

Planning and Rights of Way Panel

Tuesday, 1st November,
2022

at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Coombs (Chair)
Councillor Savage (Vice-Chair)
Councillor Mrs Blatchford
Councillor Magee
Councillor J Payne
Councillor Prior
Councillor Windle

Contacts

Democratic Support Officer
Maria McKay
Tel: 023 8083 3899
Mobile: 07385 399156
Email: maria.mckay@southampton.gov.uk

Head of Green City & Infrastructure
Pete Boustred
Email: pete.boustred@southampton.gov.uk

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

Southampton: Corporate Plan 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 2022/2023

2022	
24 May	20 September
21 June	11 October
12 July	1 November
2 August	22 November
23 August	13 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.

2023	
24 January	18 April 29
21 February	
14 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

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

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

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

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

2 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

3 **STATEMENT FROM THE CHAIR**

CONSIDERATION OF PLANNING APPLICATIONS

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

4 **PLANNING APPLICATION - 22/00737/FUL - 382 WINCHESTER ROAD** (Pages 5 - 46)

Report of the Head of Green City & Infrastructure recommending that planning permission be refused in respect of an application for a proposed development at the above address.

5 **PLANNING APPLICATION - 22/00939/FUL - LAND TO THE REAR OF 14 ROTHER DALE** (Pages 47 - 72)

Report of the Head of Green City & Infrastructure recommending that the Panel delegate approval of planning permission, in respect of an application for a proposed development at the above address.

Monday, 24 October 2022

Director – Legal and Business Services

This page is intentionally left blank

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: Tuesday 1st November 2022

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
Item to be considered at 4:00pm				
5	MP	REF	15	22/00737/FUL 382 Winchester Rd
Item to be considered from 4:45pm				
6	SB	DEL	5	22/00939/FUL r/o 14 Rother Dale

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

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)

**Planning and Rights of Way Panel 1st November 2022
Planning Application Report of the Head of Green City & Infrastructure**

Application address: 382 Winchester Road Southampton			
Proposed development: Re-development of the site to provide a four-storey 34 bedroom apart hotel including flexible cafe/function space, private gym/studio, secure cycle parking, eight associated on site car parking spaces, landscaping and space for public e-scooter/e-bike docking station (amended description).			
Application number:	22/00737/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	19.09.2022 (Extension of time 08.01.2022.	Ward:	Bassett
Reason for Panel Referral:	Five or more letters of objection have been received – officers not recommending refusal on all Planning grounds raised	Ward Councillors:	Cllr Harris Cllr Hannides Cllr Blackman
Applicant: Sabre Commercial Investments Ltd		Agent: Luken Beck	

Recommendation Summary	Refuse
-------------------------------	---------------

Community Infrastructure Levy Liable	Yes
---	------------

Appendix attached			
1	Development Plan Policies	2	Approved Plans: 07/01624/FUL
3	Compass House appeal decision		

**Recommendation in Full
Refuse**

01. Reason for Refusal - Parking

As a direct consequence of the location of the proposed hotel; which is outside of a City, Town, District or Local Centre and the Council's defined area of 'high accessibility'; and based on the information submitted, including the number of car parking spaces proposed on site, the number of bedrooms proposed and a parking stress survey, it has not been adequately demonstrated that the parking demand of the proposed development would not cause harm to the amenity of nearby residential neighbours through increased direct/indirect competition for existing on-street car parking, where high demand already exists, and/or be detrimental to the viability of the

Southampton Sports Centre following the expected loss of its car parking spaces within the nearby unrestricted car park. The development would, therefore, be contrary saved policy SDP1(i) of the amended City of Southampton Local Plan Review (2015), saved policy CS19 of the amended Southampton Core Strategy Development Plan Document (2015), policy BAS 7 2. of the adopted Bassett Neighbourhood Plan (2016) and the relevant parts of the adopted Parking Standards Supplementary Planning Document (2011).

02. Reason for Refusal - Impact on Neighbours' Amenity

The proposed development by reason of its height, mass, bulk and depth of projection; and position of windows, within close proximity to the common boundary would have an overbearing and unduly dominant impact on existing residential amenity when viewed from Nirvana Place, leading to an overbearing sense of enclosure, unacceptable level of shade cast over the rear garden and a loss of privacy. The proposal would therefore harm the residential amenity of the neighbouring occupiers, and demonstrates symptoms of an overdeveloped site. As such, the proposal would be contrary to saved policy SDP1(i), SDP7(v), SDP9(v) of the amended Southampton Local Plan Review (2015) as supported by paragraphs 2.2.1 to 2.2.2 of the Council's approved Residential Design Guide SPD (approved 2006).

03. Reason for Refusal - Quality of Residential Accommodation

Whilst the application seeks approval for an apart hotel use, and the Council recognises the transiency of such a use the proposed development would provide an unacceptable living environment for the future occupiers of the 4 apartments proposed for up to 6 month's occupancy. This 6 month maximum length of tenure for the self-contained serviced apartments would be more akin to a residential use class C3 and, owing to limited internal floorspace, fails to comply with Nationally Described Space Standards, offers limited external amenity space, and would provide a poor quality living environment for these long term residents and is symptomatic of a site overdevelopment. As such the development would be contrary to saved policy SDP1(i) of the amended Southampton Local Plan Review (2015) as supported by paragraphs 2.3.14 and 4.4.1 of the Council's approved Residential Design Guide SPD (2006).

04. Reason for refusal - Mitigation; S.106 Legal Agreement

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Southampton Amended Core Strategy Development Plan Document (2015) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

a) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18 & CS25 of the amended Core Strategy Development Plan Document (2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured;

b) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the

highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network;

c) In the absence of an alternative arrangement the lack of a financial contribution towards the Solent Disturbance Mitigation Project (SDMP) and towards measures to reduce pressures from guests of the hotel visiting the New Forest SPA in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the Amended Local Plan Review (2015), CS22 of the Amended Core Strategy Development Plan Document (2015) and the Planning Obligations SPD (2013) as supported by the current Habitats Regulations;

d) A Training & Employment Management Plan committing to adopting local labour and employment initiatives has not been secured in accordance with Policies CS24 & CS25 of the amended Core Strategy Development Plan Document (2015) and the adopted SPD relating to Planning Obligations (September 2013) and, as such, the scheme fails to deliver local targeted employment opportunities;

e) The submission and implementation of a Staff & Customer Travel Plan has not been secured to support strategic transport initiatives including those within the Local Transport Plan in an effort to promote and secure alternative transport modes to the private car;

f) In the absence of a use restriction clause for the apart hotel accommodation, with time limited occupations, the proposed self-contained nature of the development (where residents have access to all the necessary requirements to meet their day to day needs within their apartment) could be occupied akin to a residential use with wider implications that have not been fully assessed.

Background

This application for an apart-hotel has been amended since its initial validation but has, nevertheless, attracted significant local objection. Whilst officers agree that the scheme fails to comply fully with the Development Plan they disagree that all concerns raised – particularly around the building’s architecture’ and the potential loss of a family dwelling - merit a further refusal reason and so, on that basis, it is considered necessary to seek a Panel determination where all issues can be considered in the round and the Council’s full case established should the applicant chose to appeal a refusal or seek a resubmission.

1.0 The site and its context

1.1 The application site is located on the prominent corner of Winchester Road and Hill Lane with vehicular access achieved from Hill Lane. Informal car parking is available for approximately 9 vehicles. The site is occupied by 2 no.2 storey buildings one of which was originally a family dwelling house; both of which have most recently been in office use (use class C1). The site is located opposite, but outside of the defined Winchester Road Local Centre, which provide a range of uses and services for the local community. On street parking adjacent to the site is prevented by Traffic Regulation Order and the section of Hill Lane directly in front of the site forms part of an Air Quality Management Area (AQMA). The site is located within an area of lower

accessibility in relation to Public Transport.

- 1.2 The wider surrounding area is largely residential, comprised of a mix of terraced, semi-detached and detached houses although there are some larger flatted blocks to the north on Winchester Road, including the direct neighbour Nirvana Place which has three floors of accommodation. Southampton Common is less than 100m to the south, and Southampton Sports Centre is less than 500m to the north.

2.0 Proposal

- 2.1 The application seeks permission for the redevelopment of the site to form a part three and part four storey apart hotel fronting onto Winchester Road and Hill Lane. An apart hotel functions in a similar way to a traditional hotel, but rooms are offered with their own cooking facilities meaning that they are, effectively, self-contained with the option of using the communal offer. Amended plans have been received since validation to increase on-site parking from three to eight spaces. This is achieved by ground floor amendments and the removal of the office. The amendments to increase the car parking offer were made in response to concerns relating to overspill car parking impacts and interested third parties have been re-notified.

- 2.2 The proposed building would accommodate 34 serviced apartments, a ground floor café which will be open to the public, a gym only available to guests, bin and cycle storage, associated back of house facilities for staff and a roof terrace on the third floor. The proposal would lead to some employment opportunities however the exact number is currently unknown. The proposal includes small landscaped areas facing Hill Lane and Winchester Road. As stated above an aparthotel comprises serviced apartments using a hotel-style booking system. It is similar to renting an apartment, but with no fixed contracts and occupants can "check out" whenever they wish, subject to the applicable minimum and maximum length of stay. An apart hotel room usually offers a complete fully fitted apartment with serviced laundry and cleaning. The Local Planning Authority normally seek a 3 month occupancy restriction on such Apart hotels to distinguish the C1 hotel use from a C3 dwellinghouse which requires different residential environment/amenity considerations. The applicants have suggested that 10% of the serviced apartments (4 units rounded up) are intended to be able to be occupied by the same guest for up to six months.

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) and the City Centre Action Plan (adopted 2015). Policies BAS1, BAS2, BAS3, BAS4, BAS5, BAS7, BAS9, BAS12, BAS13 and BAS14 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006), are also

material to this case. The most relevant policies to these proposals are set out at **Appendix 2**.

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 Paragraph 81 of the National Planning Policy Framework (NPPF) sets out the national policy approach for supporting economic development. This 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.

3.4 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.

4.0 Relevant Planning History

4.1 The most recent and relevant planning history for the site relates to permission for redevelopment by demolition and erection of a part two/part three-storey building (including basement car park) consisting of eight flats (three x one-bed and five x two-bed) on first and second floor levels and offices at ground floor level (reference 07/01624/FUL). It should also be noted that the permission was granted in 2007 under delegation. The length of time available to implement the permission was also extended in 2011 (reference 10/01514/TIME). The details of this application are set out in **Appendix 3** of this report for comparison.

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, placing a press advertisement 01/07/2022 and erecting a site notice 01/07/2022. At the time of writing the report **97 representations** (93 objections and 4 support) have been received from surrounding residents with objections from ward Cllr Blackman, ward Cllr Hannides, Cllr Fielker and the Old Bassett Residents Association. The following is a summary of the points raised:

OBJECTIONS

- 5.2 ***Use is not clear; not a traditional hotel neither separate residential units making application of policies and standards difficult to apply. Consider C3 residential use most relevant and therefore Bassett Neighbourhood Plan (BNP) policies should apply.***

Response

The applicant now proposes a maximum stay duration of three months for 90% of units and six months for 10% of units. As such 10% of the serviced apartments will be assessed as though they were residential units (use class C3) rather than a more transient form of hotel accommodation (use class C1).

- 5.3 ***Hotel use is contrary to Bassett Neighbourhood Plan policy BAS 1 which requires housing.***

Response

Policy BAS 1 does not prevent non-residential uses it instead encourages a range of dwellings, particularly family dwellings, in Bassett.

- 5.4 ***Contrary to paragraph 5.2 of the Bassett Neighbourhood Plan and policy CS16 of the Core Strategy as the scheme results in the loss of a former family dwelling.***

Response

Whilst one of the buildings on site was likely to have been capable of accommodating a family in the past the building does not currently contain bathrooms or kitchens necessary to facilitate use as a dwelling. Furthermore, reverting to a family dwelling house from the current office use would require separate approval and it is not certain whether this would be granted. As such there are no guarantees that the property would be available as a family home in the future, even if permission were sought. For these two reasons redevelopment in the form of an apart hotel is not considered contrary to policy CS16 or the Bassett Neighbourhood Plan.

- 5.5 ***No overarching policy need for an apart hotel. Other hotels available.***

Response

The NPPF defines hotels as a main town centre use and the application is supported by a sequential test and needs assessment to demonstrate that this site is appropriate (in principle). The Council's Planning Policy Team is satisfied that this submission demonstrates the potential need, targeted clientele, clear and logical reasoning for the identification of the site and has carried out an assessment of alternative sites to serve the identified need, of which there are none. Therefore the principle of hotel use in this edge of (local) centre location is supported. On this basis, the development should be assessed more broadly in relation to its design, amenity and transport impacts.

- 5.6 ***Impact of overspill parking***

- ***Contrary to Bassett Neighbourhood Plan policy BAS 7 and paragraph 13.6 as the scheme fails to achieve maximum off road parking numbers.***
- ***Most pressure on closest residential streets with unrestricted parking.***
- ***Harm to economic viability of retail units as customer parking will be further limited.***
- ***Reduced availability of parking linked to the sports centre & consequential impact on uptake of sports and recreation/health and wellbeing.***
- ***Reduced on street parking available for parents during school drop off and pick up times.***

Response

- Some concern shared by officers regarding parking pressure effects on neighbouring residents; this is discussed in the Planning Considerations section below.
- Reduced parking availability at the sports centre is also a concern, particularly when the sports facilities are in full use (particularly at the weekend when hotel demand tends to be higher).
- Harm to viability of commercial units' opposite is not a concern given that parking restrictions are in place including 'no waiting at any time' and restricted bays Mon – Sat 8am – 6pm 2 hours max (no return within 2 hours).
- Impact on reduced availability of parking for visitors to nearby schools (drop off and pick up times) is not a material consideration.

5.7 *Employment figures not included on application form which could affect parking.*

Response

The maximum parking levels set out in the parking standards SPD are based on floor area for hotels rather than staff numbers.

5.8 *Timing of parking survey doesn't account for sporting events or school drop off and pick up times.*

Response

Although guidance on how to perform parking surveys do not require them to account for sporting events and schools this would have been useful additional information to consider. Officers are fully aware of the existing parking demands in the area, and have visited the Sports Centre at the weekend when existing demand is at its highest. Nevertheless, the information provided is sufficient to allow the application to be determined and the Panel will note the proposed reason for refusal cited above around the impacts on existing parking supply from the proposals.

- 5.9 ***Traffic/congestion increase, including impact caused by customer drop offs and pickups, deliveries and refuse collection. Effecting emergency vehicle movement. BNP 13.7 recognises Winchester Road as having a high volume of traffic.***

Response

No objection received from the Council's Highway Engineers.

