subsequent measures to secure – i.e. via conditions etc.) for servicing to take place before 7am and HGV routing to be to and from the north/north east direction, this is now considered to be acceptable.</p>

Environmental Health	No objection

## 7.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity; and,
- Parking highways and transport

### 7.2 Principle of Development

7.2.1 The site does not have a site specific policy allocation in the Local Plan. However, the site has established existing lawful retail use (Class E - permission no. 17/00660/ELDC refers). This application seeks permission for external works to facilitate the continued retail use. As such, the principle of the retail use is established and the proposed development is linked to this use.

### 7.3 Design and effect on character

7.3.1 For both application nos. **21/00910/FUL (shop front/car park works) & 21/01244/FUL (vinyls/lighting)**, the appearance of the proposed alterations to the commercial premises and site, including the lighting, are in keeping with the context and character of the site and the wider locality.

7.3.2 In relation to application no. **21/01244/FUL (vinyls/lighting)**, the applicant has internally configured the floorspace so the storage area sits behind the glazed frontage and, therefore, had to cover up the previously open glazed frontage. While officers found that the garish and over-dominant large format advertising was unacceptable (refused under the split decision ref no. 21/00939/ADV), officers have agreed a compromise solution to allow plain vinyls (match the building light render colour) to mask the unsightly storage area inside. It is preferential that the wrap around shopfront glazing on the east/west elevation is left open and active to the street scene to see the retail activity inside, however, on the balance this does not warrant refusal as there is insufficient harm to character of the area, as the building does not sit in a high street setting where active frontages are more important to maintain vitality and viability of a shopping area. It is acknowledged that design constraint always poses a challenge for supermarket developments in the city, and even more so for converting an existing building. This compromise will benefit keeping the recently vacant unit in use and avoid negative employment impacts for the local area.

#### 7.4 Residential amenity

7.4.1 The impact of the proposed works under both applications should be weighed up against the fallback use position under class E for this land. These uses include retail and other interchangeable light industrial, offices, nursery, leisure and medical uses. It is noted that the residential properties in Hawkeswood Road sit beside the edge of commercial site, albeit the residents benefit from the fact that the nature of the commercial use is a more compatible retail use and not industrial. The residents noise objection regarding noise taking place before 07:00 hours is noted. The applicant has advised that HGV deliveries cannot routinely be made later 07:00 given

- i) the ambient nature of the goods on the day and the need to unload and restock the store before opening times,
- ii) to stop the ambient food goods being spoiled lorries would have to wait at the site or nearby until 07:00 with the engine idling to keep the goods refrigerated, and
- iii) a 2 hours delivery time window is only available before the store car park opens which would obstruct the delivery lorry safely leaving the site.

That said, in terms of the local environment there is an element of background traffic noise in this urban location near Bitterne Road West and, therefore, commercial activities taking place on site earlier in the morning will be heard by residents against this background noise. Following the visit by the Environmental Health Officer and the subsequent servicing plan/hours and lighting controls agreed (**see Appendix 5**), they consider that these controls are adequate to manage the noise and lightspill disturbance associated with the delivery operation and use of the site and, therefore, have no objection to the noise and light spill impact of the works associated with applications nos. **21/00910/FUL (shop front/car park works) & 21/01244/FUL (vinyls/lighting)**.

7.4.2 The measures to make the delivery operation as quiet as possible in the service yard include switching off the lorry engine when the on board refrigerator box is plugged into an electric charging point, refrigerated box with significant insulation, trolleys and cages fitted with quiet wheels, the lorry will require minimum reversing manoeuvres given its turning route, staff are instructed to work quietly, trolley redistribution will not occur before 09:00 hours, etc. The Head of Estates for the applicant's business was also at the site meeting to agree these measures and subsequently briefed the management team of the shop. Furthermore, the trolley and refuse areas have been moved away from the street edge to minimise disturbance to the neighbouring occupiers in Hawkeswood Road. As such, the impact of both applications will not adversely affect residential amenity of the neighbouring residents.

#### 7.5 Parking highways and transport

7.5.1 The works associated with application no. **21/01244/FUL (vinyls/lighting)** does not have any implications for parking or traffic safety. In changing the

parking layout and capacity, the Highways Officer initially raised safety concerns with regards to HGV lorries accessing the site and obstructing traffic on Bitterne Road West. To address the Highways Officer's concerns under application no. **21/00910/FUL (shop front/car park works)** regarding safe HGV lorry access, the applicant has agreed to widen the eastern access point into the car park (closest entrance to Bitterne Road West) and limit HGV deliveries to approach on Bitterne Road West from the north only. This will avoid the conflict between HGVs passing the on-street parking bays in Hawkeswood Road, and allow for a HGV to safely enter and leave the site in a forward gear (prior to the car park is in use as per the Servicing and Delivery Management Plan in **Appendix 5**).

- 7.5.2 In relation to application no. **21/00910/FUL (shop front/car park works)**, condition 1 requires the applicant to secure the small scale dropped kerb/footpath works under the appropriate highways license from the Council's Highways team and have the works delivered within 4 months of the decision notice date. This will not be an immediate solution as the access works will require further time to be implemented, however, given the retrospective nature of the development this is considered to be the best and pragmatic option going forward. Looking at alternative approaches, if the Council decided to take the enforcement action route in refusing this application no. **21/00910/FUL (shop front/car park works)**, the safety problem will still persist if the applicant appealed a refusal/enforcement notice, and an enforcement notice would be unable to directly impose conditions to remedy the access issue. As such, the highways safety impact of the proposed car park works will be otherwise made acceptable through the control of planning conditions and, therefore, highways safety would not be adversely affected.

## **8. Summary**

- 8.1 In summary, the building works carried out associated with the refurbishment of the existing retail premises and upgrading the car park provide facilities for the current business, however, the impacts of the retail use of the premises itself is not under consideration for both of these applications. Even though the applicant has opened the store before being granted planning permission for the proposed works, they have the option to apply retrospectively and the use of the premises for retail does not require planning permission. With the changes agreed by the applicant, the impact of the works under both applications will not adversely affect residential amenity, visual amenity and highways safety.

## **9. Conclusion**

- 9.1 It is recommended that planning permission be granted for  
i) **21/00910/FUL (shop front/car park works)** and  
ii) **21/01244/FUL (vinyls/lighting)** 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) 4. (vv) 6. (a) (b)

**21/00910/FUL (shop front/car park works) - PLANNING CONDITIONS to include:**

**01. Access widening (Time limited)**

Within 1 month of this decision notice the applicant shall have made a formal request for a license to the Council for the access works shown on the approved plans. Within 4 months of this decision notice date, the access widening works shall be completed in accordance with the approved plans or any subsequent design modifications as consented by the Council under the highways license. Once the widening works are completed, all HGV delivery vehicles entering and leaving the site shall thereafter only use the widened access (eastern entrance). The parking and access layout shall be retained in accordance with the approved plans for the duration of the operational use of the premises.

Reason: In the interests of highway's safety and the applicant's agreement on 2<sup>nd</sup> February 2022 with the LPA to carry out the access works to re-route access for HGV deliveries on site.

**02. Servicing & Delivery Management (Performance)**

Unless otherwise agreed in writing, the servicing and delivery of the premises shall only be carried out in accordance with the approved servicing and delivery management plan 63312/03/DL/ZW (22nd September 2021). HGV deliveries shall not take place outside the hours 06:00-20:30 Monday to Saturdays and 08:00-16:00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and highways safety.

**03. Trolley Bay and Refuse (Performance)**

The trolley bays and refuse storage shall be retained in accordance with the approved plans for the duration of the operational use of the premises.

Reason: In the interests of residential amenity.