When compared to the existing office use the proposed apart hotel would not generate a significant increase in traffic or congestion at network peak hours and whilst there is a potential for some localised highway disruption caused by kerbside servicing, including taxi drop off and pick up; and deliveries, this would not cause a significantly harmful impact to other highway users. That said, the parking concerns arising from the scheme are noted and supported. Where necessary site-specific highway works could be delivered through the Section 106 legal agreement process. Refuse collection would likely occur at times of the day outside of peak traffic hours limiting impact and the Council's Highway Engineers have confirmed that refuse collection can take place from the public highway. These details would have been secured by condition in the event that permission could be supported and do not warrant a further reason for refusal

- 5.10 ***Highway's obstruction & safety during construction***

Response

Separate legislation would manage any temporary use of the public highway for construction purposes. Any temporary footway restrictions during construction would need to be authorised by the Council's Highway Engineers to ensure appropriate pedestrian safety. These details would have been secured by condition in the event that permission could be supported and do not warrant a further reason for refusal.

- 5.11 ***Potential for light reflection caused by bronze cladding having harmful impact on highway safety.***

Response

No objection raised by the Council's Highway Engineers. Specific details of materials proposed could be secured by condition.

- 5.12 ***Recognise good location for General Hospital and University of Southampton (U6 bus) however no direct bus route to the city centre or the train station along Hill Lane.***

Response

Although there are direct buses into and out of the city centre from Winchester Road, they do not follow the most direct route (Hill Lane); the site is also located in a low accessibility area. As such, officers agree that guests are more likely to be reliant upon their private car for their travel needs during their stay.

- 5.13 ***Insufficient cycle parking (1 for each unit required).***

Response

The Parking Standards SPD requires 1 secure cycle parking space to be provided for each residential unit. For hotels the standards are 1 space for each 10 employees and 1 space for each 10 bedrooms. The proposal seeks to provide 18 secure cycle parking spaces and whilst the exact number of staff is currently unknown this would seem reasonable when there are 4 (rounded up) residential units and 30 serviced apartments (hotel use).

5.14 ***Need for separate bins for separate uses.***

Response

The amended scheme relates to a hotel use and a café which would also be available to the public. Both are commercial uses and so there would not be the need for separate bin stores. Given the intended management of the residential units with longer stay duration separate refuse storage is not considered necessary.

5.15 ***Impact on neighbours; overlooking, including from roof terrace.***

Response

A privacy screen is proposed around the raised terrace; planning conditions can be used to prevent overlooking. Overlooking from serviced apartments is a potential consequence due to the position and size of the proposed windows and this forms a recommended reason for refusal.

5.16 ***Impact on neighbours; loss of light & increased shadowing.***

Response

The application has been supplemented with a Daylight, Sunlight and Overshadowing Report which confirms no significant loss of sunlight or daylight to any neighbouring habitable rooms because of the development. Reduced daylight reaching the garden serving Nirvana Place is, however, a consequence of the scheme and its relationship with its neighbours and is discussed further in the Planning Considerations section below.

5.17 ***Impact on neighbours; overbearing to neighbours and public realm.***

Response

Officers share the concern that at four storeys there would be an overbearing impact on neighbours. Whilst considerably larger than the existing buildings, it is considered that the streetscape can accommodate the 4-storey scale to bookend this prominent corner, but the subsequent impacts to residential amenity are less successful.

5.18 ***The position of building is forward of neighbouring building line effecting outlook from a bay window***

Response

Only a small section of the building would breach the 45-degree outlook line and given it relates to windows fronting the street the impact on neighbouring outlook is not considered significantly harmful. The 45 degree tool is purely

guidance and should not be applied strictly without a wider assessment of the circumstances.

5.19 ***Noise generation.***

Response

Provided that guests and construction workers behave reasonably the likely noise generated by the proposal would not be unreasonable. It is noted that conditions can be added to control hours of construction and plant equipment in the event that permission is supported, and the site would have on-site management to assist in controlling unneighbourly activity

5.20 ***Odour generation***

Response

Provided that refuse is kept in the dedicated store and collected frequently, there will not be any adverse odour and vermin problems. Furthermore, separate legislation can be used to control problems.

5.21 ***The position of the building is forward of neighbouring building line and therefore fails to respect the general layout of building along the street.***

Response

The existing building line is stepped between neighbouring properties; some variance is acceptable in urban design terms, particularly given this location on a corner fronting a wide junction.

5.22 ***Not in compliance with BNP paragraph 8.5 which states that developers are 'expected to work closely with those directly affected by their proposals'.***

Response

Paragraph 8.5 does not explicitly require public consultation or refusal of applications which have not taken local views into account. Officers recommend public engagement with the local community and it is up to the applicants how far they engage. The Planning Department has undertaken its own statutory consultation.

5.23 ***Contrary to Bassett Neighbourhood Plan in terms of height and appearance.***

Response

The Council's Urban Design Manager raises no objection to the proposed architectural design and scale of development which will bookend this prominent corner site. The BNP does not stipulate the height restrictions for this particular site.

5.24 ***Exceeds density set out in BNP 11.5 & 11.5.***

Response

The density guidelines are not relevant to most of the scheme, which is formed by hotel rooms (use class C1).

5.25 ***Visual impact of roof top plant equipment.***

Response

Given the scale of the building, height of the roof and scale of plant equipment it is not anticipated that visual harm will be caused. Planning conditions can be used to control the appearance of the plant equipment.

5.26 ***Overdevelopment.***

Response

Officers share concerns that a site overdevelopment of the site would occur given that the level of car parking provided, footprint to plot ratio, impact on neighbours and quality of the residential accommodation (C3 units) all lead to subsequent harm.

5.27 ***Harmful living environment due to air quality.***

Response

The proximity to a designated Air Quality Management Area can be mitigated by conditions including, for example, mechanical ventilation in the event that permission is supported.

5.28 ***Increased air pollution caused during construction and whilst the highway is obstructed; leading to more idling vehicles).***

Response

Separate legislation is used to control vehicle emissions, and a construction environment management condition could be added to control demolition and construction emissions; including dust suppression, during the demolition/construction phase.

5.29 ***Impact on sewers.***

Response

Southern Water raise no objection to the proposal and, as such, it is anticipated that an engineering solution could be achieved if permission is granted.

5.30 ***Impacting local drainage and contrary to BNP paragraph 20.2.***

Response

No objection received from Southern Water or SCC Flood Risk Management Team. A redevelopment of the site is expected to improve on-site drainage due to updated Building Regulations, the addition of planning conditions relating to sustainable urban drainage systems, soft landscaping and the possibility of permeable paving.

5.31 ***Proximity of building to neighbouring building and maintenance impacts.***

Response

This is a civil matter rather than a material planning consideration.

5.32 ***Poor sustainability.***

Response

The Council's Sustainable Development Officer has identified that the submission has not demonstrated what improvements are being made on current Building Regulations. If, however, the Panel are minded to support the proposal, then conditions could be added to secure further details prior to implementation.

5.33 ***Bat survey out of date by time of application decision and objection to loss of hedge supporting sparrows.***

Response

No objection is raised from the Council's Planning Ecologist subject to conditions requiring ecological mitigation and protection of nesting birds.

5.34 ***Nitrates, impact on protected habitats.***

Response

If the application is supported it would be the responsibility of the applicant to secure nitrate mitigation.

5.35 ***Needs of disabled users not adequately included.***

Response

All development has a duty to meet the needs of all users as required by the Equalities Act. Furthermore, the current Building Regulations will manage access arrangements including the needs of the disabled; a lift is also proposed which will allow access to the majority of apartments. 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 scheme is deemed to be broadly compliant.

5.36 No details are provided of a fire assembly point.

Response

Separate legislation is used to manage fire risk.

5.37 ***No affordable housing element.***

Response

Not relevant/necessary for an apart hotel, and there is an insufficient number of residential units to trigger the need for affordable housing.

5.38 ***No employment and skills plan.***

Response

An employment and skills plan could be secured by s.106 legal agreement if the scheme is supported.

5.39 ***Maximum stay unenforceable.***

Response

The enforcement potential is no different to other hotel uses in the city; with any alleged breach of conditions or legal obligations thoroughly investigated

and assessed to see if it is expedient to take enforcement action where required. Whilst it is not normally necessary to restrict the term of a stay within a hotel the scheme offers guest apartments – with the full range of cooking and washing facilities that they might expect from a self contained flat. This makes the need for a restriction necessary.

5.40 *No details of opening hours for the café.*

Response

Opening hours can be controlled by planning condition.

5.41 ***Cllr Lorna Fielker, Cabinet Member Health, Adults and Leisure:
I object to this planning application on the grounds of adequacy of parking and its impact on the Outdoor Sports Centre.
The application states that the Outdoor Sports Centre car parking spaces can be utilised by arguing that these spaces are not required in the evening. The applicant has provided no evidence to support this statement.***

The facilities at the Sports Centre contribute to the We Can Be Active Strategy encouraging more people to take up exercise. The proposed improvements to the Sports Centre include 3 additional floodlit artificial grass pitches increasing usage of the facilities in the evening. The promotion of parking here by the applicant for guests to the hotel will place undue pressures on parking available for users of the centre which may discourage usage.

Response

Whilst Officer's share concerns about parking it is doubtful that the development would result in overspill parking negatively effecting the sports centre car park although cannot be discounted as a possibility which could occur on some occasions. This is discussed in more detail in the planning considerations section below.

5.42 ***Cllr Hannides – Panel referral if recommending approval.
This represents an overdevelopment and excessive density, it is not in keeping with the area and will have an adverse impact on the character and amenity of the neighbourhood.***

In the event you are minded to approve the application, I request it is deferred to the Planning Panel for determination. There is considerable public concern about this proposal.

Response

Officer's share concerns about overdevelopment and potential to effect character due to the scale of site coverage.

5.43 **Cllr Blackman**

Parking

In common with very many residents I am extremely concerned that the proposal for a 34 bedroom apart-hotel comes with only three parking spaces.

There are already heavy pressures on neighbouring streets, including Rockleigh Road, Highclere Road, Thornhill Road, Hill Lane, Pointout Road, and the service road on the Winchester Road roundabout. Placing additional demand for parking on these roads would cause considerable inconvenience to residents, as well as spread the problem to roads further afield, which also already have significant competition for parking places.

The picture painted in the transport plan accompanying the planning application is not one that I would recognise. The fact that there may be spaces in the sports centre at midnight is not really relevant; the overwhelming majority of residents need to be able to park easily during the day. The car park at the Sports Centre is very busy most evenings and at weekends, which often results in hazardous parking and prevents residents from accessing their driveways or parking close to their homes. There is also heavy demand for parking by parents of children at Hollybrook Infant and Junior Schools at the start and finish of the school day.

The transport plan also attempts to highlight sustainable transport options to the site, which again paints a rather distorted picture. People staying at a hotel are presumably going to be travelling to Southampton from outside the city. The only bus from Southampton Central train station to the site runs just five times a day, weekdays only. Hotel guests will likely use taxis or bring their own cars.

Paragraph 13.6 of the Bassett Neighbourhood Development Plan (BNDP) states that 'Where there is new development, re-development or change of use or intensity of a property, preference will be given to development that includes adequate provision for parking on site, as there will be a need for personal transport. When looking at development, any proposals must take account of the lack of service provision, particularly the inconvenience and random nature of public transport, and take account of the Council's maximum parking standards.'

It's clear that the plans proposed do not accord with the BNDP.

Traffic

The proposed site for the development lies at a very complex road junction that presents challenges and difficulties for pedestrians, cyclists and motorists alike. You only need to observe traffic movements at the two roundabouts to see how problematic the situation already is. The addition of a site with busy entrance and exit

requirements on Hill Lane so close to the roundabout will generate further complexity and additional hazard.

As Paragraph 13.7 of the BNDP states: 'Any new development feeding directly onto these routes should therefore take account of the high volume of traffic on these roads.'

Concluding remarks

In addition to the above concerns about parking and traffic flow, I don't believe that the plans offer any genuine form of sustainable development and should therefore be rejected.

Response

The concerns about parking are shared by officers. The Councils' Highways Engineers have compared the proposal with current use and do not object on highways safety or congestion grounds.

Comments in SUPPORT

- 5.44 ***Improves design.***
- 5.45 ***Will stimulate local economy based around the local centre.***
- 5.46 ***Will meet market demand particular from visiting university and hospital professionals and students.***

Consultation Responses

5.47	Consultee	Comments
	Planning Policy	<p>The proposed development of an apart-hotel is considered to fall within Use Class C1. We consider short stay occupancy to be no more than 90 days. We would therefore request that the proposal is amended to a 90 day maximum occupancy so that it can be considered as a C1 use. If the applicant wishes to keep the proposal beyond this 90 day limit we would consider the development to represent residential (Use Class C3) occupation and would advise that the Council should be securing appropriate affordable housing contributions, ensuring appropriate amenity space, parking etc. in line with current residential design policies.</p> <p>Notwithstanding the above, and focusing on the proposed use as an 'apart-hotel', because the proposed development is over 750msq.m gross floorspace and not within an identified centre a sequential test is required and is noted to be included as part of the planning statement. The assessment clearly demonstrates the</p>

	<p>potential need, targeted clientele, clear and logical reasoning for the identification of the site and an assessment of alternative sites to serve the identified need, of which there are none. We are satisfied that the sequential test has been adequately conducted and we are in support of the edge of centre location proposed. In addition, we would like to note that the prominent location of this site offers the chance to create a new local landmark in the city, again which we are highly supportive subject to high quality design and support from the Council's Urban Design Manager.</p> <p>To clarify the position, should the applicant be amenable to the 90 day restriction, the Strategic Planning team is supportive of the proposed C1 development. Should the applicant not wish to have the 90 day restriction applied then the proposed use is considered to represent a C3 use and will need to be considered against all residential design policies, standards and contribution requirements.</p> <p><u>Response</u> <i>Since the above consultation response was received the applicant has agreed to limit the maximum 6 month occupation limitation to 10% of the units. The implications of which are discussed in the planning considerations section below.</i></p>
Housing	<p>The proposal is for an apart-hotel, but it is suggested lettings could be offered for up to a maximum of 6 months. A 6 month let seems more akin to a residential let and would not be consistent with what has been permitted on other similar schemes in the city. Unless a use restriction can be applied which Planning are happy an affordable housing contribution will be required under SCC Core Strategy policy CS15, in the form of an off-site commuted sum.</p> <p><u>Response</u> <i>Since the above consultation response was received the applicant has agreed to limit the maximum 6 month occupation limitation to 10% of the units. The implications of which are discussed in the planning considerations section below and it is noted that conditions could be used to restrict the occupancy of the hotel units.</i></p>
Urban Design Manager	<p>Support I think this looks really great, so from an aesthetic perspective I have no objection. I guess the only thing is whether there's too much white brick. There's certainly plenty of white used in the area on buildings so it is not</p>

	<p>out of character, but the building it's replacing is red brick. It maybe however that they've gone for white as it's a bigger building than the existing and therefore white as a light colour visually appears smaller than an equivalent sized building in a dark colour such as a red. Also as a corner building it does have the ability to landmark/bookend the existing streets in a manner which is different to those streets. Either way I think it is going to present a positive building addressing this spatial node.</p> <p>The first floor connection above the entrance to the parking area is acceptable in design terms; it needs to be in a different material to help emphasise the 'break' in the façade otherwise the building would read as a single piece which would be inappropriate.</p>
<p>Independent Design Advisory Panel</p>	<p>Commenting on a pre-application scheme the Panel made the following relevant observations:</p> <ul style="list-style-type: none"> • The Panel felt that there was a clear case of overdevelopment of the site and 3 storey to 3 and a half storey (interpreted as 3 storeys with a 4th in the roof space) would be more appropriate to this suburban context. • Pitched roofs and particularly the presence of gables is a key characteristic of this area and the flat roofed approach is at odds with this established form. • The previously approved scheme (07/01624/FUL) was the correct footprint and form; and if expressed using the excellent contemporary precedents shown in the submitted document would deliver an impressive and appropriate local landmark onto the roundabout. <p><u>Response</u> <i>The pre-application scheme had five floors of accommodation with the top being considerably smaller in footprint to the rest. The ground floor footprint was very similar to the currently proposed footprint.</i></p>
<p>Highways Engineer</p>	<p>No objection <u>Trip Generation</u> Office land use tend to generate more peak hour trips and therefore the proposal will likely result in fewer trips during network peak hours. The proposed apart hotel would behave slightly differently to general hotel use whereby occupants could stay for longer leading to less daily trips. However, if the purpose of the stay is for business, this may generate trips coinciding</p>

with network peak. The amended plan includes a gym linked with the hotel; this would not generate its own trips.