**04. 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.

**21/01244/FUL (vinyls/lighting) - PLANNING CONDITIONS to include:**

**01. Vinyls Replacement (Time limited)**

Within 3 months of the decision notice date, the window vinyls on the north-east and south-east glazed frontages shall be fully replaced in accordance with the vinyls shown on the approved plans and shall thereafter be retained as approved for the duration of the operational use of the premises.

Reason: In the interests of visual amenity and to regularise the planning control breach.

**02. External Lighting (Performance)**

The external lighting installed shall be retained in accordance with approved lighting

study and specification submitted with the application. With exception to the light above the staff entrance/exit, all external lights shall remain switched off outside the hours of Monday to Saturday 08:00 – 20:00 and Sundays 10:00 – 16:00. The approved lighting shall be retained as approved for the duration of the operational use of the premises.

Reason: In the interests of residential amenity.

### **03. 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.

**Application 21/00910/FUL**

**APPENDIX 1**

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS23	Flood Risk

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
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

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# Agenda Item 8

## Appendix 2

### **Application 21/00910/FUL** **Relevant Planning History**

### **APPENDIX 2**

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
17/00660/ELDC	Application for a lawful development certificate for continued use of the premises for retail not in accordance with condition 4 of planning permission reference ; 00/01058/FUL, restricting use to trade sales.	Granted	08.08.2017
19/00422/FUL	Part demolition and conversion of existing building to provide a fast food restaurant (classes A3/A5) with drive thru, car parking, landscaping and associated works	Withdrawn	03.06.2019
19/01454/FUL	Part demolition and conversion of existing building to provide a fast food restaurant (classes A3/A5) with drive thru, car parking, landscaping and associated works (Resubmission of 19/00422/FUL).	Refused	24.10.2019
19/01471/ADV	Installation of 1 x internally illuminated 8m high totem sign (submitted in conjunction with 19/01454/FUL) (Resubmission of 19/00424/ADV).	Refused	24.10.2019
19/01472/ADV	Installation of 5 x internally illuminated fascia signs and 1 x open frame LCD display (submitted in conjunction with 19/01454/FUL) (Resubmission of 19/00425/ADV).	Refused	24.10.2019
19/01473/ADV	Installation of various non-illuminated and internally illuminated signs including 4 x freestanding digital signs, 18 dot signs and banner unit (submitted in conjunction 19/01454/FUL) (Resubmission of 19/00426/ADV).	Refused	24.10.2019
21/00143/FUL	External alterations including new render and blocking up roller door	Condition Approved	27.05.2021
21/00939/ADV	Installation of 26x various non-illuminated signs including fascia signs and totem signs	Split Decision	06.08.2021

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# Agenda Item 8

## Appendix 3

D86 Princesway North Team Valley Trading Est. Gateshead Tyne & Wear NE11 0TU  
Tel: (0191) 4876767 Email: sales@onesignanddigital.com



### Client Information

We require vector graphics (lines and curves with fonts broken apart) for cutting/manufacturing or high resolution images for digital printing. Please supply any colour references, fonts and artwork guidelines. Artwork development, re-generation or conversion may incur additional cost.

Client: Company Shop  
Designer: Andy Olley  
Date: 07.06.21

D86 Princesway North Team Valley Trading Est. Gateshead Tyne & Wear NE11 0TU  
Tel: (0191) 4876767 Email: sales@onesignanddigital.com

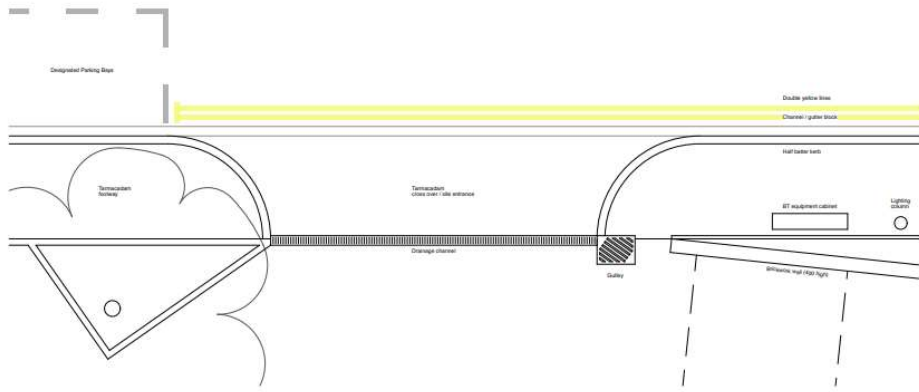


### Client Information

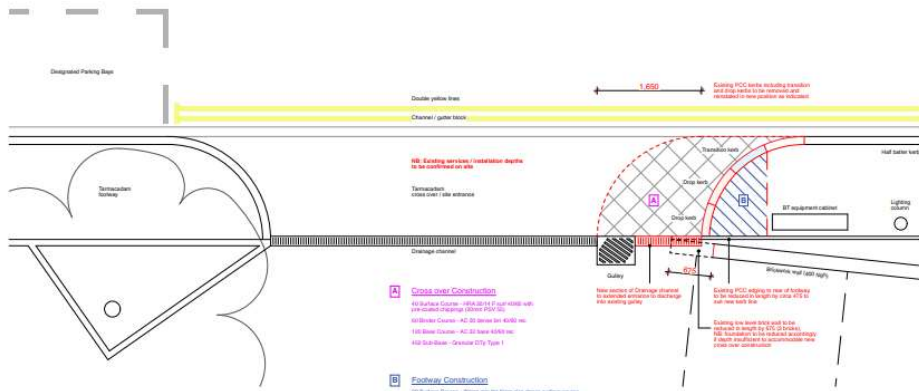
We require vector graphics (lines and curves with fonts broken apart) for cutting/manufacturing or high resolution images for digital printing. Please supply any colour references, fonts and artwork guidelines. Artwork development, re-generation or conversion may incur additional cost.

Client: Company Shop  
Designer: Andy Olley  
Date: 07.06.21

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EXISTING SITE ENTRANCE PLAN



PROPOSED SITE ENTRANCE WIDENING

**SLA DESIGN**  
Civil Engineering Consultants

100 Design Ltd  
100 The Old Mill,  
Barnston,  
B20 7JN

Tel: 0121 713 2880  
Fax: 0121 713 2881  
Email: enquiries@sla-design.com  
www.sla-design.com

Project No: 20 027  
Drawing No: 014  
Date: Dec 2021  
Scale: 1:25 @ A1 / 1:50 @ A0

Client: **Company Shop**

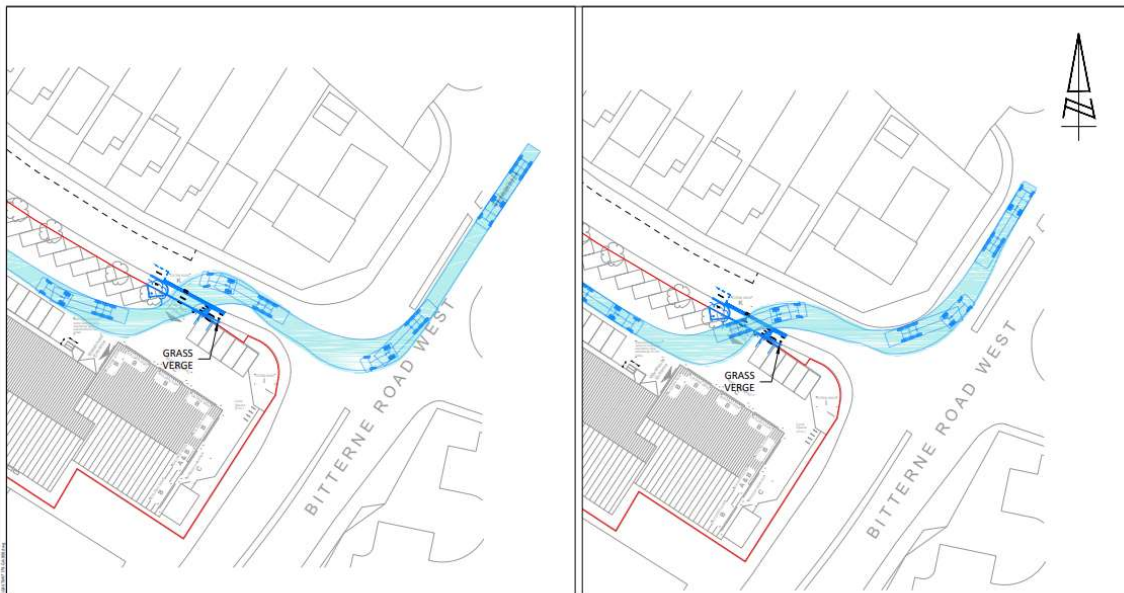
Project Title: **Entrance Widening**

Project Address: **Haughton Road, Durrington, GL1 2SL**

Drawing Title: **Entrance Widening**

Author: JMA  
Checked: JMA  
Date: 31.01.22  
Scale: 1:25 @ A1 / 1:50 @ A0

Drawing Status: **FOR APPROVAL**



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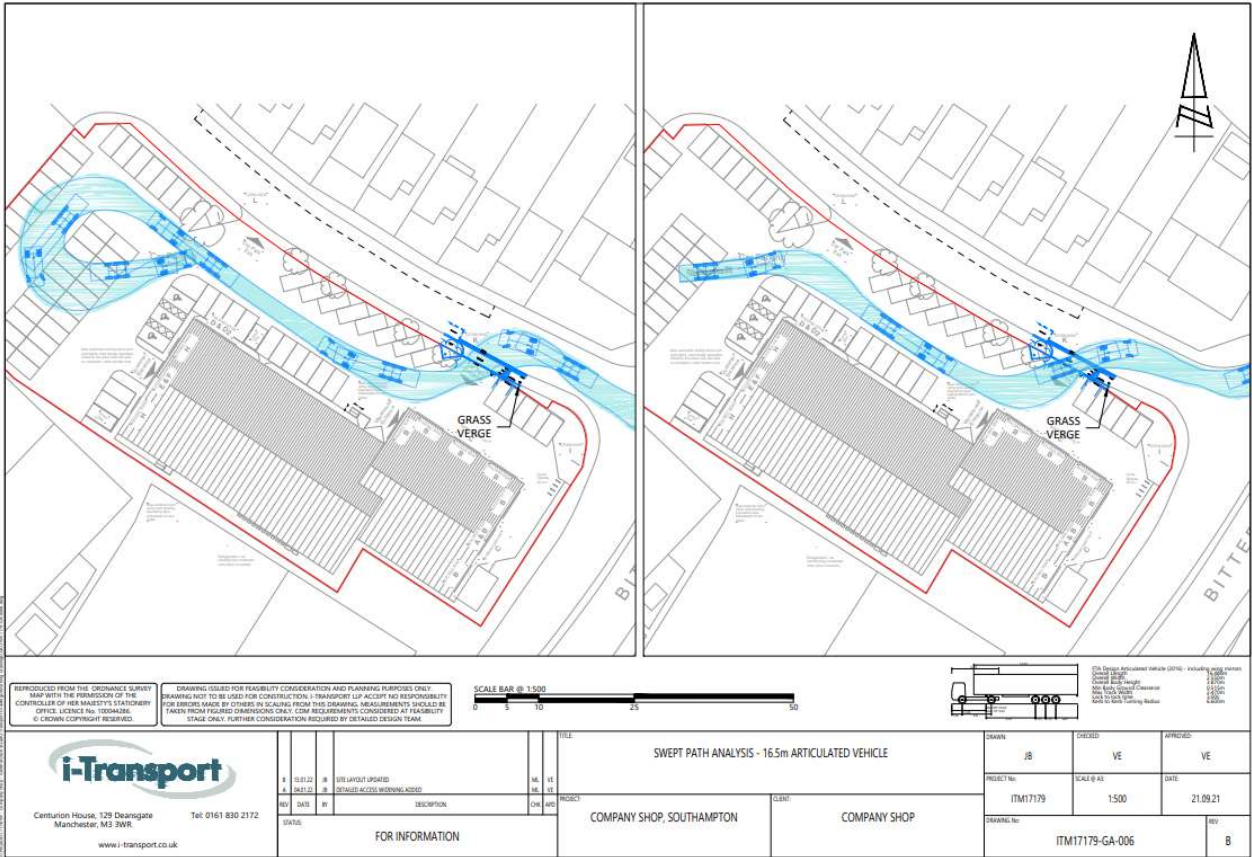
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0 5 10 25 50

COMPANY SHOP, SOUTHAMPTON

SWEEP PATH ANALYSIS - 16.5m ARTICULATED VEHICLE

DESIGNER	CHECKED	APPROVED
JB	ML	VE
PROJECT No:	SCALE @ A1:	DATE:
ITM17179	1:500	31.01.22
DRAWING No:	ITM17179-GA-008	

**i-Transport**  
Century House, 129 Deansgate  
Manchester, M3 2NR  
Tel: 0161 830 2172  
www.i-transport.co.uk



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CDM Stage	CDM Role	CDM No.
CDM Stage 1	CDM Role	CDM No.
CDM Stage 2	CDM Role	CDM No.
CDM Stage 3	CDM Role	CDM No.
CDM Stage 4	CDM Role	CDM No.
CDM Stage 5	CDM Role	CDM No.
CDM Stage 6	CDM Role	CDM No.
CDM Stage 7	CDM Role	CDM No.
CDM Stage 8	CDM Role	CDM No.
CDM Stage 9	CDM Role	CDM No.
CDM Stage 10	CDM Role	CDM No.

**i-Transport**  
 Centurion House, 129 Deansgate  
 Manchester, M3 3WR  
 Tel: 0161 830 2172  
 www.i-transport.co.uk

#	DATE	BY	DESCRIPTION	CHK	APP
1	19.01.22	IB	SITE LAYOUT UPDATED	M	VE
2	24.01.22	IB	DETAILED ACCESS WORKING ADDED	M	VE

STATUS: FOR INFORMATION

TITLE	PROJECT	CLIENT
SWEPT PATH ANALYSIS - 16.5m ARTICULATED VEHICLE	COMPANY SHOP, SOUTHAMPTON	COMPANY SHOP

ISSUED	CREATED	APPROVED
JOB	VE	VE
PROJECT No: ITM17179	SCALE @ A3: 1:500	DATE: 21.09.21
DRAWING No: ITM17179-GA-006		REV: B

# Company Shop Southampton – Service & Noise Management Plan Updated

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**Our ref** 63312/03/DL/ZW  
**Date** 22nd September 2021

## **Subject** Company Shop Southampton – Service & Noise Management Plan

---

### **1.0 Introduction**

- 1.1 This document sets out a combination of measures, actions and guidelines that in combination will control the size of vehicles permitted and limit noise generated by deliveries, servicing vehicles and other store tasks at the proposed Company Shop store, Hawkeswood Road, Southampton.
- 1.2 All staff involved in deliveries to the store and delivery vehicle drivers will be informed of the following procedures for carrying out deliveries and other store tasks early in the morning.

### **2.0 Deliveries**

#### *Service Yard:*

- 1 A member of staff will open the loading bay door prior to the delivery vehicle getting into position, to avoid engine idling;
- 2 There will be an electric charging point to enable the vehicle to be plugged in once it has arrived on site to keep noise to a minimum
- 3 The use of alarms will be kept to a minimum; and
- 4 Staff will be instructed to work quietly in the service yard at all times.
- 5 Staff will ensure that the bollards are raised as soon as possible once the store is closed, leaving only the ones needed to get the colleagues cars out once the site is closed for the night.
- 6 Trolley redistribution will now occur just before the store closes or after the store opens, but not between 6am-9am.