It is also noted that although informal, the hardstanding areas on site have been historically used for parking. Judging from historic photos, some likely reversing either directly onto or off of the highway occurred. Total number of spaces is difficult to determine but again, from photos, it would seem there have been times when up to 9 or 10 vehicles have been parked on site.

The proposal includes a slightly lower parking provision (8 spaces) and also formalises both the parking layout and on-site turning space providing some benefit to highway safety. The removal of office will also likely reduce trips generated during network peak hours. Considering these points, the level of trips and parking layout are considered acceptable.

Parking Pressure The transport information indicates that any potential overspill can be accommodated off site without the need for the Sports Centre Car Park.

Servicing The submission suggests that waste servicing (refuse collection) can and will be achieved from the kerb side. This is not opposed.

Other servicing requirements of the apart hotel are unknown. Until more information is received little conclusion can be drawn in terms of acceptability. It might be that servicing can take place from the kerbside however if there are large servicing requirements onsite may be more appropriate; if this is the case vehicle size would need to be restricted and a dedicated servicing parking space retained, or parking spaces required would need to be managed appropriately. Alternatively, a section of the highway could be used.

Waste collection from the kerb is considered acceptable as this is already an established movement based on the existing office uses – as well as a fairly standard arrangement in general.

Summary Overall, the proposed application is considered acceptable but the above issues regarding servicing need to be addressed.

Response

Whilst the exact servicing requirements have not been provided it is not anticipated that significant harm to the

	<p>highway would occur as a consequence. This is discussed in more detail in the planning considerations section below.</p>
Sustainability Flood Risk	<p>The Drainage Strategy proposes to manage the 100 year rainfall event plus 40% allowance for climate change, limiting flow to 5l/s through the provision of 30m³ of attenuation storage. Attenuation features outlined include rain gardens, geocellular attenuation tank and permeable paving. The use of above ground features such as rain gardens is a positive contribution to the site as provides attenuation for surface water as well as supporting biodiversity, water quality and amenity.</p> <p>If the case officer is minded to approve this application, it is recommended that sustainable drainage features as outlined within the Drainage Strategy are secured by condition.</p>
Environmental Health	<p>Environmental Health have concerns about and do not support the application. Although the area is a mixed residential and commercial location adjacent to a very busy road and roundabout, the dominant use of the immediately adjacent properties is residential and generally two - three storey properties.</p> <p>It is considered that the noise assessment which looks at the plant noise and indicates unlikely to be a detrimental effect on residents shows only a small part of the potential noise generation and environment. The greater concerns relate to noise emanating during use of the building; to include extraction systems from food areas, servicing and deliveries of foods etc and collection of refuse, noise emanating from functions and the general operation of the site.</p> <p>It is acknowledged that some of this can be addressed by licensing conditions and controls, but there are concerns that the scale of the intended use is not suitable for this location so close to residential houses.</p> <p>Further information is required, or conditions will need to be applied, to address the following:</p> <ul style="list-style-type: none"> • Noise levels from equipment, • Control of delivery hours, • Lighting locations and levels, • Refuse storage and collection • Hours of use of the office space and café • A demolition and construction management plan

	<ul style="list-style-type: none"> • Details of the ventilation of the property and if it will be mechanical or natural - with openable windows. <p><u>Response</u> <i>Whilst the amended ground floor plan indicates a 'flexible café/function space' the expected level of activity would not be high and conditions can be used to limit the noise impact of the development, on neighbouring residential occupiers including hours of use. As such officers do not recommend that these concerns manifest themselves as a further reason for refusal.</i></p>
Sustainability (Air Quality)	<p>Concerns are raised around exposure due to the proximity to the Air Quality Management Area and dust however if minded to approve these issues could be assessed and addressed with the addition of planning conditions, including mechanical ventilation and sealed windows on the ground floor.</p>
Sustainability	<p>We are not convinced that a robust investigation into potential sustainability measures that could be included in the development has been undertaken which indicates that sustainability is being considered early in the development process. There are also inconsistencies and errors with submission:</p> <p>Floorspace is 1541m² (not under 500m² as stated in the sustainability checklist).</p> <p>The sustainability checklist states that the development has not followed SCC Energy Guidance 2021-2025.</p> <p>The improvements on target emission rates set out are on building regs part L 2013 which has now been superseded by 2021. The applicant should demonstrate how improvements are being made on current building regulations.</p> <p>It is stated on p.14 that a communal ASHP will provide heating, cooling and hot water however it is then stated on p.11 it is a gas based system.</p> <p>It has not been adequately demonstrated why the roof layout does not lend itself to the installation of PV</p> <p><u>Response</u> <i>The applicant has been given the opportunity to respond to the points raised; at the date of writing the report a response has not been received. If minded to support the</i></p>

	<i>scheme conditions could be added to secure sustainability improvements.</i>
Ecology	<p>The application site consists of a building, an area of hardstanding, amenity grassland and a line of shrubs around the boundaries. An ecology report supporting the planning application confirmed that the existing building does not support any bat roosts.</p> <p>The boundary vegetation has the potential to support nesting birds so any vegetation removal will need to be timed to avoid the nesting season which runs from March to August inclusive.</p> <p>The proposed development will result in the loss of the existing vegetation which will have an adverse impact on local biodiversity. I would expect the new development to fully compensate for this loss and to achieve a net gain in biodiversity. The replacement vegetation should be of value to wildlife. Ideally it should comprise native species however, ornamental species of recognised value to wildlife are also acceptable. I would also expect to see more street frontage vegetation to maintain the green corridor around the corner of the street.</p> <p>No objection subject to recommended conditions:</p> <ul style="list-style-type: none"> • Ecological Mitigation Statement (Pre-Commencement) • Protection of nesting birds (Performance)
Employment and Skills	An Employment and Skills Plan obligation will be required for this development and applied via the section 106 Agreement.
Land Contamination	No objection subject to a condition to secure a full land contamination assessment and any necessary remediation measures.
Trees & Open Spaces	Some loss of vegetation on site, hedging rather than trees but potentially valuable as habitat and as a pollution sink, at a busy junction with standing traffic. An impact assessment and potentially a tree protection plan would be needed for the street trees the conifer on Winchester Rd.
CIL Officer	The proposal is unlikely to be CIL liable provided that the rooms are let on a temporary basis akin to a hotel use.

Archaeology	No objection subject to conditions to secure archaeological investigation
Crime Prevention Design Advisor	No objection in principle.
Southern Water	No objection; apply recommended conditions and informatives.

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;
- Parking highways and transport;
- Design and effect on character;
- Neighbouring residential amenity
- Quality of accommodation;
- Air Quality and the Green Charter and;
- Mitigation of direct local impacts.

6.2 **Principle of Development**

6.2.1 The site is not safeguarded for a specific policy allocation and is located opposite, but not within, Winchester Road Local Centre as defined by Local Plan policy RE1 6 (Local centres).

6.2.2 The existing buildings on site accommodate office floor space and whilst policy CS7 (Safeguarding employment sites) of the Core Strategy safeguards existing employment uses it does not specifically require the retention of office floorspace in this location. Likewise, policy CS8 of the Core Strategy (Office location) does not specifically support office development outside of city, town or district centres so loss of the office accommodation is not opposed in principle.

6.2.3 The National Planning Policy Framework (2021) (NPPF) defines hotels as 'main town centre uses' and, as supported by Core Strategy policy CS3, applies a sequential approach that seeks to direct hotels to city, town or district centres if there are sites which are available, viable and suitable. The applicant has therefore undertaken a sequential assessment based on an agreed location criteria focused on proximity to both the University Hospital Southampton and the Highfield Campus - Southampton University. Officers are satisfied that the sequential test has been adequately conducted and no other alternative available sites within the area, which are more suited to the proposed hotel use, have been identified. The principle of the proposal has

also been supported by the Council's Planning Policy Team who have reviewed the sequential test.

- 6.2.4 The NPPF requires planning decisions to promote an effective use of available land. Development of the site has the potential to improve the site's appearance through building design & landscaping, increase flood mitigation by removing impermeable hard surfacing & incorporating sustainable urban drainage systems, improve site biodiversity, provide a location for community groups to gather and create employment opportunities.
- 6.2.5 Whilst the applicant has described the development as *sui generis* use the decision to seek 10% of the serviced apartments with a maximum stay duration exceeding three months is not considered to be a hotel use (use class C1) rather is more similar in character and impact to a residential use (use class C3). On this basis although the principle of residential in this location is not opposed the assessment will need to take account of residential standards for four of the serviced apartments (10% of 34 rounded up).
- 6.2.6 Accordingly, there are no reasons to oppose the development in principle.

6.3 Parking highways and transport:

- 6.3.1 Section 13 of the Bassett Neighbourhood Plan acknowledges that Bassett experiences high volumes of traffic and parking pressure is an issue for the whole ward; partly due to the proximity to Southampton University Hospital and the recognised need for personal transport given that the area is relatively deprived of public transport; and development needs to take this into account when considering how many parking spaces are needed. Officers acknowledge that bus services into and out of the city centre do not follow direct routes and are also relatively infrequent and that the junction of Winchester Road and Hill Lane is restricted by traffic regulation orders limiting on street parking opportunities close to the site. Although the Development Plan seeks to promote more sustainable modes of travel such as public transport, walking and cycling the application does not sufficiently recognise that reliance on private vehicles is likely to be higher than normal owing to the characteristics listed above.
- 6.3.2 The planning application proposes eight parking spaces, which is 26 less than maximum parking standards allow: the maximum being one space for each bedroom. This standard takes account of staff requirements. To justify this lesser quantum a parking survey has been provided. The survey covers available parking within 200m of the site. The survey also includes the triangle sports centre car park, which should not be relied upon otherwise it could compromise the parking needs of the Sports Centre. In any event if the Sports Centre parking is full – as occasionally happens – guests will then look to park in neighbouring streets to the detriment of existing residential amenity.
- 6.3.3 When discounting the triangle, the survey still suggests that there are

sufficient free spaces in neighbouring streets to accommodate potential overspill to meet the maximum; the results show that on two separate dates (8th and 9th September 2021) there were 29 and 32 spaces available. Nevertheless, the survey fails to acknowledge, as the inspector did when considering the Compass House Appeal (**Appendix 4**, paragraphs 13 & 14) that logically most drivers would initially seek out spaces as close as possible to the hotel that they perceive to be safe. This would particularly be the case if they were carrying luggage and planned to leave the vehicle overnight. As such, the impacts of the need for overspill parking would be most keenly felt by those living closest. In these locations, and in particular the smaller residential streets closer to the site, the displacement of parking and noise and disturbance as a result of additional vehicles and associated waiting and movements would have an adverse effect on the residential amenities of local residents.

- 6.3.4 As the development would replace an office use the Council's Highways Engineers are of the opinion that the development would not cause significant highway impact in terms of trip generation or congestion. The proposal is also expected to have limited impact on the highway from its servicing requirements, in terms of obstruction, with it being agreed that kerbside refuse collection is adequate. In addition, if the application were approved site specific highways works would be required to improve the adjacent highway network where appropriate. Servicing requirements of the development are considered acceptable to the highway network as there would be a laundry provided on site, the number of bedspaces proposed is not likely to generate significant delivery requirements and the café would not have proportionally high associated delivery demands during peak traffic hours. The existing use of the site for office accommodation has also been considered which would have a greater potential trip generation at peak traffic hours.

6.4 Design and effect on character

- 6.4.1 Along with the policies set out in the Local Plan and Core Strategy (SDP1, SDP7, SDP9 & CS13) the development also needs to be judged against relevant policy that includes the Bassett Neighbourhood Plan (2016). Key policies in terms of character are BAS1 and BAS4 in particular:
- 6.4.2 BAS1 New Development: *Development proposals should be in keeping with the scale, massing and height of neighbouring buildings and with the density and landscape features of the surrounding area.*
- 6.4.3 The Urban Design Manager has not raised the scale of the building as a concern. The Panning Team appreciates how the building proposes to create a transition from two storey dwellings on Hill Lane up to four storeys on the corner and round to three stories adjacent to the flatted block on Winchester Road by use of pitched roofs. The link between the two main elements on the Hill Lane elevation helps to reduce the mass and bulk proposed. The

road layout in front of the building also provides a suitable setting which enables the Winchester Road elevation to be taller than the majority of other buildings nearby. The prominent corner also assists in justifying the scale proposed and in this case the guidance set out in paragraph 3.6.10 of the residential design guide is deemed to be relevant and supportive of the proposal: *'Taller buildings may be considered at street corners...'* The scheme also seeks to include a buffer within the site ensuring that the elevations do not meet the pavement edge; this will also help to balance the scale in the surroundings. Therefore, whilst the proposal does not match exactly the scale, massing and height of neighbouring buildings taking other relevant guidance into account the scheme is not judged to be significantly harmful to the overall appearance and character of the Winchester Road and Hill Lane corner position. Density is also less relevant as the use proposed is primarily within use class C1 – hotel, rather than C3 residential.