#### *Delivery vehicles:*

- 2.2 The delivery vehicles that will provide food deliveries to the site will:
- 1 Be fitted with industry standard refrigeration equipment;
  - 2 Have refrigerated boxes with significant insulation that reduces noise transmission;
  - 3 Contain cages and trolleys fitted with quiet wheels;
  - 4 Have reversing alarms that are fitted as standard as required by health and safety guidelines; and
  - 5 Have loading platforms (tail-lifts) if required at the rear of the vehicle that meet industry standards.

### **3.0 Maximum Vehicle Size**

- 3.1 A 16.5m articulated vehicle is the largest size vehicle which will be required to service the unit. The tracking shows that this size of vehicle is able to enter and leave the site in forward gear.

### **4.0 Delivery Protocol**

- 4.1 All deliveries will be managed through careful scheduling to ensure that they arrive at a time when there is a team available to process it. The delivery window will be from 6am-9am although the scheduling team will endeavour to try and arrive after 7am. Drivers will be instructed as follows:

- 1 Consideration to be given to noise and local residents as the drivers approach the store
- 2 Drivers to manoeuvre slowly and carefully and avoid over-revving the engine or slamming vehicle doors;
- 3 Drivers will be instructed to plug in the vehicle once on site so as not to leave engines running when unloading at the store, thereby eliminating noise pollution from both the vehicle and the fridge engine;
- 4 Drivers will be instructed to turn off delivery vehicle cab radios whilst in the service yard.
- 5 All drivers shall be asked to close doors gently and not slam them.
- 6 Waste collection is to be scheduled between 7am-9am if possible. If current service provider is unable to meet this request, Company Shop will endeavour to change supplier to one who can meet the schedule.

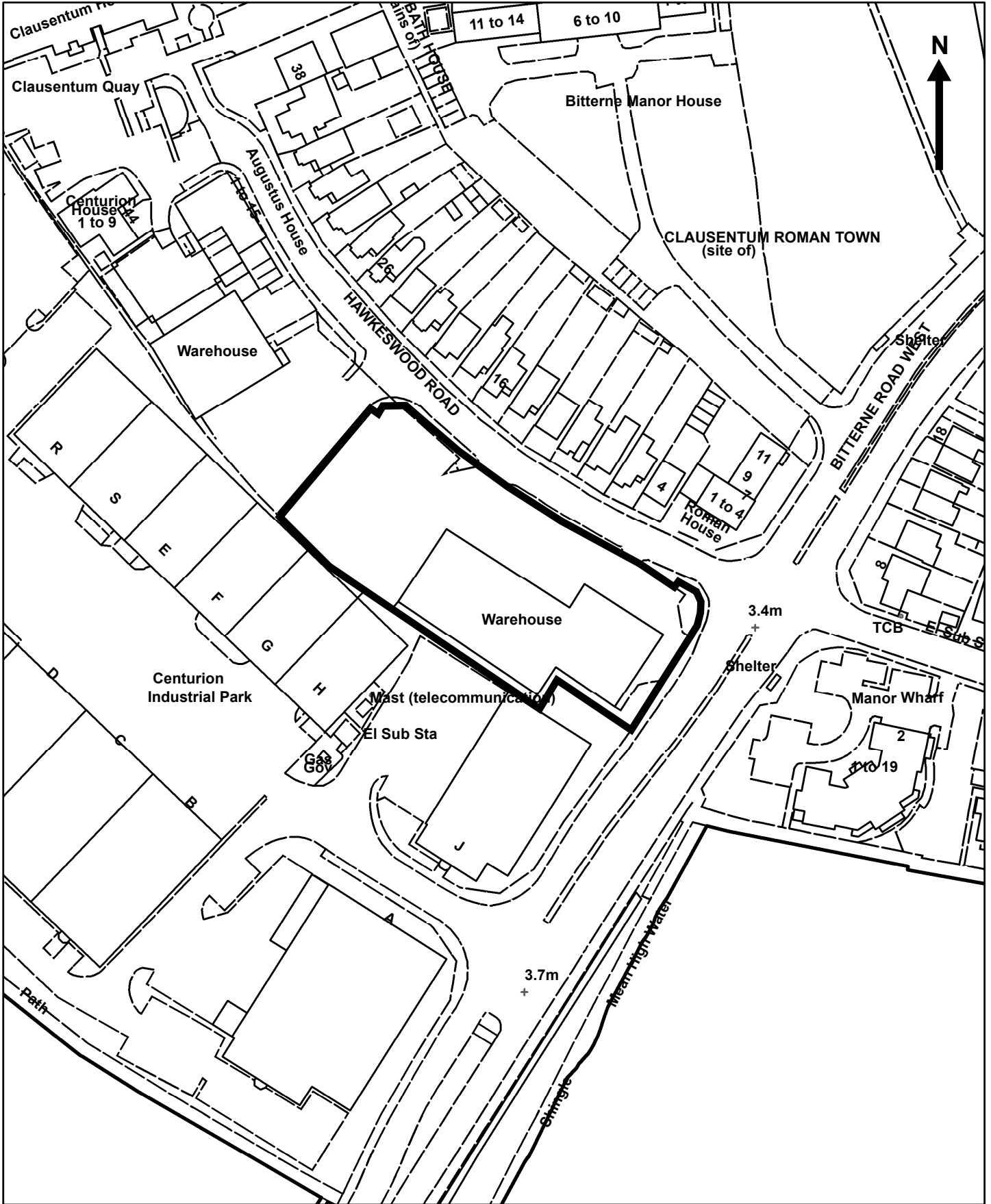
### **5.0 External Lighting**

- 5.1 External lighting will be changed to put the main car park lighting and the staff entrance under separate timers. Main car park lighting and the other lights on the side and front of the building will go off at 8.30pm with the light over the external staff entrance remaining on until 11.00pm



# 21/00910/FUL & 21/01244/FUL

Appendix 6



Scale: 1:1,250

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**Planning and Rights of Way Panel 15<sup>th</sup> February 2022**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 7 Leigh Road, Southampton			
<b>Proposed development:</b> Erection of a roof extension with dormer windows to front and side elevations and part demolition of front boundary wall to form vehicular access with dropped kerb			
<b>Application number:</b>	21/01352/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>	04.11.2021	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr J Savage Cllr G Cooper Cllr L Mitchell
<b>Applicant:</b> Mr and Mrs Tariq		<b>Agent:</b> CMCdesign	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</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 (2021).

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

**Recommendation in Full**

**Conditionally approve**

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

- 1.1 The application site contains a detached, two storey dwelling house. The property is located in a residential area with predominantly detached dwelling houses, and a suburban character, and each property has an individual design and character.
- 1.2 The site is located with the Oakmount Triangle Conservation Area, which according to the Character Area Appraisal Management Plan (2008) is described as a quiet residential enclave which is characterised by wide roads and detached houses in large plots. The houses are identified as being variations of gables, high pitched roofs, verandahs and tall chimneystacks, finished in brick, with brick built boundary walls and the presence of mature trees. Leigh Road fits this distinctive character.

## **2. Proposal**

- 2.1 The proposals would involve the creation of a roof extension with dormer windows to front, rear and side elevations and a rooflight, and part demolition of front boundary wall to form vehicular access with dropped kerb.
- 2.2 The dormer window to the front of the property would be sited between the two existing gabled additions and would have a mono pitched roof. The rear dormer would sit centrally on the rear roof slope and would also have a monopitched roof. A pitched roof dormer would also be added to the western (side) roof slope. These dormers would facilitate the creation of two additional bedrooms and a bathroom at second floor level. The dormers would have tiled hanging on their sides (to match the existing tile hanging on the bay windows) and a tiled roof, also to match the existing roof.
- 2.3 A 3.0m section of the front boundary wall towards the eastern end of the plot would also be removed to facilitate the creation of an on site parking space via a new dropped kerb. The applicant has confirmed in discussions with officers that the kerb would be Purbeck stone.
- 2.4 With the exception of the front dormer addition, the proposals would usually constitute works falling within 'permitted development.' However the area is covered by an Article 4 Direction which removes those permitted development rights.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with

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

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

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement **08/10/2021** and erecting a site notice **01/10/2021**. At the time of writing the report **9 representations** have been received; including 7 letters of objection and 2 in support. The following is a summary of the points raised:

##### Objections

- 5.2
- The proposal for the front and side dormers is overdevelopment and add bulk and dominance to the road, which is out of keeping and not sympathetic to the conservation guidelines of the triangle.
  - The large dormer window at the rear of the property will directly overlook neighbouring properties at 17 and 15 Blenheim Avenue represent a significant invasion of our privacy.
  - The proposed extension would result in the loss of light and loss of privacy/overlooking in to neighbouring bedrooms.
  - The replacement of part of the front garden by hardstanding represent a "gradual erosion of the character and appearance of the property....such as changes to roofs, removal of garden walls..." which is contrary to the Oakmount Triangle Character Appraisal Management Plan.
  - There is a technical problem in achieving a drive way in that the camber is steep on that side of the road so it will be difficult to get the required gradient across the kerb.
  - Local instances of similar wall removal are cited in the application are not relevant and do not set a precedent.
  - There is/was no drainage plan. With recent heavy rains there has been flooding at the Portswood Waitrose Junction directly resulting from runoff coming from the Oakmount Triangle, Winn and Westwood Roads.

##### Officer Response

The relationship of the proposals to the street scene and compliance with the Character Area Appraisal Management Plan are considered in detail below. The appropriateness of the dropped kerb and driveway and surface run off will also be addressed in the assessment section also.

### 5.3 Support

- The proposed dormers are in keeping with other similar sized dormers along Leigh Road and Blenheim Avenue.
- Off road parking for charging of electric vehicles will soon be the norm. Therefore it makes sense to encourage such applications which are sympathetic to the need while enhancing conservation.
- This development is in keeping with many properties within the area and if anything there is consistency with drives and dormers of others. Rather than the suggested statements of walls being ever-present and rooflines being affected, when in fact most have already been subject to changes.

#### **Officer Response**

Comments of support are noted. Any relevant examples will be referred to below

#### **Consultation Responses**

5.4

<b>Consultee</b>	<b>Comments</b>
Oakmount Triangle RA	<p><u>Comments on Amended Plans</u></p> <p>We have noted the amendments which will now allow access for a single car only and so there will be minimal loss of wall. However we cannot see any large scale plan or dimensions to ensure that the area of the driveway itself is only for a single car. So for the sake of clarity, we would like to see conditions applied to ensure that the driveway itself is no wider than the 3m entrance.</p> <p>The Oakmount Triangle Character Appraisal and Management Plan specifically refers to front garden planting: "...mature trees and shrubs enhance the scene". In their heritage statement the applicant indeed refers to "verdant frontage to compliment the property and look to preserve and enhance the character of the Conservation Area." We would therefore request that a clear commitment to this should also be confirmed via conditions in regard to replanting or adding appropriate plants in line with "pleasant aspects of the conservation area that residents and visitors value."</p> <p>We note the commitment to the use of gravel as a driveway surface which we believe would have been used for these types of houses in the area which were originally built with driveways. We are also pleased to see the specification of natural stone for the new kerb.</p>

Regarding dormers, our position is the same as before and we would have no objections provided that conditions apply which ensure that appropriate timber frame windows with dimensions that match those original to the Oakmount Triangle are fitted. This should apply to frames, casements, mullions, transoms, mouldings, sills etc.

#### Comments on Original Plans

The OTRA committee has considered this application carefully in the light of the Oakmount Triangle Character Appraisal and Management Plan (C.A.M.P.). This document was published in 2008 by SCC and is in place to protect the special character of the Oakmount Triangle Conservation Area.

It specifically mentions the value of the original early twentieth century decorative front garden walls with distinctive recessed panels, and also the green streetscene created by mature front garden planting. Both of these features contribute to the particular pleasant aspect of the Oakmount Triangle, enjoyed by residents and visitors.

We object to the application's requirement for the demolition of such a significant part of this wall (5.5 metres) all the way from the boundary to the central pedestrian access in order to provide hard standing which replaces almost half of a mature garden. Along with the removal of the central pedestrian gate, this creates a gap well in excess of 6 metres.

There are no precedents for the demolition of such a significant length of front wall to create a hardstanding bay since the conservation area was created. Furthermore the plans do not show the specifics of the proposed hard standing dimensions.

We would also like to point out that the dropped kerb would be replacing the existing original kerb, and should therefore have been proposed specifically using heritage materials (purbeck stone). Modern concrete kerbs mixed in the original stone are highly detrimental to the streetscene.

Loft Extension and Dormers Windows:

OTRA takes a neutral position on this having no objection to the dormer windows as they appear to be designed to

	<p>comply with the street character. However we note that although the application mentions materials to match existing, it is lacking in specifics. We would like to see conditions apply which ensure that appropriate timber frame windows with dimensions that match those original to the Oakmount Triangle are fitted. This should apply to frames, casements, mullions, mouldings, sills etc.</p> <p>Submitted on behalf of the Oakmount Triangle Residents' Association</p>
Highfield RA	<p>Highfield Residents Association objects to this application on the basis that the proposal constitutes a form of overdevelopment - by effectively creating a third storey to the building, demolishing a large part of the front wall, and creating off-road parking spaces for at least two cars - which is contrary to the interests of the area as a whole (Highfield and Portswood) as well as to the Council's Management Plan for the Oakmount Triangle Conservation Area. In this regard, it should be noted that we believe this to be the most extensive set of changes to any existing property since the Conservation Area was first designated.</p> <p>The Association has long been concerned about the way in which the appearance and character of many of the streets in our area have been changed and often completely undermined by incremental alterations to individual houses, front (and sometimes back) gardens, and pavements. Nearby, extensive examples include Gordon Avenue, Alma Road and Livingstone Road. Loft expansions with additional large dormer windows creating probable overlooking, the removal of all or part of long-standing front walls, the dropping of kerbs, and the installation of parking on hard standing in place of green space are key negative features of such developments. All these changes cause significant damage without any compensating public benefits.</p> <p>In the present case, the proposal for two new dormers to expand the top floor is particularly problematic. The addition of front and side dormers would look overbearing from the street. Moreover, green front gardens and front garden walls constitute a very distinctive feature of the Triangle, the value and attractiveness of which is emphasised in the Management Plan. Indeed, the Plan states on page 5 that, 'Elements which detract from the special character of the area include the loss of the original front-boundary walls and gardens to provide off-street parking.'</p>



On Page 5 of the Application Form (without personal data) the question at Section 9 Trees and Hedges, asks, 'Will any trees or hedges need to be removed or pruned in order to carry out your proposal?'. The applicant has selected No. In fact, behind the heritage front wall (see photographs), there is a very mature garden strip including shrubs, bushes and an ash tree. By comparing the drawings submitted, showing the front wall part-removal with photographs taken on site, a false statement has been declared that no vegetation will be affected.

The drawing EXISTING\_AND\_PROPOSED\_BOUNDARY\_WALL-1576235.pdf shows that the ash tree will be retained but that all the mature shrubs will have to be removed when the wall is demolished. It is not clear in the proposals if the whole wall is to be removed and replaced with a new one or if the part-existing wall will be preserved and retained. Additionally, the removal of this ground vegetation and its replacement with hard standing will be environmentally damaging.