- 6.4.4 BAS4 Character and Design: *New development must take account of the densities set out in Policy BAS 5 and the existing character of the surrounding area. The design of new buildings should complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties.*
- 6.4.5 For the reasons set out above in the response/commentary to BAS1 the proposal is also not deemed to be significantly at odds with BAS4. There is scope to bookend the street with a 4-storey scale building on this prominent corner and for variety including increase in scale provided that certain principles are followed. In this particular instance the transition of building height is considered sympathetic and use of pitched roofs reflect other properties in the location. The street is not homogenous and there are other buildings in the area which differ to the traditional two storey housing. It must also be recognised that the Council are under increasing pressure to accept larger scale and higher density for residential schemes, so the proposed building height and mass is considered appropriate in this context.
- 6.4.6 Having considered all aspects of the proposal and the characteristics of the location the Urban Design Manager is confident that the scheme will make a valuable contribution to the appearance of the neighbourhood; Officers do not disagree, but the Panel are free to reach a different conclusion although it should be noted that the defence of a design-led reason for refusal would be difficult for officers to defend in light of the above commentary.
- 6.4.7 The existing site is significantly covered by buildings and hard surfacing and therefore the proposal, which also seeks a significant building to plot ratio, is not opposed in principle.
- 6.5 Neighbouring residential amenity
- 6.5.1 Saved policies SDP1, SDP7, SDP9 of the Adopted Local Plan Review (2015) and the principles contained in the approved Residential Design Guide

(2006), amongst other things, seek to ensure that development will only be granted where it does not unacceptably affect the amenity of existing residents; integrates into the local community and respects its surroundings in terms of scale and massing.

6.5.2 The proposal seeks to replace 2 no.2 storey pitched roof buildings with a part three and part four storey building with three distinct elements:

1. Fronting Winchester Road section 1 has four storey's, a maximum height of 15m, roof pitching away from the boundary and would be positioned within 0.2m of the boundary with Nirvana Place.
2. The middle section places a roof terrace upon three storeys of accommodation; the top of the privacy screen would measure 10m in height and would be 5m from the boundary with Nirvana Place.
3. The final section would be adjacent to 171 Hill Lane, would have three storeys, a maximum height of 12m and would also be 0.2m from the boundary with Nirvana Place.

6.5.3 Notwithstanding the attempt to reduce impact on residents of Nirvana Place by including a stepped rear elevation and pitched roof, with a distance of between 0.2m and 5m; and maximum heights ranging between 10m and 15m the relationship would, due to its height, proximity to and depth of projection along the boundary, result in an intrusive, dominant, and overbearing effect which would be harmful to the living conditions of Nirvana Place. No significant impact is, however, deemed to occur on 171 Hill Lane when viewed from the rear garden due to the separation distance from the proposed building.

6.5.4 The proposal also seeks to add five windows within the rear elevations of sections 1 and 2 which would allow overlooking of the rear garden of Nirvana Place leading to a real loss of privacy.

6.5.5 The submitted BRE Daylight and Sunlight Assessment confirms no significant loss of sunlight or daylight to any neighbouring habitable rooms however during winter months there would be a reduction of direct sunlight received to the garden area serving Nirvana Place. The survey results show a 47% reduction of garden receiving 2 hours of direct sunlight on the spring equinox. The 47% reduction amounts to 40% of the garden receiving 2 hours of direct sunlight; the target set out in the BRE guidance is no less than 50%. Therefore, this impact is considered sufficient to contribute to a reason for refusal based on neighbour impact.

6.6 Quality of accommodation

6.6.1 The proposed layout would likely provide reasonable levels of privacy and outlook for occupiers of the proposed accommodation units. All units would also achieve acceptable daylight and ventilation. Noise impacts from the adjacent highway, the ground floor café and any required plant equipment

could be mitigated by Building Regulations or a planning condition.

- 6.6.2 With the proposal seeking 10% of the units to be occupied for more than three months they need to be judged against the Nationally Described Space Standards that require 50sq.m of floor area and 20sq.m of amenity space each. As the largest units proposed are 29sq.m and the roof terrace measures 31sq.m the development fails to provide suitable units for longer term occupation and should be refused for this reason.

6.7 Air Quality and the Green Charter

- 6.7.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

- 6.7.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

- 6.7.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive – up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

- 6.7.4 The application has partially addressed the Green Charter and the air quality impact of the development by identifying an acceptable sustainable drainage system for the site and planning conditions could be used to secure energy and water efficiency improvements along with biodiversity enhancement measures.

6.8 Mitigation of direct local impacts

- 6.8.1 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Developer Contributions Supplementary Planning Document. Given the impacts associated with a development of this scale, the package of contributions and obligations required would be limited to the following:
- i. financial contributions towards site specific transport improvements in the vicinity of the site.
 - ii. a highways condition survey to make good any possible damage to the public highway in the course of construction.
 - iii. Solent Disturbance Mitigation Project (SDMP) and New Forest Mitigation.
 - iv. Employment and skills.
 - v. Staff & customer travel plan.
 - vi. Obligations to limit duration of occupation.

7.0 Summary

- 7.1 Whilst the principle of an apart hotel is accepted and the need proven the proposal fails to provide adequate car parking on site causing unacceptable increased pressure for on street parking. The height and depth of projection, and position of windows close to the boundary would have an overbearing and unduly dominant impact leading to an unacceptable sense of enclosure, shading and loss of neighbouring privacy. The living environment is also not deemed acceptable for stays longer than 3 months and planning obligations have not been secured to offset the impact of the development locally.

8.0 Conclusion

- 8.1 The positive aspects of the scheme are judged to be outweighed by the negative impacts, namely on street parking pressure closest to the site, neighbour impact, quality of the residential accommodation and failure to secure planning obligations; and as such the scheme is recommended for refusal.

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) 4.(a) (b) (c) (d) (e) (f) (g) (r) (ll) (vv) 6 (a) (b)

Mathew Pidgeon for 01/11/2022 PROW Panel

Application 22/00737/FUL
APPENDIX 1

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
- CS19 – Car and Cycle Parking
- CS20 – Tackling and adapting to Climate Change
- CS22 – Biodiversity and Protected Species
- CS25 – 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
- SDP8 – Urban Form and Public Space
- SDP9 – Scale, Massing and Appearance
- SDP10 – Safety and Security
- SDP11 – Accessibility and Movement
- SDP12 – Landscape and Biodiversity
- SDP13 – Resource Conservation
- SDP14 – Renewable Energy
- H1 – Housing Supply
- H2 – Previously Developed Land
- H7 – The Residential Environment

Bassett Neighbourhood Development Plan 'made' 2016

- BAS 1 New Development
- BAS 2 Consultation
- BAS 3 Windfall Sites
- BAS 4 Character and Design
- BAS 5 Housing Density
- BAS 7 Highways and Traffic
- BAS 9 Trees

BAS 12 Business and Industry
BAS13 Southampton Sports Centre and Southampton City Golf Course
BAS 14 Drainage

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

PROPOSED
scale 1_100

OFFICE & RESIDENTIAL
DEVELOPMENT
382 WINCHESTER ROAD
SOUTHAMPTON

Barron & Partners
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
PLANNING SUPERVISORS

382 Winchester Road, Bassett, Southampton, SO16 7DH
Tel: (023) 8070 5155, Fax: (023) 8070 4333
Email: admin@barron-and-partners.co.uk
Web: <http://www.barron-and-partners.co.uk>

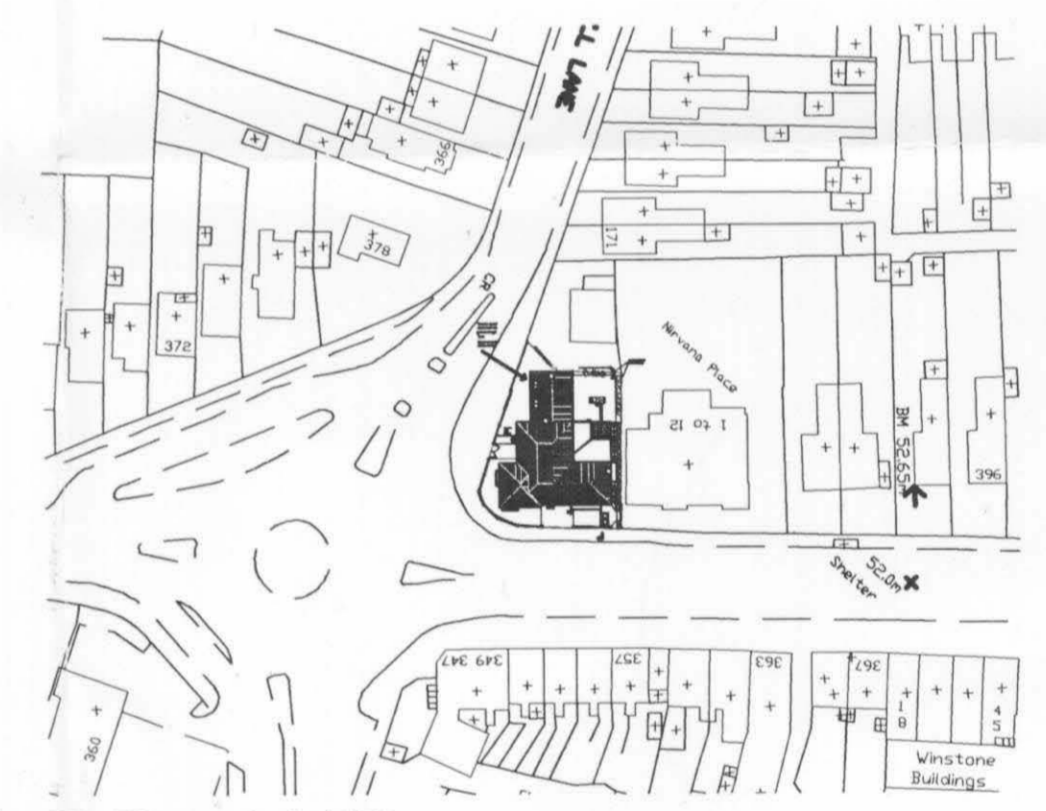
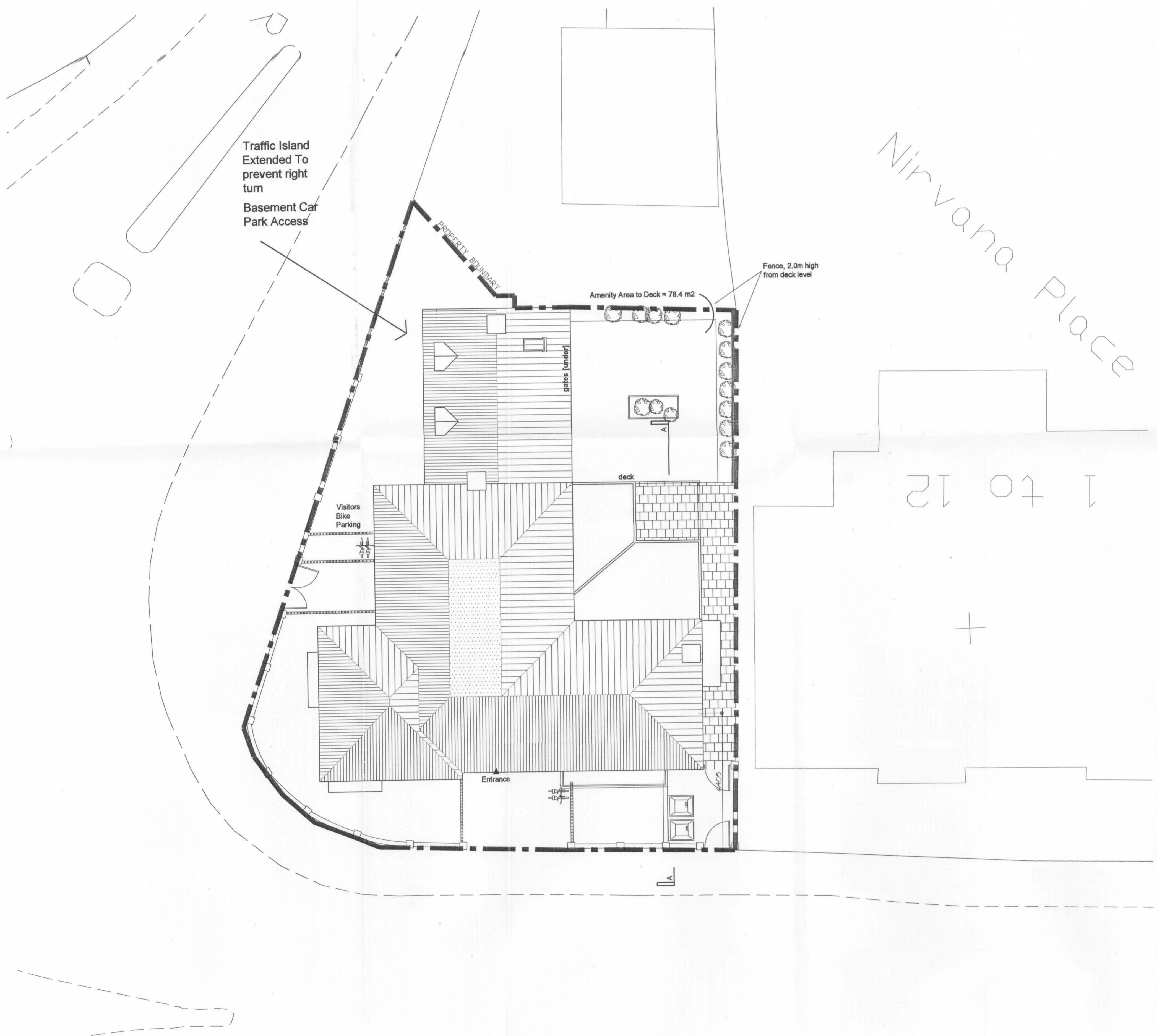
Drawing.No. 04010/001revB

PLANNING & SUBMITTAL
21 NOV 2007
DIVISION

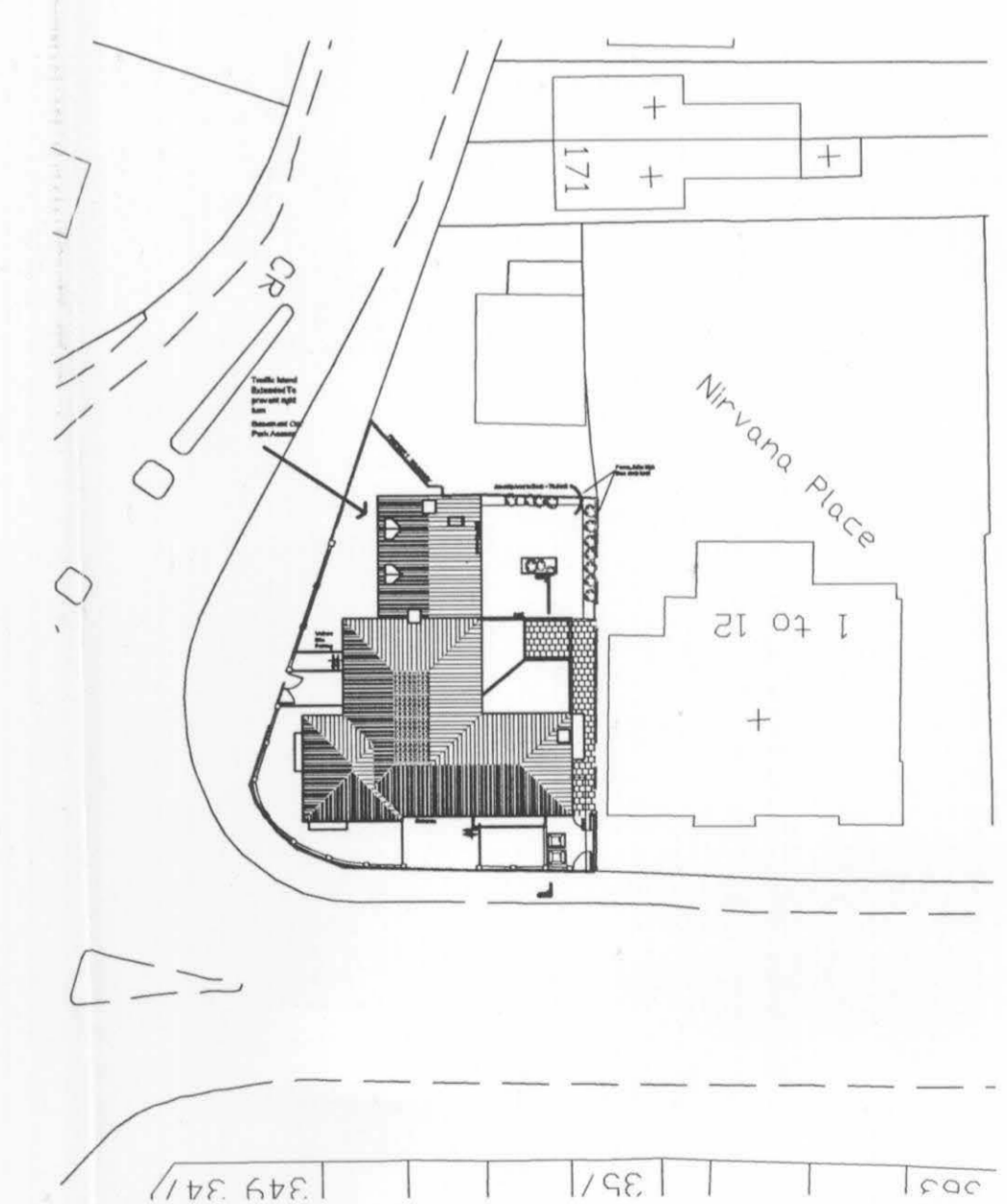
APP. NO. 07/01624/f0L



Amenity space to development
Total = 165 m2 including balconies
= 20 m2 per flat



Site Plan scale 1_1250



Block Plan scale 1_500

Site Plan scale 1_100

PROPOSED
scale 1_100

OFFICE & RESIDENTIAL
DEVELOPMENT
382 WINCHESTER ROAD
SOUTHAMPTON

Barron & Partners
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
PLANNING SUPERVISORS

382 Winchester Road, Bassett, Southampton, SO16 7DH
Tel: (023) 8070 5155, Fax: (023) 8070 4333
E-mail: admin@barron-and-partners.co.uk
Web: http://www.barron-and-partners.co.uk

Drawing.No. 04010/002rev B



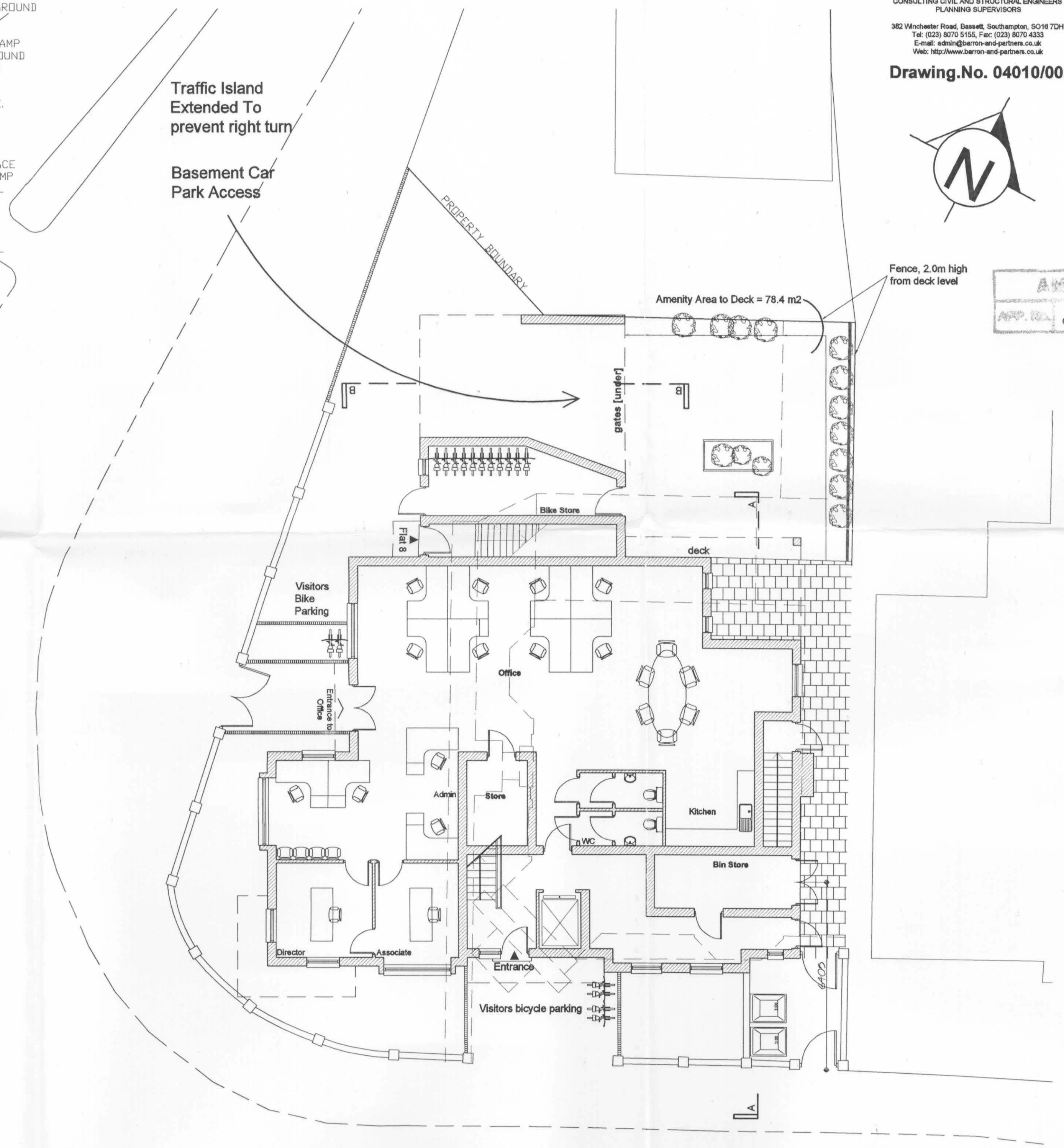
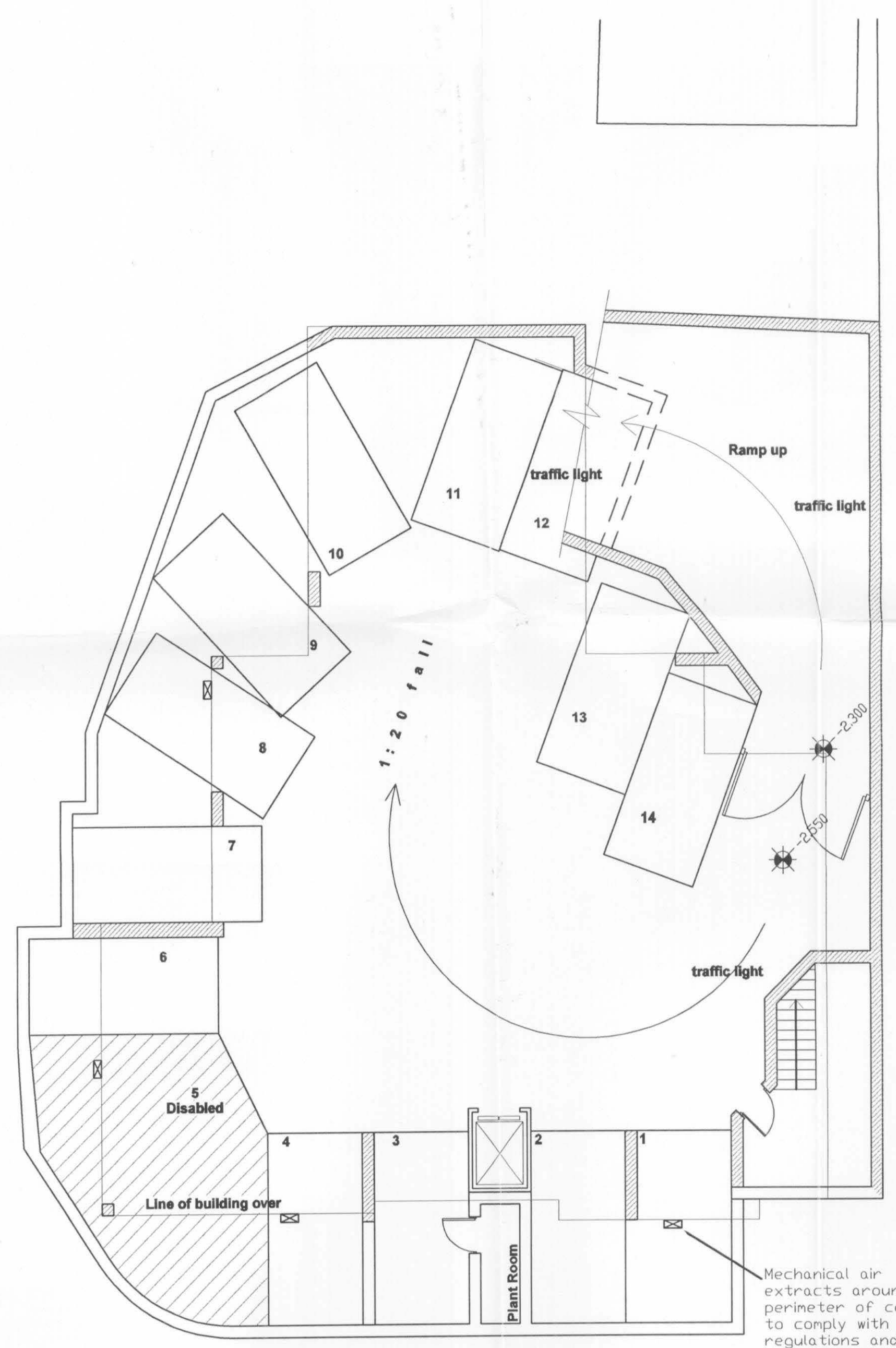
APPROVED PLAN
APP. NO. 07/01624/ful

CAR PARK TRAFFIC CONTROL SYSTEM

DETECTOR LOOPS ARE TO BE INSTALLED AT THE TOP OF THE RAMP AND IN THE MANEUVERING SPACE IN THE UNDERGROUND CAR PARK. THESE ARE TO BE INTERCONNECTED TO A TRAFFIC LIGHT AND SECURITY GATE SYSTEM AT THE TOP OF THE RAMP AND TRAFFIC LIGHTS IN THE UNDERGROUND CAR PARK.

IF A VEHICLE ENTERS THE TOP OF THE RAMP THEN THE LIGHT SYSTEM IN THE UNDERGROUND CAR PARK WILL SHOW RED, THUS WARNING VEHICLES NOT TO LEAVE THEIR PARKING SPACE UNTIL THE VEHICLE ON THE RAMP HAS ENTERED THE UNDERGROUND CAR PARK. THE SECURITY GATE WILL AUTOMATICALLY OPEN AS THE VEHICLE ENTERS THE RAMP AREA.

SHOULD A VEHICLE LEAVE A PARKING SPACE THEN THE LIGHTS AT THE TOP OF THE RAMP WILL SHOW RED. THE SECURITY GATE WILL ALSO REMAIN CLOSED, THUS PREVENTING VEHICLES ENTERING THE CAR PARK UNTIL THE VEHICLE FROM BELOW HAS CLEARED THE RAMP. THERE IS SPACE AT THE TOP OF THE RAMP FOR TWO VEHICLES TO PULL OFF THE ROAD WHILST WAITING TO ENTER THE CAR PARK.



Page 36

Basement Plan scale 1_100

Ground Floor Plan scale 1_100

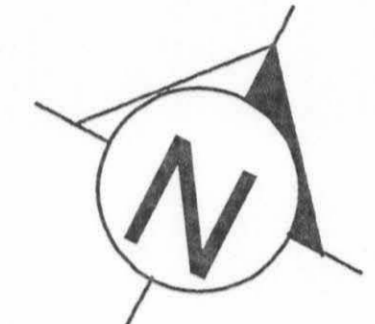
OFFICE & RESIDENTIAL
DEVELOPMENT
382 WINCHESTER ROAD
SOUTHAMPTON

Barron & Partners

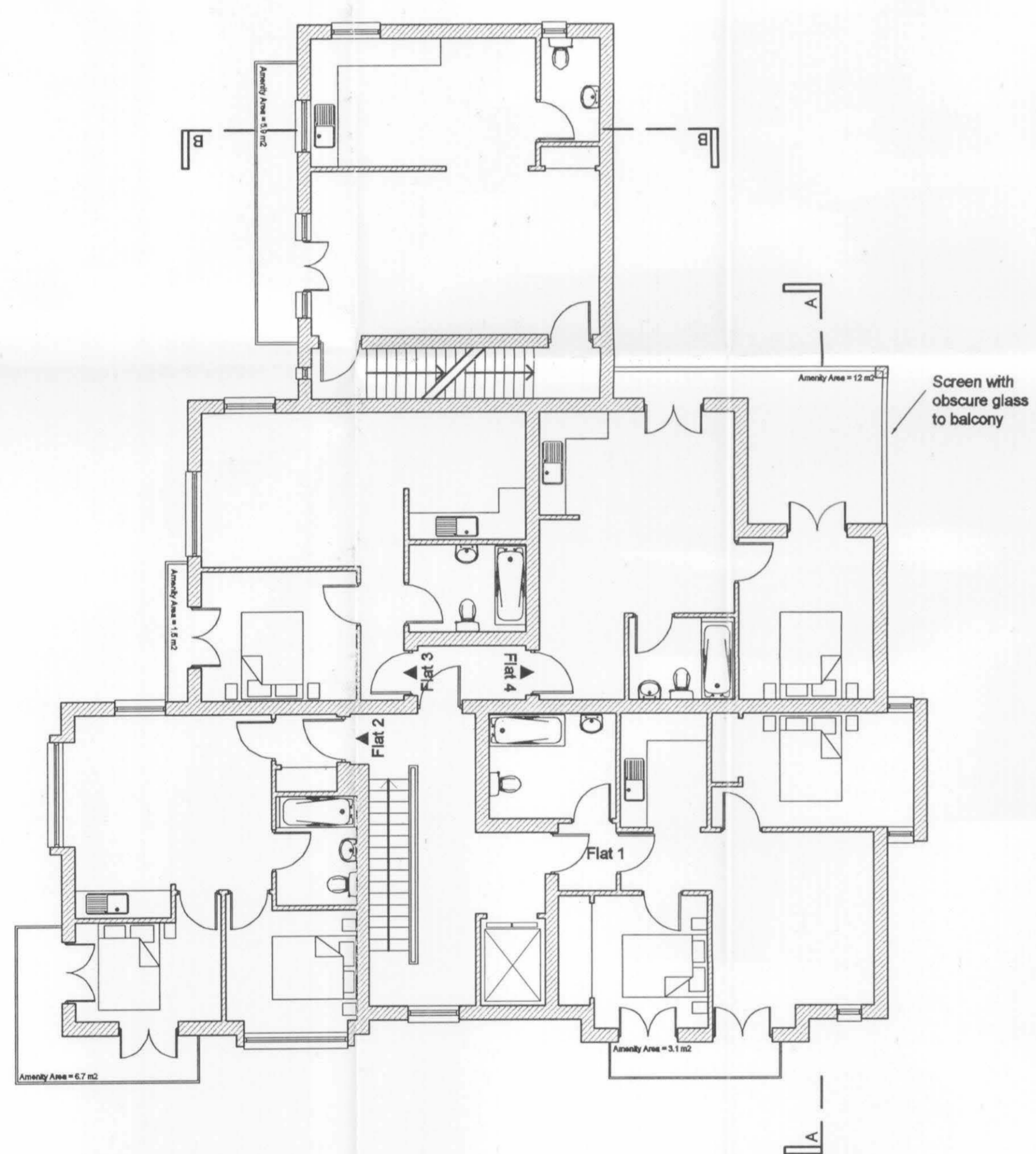
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
PLANNING SUPERVISORS