Recently, the crucial importance of retaining front garden walls in a Conservation Area in their existing form and scale as heritage assets affording views to planting in the garden beyond was re-emphasised by the Planning Inspector's judgement in the 12 Russell Place Highfield Appeal (APP/D1780/C/21/3276078). The Inspector especially commented on the value of the mature plants, shrubs and bushes behind the wall (as in this case) for which any proposed replanting would have been no compensation. It is strongly arguable that the proposal here is not only detrimental to the Conservation Area but constitutes material harm.

In much of the City such changes are the unwelcome consequence of the exercise of Permitted Development Rights that the Council as planning authority is usually powerless to prevent. But in the Oakmount Triangle the Council has the ability to prevent such expansion if it judges that the potential harm caused outweighs any public benefit. HRA trusts that in the interests of Highfield and Portswood, as well as the immediate area and the relevance and standing of Conservation Management Plans, the Council - either officers under Delegated Powers or the Planning Panel - will take this opportunity to resist them.

Finally, the application throws up once again the need to review the Management Plan to ensure that it takes account of current circumstances.

<p>North So'ton Community Forum</p>	<p>The Community Forum has long been concerned with the increasing erosion within the Highfield area of the supposed protection afforded by Conservation Area status and it is on this basis we must object to these proposals...</p> <p>We believe the application contravenes the Conservation Area designation of the Oakmount Triangle area on the following grounds...</p> <ul style="list-style-type: none"> <li>• The proposal constitutes a form of overdevelopment, by seeking to create a third storey this is contrary to the Conservation Area Management Plan which states at page 5 that Elements which detract from the special character of the area include the loss of the original front-boundary walls and gardens to provide off-street parking.</li> <li>• Loft expansions with additional large dormer windows would not only create overlooking but are also unsightly and would have an adverse effect on the character and amenity of the area.</li> <li>• The removal of all or part of longstanding front walls, the dropping of kerbs, and the installation of parking on hard standing in place of green space are all detrimental to the CA and would constitute a material harm perhaps most importantly are the principles and conditions of Conservation Area status and we urge the Council to prevent any further undermining of this one by upholding its core principle of protecting the area's heritage.</li> </ul> <p>We ask that this application be refused under Delegated Powers, failing which it be brought to Panel for determination.</p>
<p>City of Southampton Society</p>	<p>We support the proposal for a smaller break in the front wall to allow access to hard standing for one car. This is only one of three properties in the road that does not have a driveway or garage. Admittedly there is a side road with 26 garages/sheds but these are rather over-run and possibly not suitable (large enough) for use a garage.</p> <p>We do however object to the installation of the front and side facing dormers. This property is already one of the largest in Leigh Road and dominates that end of the street. The addition of side and front facing dormers will add to its bulk and dominance. In view of the external condition of the existing building any dormers constructed of new material would 'stick out like a sore thumb'. The</p>

	<p>overall impression would not be in keeping with the ethos of the Conservation Area</p> <p>Admittedly there is a similar property at 11 Leigh Road which has a front facing dormer but the fabric matches the existing roof and walls so it is less conspicuous. Also the building is at a lower level and uses white render making it less dominant.</p> <p>We also object to the rear facing dormer and although it cannot be seen from the front of the building it overlooks the gardens in Blenheim Avenue.</p> <p>The existing building currently comprises a Kitchen, Dining Room and three communal rooms on the ground floor with five bedrooms on the first floor. The request is to add two further bedrooms and a bathroom to the attic space. Confirmation is required that this is not to be used as an HMO.</p> <p>In conclusion, we support the break in the front wall to allow access onto the site for one vehicle but we object to the installation of the three roof dormer windows.</p>
<p>Historic Environment Officer</p>	<p>No objection</p> <p>Dormers are a common roofscape element in this conservation area and provided that the new elements would match the existing unit in terms of style, materials, and finishes, these features would not appear incongruous or detrimental to the host building or the wider character or appearance of the area - subject to addressing any neighbouring amenity concerns.</p> <p>In general, removing front boundary walls to provide vehicular parking is contrary to advice within the Conservation Area Appraisal &amp; Management Plan where it states that small gardens across the width of the properties and fronted with low red-brown brick walls are fundamental elements in the character of the area. It also goes on to state that replacing front gardens with soft landscaping by hardstanding for motor vehicles will also be resisted. Notwithstanding this, each case needs to be assessed on its own merit, and since the adoption of the current Appraisal, green initiatives, such as the need to switch to electric vehicles to reduce emissions, is a government aspiration.</p> <p>Leigh Road is made up of houses of a mixture of styles, a large proportion of which have driveways and parking</p>

bays set aside front gardens and front boundary walls all along the street frontages. Whilst some of these are much later insertions, on the whole, the open and semi-verdant character of this particular street remains relatively intact, even with these insertions in place. Therefore, although it is acknowledged that the proposals would remove a section of the front boundary wall, the revisions have reduced the number of parking bays to 1x unit and have re-positioned the parking apron to the eastern side of the plot where on the removal of the secondary gate, only a small section of the existing brick boundary wall would be lost to provide the required 2.1m egress. In doing so, the loss of historic fabric would be kept to a minimum and the majority of the front boundary wall would remain along its length and it would continue to be the dominant boundary feature for over two thirds of the plot frontage. Likewise, the centrally positioned pedestrian gate would be unaffected and the existing active frontage arrangement would be retained. A section of the front garden would also be given over to gravel to facilitate the new parking apron near the new charging facility to avoid cables passing over the pavement. However, this element would be tucked away adjacent to the neighbouring property boundary reducing its visual impact, whereas the remainder of the garden and tree would be retained. Furthermore, the above works would all be completely reversible.

On this basis, although it is acknowledged that the new access arrangement would have some impact on this part of the streetscene, provided that the edge of the boundary wall created by the breach would be made good, and provided that traditional kerb stones would be employed, on balance, the level of intervention would be considered low and would not be considered wholly out of keeping with the character of this particular street.

Consequently, the proposals would be considered to have a neutral impact on the surroundings of the host building and the corresponding streetscene and would not lead to an adverse level of harm to the character or appearance of this part of the conservation area to sustain a refusal of the scheme from a conservation perspective on this occasion.

That said, these proposals have been assessed on their own merit in regard to the existing characteristics found in this particular street and shall not set an unwanted precedent for similar changes to take place in other parts of the conservation area without an appropriate

	<p>assessment to ensure that the aspirations of the conservation area as a whole are sustained.</p> <p>Suggested condition/s:</p> <ol style="list-style-type: none"> <li>1. <i>The dormers hereby approved shall employ materials, traditional workmanship, and detailing to match the existing building in all respects unless otherwise agreed in writing by the Local Planning Authority.</i></li> <li>2. <i>The rooflight/s hereby approved shall be conservation units set flush with the corresponding roofing plane unless otherwise agreed in writing by the Local Planning Authority.</i></li> <li>3. <i>All works of repair to the surrounding fabric and surfaces of the front boundary wall affected by the works hereby approved shall employ materials, traditional workmanship, and detailing to match the existing in all respects unless otherwise agreed in writing by the Local Planning Authority.</i></li> </ol>
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## **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 impact on the character and appearance of the Conservation Area;
- Residential amenity;
- Other Matters

### **6.2 Principle of Development**

6.2.1 The proposals relate to extensions and alterations to an existing residential property. The principle of extending a dwelling is acceptable, however the property lies within the Oakmount Triangle Conservation Area, which is sensitive in terms of its historic character and formation. The area is covered by a Management Plan, and also an Article 4 Direction, which removes permitted development rights. This includes extensions, alterations, replacement windows and doors, roof coverings, porches, sheds, hardsurfacing, removing walls, fences and erection gates, and external painting. The application proposals include roof additions and alterations to the front boundary, therefore planning permission is required for these works.