382 Winchester Road, Bassett, Southampton, SO16 7DH
Tel: (023) 8070 0105; Fax: (023) 8070 4333
E-mail: admin@barron-and-partners.co.uk
Web: http://www.barron-and-partners.co.uk

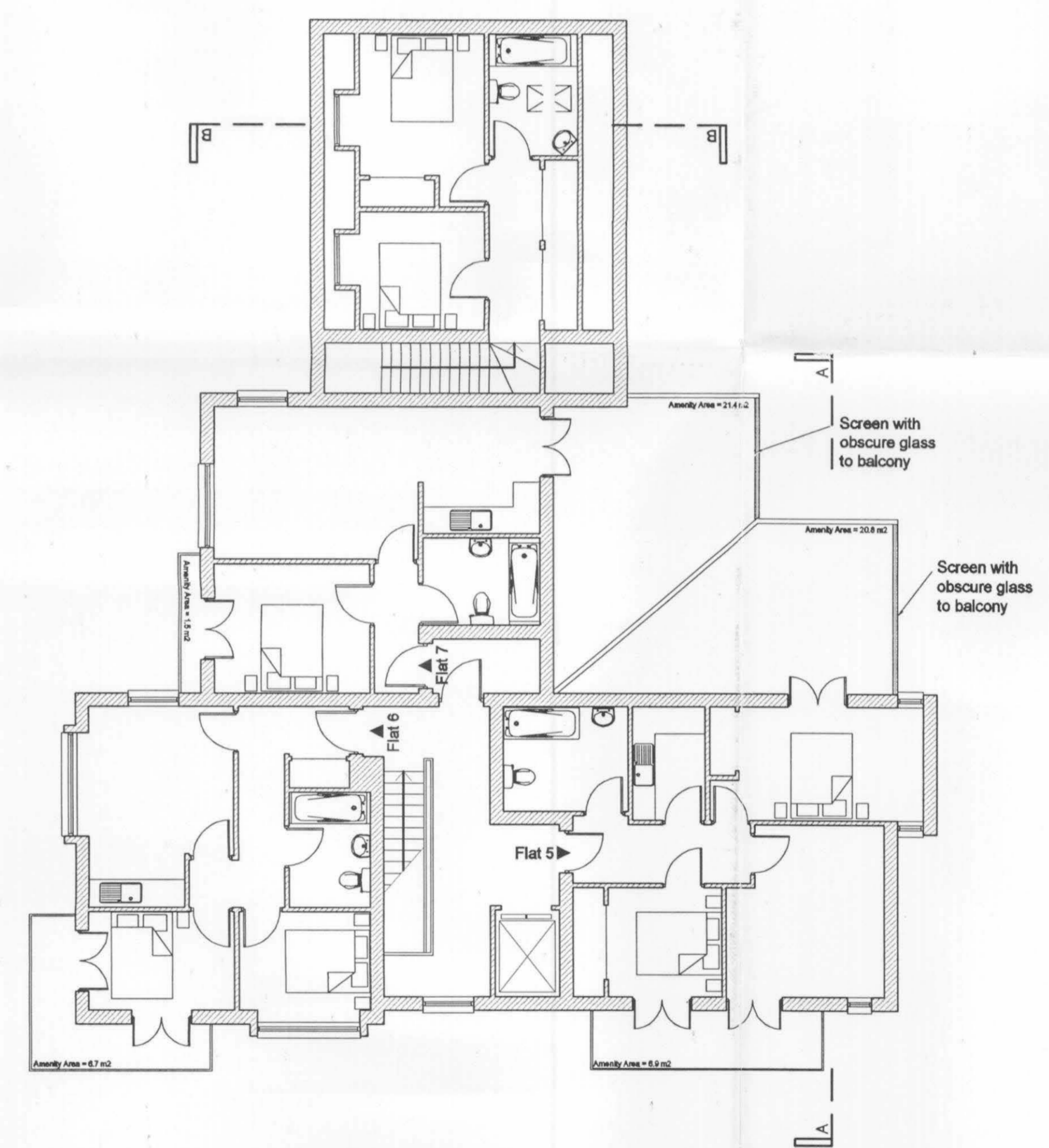
Drawing No. 04010/003revB



ARCHITECTURAL PLAN
APP. NO. 07/01624 /FUL



First Floor scale 1_100



Second Floor Plan scale 1_100



Section BB scale 1_100

PLANNING & STRUCTURAL
21 NOV 2007
DIVISION

APPROVED PLAN
APP. NO. 07/01624 /FUL



Winchester Road scale 1_100

Page 38



Hill Lane scale 1_100

171 Winchester Road

Proposed Development

Winchester Road

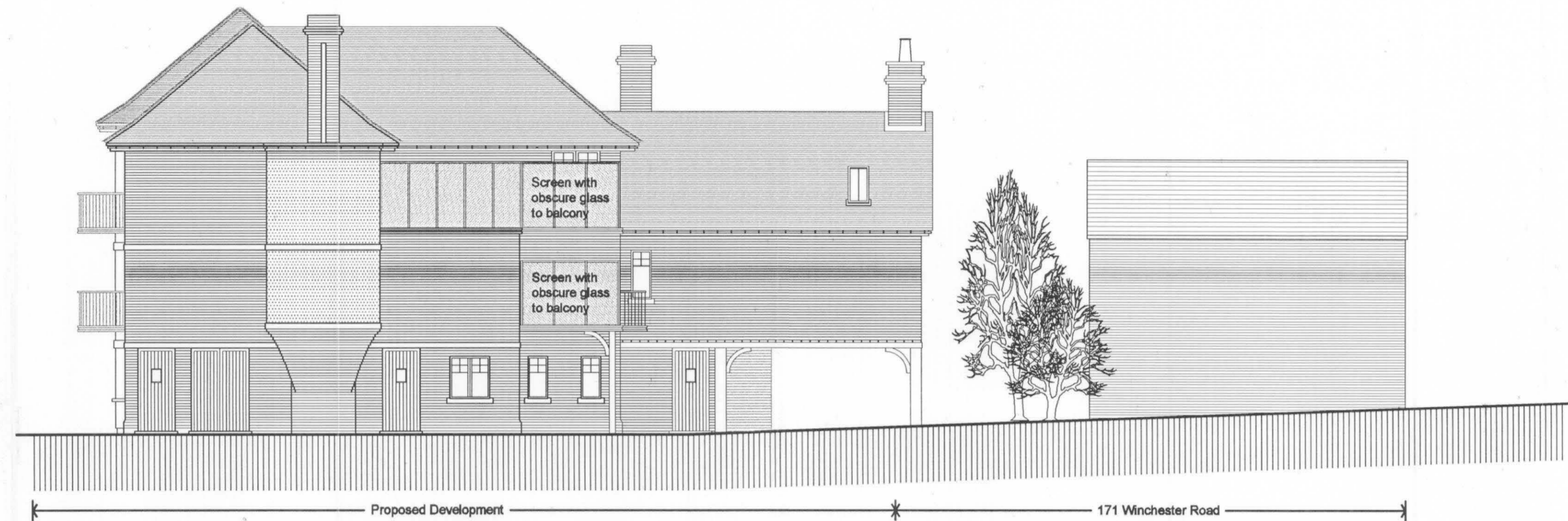
OFFICE & RESIDENTIAL
DEVELOPMENT
382 WINCHESTER ROAD
SOUTHAMPTON

Barron & Partners

CONSULTING CIVIL AND STRUCTURAL ENGINEERS
PLANNING SUPERVISORS

382 Winchester Road, Bassett, Southampton, SO18 7DH
Tel: (023) 8070 5155, Fax: (023) 8070 4333
E-mail: admin@barron-and-partners.co.uk
Web: http://www.barron-and-partners.co.uk

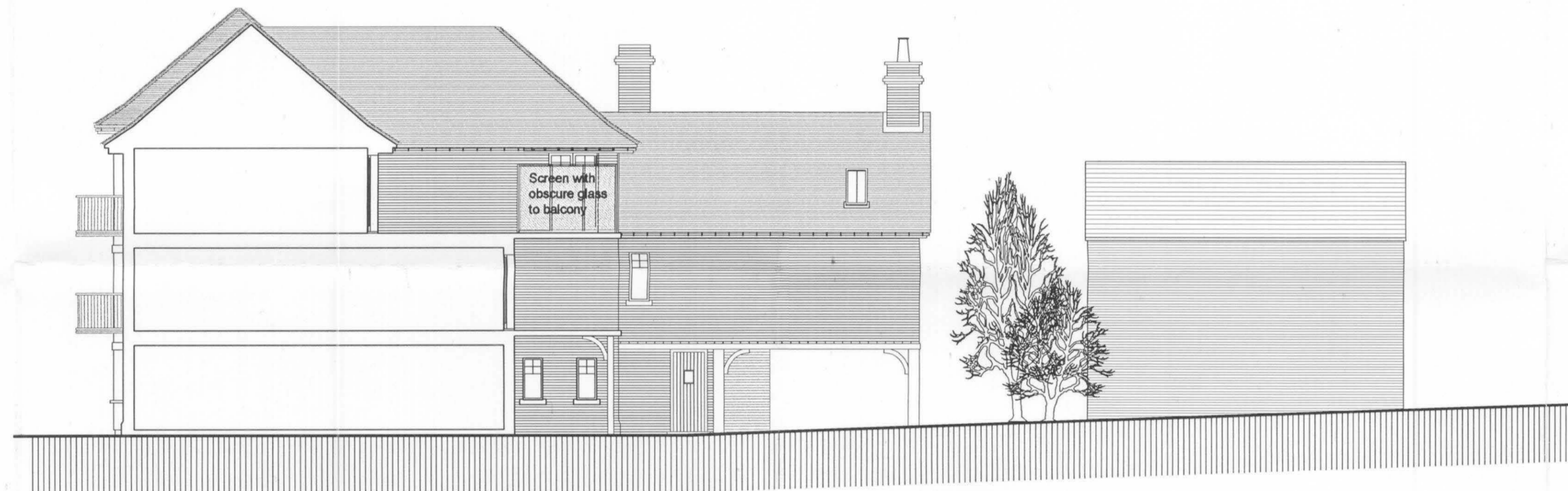
Drawing.No. 04010/005revB



North East Elevation scale 1_100

PLANNING & CITY VITALITY
21 NOV 2007
DORSET

APPROVED PLAN
07/01624/fuc



Section AA scale 1_100



North West scale 1_100

This page is intentionally left blank

Appeal Decision

Site visit made on 13 October 2020

by **D.R McCreery MA BA (Hons) MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/D1780/W/20/3249427

Compass House Car Park, Romsey Road, Southampton SO16 4HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Margulies (BMR Compass Ltd) against the decision of Southampton City Council.
 - The application Ref 19/00726/FUL/4647, dated 18 April 2019, was refused by notice dated 6 January 2020.
 - The development proposed is re-development of the site to create a three-storey hotel containing 73 rooms with associated works including 34 car parking spaces.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effects of the proposed development on the living conditions of nearby residents, when particular regard is paid to demands for on-street car parking.
 - Whether the it would make adequate provision for improvements to other local infrastructure in order to mitigate its effects.

Reasons

Demands for on-street car parking.

3. The proposal includes 34 car parking spaces to serve the new hotel. The Council consider that this would not be adequate to meet the demand of a 73 bedroom hotel and that the proposed development would have negative effects on the local highway network, in particular levels of parking stress that would be harmful to the living conditions of those living nearby.
4. Whilst outside of a commercial centre as defined by the local plan, the site has good access to public transport, particularly by bus. There are bus stops within close walking distance that provide frequent services to the City Centre and other locations. Although it is outside the areas of high accessibility identified in the Parking Standards Supplementary Planning Document the edge of this area would be within walking distance for many.

5. The area around the appeal site provides a safe and convenient environment for walking and cycling, in part due to recent development and the changing nature of the surroundings from its former commercial context to one that is more residential. Whilst the immediate surroundings are relatively flat, the land slopes more steeply as it moves towards the City Centre. Given the nature of the proposed use and likelihood that many would visit with luggage, this would limit the realistic opportunities to access the hotel by means of predominantly walking and cycling.
6. The Appellant's points about further improvements to public transport happening in the future are noted. Given the timeline and scale of these improvements and the evidence presented it is not possible to attribute significant weight to them in an assessment of accessibility.
7. Notwithstanding the relatively good access to public transport links and general accessibility of the site, I note the concerns raised by the Council and those living in the area about the levels of car parking stress already experienced.
8. The Appellant relies on a car parking accumulation assessment that anticipates that 25 of the 34 spaces proposed would be occupied at the time when they are most in demand. This equates to an occupancy level of 73% and suggests that the proposed development would not be reliant on overspill parking outside the site, including in surrounding roads.
9. The assumptions in the assessment relies on data about parking from 5 hotels located elsewhere in town centre locations, and 2 at the edges of town centres. Whilst the appeal site has relatively good access to public transport I do not regard it to be in a town centre, giving the words their ordinary meaning. As only 2 edge of centre hotels are selected for inclusion the assessment is heavily skewed in favour of town centre comparisons for reasons which are not adequately explained.
10. I appreciate that the pool of comparison sites may have been limited. However, due to the likely differences between parking demands in a town centre location and an area such as the appeal site, the assessment does not provide a reliable basis for predicting the likely parking demands that would result from the proposed development.
11. Further, the assessment includes data on expected parking occupancy between the hours of 7am and 10pm, anticipating that the peak hour would be between 9pm and 10pm. Little detail is provided on night time parking occupancy, the time at which it is logical to expect that parking would be in higher demand given the nature of the proposed hotel use.
12. For the above reasons, and taking account of the Appellants other points on this matter, the evidence does not indicate that the parking demands of the proposed development would be accommodated within the site. Given the shortfall between the number of parking and bed spaces proposed, the number of users of the hotel reliant on overspill parking outside the site could be significant at times. This would be the case even when some allowance is made for those choosing to use public transport and other means beyond the private motor car. There would also be additional demand resulting from the needs of employees and servicing.

13. The Appellant's parking survey identifies in excess of 240 available on-street car parking spaces within a 500 metre walking distance of the site. In terms of the suitability of parking locations, it is logical that most drivers would at least initially seek out spaces as close as possible to the hotel that they perceived to be safe. This would particularly be the case if they were carrying luggage and planned to leave the vehicle overnight.
14. As such, the impacts of the need for overspill parking associated with the proposed development would be most keenly felt by those living closest. In these locations, and in particular the smaller residential streets closer to the site, the displacement of parking and noise and disturbance as a result of additional vehicles and associated waiting and movements would have an unreasonable effect on the living conditions of residents.
15. Mercator Close is one of the roads closest to the site that, amongst others nearby, many drivers would logically go to seek out a parking space if none were available on site. I note that this road is a cul-de-sac and already serves as access for residents and users of the small supermarket. From my site visit I observed significant numbers of vehicle movements around this area. The comments of residents suggests that the road operates at near capacity to what is tolerable to those living close to it in terms of disturbance and pressure for parking.
16. As such, I judge that the impact of the proposed development on those living close to this area would be particularly severe. I note that the Appellant has excluded an assessment of parking available on Mercator Close and some other roads on the grounds that they are new developments where the road has not yet been adopted. Nevertheless, those unfamiliar with the area and local parking restrictions would make no such distinction when looking for spaces on a speculative basis.
17. The Appellants suggestion that, following adoption, the Council could manage overspill parking associated with the proposed development through the use of double yellow lines or other such measures is inadequate in terms of managing the effects.
18. For the reasons set out, the proposed development would have a harmful effect on the living conditions of nearby residents, when particular regard is paid to resulting demand for on-street car parking. Consequently, I find conflict with policies in the Local Plan, including Policy SDP1 of the Southampton Local plan in relation to ensuring that development has acceptable effects on the amenity of citizens and Policy CS19 regarding car parking and taking account of the scale, travel needs, location, and level of public transport accessibility when considering development proposals.

Other local infrastructure provision

19. The Council's second reason for refusal refers to completion of a legal agreement aimed at mitigating various effects of the proposed development, including those relating to local highway improvements and contributions to public art. The Appellant has submitted a draft agreement as part of the appeal that seeks to address the reason for refusal. However, as an executed and certified copy of the agreement has not been provided, I am unable to attribute weight to its contents.

20. Notwithstanding this, as I find harm in relation to the first reason for refusal and the contents of the agreement would not have overcome the harm, the lack of a completed agreement has not had a bearing on the outcome of this appeal.

Planning balance

21. I have found harm in relation to the effects of the proposed development on the living conditions of nearby residents, when particular regard is paid to resulting demands for on-street car parking. I have paid regard to the benefits of the proposed development as set out by the Appellant, including the potential role it could play in supporting tourism in the area, job creation, and spend it may generate in the local economy. However, the benefits when taken as a whole do not overcome the harm identified.

Conclusion

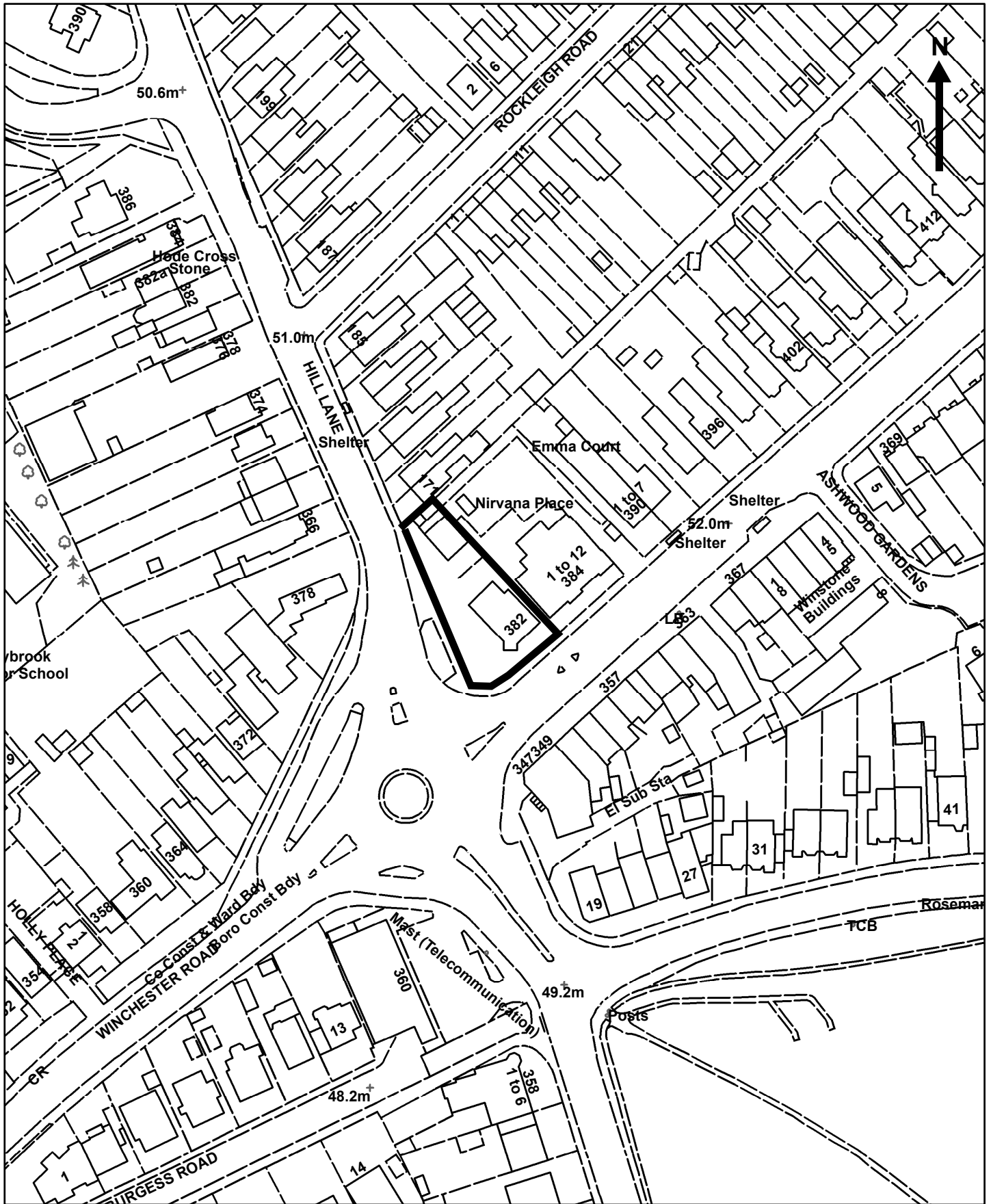
22. For the above reasons the appeal is dismissed.

D. R. McCreery

INSPECTOR

Agenda Item 4 22/00737/FUL

Appendix 3



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank

**Planning and Rights of Way Panel 1st November 2022
Planning Application Report of the Head of Green City & Infrastructure**

Application address: Land rear of 14 Rother Dale Southampton SO19 0HL			
Proposed development: Erection of a detached 3 bedroom dwelling			
Application number:	22/00939/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	31.08.2022	Ward:	Bitterne
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Magee Cllr Prior
Applicant: Preston Properties		Agent: Porter Robson	

Recommendation Summary	Delegate to the Head of Green City & Infrastructure to grant planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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 – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Green City & Infrastructure 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 Green City & Infrastructure be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

1. The site and its context

- 1.1 The site has a developable area of 185sqm and comprises residential garden land at the rear of 12 and 14 Rother Dale, which has been subdivided to form a separate plot with a frontage onto Morrison Close. Works were recently completed at 14 Rother Dale to create an additional 3 bedroom dwelling under planning permission ref no. 20/01511/FUL. The proposed development site sits to the rear of this development and would be accessed from Morrison Close (which is, itself, a recent housing development granted permission in 2013 under LPA ref: 13/00186/FUL). Access rights are in place for site access via the private courtyard parking area of Morrisons Close.
- 1.2 The surrounding area has a suburban residential character, predominantly comprising predominantly two storey housing. Morrison Close and Botley Gardens are laid out as cul de sacs, are characterised by a tightly packed urban grain of housing in smaller plots. The parking spaces within the adjacent private courtyard in Morrison Close are allocated for residents. A mature Leyland Cypress tree in the neighbouring garden (16 Rother Dale) currently overhangs the site. The south-western boundary of the application site adjoins the car park at the rear of 12-28 Botley Gardens.

2. Proposal

- 2.1 The proposal seeks planning permission for the erection of a 3-bed detached a two storey dwellinghouse and driveway accommodating 2 car parking spaces within the rear garden of 14 Rother Dale. The dwelling will provide 84sqm of internal floor space and 80sqm private external garden space. The plot sub-division will retain 50sqm of private garden space for both of the existing terraced properties at 12 and 14 Rother Dale.

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 and erecting a site notice on 15.07.2022. At the time of writing the report **10 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Overdevelopment. And out of keeping with the spatial character of the area by building on residential garden.

Response

The proposed development has a 46% ratio of building footprint/hardstanding to plot coverage and therefore does not exceed the 50% guideline in the Residential Design Guide (paragraph 3.9.2 refers). A character assessment has also been undertaken and it is considered that the proposed development fits within the established pattern of development in the area. The loss of the residential garden would not be out of keeping with the prevailing character of the area and wider street scene given the new infill dwelling would form its own street frontage, and the established nature of higher density housing and smaller plots in the local area. The opportunity for windfall housing delivery must also be given significant weight as part of the overall planning balance having regard to the city's 5 year housing land supply shortfall.

5.3 The following concerns are raised about traffic, access and parking:-

- **The site requires access across private land. Unclear whether the new property would contribute to the maintenance costs paid by properties number 2,3,4 and 5 Morrison Close as the proposed access to the property involves crossing private land. The freeholder of the land (Ibex Homes) promised residents of Morrison Close no further development would take place.**
- **Unclear whether shared access via Rother Dale across original land has been considered instead.**
- **Pressure from overspill parking to street parking in the local area including Morrison from increased demand of new dwelling and visitors. It is difficult to park or leave parking spaces in Morrison Close as its often overcrowded and the turning circle is very tight. The bays are short so often larger cars overhang them which makes access to some of the spaces very difficult.**

Botley Gardens is already a very congested road with cars parking along the pavement. It is difficult to turn in and out of Botley Gardens onto the main and busy Botley Road. Adding a 3-bed house to the cul-de-sac will only make parking and access issues worse, including disabled person blue badge holders, and increase road safety risk.

Response

The applicant has confirmed there is a right of access over the private courtyard car park, and the application red line extends to the public highway and includes Morrison Close with notice serviced on the landowner. Issues regarding future maintenance is a private civil matter between the applicants (and future occupiers) and the neighbouring landowner. The impacts regarding traffic, parking and access are further assessed in section 6.5 of the report. The suitable access to emergency vehicles is assessed separately under Building Regulations.

- 5.4 ***Disruption and noise disturbance to nearby residents during construction including congestion and road safety issues/damage to parked vehicles/blocking emergency vehicle access in Morrison Close from contractor parking and deliveries, and off site space required to locate welfare facilities and site waste.***

Response

In consultation with the Council's Highways and Environmental Health teams, a condition will require a construction management to be agreed prior to the commencement of development which will take into account managing construction related deliveries, parking and storage, hours of working and will seek to agree appropriate measures to minimise the level of noise and dust nuisance during the construction.

- 5.5 ***Loss of light, privacy and outlook to neighbouring properties***

Response

The separation distances between neighbouring properties, and the proposed to existing window arrangement, will ensure that the access to privacy, outlook and light enjoyed by neighbouring residents is adequately maintained.

- 5.6 ***Loss of biodiversity and wildlife habitat by cutting back the neighbouring tree, including bats and nesting bird species/owls***

Response

The Council's Ecologist considers the site to have negligible biodiversity value, and they have not raised an objection to the impact from cutting back the neighbouring trees.

- 5.7 ***Loss of property value***

Response

This is not a material planning consideration.

- 5.8 ***The planning notice was placed on a lamppost tucked down by the garages of 8 and 9 Morrison Close facing away from the road, when the lamppost in the middle of Morrison Close would have been able to be viewed by a greater number of people. Letters advising of the development were not received by property numbers 5, 6 or 7 Morrison Close.***

Response

The Council has a statutory duty to notify local residents by either posting a site notice or sending letters to the adjoining landowners. In this case, letters were sent to 24 adjoining and nearby properties, so the Council has met its minimum statutory requirement to notify local residents. In response to the statutory consultation, 10 local residents have made representations.

5.9 **It was made unclear on the previous application to extend 14 Rother Dale into a second house that the owner already had planned to further develop the garden into a third property. The images shown of the current land shows it is not being used and is fenced off from the properties, which comes across as an underhand tactic.**

Response

Applicants are under no obligation to advise of future plans when they make a planning application. The Council will still have to assess the current application based on the plans now submitted. The impact on the spatial character of the area arising from the plot sub-division to accommodate the proposed dwellings is a planning consideration in the determination of this planning application and is assessed in more detail below as acceptable.

5.10 **Unclear whether the property numbers in Morrison Close will have to be renumbered.**

Response

This is not material planning consideration. An application for street numbering would need to be made to the Council, and it is understood that developments on existing numbered streets may be numbered using suffixes (e.g. 12A and 12B).