6.2.2 The statutory tests for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal

would '*preserve or enhance*' the character or appearance of the Conservation Area. 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.

In accordance with paragraph 189 of the NPPF, an assessment of the significance of the building within the Conservation Area is set out in the submitted Heritage Statement and the Council's Conservation Area Appraisal. Policies HE1 of the Local Plan and CS14 of the Core Strategy also requires new development to preserve or enhance the character and appearance of the conservation area, having regard to the Character Appraisal. In support of the Development Plan policies and also a material consideration is the Oakmount Triangle Character Appraisal and Management Plan (CAMP) (2008), which defines the special character of the triangle and provides design guidance for new development. The key considerations for this application are the design and impact on the character and appearance of the Conservation Area and impact on residential amenity.

### 6.3 Design & impact on the character and appearance of the Conservation Area

6.3.1 The CAMP states that individual houses are separated by gaps, large and small which allow glimpses of back gardens and help to provide a distinctive 'texture' to the townscape. New development and re-development should also be in keeping with the scale, size and building line of existing houses. The CAMP highlights that the most significant threat to Conservation Areas is the gradual / cumulative erosion of character and appearance, caused by the alterations to windows, changes to roofs, removal of garden walls and loss of architectural features. In addition the CAMP provides specific resistance to removing front boundary walls.

6.3.2 The proposed additions to the roof include a front, rear and side dormer in order to facilitate a loft conversion. The changes would be visible within the street scene and visually increase the scale of the property to a three storey dwelling. Notwithstanding that there are other examples of dormer window additions in the street scene (including No. 11 – reference 10/01151/FUL), the dormers themselves are considered to be proportionate and appropriate additions to the existing property and would be in keeping with its size, scale and architectural features.

6.3.3 The Council's Residential Design Guide provides specific design guidance on dormer windows at paragraph 2.5.4, which states:

*'Dormer windows should be in keeping with the house, the roof form and in particular with the style of the windows used on the lower floors to give a sense of balance and proportion. Dormer windows should be kept below the ridge and away from the verges and eaves line of the roof....The addition of dormers should not dominate visually the existing roof. As such, 'box' like additions that fundamentally change the overall shape of the roof creating a negative visual impact will not be acceptable.'*

In this instance the proposed front, side and rear dormer windows would sit centrally on their roofslope. They are positioned lower than the main ridge and proportionately evenly well away from the eaves and verges. This allows the existing roof to 'frame' the dormers within the roofslope and enables them to integrate sympathetically and proportionately with the existing property.

6.3.4 Furthermore, the materials for the dormers would match the existing tile hanging and roof material used on the existing property. The applicant has also confirmed that the windows would be 'white hand painted windows with joinery details including window transom and mullions and mouldings to match the existing as closely as possible with any timber being naturally sourced. The velux would be of 'conservation' style.' This confirmation satisfies the requirements of the Historic Environment Officer and the CAMP for windows to be timber framed and match the existing property. On this basis the dormer additions and rooflights are considered to be acceptable additions to the building and would not detract from the character and appearance of the street scene and its contributions towards this part of the Conservation Area. The Council's Historic Environment Officer also considers that these features would not appear incongruous or detrimental to the host building or the wider character or appearance of the area.

- 6.3.5 The proposals also include the removal of section of the front boundary wall to facilitate the creation of an off road parking space. The CAMP highlights that one of the elements that detracts from the special character of the area is the loss of original boundary walls and gardens to provide off-street parking. The CAMP identifies that *'small gardens across the width of the properties and fronted with low red-brown brick walls are fundamental elements in the character of the area'* and *'demolition of will be resisted unless walls are rebuilt in appropriate materials and traditional design.'* It also states *'the replacement of front gardens with soft landscaping for motor vehicles will be resisted.'*

Whilst there is a general resistance to the loss of front boundary walls in the Conservation Area, each application must be considered on its own merits. In this instance, the front boundary wall for No.7 is already punctured by two pedestrian gates which lead to concrete footpaths within the front garden—one centrally and the other in the eastern section of the wall which are 1.0m wide. The proposals would widen the existing eastern access by an additional 2.0m to provide a 3.0m wide vehicular access. The resulting driveway would be finished with gravel material and the applicant has agreed to use Purbeck stone for the kerb stones in order to match existing kerbs. An electric vehicle charging point would also be provided.

- 6.3.6 The Historic Environment Officer notes that Leigh Road is made up of houses of a mixture of styles, a large proportion of which have driveways and parking bays set aside front gardens and front boundary walls all along the street frontages, which still maintain open and semi-verdant character of the street. The plans have been amended during the course of application to only provide one parking space and the consolidation of the access point to the eastern end in the location of the existing pedestrian gate, would involve the minimal loss of historic fabric with the majority of the front boundary wall remaining on the plot frontage. Subject to a condition ensuring all works of repair to the surrounding fabric and surfaces of the front boundary wall employing materials, traditional workmanship, and detailing to match the existing, the Historic Environment Officer raises no objection to the proposals. The views of the Historic Environment Officer are agreed, in particular as the proposed access reuses an existing opening and would use sympathetic materials to contain the visual impact of the driveway. The applicant has also confirmed that the existing vegetation and trees within the front garden would not be affected by the proposals and additional landscaping will be provided. Details of this new landscaping will be secured through a condition.

- 6.3.7 In conclusion, the proposed dormer window additions and front boundary changes are therefore considered to be appropriate and sympathetic additions to the property and its contribution to the character and appearance of the Conservation Area. Subject to compliance with conditions, the proposals would comply with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies HE1 of the Local Plan and CS14 of the Core Strategy and the requirements of the Oakmount Triangle Conservation Area Management Plan (2008).



## 6.4 Residential amenity

- 6.4.1 Concerns have been raised by third parties that the proposed dormer windows to the front, side and rear result in overlooking and loss of privacy to neighbouring properties. The front dormer would look out onto Leigh Road which is already surveyed by first floor windows and pedestrians and traffic. It is not considered that this dormer window would result in any greater levels of overlooking and loss of privacy than existing.
- 6.4.2 It is noted that the property does not currently contain any fenestration or opening on the south west (side) elevation. It is proposed to insert a side dormer window serving a bedroom into this elevation. Whilst it is not proposed for this dormer to be obscure glazed, it would look out onto the plain roof slope of the neighbouring property No.5 and would not provide any direct overlooking onto the neighbouring property. Furthermore, given the close proximity of the neighbouring properties and the siting of the dormer centrally on the side roof slope, the angle of this window would not allow direct views towards the private rear amenity space of the neighbouring property. On this basis the proposed side dormer would not result in any significant loss of privacy, overshadowing or overlooking to neighbouring properties.
- 6.4.3 The proposed dormer window on the rear elevation would serve a bedroom, which faces towards the rear gardens of Blenheim Avenue. Concerns have been raised that the higher position of the window would result in direct overlooking to the neighbouring gardens. The rear dormer would be located at second floor level effectively resulting in a three storey dwelling. Paragraph 2.2.2 of the Residential Design Guide states:

*'To prevent over-development, loss of privacy and dominance over neighbouring houses and to secure a reasonable standard of amenity and outlook for all, it is important to leave an appropriate gap or space between neighbouring buildings and extensions...Spaces between buildings should ensure a reasonable outlook for occupants of lounges, dining rooms, kitchens and bedrooms.'*

It goes on to state that *'where habitable rooms face one another...minimum back-to-back distance standards between windows apply.'* In this instance, the minimum back to back distance between a three storey and two storey dwelling should be 28m. The gap between the rear dormer and the rear elevation of the nearest property to the rear (17 Blenheim Avenue) is 32m, which complies with the minimum back to back distances to avoid significant overlooking and loss of privacy impacts. With regards to the impact of the rear dormer on immediate neighbours either side of the property, it is not considered that this window would give rise to any greater level of overlooking than the existing upper floor windows on the rear elevation. It is notable that the existing fenestration includes a bay window on the rear elevation. On this basis the proposed rear dormer would not result in any adverse impacts on neighbour amenity in terms of overlooking and loss of privacy.

6.4.4 The proposed rooflight on the north east roofslope will serve a bathroom and can therefore be expected to be obscure glazed to protect the privacy of the occupants. Furthermore the proposed plans indicate that the lower opening of this rooflight would be located in excess of 2m above the floor level serving that property which would prevent direct overlooking across the neighbouring property. The use of obscure glazing would be secured through a condition.

6.4.5 On the above basis, the proposed dormer windows and rooflights are considered to be appropriately sited to avoid adverse impacts on neighbour amenity to prevent overlooking and loss of privacy to neighbouring properties.

## 6.5 Other Matters

### 6.5.1 *Number of bedrooms and HMO use*

Concern has been raised by third parties that the proposals create a 7 bedroom property and therefore controls are needed to prevent it becoming a house of multiple occupation (HMO). Whilst the loft conversion does create 7 bedrooms, this does not result in the creation of a HMO. The existing property is not a HMO and separate planning permission will be required to change of the use of the property in to HMO. Therefore no additional planning conditions are necessary.

### 6.5.2 *Parking highways and transport*

Concerns have been raised that the gradient of the driveway access is too steep and surface water drainage proposals have not been provided. The gradient of the access drive should be 1:6 in order to comply with Building Regulation requirements and in any case is not a planning matter in this instance. With regards to surface water drainage, it is proposed use to a gravel surface for the driveway, which is a permeable material and an improvement on the existing concrete footpath. Details of the hardstanding material will be secured within the landscaping condition.

## 7. Summary

7.1 The proposed alterations to the property and front boundary, are considered to be appropriate and proportionate additions to the existing property and its contribution towards the special character and interest of this part of the Oakmount Triangle Conservation Area. The proposals are sympathetic in design and would not give rise to any material harm to the natural light or outlook currently enjoyed by the occupants of the neighbouring dwellings. Furthermore, whilst the partial demolition of the existing front boundary wall by an addition 2.0m to create a vehicular access is discouraged by the CAMP, the impact on the street scene would be contained and would not be significantly harmful to the character and appearance of the street scene. On this basis the proposals are considered acceptable and the application is recommended for approval.

## **8. Conclusion**

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

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

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

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

Case Officer **Rob Sims** PROW Panel 15/02/2022

### **PLANNING CONDITIONS**

#### 1. Timing of planning permission

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

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. Materials as specified (Performance Condition)

The materials and finishes to be used for the windows in the construction of the extension hereby permitted shall be as specified and detailed in the application form and design and access statement, unless otherwise agreed by the Local Planning Authority.

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. Boundary wall repair

All works of repair to the surrounding fabric and surfaces of the front boundary wall affected by the works hereby approved shall employ materials, traditional workmanship, and detailing to match the existing in all respects. The wall shall be made good prior to the first use of the parking to which it relates.

Reason: In the interests of securing high visual quality and satisfactory visual relationship of the new development to the existing.

#### 5. Landscaping

The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; details of porous hard surfacing materials; and

a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained for the lifetime of the development.

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.

#### 6. 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.

#### 7. Obscure Glazing (Performance)

The approved rooflight in the north east roofslope 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 window shall be thereafter retained in this manner.

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

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

CS14 Historic Environment

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

SDP1 Quality of Development

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

HE1 New Development in Conservation Areas

HE2 Demolition in Conservation Areas

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Oakmount Triangle Conservation Area Appraisal Management Plan (2008)

Other Relevant Guidance

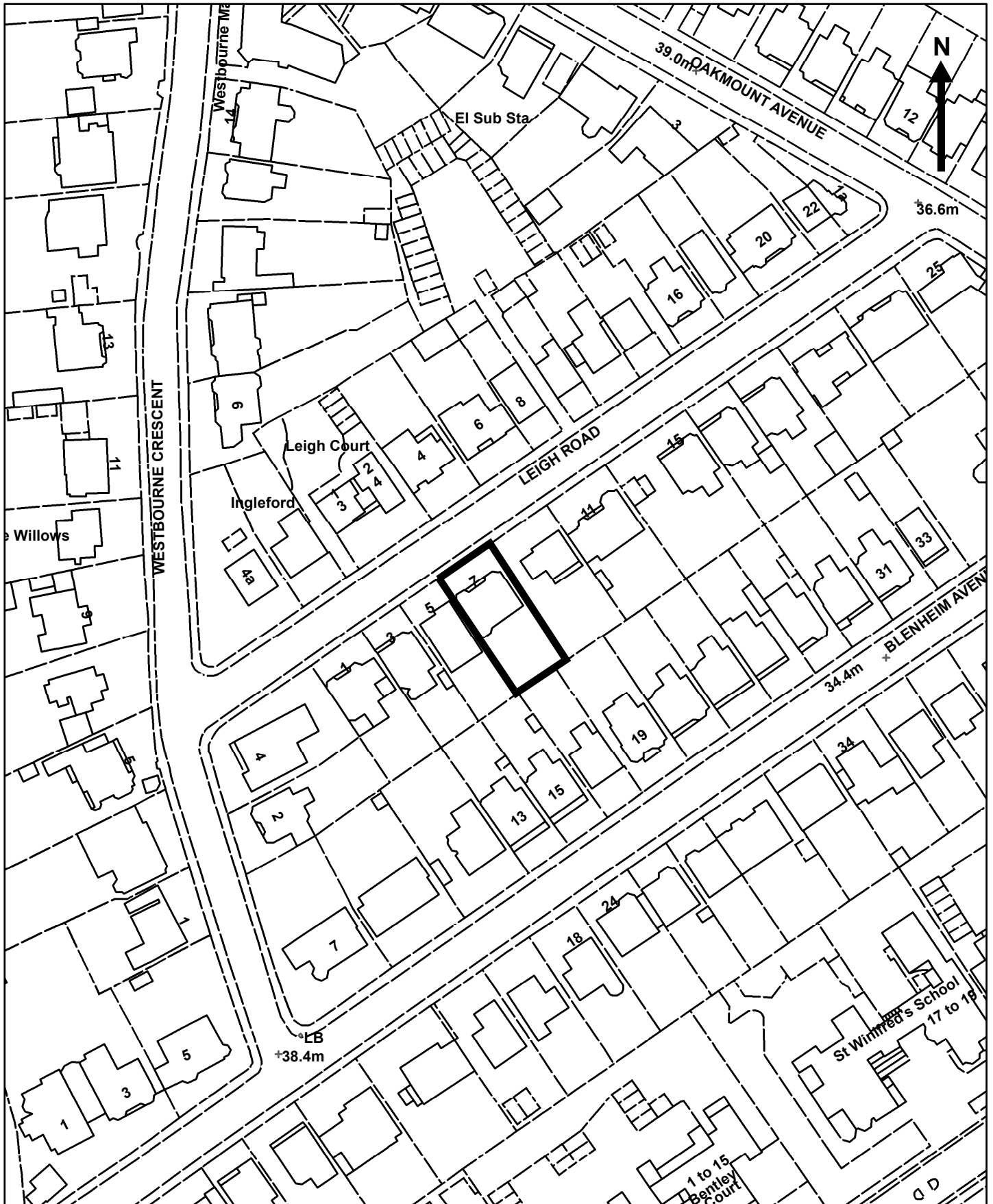
The National Planning Policy Framework (2021)

Section 72 of the Planning (Listed Building and Conservation Area) Act 1990

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# Agenda Item 9 21/01352/FUL

Appendix 1



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