Consultation Responses

5.11

Consultee	Comments
SCC Tree team	<p>No objection subject to securing methodology for ground protection in the root protection area</p> <p>Comments - I am of the opinion that the neighbouring Leyland cypress trees are not worthy for long term protection by a tree preservation order, nevertheless they do provide amenity to the local area and as a respectful developer and consultant, having regard to these trees, being third party, should be a consideration within the planning process.</p> <p>Although the roots and canopy of the tree can be cut under common law rights, I still feel that there should be some consideration towards the neighbours trees, therefore I would ask what the level of ground protection will be installed and also request that the pouring of the concrete foundation be lined when installing within the root protection area of the neighbours trees. There is going to be a section of the RPA that will be lost for the development, however it is rather small, but I would not want to see the leachate from the concrete entering into the root system within the RPA section of the foundation.</p>

	<p>If we can get an undertaking in this, it will be less harmful to the neighbouring trees. Also, given the location and proximity to the trees, there may be future issues with the proximity of property to tree, it may not result in a significant shade issue, however it will be close and has the potential to be a large tree. An open discussion with the tree owner may be the best policy for the developer as it would seem unfair to go ahead with the construction to then sell, along with the potential nuisance issues associated with the proximity to the dwelling.</p> <p><u>Officer Response</u> Condition 14 is recommended to secure tree protection..</p>
Ecology	<p>No objection. The application site consists of an area of amenity grassland, which has negligible biodiversity value, and a number of trees. The trees have potential to support nesting birds and any vegetation removal should be undertaken outside the bird nesting season which runs from March to August inclusive. The development will need to provide a net gain in biodiversity.</p> <p><u>Officer Response</u> A condition is recommended to secure measures to improve biodiversity such as nesting or bat boxes.</p>
Environmental Health	<p>No objection Environmental Health has no objection in principle, however recommend standard working hours during which potential for nuisance from noise, dust etc to be minimised. Hence a construction management plan should be submitted.</p>
Highways Development Management	<p>No objection No highways objections to the above proposals. The access via Botley Gardens is currently utilised for car parking so the proposed arrangement for two parking spaces accessed from Botley Gardens residents car park can be done safely with sufficient space for manoeuvring. Refuse collection is also currently accessed to residential frontages on Botley Gardens, so this too can be safely supported. We would ask a condition is secured to keep the boundary fencing along Morrison Close car park to no higher than 0.6m to ensure clear sightlines of vehicles existing the proposed new driveway spaces. Details of the cycle store to ensure it's in line with section 5.3 of the parking standards SPD can also be secured through the appropriate condition.</p>
Sustainability	<p>No objection subject to conditions requiring energy and water use improvements.</p> <p><u>Officer Response</u> Only a condition requiring water use has been applied as the Local Planning Authority cannot insist on energy use improvements beyond current Building Regulations Part L energy performance levels, which have recently been increased.</p>
Southern Water	<p>The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.</p> <p><u>Officer Response</u></p>

	The plans show building footprint lies outside the southern water sewer easement area.
SCC Design Officer	No objection to the architecture as it matches with other recent houses in the street.

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;
- Likely effect on designated habitats.

6.2 Principle of Development

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

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

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

[the so-called "tilted balance"]

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

6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in low accessibility locations such as this, density levels should generally accord with the range of 35-50 dph, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open

space provided. The proposal would achieve a residential density of 54 dph which, whilst slightly in excess of the suggested range set out above, needs to be tested in terms of the merits of the scheme as a whole, including the visual impact from subdividing the residential garden of 12 & 14 Rother Dale, and the density of the site in context to the established pattern of residential plots in the locality. This is discussed in more detail below.

6.3 Design and effect on character

6.3.1 The established cul de sac and courtyard pattern of development in Botley Gardens and Morrison Close, with a varied style of dwellings, creates a mixed character in the surrounding area. The size and density of the plot formed by subdividing the residential gardens reflects this established character of the area in relation to the tighter urban grain and non-uniform layout of the residential properties in Botley Gardens and Morrison Close. By siting the proposed dwelling in front of the courtyard parking area, the dwelling would not be out of keeping with the appearance of the street scene and the style of the recently built dwellings in Morrison Close. The 46% ratio of building footprint/hardstanding to plot coverage does not exceed the 50% guideline in the Residential Design Guide (paragraph 3.9.2 refers). Furthermore, the loss of the residential gardens would not be out of keeping with the prevailing character of the area and street scene; given that the new infill dwelling would form its own street frontage and nature of the tighter urban grain in the locality.

6.3.2 The mature Leyland Cypress tree adjacent to the site in the rear garden of no. 16 Rother Dale will require a significant level of pruning to cut back the canopy overhang to facilitate the construction works. Overhanging branches can be lopped under civil law. Whilst the tree affected does provide amenity value, the Tree Officer acknowledges that the visual quality of the tree and its group are not worthy for long term protection by a Tree Preservation Order, so the impact on local visual amenity from the loss of the tree would not warrant a reason for refusal by itself. The Tree Officer advises that the roots and canopy of the tree can be cut under common law rights so the Council has limited control over the impact to the trees and their retention. The small section of the Root Protection Area that will be lost for the development is not considered to be significantly harmful. That said, there should be some consideration towards the protection of the neighbour's tree(s) to ensure that damage to the root system doesn't cause a safety risk by the tree subsequently dying. The level of ground protection should be agreed by condition including the method of lining the foundations when pouring concrete to prevent leachates within the root protection area. The onus is still on the applicant to act under common law rights as a civil matter with their neighbour when cutting back the tree canopies and root system overhanging their boundary.

6.4 Residential amenity

6.4.1 The proposed development will sit on the north-west side of the courtyard parking area of Morrison Close and to the south-east/south-west of the adjoining properties in Rother Dale. The 16m spacing between the side gable and the rear elevation of the adjoining Rother Dale properties complies with the minimum 12.5m separation required under standards in paragraph 2.2.7 of the Residential Design Guide. This separation would ensure that the neighbours will maintain sufficient access to light

and outlook. The ground floor kitchen/dining room window has been moved to the north-west elevation so it does not directly overlook the rear of the Rother Dale properties. The internal layout is designed so the aspect of the first floor windows are not to the rear or side. The angled side window of the first floor bedroom window overlooks the car park to the south-west of the site and the rear of 20-28 Botley Gardens 30m beyond, however, the overlooking would be at an oblique angle towards to the rear of nos. 12-15 Botley Gardens and no. 1 Morrison Close.

6.4.2 The mass and bulk of the proposed dwelling will be noticeable from the garden of no. 1 Morrison Close albeit at an oblique angle across the Botley Gardens car park and, therefore, would not have undue sense of enclosure to the outlook and light of the neighbouring occupiers. The 16m front to front separation distance between the flat properties no. 2, 3, 4, 5 Morrison Close on the south-east side of the courtyard car park is not dissimilar to the existing overlooking arrangement across Morrison Close between no.1 and nos. 8/9 (12m separation). The minimum 21m separation distances applies for back to back overlooking rather than this scenario. As such, this is not considered to adversely affect the privacy and outlook of these Morrison Close neighbours.

6.4.3 Amenity and safety concerns have been raised by local residents regarding how the construction works will be managed to avoid causing disruption and disturbance given the limited access through Morrison Close, especially across private land. The applicant has the legal right to pass and repass from the private parking court in front of the site, however, they will need to demonstrate in a construction management plan how deliveries and contractor parking will be managed to ensure residential amenity is protected throughout the construction works. The construction management plan will also require a plan showing how the materials, welfare facilities and equipment are stored on site. This level of detail can be reserved by condition as it will require input from the future (currently unknown) contractor/subcontractors and suppliers and, therefore, would be unreasonable to withhold planning permission on this basis.

6.4.4 The internal and external residential layout is considered to provide an acceptable living environment for future occupiers. Whilst the 84sqm internal floor space meets the nationally described floor space standards, the 6sqm deficiency of the 90sqm detached garden standard can be applied flexibly given many other houses in the local area tend to have smaller gardens, and the garden provided will be fit for purpose with good access to sunlight. The existing terraced Rother Dale properties will retain the minimum 50sqm required for a terraced property, as set out within the Council's Residential Design Guide SPD, following the works. As such the development has been assessed as being in compliance with saved Local Plan Policy SDP1(i).

6.5 Parking highways and transport

6.5.1 The Council's Highways Officer has raised no objection to the impact on highways safety to users of Morrison Close, and Botley Gardens, with regards to the traffic movement, access and parking. The access via Botley Gardens/Morrison Close is currently utilised for car parking so the proposed arrangement for two parking spaces accessed from Morrison Close resident's car park can be done safely with sufficient space for manoeuvring. The details of refuse and secure cycle storage will be agreed by condition.

6.5.2 The 2 on-site car parking spaces will meet the Council's maximum parking standards for the 3 bedroom dwelling in this accessibility zone and, therefore, the overspill impact from the additional parking demand is not considered to put undue pressure on street parking available for local residents.

6.6 Likely effect on designated habitats

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

7. Summary

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

8. Conclusion

8.1 It is recommended that planning permission be granted subject to securing Solent Bird Aware contributions, 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) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Stuart Brooks for 01.11.22 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

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

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

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

03. Construction Management Plan (Pre-Commencement)

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

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

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.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

05. 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.

06. Use of uncontaminated soils and fill (Performance)

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

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

07. Water Efficiency (Pre-Construction)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of 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. The appliances/fittings to be installed as specified.

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) and to minimise the impact on Solent SPAs by reducing nitrate emissions.

08. Cycle storage facilities (Pre-Occupation)

Notwithstanding the approved plans, before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved for the lifetime of the development.

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

09. Refuse & Recycling (Performance)

Notwithstanding the approved plans, before the development hereby approved first comes into occupation, covered storage for refuse and recycling, shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Before the development hereby approved first comes into occupation, the approved storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved for the lifetime of the development. With the exception of collection days, the refuse bins shall be kept in the approved storage area.

Reason: In the interest of visual and residential amenity.

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

10. Access & Parking (Pre-occupation)

Prior to the occupation of the dwelling hereby approved, the development shall be implemented in accordance with the approved access and parking and shall thereafter be retained for the duration of the lifetime 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 adjacent to the site entrance where otherwise shown on the approved plans.

Reason: In the interests of securing safe access in the interests of highways safety.

11. Amenity Space Access (Pre-Occupation)

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

Reason: To ensure the provision of adequate amenity space in association with the approved and existing flats.

12. Landscaping (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; hard surfacing materials to include a non-permeable surfacing to prevent surface water run off onto the adjoining parking courtyard;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment and means of enclosure and;
- iv. 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. This is with exception to the other works approved to be carried out prior to occupation of the dwelling. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision and the other works shall be retained as approved for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, 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.

13. Tree Retention and Safeguarding (Pre-Commencement)

Prior to the commencement of the development hereby approved, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and 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.

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

14. No Other Windows or Doors (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

15. Residential Permitted Development Restriction (Performance)

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

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),

Reason: In the interests of visual and residential amenity.

16. 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.

17. Protection of nesting birds (Performance)

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

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

18. Obscure Glazing (Performance)

The first floor level bathroom window 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 window shall be thereafter retained in this manner.

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

19. 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

Habitat Regulation Assessment (HRA)

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	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

<p>projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
--	---

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	£390.00
2 Bedroom	£563.00

3 Bedroom	£735.00
4 Bedroom	£865.00
5 Bedroom	£1014.00

Therefore, in order to deliver the 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 10% 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 10% 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 2021.

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

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

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

Supplementary Planning Guidance

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

Other Relevant Guidance

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

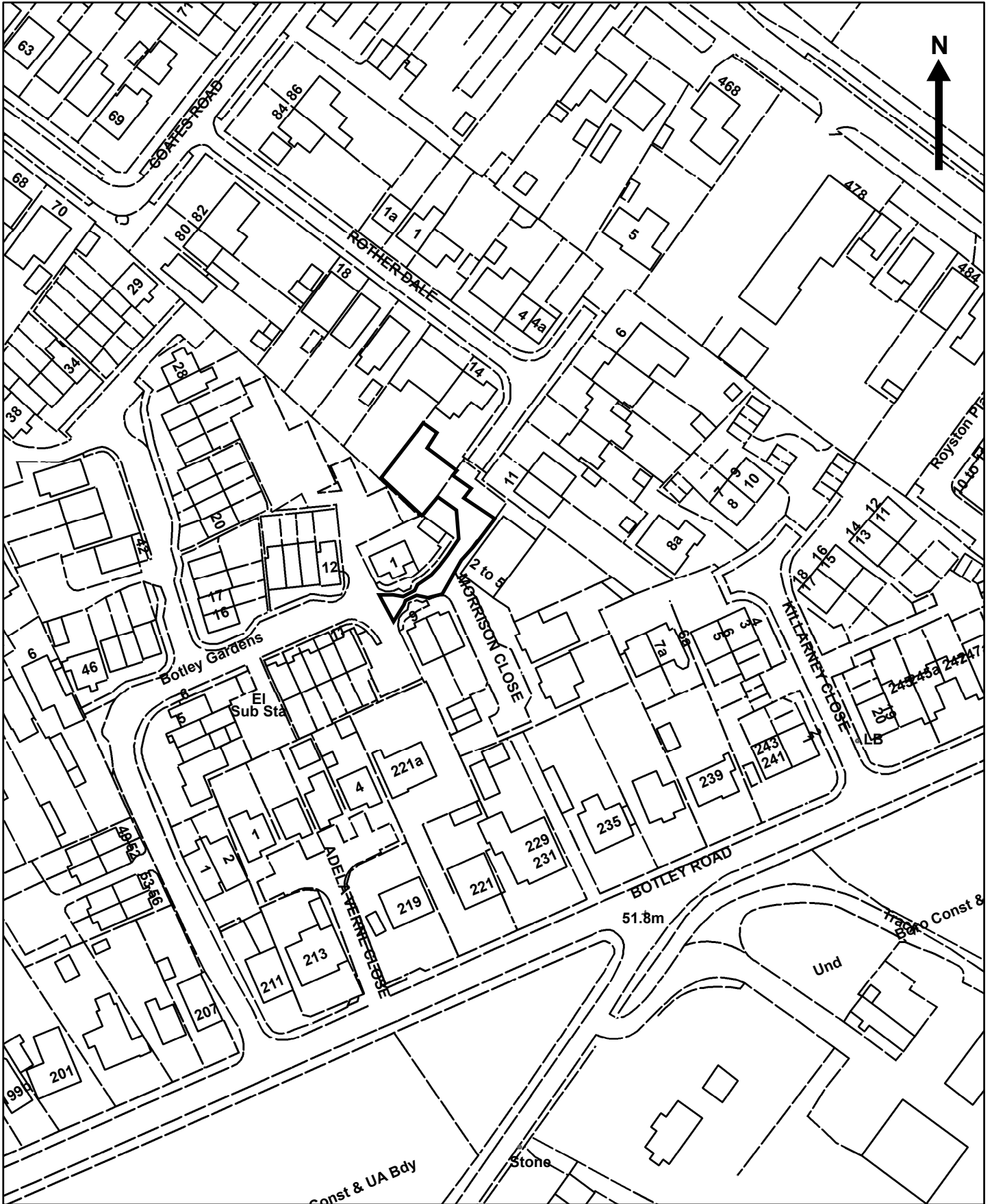
Relevant Planning History

Case Ref	Proposal	Decision	Date
20/01511/FUL	Erection of 3 bedroom dwelling house	Conditionally Approved	15.01.2021
21/00240/DIS	Application for approval of details reserved by condition 2(Details of building materials to be used), 4(Construction Management Plan), 5(Energy & Water), 7(Landscaping & means of enclosure detailed plan), 10(Refuse & Recycling) and 11(Cycle storage facilities) of permission 20/01511/FUL for erection of 3 bedroom dwelling house	No Objection	13.04.2021

This page is intentionally left blank

Agenda Item 5

22/00939/FUL



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank