

Planning and Rights of Way Panel

Tuesday, 22nd
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 Blatchford
Councillor Magee
Councillor J Payne
Councillor Prior
Councillor Windle

Contacts

Democratic Support Officer
Maria McKay
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Head of Green City & Infrastructure
Pete Boustred
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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

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

Dates of Meetings: Municipal Year 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 or other IT to silent whilst in the meeting.

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

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

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

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

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

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

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.

PLEASE NOTE

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.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 11 October 2022, and to deal with any matters arising.

5 THE MAKING OF THE SOUTHAMPTON (VICTOR COURT) TREE PRESERVATION ORDER 2022

(Pages 5 - 36)

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

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.

6 PLANNING APPLICATION- 22/00953/FUL FRIARY HOUSE, BRITON STREET
(Pages 41 - 130)

Report of the Service Lead – Infrastructure, Planning and Development recommending that conditional authority be granted in respect of an application for a proposed development at the above address, attached.

7 PLANNING APPLICATION - 22/00347/FUL 21-35 ST DENYS ROAD
(Pages 131 - 220)

Report of the Service Lead – Infrastructure, Planning and Development recommending that conditional authority be refused in respect of an application for a proposed development at the above address, attached.

Monday, 14 November 2022

Director – Legal and Business Services

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 11 OCTOBER 2022

Present: Councillors Coombs (Chair), Savage (Vice-Chair), Blatchford, Magee, J Payne, Prior and Windle.

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

RESOLVED: that the minutes for the Panel meeting on 20 September 2022, be approved and signed as a correct record.

30. **22/00588/REM CENTENARY QUAY, WOOLSTON**

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

Reserved Matters application sought for Phase 6 of the development known as 'Centenary Quay' (pursuant to outline permission 08/00389/OUT - Environmental Impact Assessment Development) comprising the redevelopment of the site to provide 164 residential units in blocks I2, H2, F, F1, D1, E1 and E3 with associated car parking, storage and associated works incorporating amendments to Condition 03 (approved plans), Condition 11 (Building Heights), Condition 15 (River Edge) and Condition 56 (Parking) of planning permission 08/00389/OUT (Amended Description). Kerri Bradford (local resident/ objecting), Jim Beavan - Savills (agent), Kate Nicholson, Crest Nicholson South (applicant), and Councillor Warwick Payne (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting. Statements received from local residents Emma White, and Hannah Galpin had been circulated to the Panel and published prior to the meeting).

The presenting officer reported amendments and updates to the report as follows:

1. Amended recommendation – Change to:

Delegate to the Head of Green City and Infrastructure to

- (i) Approve the Habitat Assessment.
- (ii) Secure plan to show area of highway land on Victoria Road to be stopped up.
- (iii) Secure amended plans to secure a 6m turning width for all 90 degree parking spaces.

To then grant planning permission subject to the planning conditions recommended as agreed.

2. Amendment to paragraph 6.2 – remove reference to de-minimis because the changes to layout require a variation of condition.

3. Delete paragraph 6.5 – the tilted balance is not applicable on this reserved matters application because the principle of residential development was established at outline stage.

As the number of apartments in Block F has been reduced (to accommodate the 3bed AH units) a euro bin has been removed and the size of one of the bin stores has been reduced. This has enabled the cycle store to be made slightly larger and accommodate 40 cycle spaces, therefore cycle spaces for Block F apartments are all catered for within the block. The scheme therefore provides 1:1 cycle parking provision.

4. An informative would be added in relation to the provision of street parking on Victoria Road

The Panel then considered the recommendation to delegate authority to the Head of Green City & Infrastructure to grant planning permission. During discussion on the item members raised the issue and officers agreed that the parking condition should be amended in relation to the allocation of spaces for 3 bed units and that the landscaping condition should be amended to secure public litter bins.

During discussion on the item, changes to the delegation to officers were made at the request of the Panel following a proposal by Cllr Savage with Cllr Mrs Blatchford as seconder – when put to the vote the Panel voted unanimously to secure EV charging and additional tree planting details ahead of releasing the planning permission.

Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

Delegate to the Head of Green City & Infrastructure to (i) approve the Habitats Regulations Assessment and (ii) to secure plan to show area of highway land on Victoria Road to be stopped up and (iii) to secure amended plans to secure a 6m turning width for all 90-degree car parking spaces on Victoria Road, and (iv) to secure a plan showing a target of 15% active EV charging points and (v) to secure revised/additional tree planting particularly within the surface car parks and to respond to the comments from SCC Tree Team.

To then grant planning permission subject to the planning conditions recommended at the end of the Panel report, as amended, with delegation to refuse in the event that the requested information is not provided.

Amended conditions

02. APPROVAL CONDITION - Landscape & Maintenance

The hard and soft landscaping works serving Phase 6 shall be carried out in accordance with the details shown on Landscape Masterplan 1559/004 Rev K (Drawing to be revised with amended trees as per delegation). The approved scheme shall be carried out prior to occupation of this phase, or during the first planting season following the full completion of building works (whichever is sooner), or in accordance with a timescale which has been agreed in writing with

the local planning authority prior to the commencement of development on this phase.

Ongoing maintenance details of the approved landscaping shall be agreed in writing with the LPA prior to its planting. The agreed landscape maintenance shall be implemented as agreed. If within a period of five years from the date of completion of the hard and soft landscape works within Phase 6, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Prior to first occupation of Phase 6 details and plan to show the provision of public litter bins within Phase 6 (to include ongoing management and emptying regime) and directional signage for pedestrian navigation at the end of the River Walkway route as it meets John Thorneycroft Road, shall be submitted to and agreed in writing with the Local Planning Authority. The litter bins and signage shall be installed and thereafter retained as agreed.

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. In the interests of pedestrian navigation of the Coastal Path to the South of the River Walkway via John Thorneycroft Road and Victoria Road. To ensure adequate litter bin provision within the phase in the interests of the visual amenities of the area.

03. APPROVAL CONDITION - Parking

Notwithstanding the requirements of LPA ref: 08/00389/OUT Condition 56 the residential parking shall be provided on the basis of a minimum of 1 space per dwelling **with only 3-bed units to be allocated more than 1 car parking space** within this phase These spaces shall be made available for use prior to the occupation of each dwelling to which the space relates and shall, thereafter, be retained as agreed.

Not to occupy any part of phase 6 until the 19 no. car parking space (including 2 no. disabled bays) for existing residents on Victoria Road within Zone 3 of the residents parking zone are provided in accordance with the plans hereby approved and thereafter retained as agreed.

Furthermore the 2 no. car club spaces and 29 no. spaces for Phase 5 shall be re-provided prior to completion of phase 6 and thereafter retained as agreed.

REASON: To ensure that each phase is correctly delivered with sufficient parking to meet its needs as required by the assessments given in the Environmental Statement.

1. Informatives added

The proposed on-street parking on Victoria Road to the front of blocks D1, E1 and F1b are located on highway land and will require a stopping up order Section 247 Town and Country Planning Act 1990 (as amended).

The works on the public highway to provide the 19 car parking spaces (including 2 no. disabled bays) for existing residents on Victoria Road within Zone 3 of the residents parking zone will require the owner to enter into a s.278 agreement / licence to carry out the works.

31. **22/00987/FUL14 ABINGDON GARDENS**

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

Erection of a single-storey rear extension, porch and roof canopy following demolition of garage and conservatory with the provision of a wider access, hardstanding and dropped kerb extension - Amended Description.

Jonathan Ross (agent), Mr Macintyre (applicant), were present and with the consent of the Chair, addressed the meeting. In addition a statement was received, circulated, and noted from Richard Channing (local resident/supporter).

The presenting officer reported two amendments to conditions, and these are set out below.

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

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

Amend the conditions to advise the following:

1. Full Permission Timing Condition (Performance)

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

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

4. Approved Plans

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.

Agenda Item 5

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	Objections received to the making of The Southampton (Victor Court) Tree Preservation Order 2022
DATE OF DECISION:	22 November 2022
REPORT OF:	HEAD OF CITY SERVICES

<u>CONTACT DETAILS</u>			
Executive Director	Title	Executive Director Communities, Culture and Home	
	Name:	Mary D'arcy	Tel: 023 8083 3005
	E-mail	Trees@southampton.gov.uk	
Author:	Title	City Tree Officer	
	Name:	Gary Claydon-Bone	Tel: 023 8083 3005
	E-mail	Trees@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
NONE	
BRIEF SUMMARY	
A tree work application was received to reduce the canopy of the 4 Silver Birch trees to the front of Victor Court for the reason of blocking light to the properties. At the time the trees were not protected by a tree preservation order (TPO) and there was a concern that the trees may be felled. Members are required to consider the objections received and whether it is expedient to confirm the TPO in the interests of amenity to the area.	
RECOMMENDATIONS:	
	(i) To confirm The Southampton (Victor Court) Tree Preservation Order 2022, without modifications.
REASONS FOR REPORT RECOMMENDATIONS	
1	In May 2022, an application to carry out work to a protected tree was received via the planning portal to carry out crown reductions on the 4 Silver Birch to the front of Victor Court, which is located on Thornhill Park Road in Bitterne.
2	The applicant had requested to reduce two trees by 1.5 metres and the other two by 2 metres. The reason given for the work was due to the blocking of light to the apartments.
3	There is a tree preservation order on the site, but this did not include the 4 Silver Birch, that were subject of the application, therefore the council must inform that applicant that the subject trees are not protected. This was done via email on the 17 th of May 2022
4	As the work was requested due to the alleged loss of light to the properties, there was a concern that, if left unprotected, the trees might be felled to remove all the alleged shading issues.

5	Due to the perceived threat to the trees, it was deemed expedient in the interest of amenity to protect the trees with a TPO to ensure that they benefit from long term legal protection.
6	24 th May 2022. A site visit was undertaken to assess the trees to ensure that they are suitable for a tree preservation order. The Tree Evaluation Method for Preservation Orders (TEMPO) was used for this assessment. This is an industry accepted assessment tool to measure the suitability of trees for protection by a tree preservation order. (See appendix 1)
7	26 th May 2022. The Southampton (Victor Court) Tree Preservation Order 2022 was made and served to all properties within Victor Court. (See appendix 2)
8	27 th May 2022. Emails were sent to the management company for Victor Court and the tree surgeon who was named on the application originally received. Copies of the TPO were attached to these emails
9	6 th June 2022, an objection was received from a resident of Victor Court, which was sent in from the resident's daughter on their behalf. The objection was in relation to the trees blocking light to the apartment and that they would prefer to have the trees felled along with further concerns over tree roots and the building. (See appendix 3)
10	15 th June 2022. An email was sent to the resident's daughter detailing the reason behind the making of the order and providing information regarding the light issues associated with the trees that sit to the North of the building, shade calculations were also provided along with information regarding tree roots and buildings. The benefits of the trees were also detailed within the email. (See appendix 4)
11	15 th June 2022 A letter of objection was received from another resident of Victor Court. This was signed by the resident along with 4 other signatories, which are assumed to also be resident at Victor Court. (See appendix 5)
12	The objection detailed within the letter was in relation to the light being blocked to the properties and that residents had to keep their lights on within their apartments during the day. The resident also states that this has an impact to their mental health.
13	4 th August 2022. A letter was sent to the resident who objected, and details were given that outlined the benefits of trees and information showing the location of the shadow caused by the trees. (See appendix 6)
14	For both objections received, the objector was informed about the process of taking the objection to a Planning and Rights of Way Panel, unless I was able to satisfy the points of their objection and their objection was lifted. Neither objector lifted their objection, therefore the ability for the council to confirm the TPO, will be for the panel to determine
15	It is the officer's opinion that the trees provide an amenity to the local area and soften the built structure. The trees being on the boundary abutting the main road, have a very high amenity value and they also have many years life expectancy and will continue to provide visual, ecological, and environmental benefits to the surrounding area. (See appendix 7)
16	If the tree preservation order is not confirmed, this may result in the potential loss of the trees, which would have a detrimental impact to the street scene.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
17	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable management and retention of the trees.
DETAIL (Including consultation carried out)	
18	NONE
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
19	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<u>Property/Other</u>	
20	Compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss of damage which was not reasonably foreseeable
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
21	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received, then the Planning and Rights of Way Panel are the appropriate decision-making panel to decide whether to confirm the order or not
<u>Other Legal Implications:</u>	
22	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions, but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law
RISK MANAGEMENT IMPLICATIONS	
23	NONE
POLICY FRAMEWORK IMPLICATIONS	
24	NONE

KEY DECISION?	N/No
WARDS/COMMUNITIES AFFECTED:	N/A
<u>SUPPORTING DOCUMENTATION</u>	
Page 7	

Appendices	
1	TEMPO
2	The Southampton (Victor Court) Tree Preservation Order 2022
3	Email of objection received via resident's daughter
4	Email to resident's daughter
5	Letter of objection received from resident of Victor Court
6	Letter sent to resident of Victor Court
7	Site Photos

Documents In Members' Rooms

1.	NONE
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	NONE

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

Date: 24th May 2022	Surveyor: GCB
Tree details	
Species: 4 x Silver Birch (<i>Betula pendula</i>)	Location: Victor Court. Thornhill Park Road

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

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

Score & Notes
5

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

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

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

Score & Notes
4

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

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

Score & Notes
4

d) Other factors

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

- | | | | |
|--|---|--------------------------|----------|
| 5) Principal components of arboricultural features, or veteran trees | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Score & Notes</td> </tr> <tr> <td style="text-align: center; font-size: 2em;">1</td> </tr> </table> | Score & Notes | 1 |
| Score & Notes | | | |
| 1 | | | |
| 4) Tree groups, or members of groups important for their cohesion | | | |
| 3) Trees with identifiable historic, commemorative or habit importance | | | |
| 2) Trees of particularly good form, especially if rare or unusual | | | |
| 1) Trees with none of the above additional redeeming features | | | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | | | | |
|-------------------------------|---|--------------------------|----------|
| 5) Immediate threat to tree | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Score & Notes</td> </tr> <tr> <td style="text-align: center; font-size: 2em;">2</td> </tr> </table> | Score & Notes | 2 |
| Score & Notes | | | |
| 2 | | | |
| 3) Foreseeable threat to tree | | | |
| 2) Perceived threat to tree | | | |
| 1) Precautionary only. | | | |

Part 3: Decision guide

- | | |
|------------|------------------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:
16

Decision:
Make TPO

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Form of Tree Preservation Order Town and Country Planning Act 1990 The Southampton (Victor Court) Tree Preservation Order 2022

Southampton city council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

1. This Order may be cited as The Southampton (Victor Court) Tree Preservation Order 2022

Interpretation

2. (1) In this Order “the authority” means the Southampton city council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order take effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
 - i. cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - ii. cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 26th May 2022

Signed on behalf of Southampton City Council

A handwritten signature in black ink, appearing to be 'D. H. ...', written in a cursive style.

Authorised by the Council to sign in that behalf

SCHEDULE 1
The Southampton (Victor Court) Tree Preservation Order 2022

Individual Trees
(encircled black on the map)

No. on Map	Description	Situation
	NONE	

Groups of trees
(within a broken black line on the map)

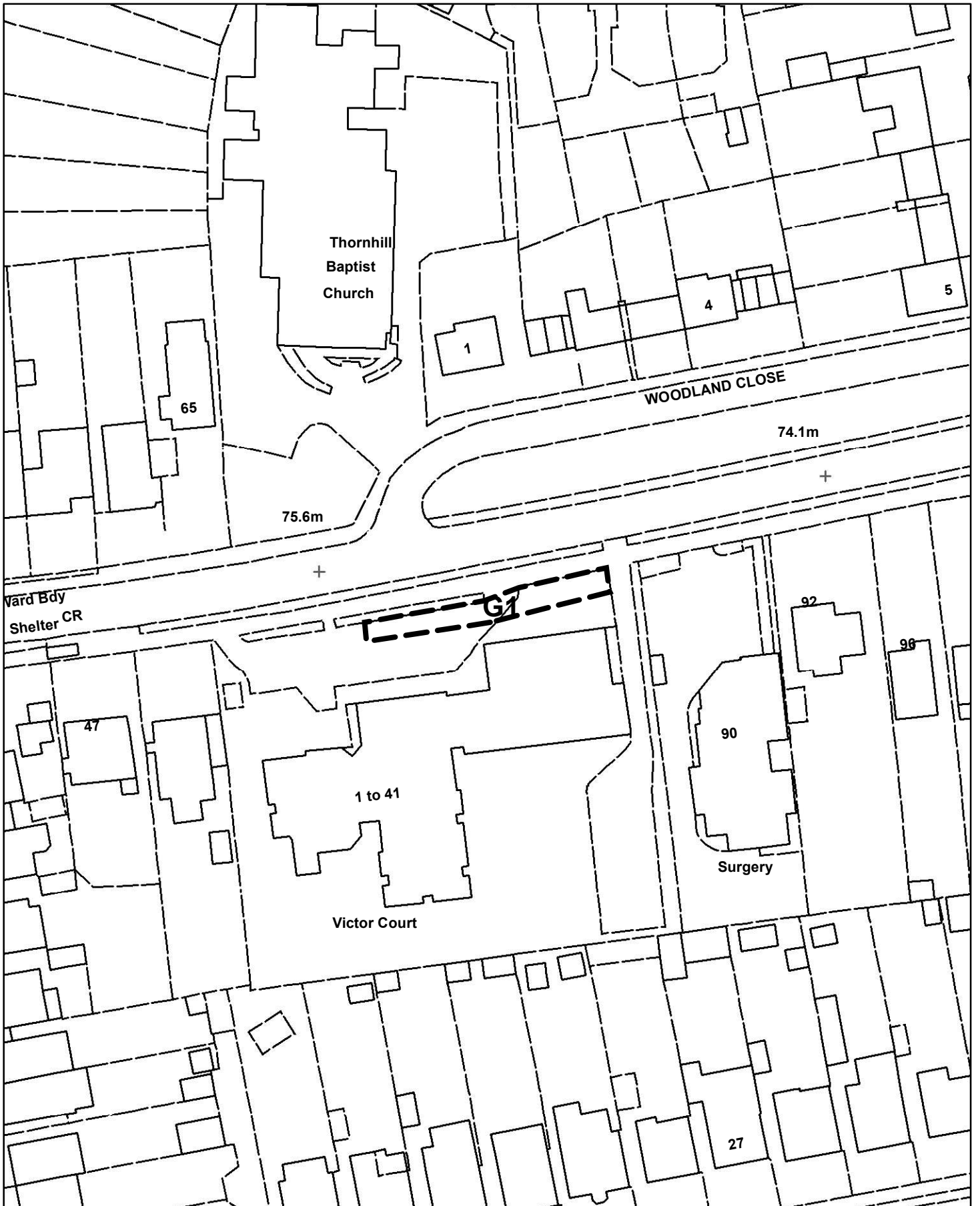
No. on Map	Description	Situation
G1	Silver Birch	4 Silver Birch on front boundary of Victor Court by Thornhill Park Road

Woodlands
(within a continuous black line on the map)

No. on Map	Description	Situation
	NONE	

Trees Specified by Reference to an Area
(within a dotted black line on the map)

No. on Map	Description	Situation
	NONE	








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 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.



Jon Dyer-Slade
 Head of City Services
 Place Directorate
 Southampton City Council
 3rd Floor One Guildhall Square
 Southampton SO14 7FP

The Southampton (Victor Court) Tree Preservation Order 2022	
TPO Ref: T2-743	Department: Trees team
Drawn: GCB Page 14	Scale: not to scale

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

Claydon-Bone, Gary

From: ***** <***.***@yahoo.co.uk>
Sent: 04 June 2022 13:37
To: Trees <trees@southampton.gov.uk>
Subject: Ref:T2-743

Re:Tree Preservation Order for Victor Court, Thornhill Park Road, Thornhill.

I am writing on behalf of Mrs ****, ** Victor Court regarding the Tree which is right outside her flat. The Flat is affected by the tree making it extremely dark and she has to have her light on most of the day.

The darkness not only affects her but the rest of the residents along the front of the building where the trees are situated.

In an ideal world we would like the tree cut down. You will also find that where the tree is so close the roots are now under the building.

We would appreciate a thorough inspection, which includes visits to the properties.

Yours Sincerely
*** ** (Daughter)

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Claydon-Bone, Gary

Subject: RE: Tree Preservation Order - Victor Court - Southampton - Ref:T2-743

From: Claydon-Bone, Gary

Sent: 15 June 2022 16:25

To: ***.***@yahoo.co.uk

Subject: Tree Preservation Order - Victor Court - Southampton - Ref:T2-743

Dear *** ***,

Many thanks for taking time to contact the City Council tree team in relation to the new Tree Preservation Order (TPO) placed on the 4 Silver Birch at the front of Victor Court. I hope that this email will explain the rationale behind the making of the order and to answer the points that you have raised.

Recently the tree team received an application from a tree surgeon who was requesting to reduce the size of the trees as he believed them to be protected by a TPO and required permission from the council. Upon reviewing the old TPO that is on the site, it was apparent that these trees were not protected. The council could have responded to the tree surgeon to inform him that they are not protected, however there was no guarantee that the work would be restricted to the crown reduction, as requested, and may have resulted in the loss of all of the tree along the frontage of the property.

As there was a risk of the trees being felled, it was deemed necessary to protect the trees for the long term as they are an attractive feature along the front of the property and provide amenity to the larger public. The TPO does not prevent work from being carried out, but will require an application to be submitted and a decision issued before the work can be carried out. The tree team are not opposed to fair work being completed on the trees, however it would not want to see the trees lost and the area being void of trees.

Trees actually help keep properties warmer in the winter and cooler in the summer. Areas that have trees also tend to have higher value of property as people prefer to live in a leafier area rather than the trees void of trees. Buildings are often softened by the presence of trees and remove the stark outline of a large building, therefore they are generally welcomed in the environment as they have many benefits.

With regards to the roots entering under the property, this may well be the case, however roots and buildings can co-exist and not cause damage. There are building guidance that determine the depth of a foundation for a building and requires a combination of soil makeup and water demand of the tree species. Birch are a low water demand tree and therefore are at the lowest end of the spectrum for causing damage

I note that part of the issue is that it is believed that the trees are making the properties dark, however the trees sit to the north of the property so the shade cast would be away from the dwellings and not casting shade. The properties will naturally be darker than others as the windows sit in the shade of the property. To demonstrate I have given some shade calculations that show the shadow caused by a 15 metre tree, which I believe to be greater than the height of the trees. The calculation is based on the 21st of June 2022, which is the longest day.

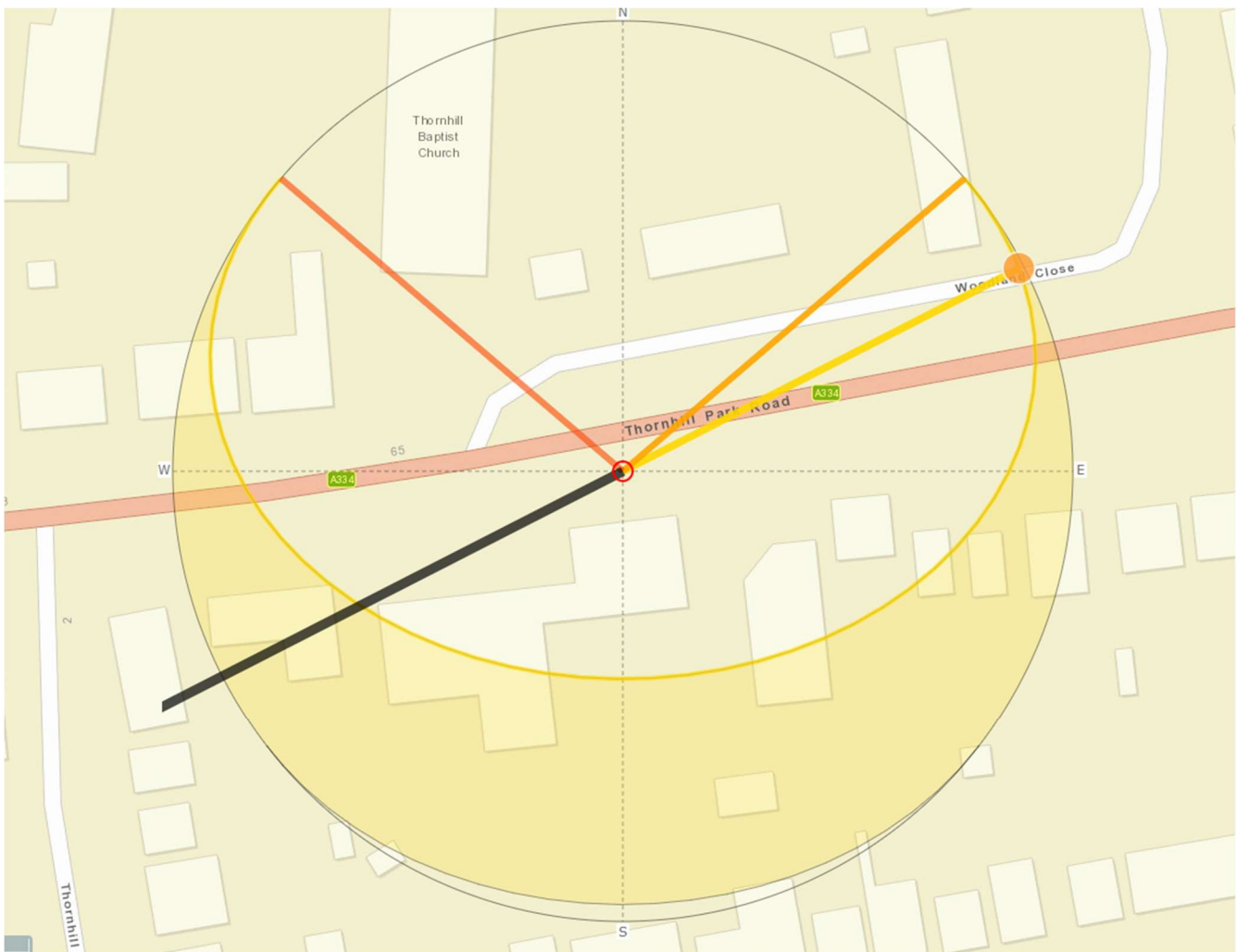
The black line represents the direction and length of the shadow based on a 15 metre tree. The yellow crescent is the arc that the sun will follow. The inner line is the highest in the sky and the outer line is the lowest, which will be the shortest day of December the 21st 2022 . The two orange lines in a 'V' shape are the point that the sun rises and sets. I will give examples of various times of the day to demonstrate the shadow position at various points through the day. I will also show the shadow during the longest day. You can see the outline of Victor Court, which is below the centre circle which represents the position of the tree

21st June 2022 – Longest Day

Sun Rise 04:50

Sunset 21.23

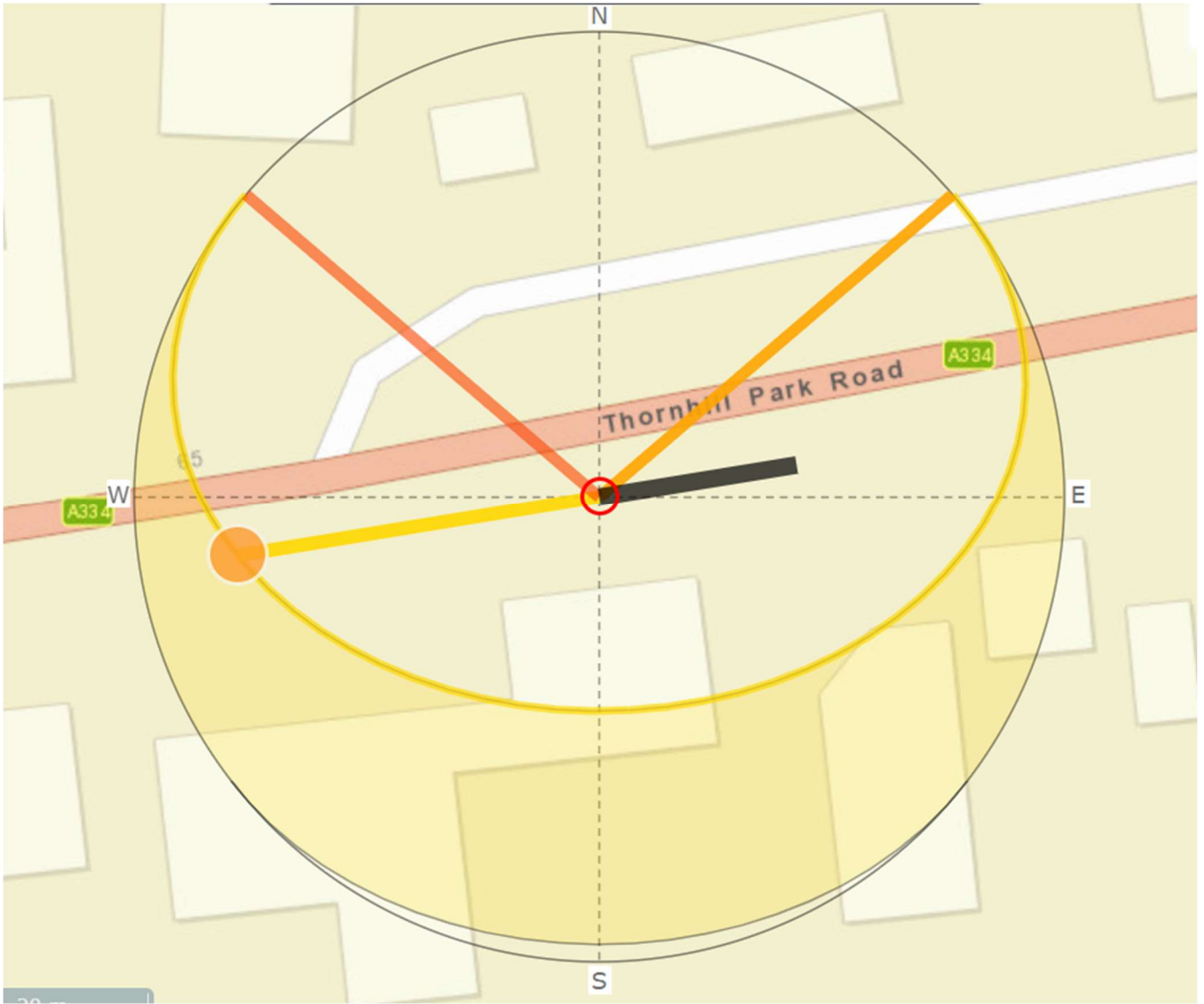
06:00 (6am)



13:00 (1pm)



17:00 (5pm)



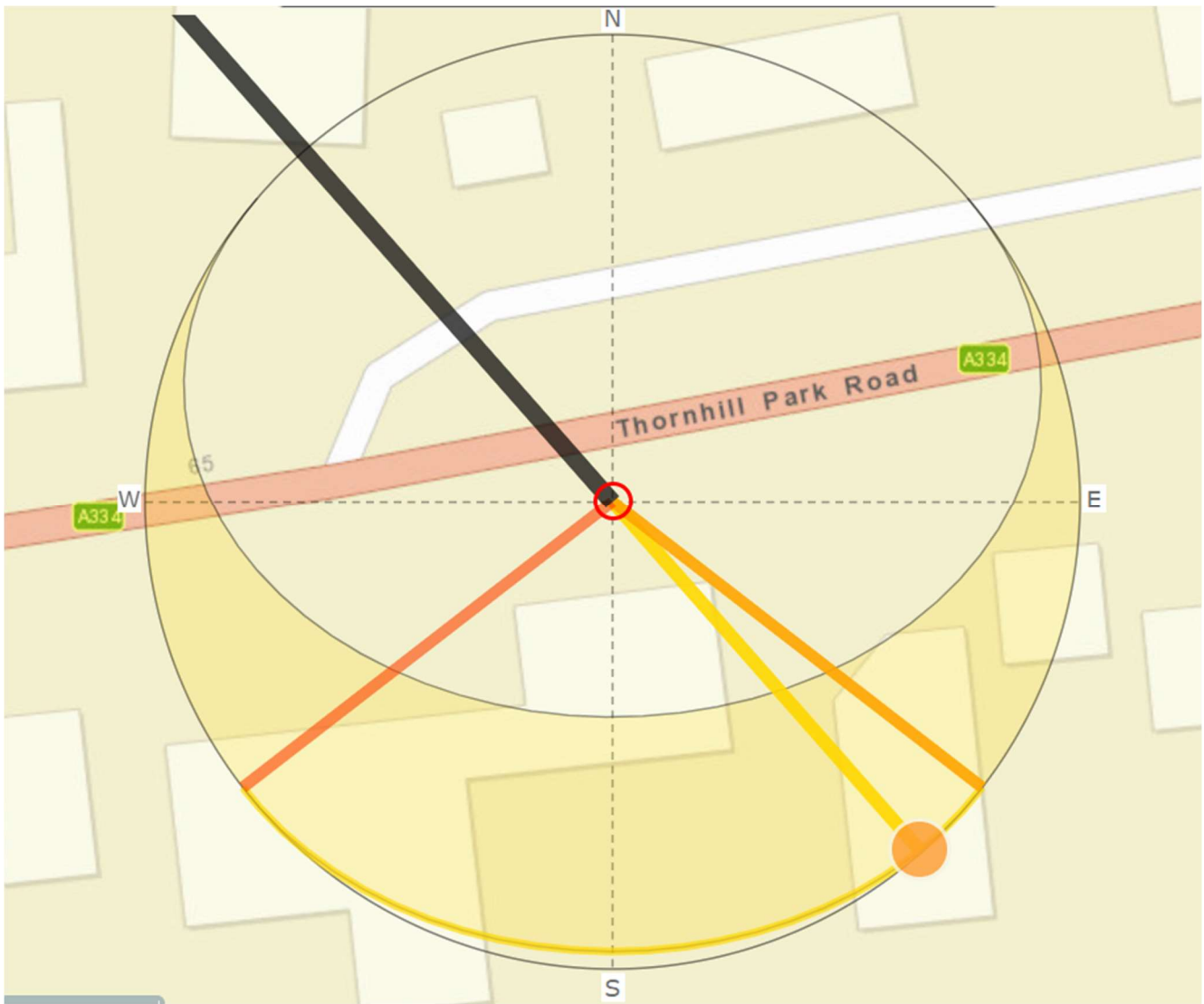
21:00 (9PM)



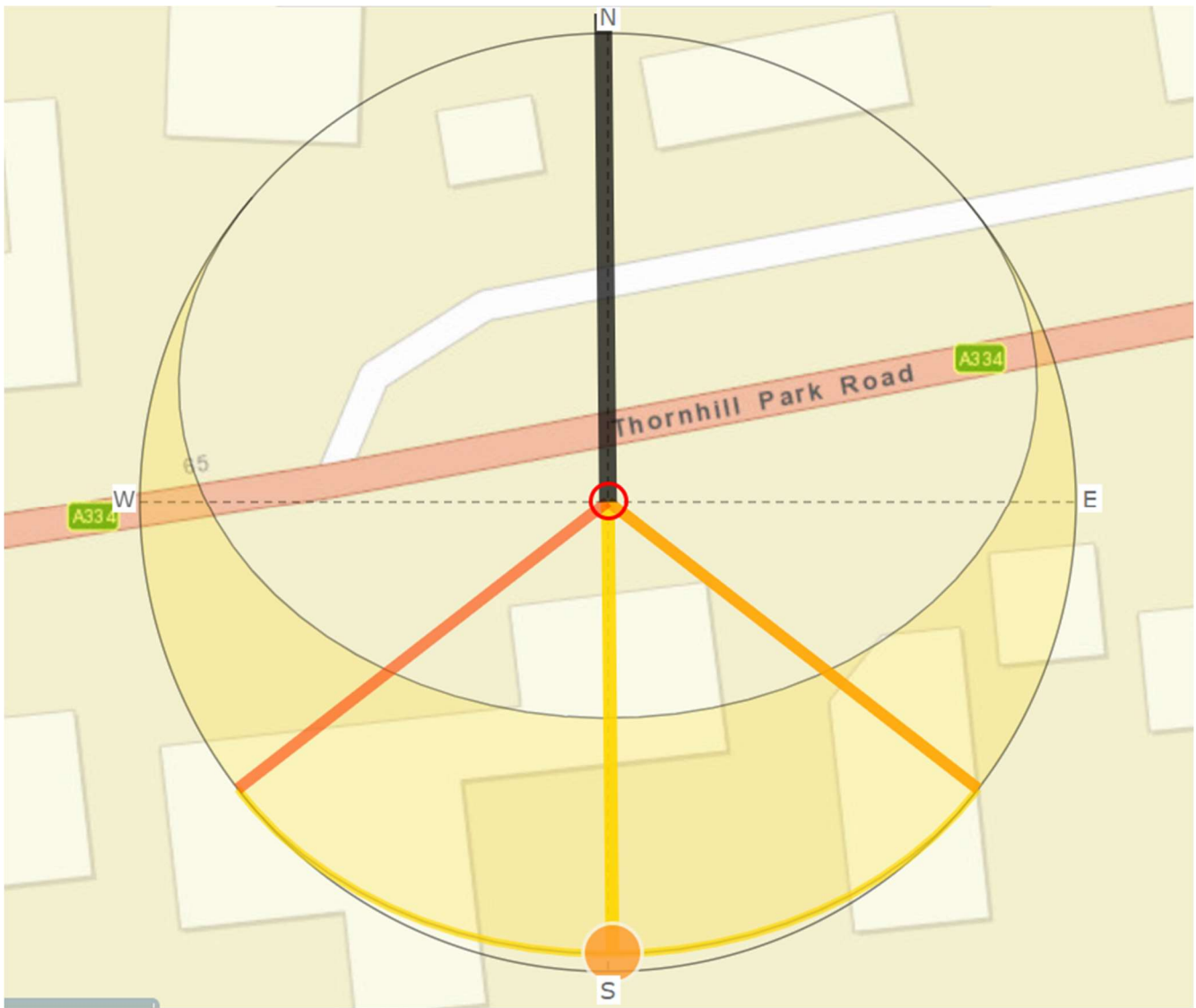
21st December 2022 – Shortest Day

Sun Rise 08:05
Sunset 16:01

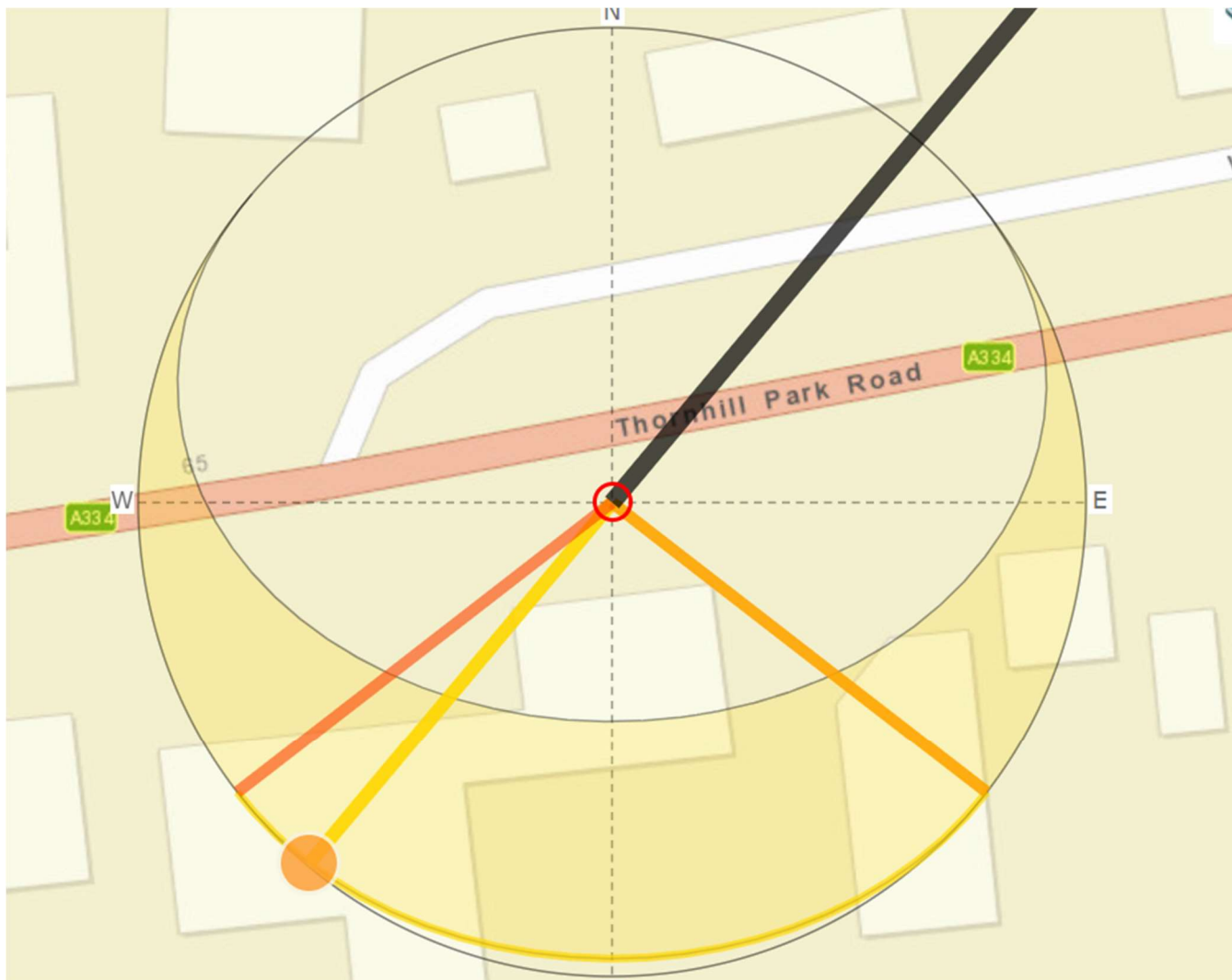
09:00



12:00 Midday



15:00 (3pm)



I hope that I have clearly been able to demonstrate that the trees are not the primary cause of loss of light to dwellings on the north of the building. I do understand that the trees may appear to be blocking light, however the loss of ambient background light is minimal but the perception is far greater. I therefore maintain that even if the trees were removed, the light that would enter the building on the north would be negligible.

Currently the tree preservation order is temporary and cannot be made permanent (Confirmed) if there are objections to the making of the order, therefore if you are not satisfied with my response and wish to uphold your objection, then the matter must be presented to a panel of elected member at the Planning & Rights of Way panel.

This is a publicly held meeting in which your objection would be presented along with my report that details the reasoning behind the making of the TPO along with my responses to objections received. You will be invited to this meeting and will be given an allotted time to put your objection to the members of the panel. Once all representation have been heard, the member will vote on whether or not the council should confirm the order.

Please can you respond to me in relation to how you wish to proceed with this objection. If you are happy with my response to you can withdraw your objection, however if you wish to take the objection to the Planning and Rights of Way panel, then please state that you wish to uphold your objection. If no response is received, then this is taken as an upholding of objection.

If the objection is upheld, then I will start the process of writing my report, which you would receive a copy of along with the date of the meeting. This must be within 6 months of making of the order, therefore could be around November – December.

If you have any questions regarding my response or wish to discuss any further points, please do not hesitate to contact me.

Kind regards,

Gary Claydon-Bone
City Tree Officer

Tree Team
City Services
Southampton City Council
Tel: 023 8083 3005
Email: trees@southampton.gov.uk

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Agenda Item 5

Appendix 5

FLAT 2 VICTOR COURT

THORNHILL PARK RD

SOUTHAMPTON

SO18 5TW

Dear Sir

Further to your letter dated 26.5-22 concerning the tree preservation order on the 4 silver birch trees at the front of Victor Court.

We, the occupants of Victor Court would like to state our objections.

We do not wish for the trees to be removed but certainly for them to be trimmed.

Our flats continually have to have lights on even on very bright sunny days.

As many of us have to spend considerable time indoors this does have

a bad effect on our mental health and well being.

The trees have gained a vast amount of height and width in the last few years.

We would welcome someone to come in the flats to see for themselves how dark the rooms are

Yours Sincerely

Signed by:



Tree Team
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Direct dial: 023 8083 3005
Email: trees@southampton.gov.uk
Please ask for: Gary Claydon-Bone

Our ref: T2-743
Minicom: 18001 023 8083 3005

*** **

Flat **
Victor Court
Southampton
SO18 5TW

Date: 4th August 2022

Dear *** ** ,

RE: Objection to the making of The Southampton (Victor Court) Tree Preservation Order 2022

Many thanks for taking time to contact the City Council tree team in relation to the new Tree Preservation Order (TPO) placed on the 4 Silver Birch at the front of Victor Court. I hope that this email will explain the rationale behind the making of the order and to answer the points that you have raised.

Recently the tree team received an application from a tree surgeon who was requesting to reduce the size of the trees as he believed them to be protected by a TPO and required permission from the council. Upon reviewing the old TPO that is on the site, it was apparent that these trees were not protected. The council could have responded to the tree surgeon to inform him that they are not protected, however there was no guarantee that the work would be restricted to the crown reduction, as requested, and may have resulted on the loss of all the trees along the frontage of the property.

As there was a risk of the trees being felled, it was deemed necessary to protect the trees for the long term as they are an attractive feature along the front of the property and provide amenity to the larger public. The TPO does not prevent work from being carried out but will require an application to be submitted and a decision issued before the work can be carried out. The tree team are not opposed to fair work being completed on the trees; however, it would not want to see the trees lost and the area being void of trees.

Trees help keep properties warmer in the winter and cooler in the summer. Areas that have trees also tend to have higher value of property as people prefer to live in a leafier area rather than the trees void of trees. Buildings are often softened by the presence of trees and remove the stark outline of a large building; therefore, they are generally welcomed in the environment as they have many benefits.

I note that your objection to the tree preservation is due to the belief that the trees are making the properties dark, however the trees sit to the north of the property so the shadow created by the trees would be cast away from the dwellings and not casting shade onto the building itself. The properties on the northern aspect of the building will naturally be darker than others as the windows sit in the shade of the property.

To demonstrate this, I have given some shade calculations that show the shadow caused by a 15-metre tree, which I believe to be greater than the current height of the trees. The calculation is based on the 21st of June 2022, which is the longest day.

The black line in the images below, represent the direction and length of the shadow based on a 15-metre tree. The yellow crescent is the arc that the sun will follow. The inner line is the highest in the sky and the outer line is the lowest, which will be the shortest day of December the 21st 2022. The two orange lines in a 'V' shape are the point that the sun rises and sets. I will give examples of various times of the day to demonstrate the shadow position at various points throughout the day. I will also show the shadow during the longest day of the year, however it must be remembered that as these are deciduous trees, they will not have any leaves in the canopy.

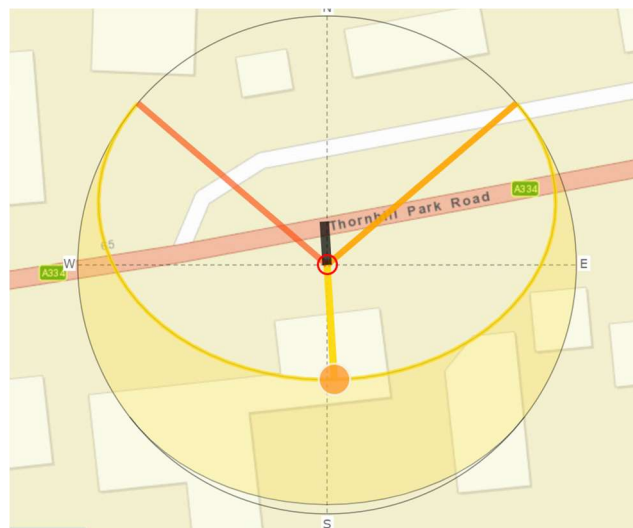
You can see the outline of Victor Court, which is below the centre circle. This centre point represents the position of a tree

21st June 2022 – Longest Day. Sun rise was at 04:50 and sunset was at 21:23

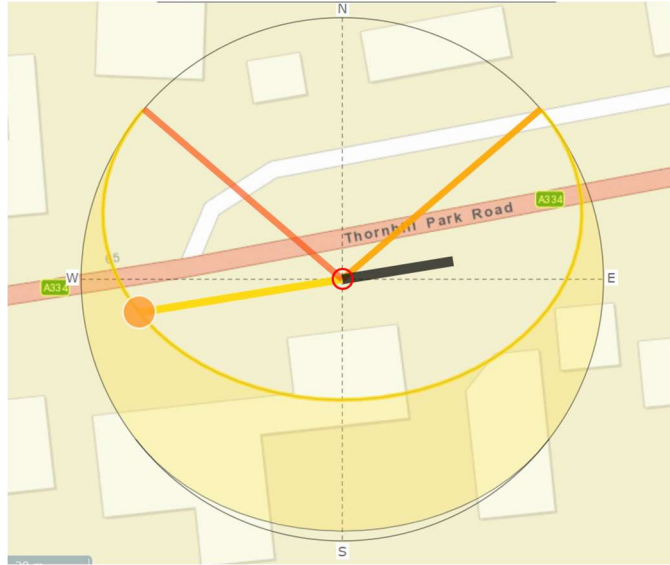
Shadow at 06:00 (6am)



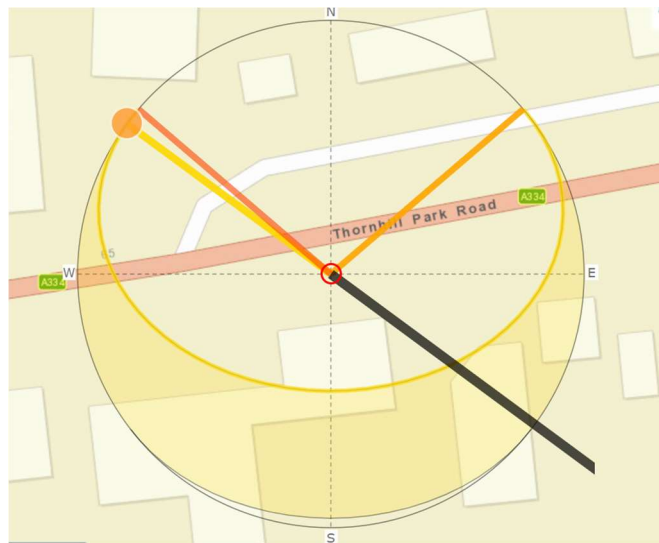
Shadow at 13:00 (1pm)



Shadow at 17:00 (5pm)

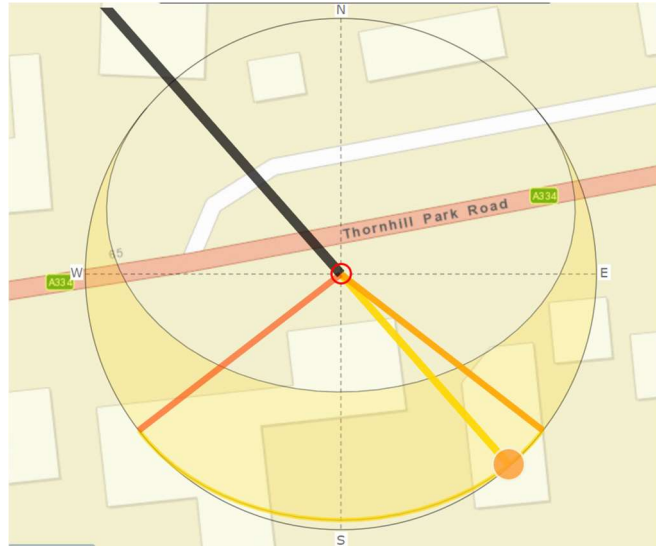


Shadow at 21:00 (9PM)

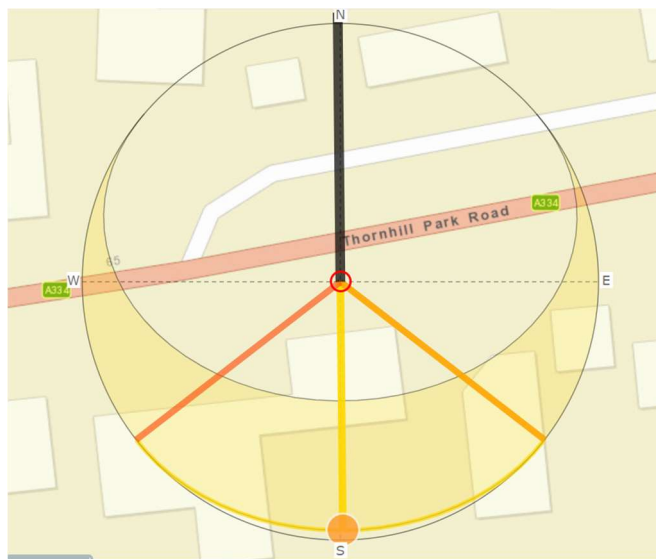


21st December 2022 – Shortest Day. Sun Rise will be at 08:05 and Sunset will be at 16:01

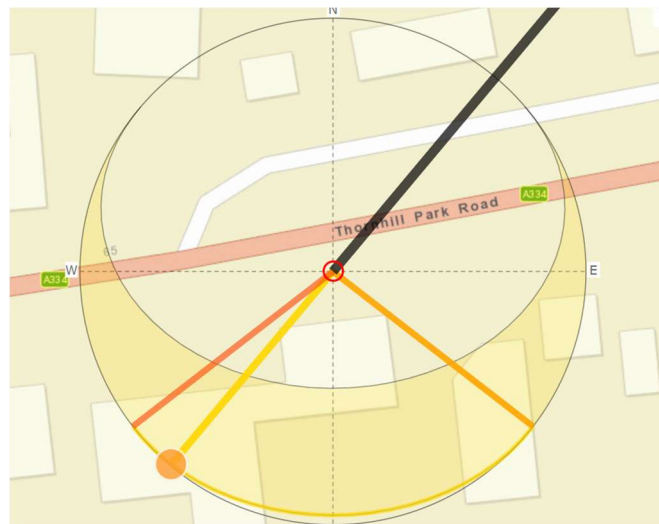
Shadow at 09:00



Shadow at 12:00 Midday



Shadow at 15:00 (3pm)



I hope that I have clearly been able to demonstrate that the trees are not the primary cause of loss of light to dwellings on the north of the building. I do understand that the trees may appear to be blocking light, however the loss of ambient background light is minimal, but the perception is far greater. I therefore maintain that even if the trees were removed or heavily reduced, the light that would enter the building on the north would be negligible, if at all noticeably different.

Currently the tree preservation order is temporary and cannot be made permanent (Confirmed) if there are objections to the making of the order, therefore if you are not satisfied with my response and wish to uphold your objection, then the matter must be presented to a panel of elected member at the Planning & Rights of Way panel.

This is a publicly held meeting in which your objection would be presented along with my report that details the reasoning behind the making of the TPO along with my responses to objections received. You will be invited to this meeting and will be given an allotted time to put your objection to the members of the panel. Once all representations have been heard, the members will vote on whether or not the Council should confirm the order.

Please can you respond to me in relation to how you wish to proceed with this objection. If you are happy with my response to you can withdraw your objection, however if you wish to take the objection to the Planning and Rights of Way panel, then please state that you wish to uphold your objection. If no response is received, then this is taken as an upholding of objection.

If the objection is upheld, then I will start the process of writing my report, which you would receive a copy of along with the date of the meeting. This must be within 6 months of making of the order, therefore could be around November – December.

Tree Team
Southampton City Council
Civic Centre
Southampton
SO14 7LY



If you have any questions regarding my response or wish to discuss any further points, please do not hesitate to contact me.

Yours sincerely,

G Claydon-Bone

Gary Claydon-Bone
City Tree Officer

If you would like this letter sent to you in another format or language, please contact the number at the top of this letter.

View looking west along Thornhill Park Road with the four Silver Birch seen along the boundary of Victor Court. Image taken on the 10th of November 2022.

Appendix 7



Google Streetview Image of July 2021 showing the Silver Birch with the shadow extending away from the property.



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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 22nd November 2022

Conference Rooms 3&4, 4.00pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
Start time 4:05pm				
5	GCB	TPO	5	The Making of The Southampton (Victor Court) Tree Preservation Order 2022

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
Start time 4:30pm				
6	SB	DEL	15	22/00953/FUL Friary House, Briton St
Start time 5:30pm				
7	AL	REF	15	22/00347/FUL 21-35 St Denys Rd

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

Case Officers:

SB – Stuart Brooks

AL – Anna Lee

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 22nd November 2022 Planning Application Report of the Head of Green City & Infrastructure

Application address: Friary House, Briton Street, Southampton			
Proposed development: Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House			
Application number:	22/00953/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	15 minutes
Last date for determination:	01.12.2022	Ward:	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Telereal General Property GP Limited		Agent: DPP	

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 and the tests under paragraph 11 d and section 16 of the National Planning Policy Framework. 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). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, HE1, HE2, HE3, HE6, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) Policies CS1, CS2, CS3, CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP2, AP7, AP9, AP12, AP13, AP15, AP16, AP17, AP18, AP19 of the City Centre Action Plan (2015), the Old Town Development Strategy (2000), and the National Planning Policy Framework (2021).

Appendix attached

1	Habitats Regulation Assessment	2	Development Plan Policies
3	Schedule of public realm works	4	Viability Appraisal
5	Historic England comments		

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 (a) the submission of an acceptable microclimate study demonstrating that, having regard to the existing situation, the proposed building will not significantly harm the existing amenity of nearby residents, cyclists or pedestrians in terms of the microclimate and wind environment with delegation also offered to secure any suggested mitigation and (b) the planning conditions recommended at the end of this report, and (c) the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions and/or works through s.278 approvals towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
 - ii. Affordable housing provision taking account of the current Development Plan and current independently assessed viability appraisal; with ongoing and fixed reviews taking into account vacant building credit;
 - iii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives with financial contributions towards supporting these initiatives during both the construction and operational phases (as applicable), in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vi. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project 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;

- vii. Creation and retention of a 'permitted route' across the site frontage/eastern side to the Back of Walls and submission, approval and implementation of a scheme of works for the off-site and on-site public realm and Town Walls Setting Improvement works, including (but not exhaustive):-
- footway engineering specification to adoptable standard;
 - archaeological supervision;
 - protection/safe removal during demolition/construction and relocation of the Friary House murals if required off-site;
 - lighting;
 - commuted sum for public realm maintenance;
 - repair the historic wall adjacent to Gloucester Square car park to appropriate conservation standards;
 - display of interpretation boards for Friary House murals

in accordance with the Council's Old Town Development Strategy (November 2000), and the adopted SPD relating to 'Developer Contributions' (September 2013).

3. In the event that (i) the legal agreement is not completed and (ii) the required microclimate assessment impacts have not been submitted/agreed within a reasonable period following the Panel meeting, the Head of Green City & Infrastructure be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement and/or insufficient information received to satisfy saved Local Plan Policy SDP1(i). In the event that the microclimate study recommends significant changes to the proposed building's design the application will be brought back to the Planning & Rights of Way Panel for consideration.

1. The site and its context

- 1.1 This application site has an area of 1660sqm and comprises Friary House (circa 1980s), which is a vacant 4-storey office building formerly occupied by BT. The building is named after the former 13th century Priory, which the site historically formed part of. The tiled murals on the external east wall of Friary House are locally listed. The artwork murals were designed by John Hodgson (worked for Southampton City Council's heritage team in the 1980s) and erected in 1987 when Friary House was constructed. The building has approval to retain and convert the existing office building into 46 flats under a 'prior approval' granted under LPA ref: 21/01181/PA56.
- 1.2 In the wider context, the site is within the Old Town South Conservation Area. Since the 1990s, the historic character of Briton Street has been significantly modernised with the addition of various styles of taller residential blocks. The site has several public frontages onto Briton Street (north), Back of the Walls footway (south to Winkle Street) adjacent to sections of the medieval Town Walls (grade I&II listed and Schedule Ancient Monument), and Gloucester Square Car Park (south). The residential buildings immediately to the west and east of the site are Telephone House (9 storeys – circa 2006) and City Court (ranging 7 to 4 storeys – circa 2004). Oceana Boulevard (12 storeys) bookends Briton street at the western end.

2. Proposal

- 2.1 The application seeks full planning permission to erect an 8-storey building containing 88 flats (comprising 25 studios, 26 no.1 bed and 37 no.2 bed) with associated infrastructure, landscaping and public realm works following demolition of Friary House. The density of the development will be 530 d.p.h. The office car parking in the basement is to be removed and the residential scheme is a car free development. The mix of residential units proposed are:-
- 25 x Studio flats (28% of overall housing mix)
 - 26 x 1 bedroom (2 persons) (30% of overall housing mix)
 - 7 x 2 bedroom (3 persons) (8% of overall housing mix)
 - 30 x 2 bedroom (4 persons) (34% of overall housing mix)
- 2.2 All of the proposed flats, with the exception of the studio flats, will have private amenity terraces or balconies. The areas of these are set to provide the following:
- 5sqm per 1 bed 2 persons;
 - 6sqm per 2 bed 3 persons;
 - 7sqm per 2 bed flat 4 persons
- 2.3 The proposed flats will benefit from 602sq.m of internal and external communal space with a resident's room (75sq.m) at ground floor, and resident's room (29sqm) and roof terrace (498sqm) at level 08.
- 2.4 The proposed form and massing of the building will be broken up into three visually separate vertical blocks. This is articulated by lighter and darker toned areas of brickwork, and use of variously proportioned floor to ceiling height glazing, and a mix of vertical metal balconies cantilevered and inset balconies (lined by a concrete spandrel panels and a narrow band of buff light render between every second floor). During the course of the application, the applicant has made some minor amendments to the overall appearance of the elevations, including addition of several cantilevered balconies on the east elevation (not at higher level to original plans) and increase the ratio of glazing to brickwork. These visual changes are broadly in the same style of the existing building and would not result in a greater overlooking impact to neighbouring residents of City Court or Telephone House when compared to the original submitted plans, therefore, these amendments do not require further public consultation.
- 2.5 At the ground floor, the building comprises 3 access points; on the north, west and east elevation, with the secondary access to the west serving the refuse storage and secure cycle parking integral to the building (88 spaces using 2 tiered rack system with fob key access for residents). The main entrance facing Briton Street on the northern corner comprises full height metal glazed doors with fins recessed under a double height opening with columns. The eastern entrance is recessed under a tapered asymmetric canopy in a double height concrete-effect frame. Both entrances feature embossed artwork alluding to the old Friary house gothic arches.
- 2.6 The external areas of the site comprise a mix of private and public space - defensible landscaping strip enclosed by railings around the edge of the ground floor flats and a hard landscaped area lined with trees and low level lighting to surround the site. The schedule of proposed public realm works is summarised in **Appendix 3**. The hard

landscaping comprises Purbeck stone paving to seamlessly merge with a new public realm space between the eastern side of the building and the footway improvement works adjacent to the Back of the Wall. The public realm within the application site will have permissible rights of access for the public to pass and repass. The existing 7 no. locally listed murals on the side of Friary House will be retained and relocated to the rear of Concrete benches and will remain visible within the public realm. The proposed off site public realm works will comprise the section 106 contribution towards Town Wall Setting Improvement. The proposal intends to make no public realm changes to Gloucester Square Car Park.

- 2.7 The applicant has agreed to undertake and fund the delivery of all the on-site and off-site public realm works (to adoptable standard) to be completed prior to occupation. The package of public realm measures has been offered in order to offset the heritage impact on the setting of the Town Walls from the increased building height. These measures offer public realm and footway improvements adjacent to the Back of Walls, combined with street level views of the Town Walls from Briton street through the provision of a double height recessed main entrance to form a gap of 8.9-11.5m between the Town Walls and east elevation (existing Friary House separation 3.1-4.5m). A CGI in **Appendix 3** (see p7) shows the public realm space in context with the building and Town Walls.
- 2.8 Other elements of the building will include the provision of solar roof panels, a green roof, underground attenuation drainage tanks, a roof terrace garden lined by a blue roof system (specialist rainwater collection and drainage).

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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The Core Strategy under policy CS1 (City Centre Approach) identifies the city centre as the location for major development to enhance the City’s regional status and supports high quality development proposals for a wide range of uses including retail, office, leisure, cultural, hotel and residential. With regards to the City Centre Action Plan, the site falls within the Old Town quarter (chapter 5).
- 3.4 The site is not safeguarded office space under policy AP2 (Existing Offices), and prior approval has been granted to convert the vacant office space into apartments (permission no. 21/01181/PA56). The contribution towards housing supply is further explored in section 6.2 of the report. The development does not meet the target for 30% family housing mix in policy CS16 (Housing Mix). This is justified by the viability and physical constraints of the city centre site to deliver high density housing. The mix of flats provided is split between 2 bed and smaller single occupancy units which is acceptable having regard to the character and density of the neighbourhood. In

accordance with policy CS15 (Affordable Housing) the development has been viability tested and the findings are set out within the considerations section below.

- 3.5 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 explains that in considering whether to grant permission for development that affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act adds the duty to consider whether or not new development 'preserves or enhances' the character of any conservation area to which it relates.
- 3.6 Paragraph 193 of the National Planning Policy Framework (NPPF - 2019) adds that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 196 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This paragraph should be read in the context of the response from Historic England to the application, which is appended at **Appendix 5**.
- 3.7 The Old Town Development Strategy (OTDS) was adopted as Supplementary Planning Guidance in November 2000, and includes principles relating to setting of the town walls and building heights. The OTDS indicates that a variety of storey heights can add interest to an area but needs to respect the adjacent context but does not encourage development over 5 storeys within this area (OTUDP13), and that the town walls should dominate the townscape (OTUDP2). Currently Friary House is only about 2.3m from the town wall at its closest point (measured on OS map). The proposed new building would be over 4 metres from the town wall (so complying with OTDS principle OTUDP1). The OTDS supports the retention and reinstatement of historic lanes and alleys (OTUDP10), however, the design of the eastern elevation does not respond to the distinctive kink that follows the alignment of the town wall to the east as shown on the historic maps (Speeds map of 1611, and the detailed 1846 and 1870 maps). A contribution towards the upkeep of the town walls is proposed to be secured in line with OTDS principle OTUDP18. Whilst the height and design of the development conflicts with a number of principles of the OTDS, this will have to be weighed up in the planning balance when taking the Development Plan as a whole. It should be recognised that Briton Street has an established character of large flatted blocks with a wide street width which can accommodate buildings of scale. This is further discussed in section 6.3 of this report.
- 3.8 Policy AP17 (Tall Buildings) sets out design criteria for tall buildings of 5 storeys or more to comprise high quality design and materials; respond well to their site and context and provide a mix of uses. The proposal conflicts with the requirement for 'tall buildings to be restricted in the Old Town in order to respect historic low rise development and its skyline profile', however, this policy does not rule out tall buildings in the Old Town as the individual context of the site should also be taken into account. Furthermore, the siting of the tall building does not obstruct the strategic views within the Old Town as set out in the policy. Policy AP16 (Design) seeks the design of buildings in the city centre to relate well to the predominant scale and mass of existing buildings in the street and create perimeter blocks and active frontages on primary

street and public spaces. The policy also requires the design of new buildings to strengthen the unique distinctiveness of the city's heritage, through use of proportions, plot widths, contemporary interpretations of architectural and landscape styles and features, materials and colours that reflect the individual local characteristics of the urban quarters that make up the city centre. A detailed assessment of design and context is set out in 6.3 of the report.

- 3.9 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 'prior approval' application confirming that it would be permitted development to convert the existing office building to 46 residential units was approved under ref no. 21/01181/PA56 on 11th October 2021. This permission remains extant and could be implemented.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement on 12.08.22 and erecting a site notice on 19.08.22. At the time of writing the report **15 objections** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***The design and 8 storey height, including the increased external lighting, will be out of keeping with historic character of the Old Town conservation area and the setting of the adjacent Town Walls, and contrary to the 5 storey height limit of the Old Town Development Strategy (OTDS) for new development in the Old Town Conservation Area. The existing taller buildings such as Telephone House were built prior to the current conservation policies and strategy so should not set a precedent for further tall buildings in the conservation area.***

Response

The Panel's decision on the appropriate scale of any replacement building should take account of the Development Plan, and any material considerations, such as the existing site context. No objection has been raised by Historic England in relation to heritage impacts. The proposal would represent less than substantial harm to heritage assets and the public benefits of the scheme would outweigh the impacts. The established character of Briton Street, with buildings of more than 5 storey scale, can accommodate residential development of the scale proposed without upsetting the existing street pattern.

- 5.3 ***Loss of privacy, light and outlook to neighbouring occupiers. Increased noise disturbance from proximity of building/roof terrace (fire hazard as well from BBQs on roof terrace from embers spreading), additional car traffic and pedestrians using the improved Back of Walls route as a rat run (especially***

night time when night time venues close), and noise and dust/contaminants disruption from demolition/construction works. Increased anti-social behaviour incidents with a high crime rate at present, and opportunities for homeless rough sleeping.

Response

The relationship and proximity of the 8 storey building neighbouring buildings in terms of access to light, outlook and privacy reflects the scale and density of the neighbourhood. The provision of 24 hour natural surveillance of the site will assist reducing the risk of crime. The additional noise impact arising from comings and goings with the residential development is, to agree, expected in an urban centre and we should assume that reasonable behaviour will follow, whilst there are other environmental health protections for statutory noise nuisance.

- 5.4 ***Displacement and increased competition of limited parking spaces available for local residents in the city centre, especially those who pay for permit to park in Gloucester Square. These spaces are also under competition from city centre visitors. The lack of off-road parking will exacerbate road and pedestrian safety issues where vehicles park in illegal and unsafe locations in the local area, especially as illegal parking is not properly enforced by the Council. A large area of Gloucester Square car park has been removed for landscaping.***

Response

Car free developments are deemed to be acceptable in the City Centre, and comply with our adopted maximum parking standards due to the wide range of services, employment and local transport connections on offer. Having regard to the nature of the proposed uses and the city centre location of the site, a car free approach is considered to be consistent with other high density residential schemes of this nature in the city centre. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets as the controls are in place. Zone A residents permit parking zone no longer exists and instead there is now the City Centre Pay and Display Zone and, therefore, it is not necessary to remove access to parking permits through the S106 agreement.

- 5.5 ***Overdevelopment and further pressure to local services and infrastructure from high density residential development. The limited housing mix does not take into account the mixed demographic and housing need of the local neighbourhood including affordable and social housing. There is not a further housing need for 1 and 2 bedroom flats in the city centre especially given the number of recently completed and permitted residential schemes. So much of the property proposed makes up property portfolios and is either rented on AST, holiday rentals, all of which impacts on our neighbourhood communities.***

Response

The proposed housing mix and scale and density of the development is in keeping with the character of the neighbourhood. The proposed 88 units will assist in meeting identified housing need within the Development Plan and the Council does not currently have a 5 year housing land supply. The scheme has been viability tested and cannot support affordable housing at the present time. The future tenure and ownership of the housing is outside the control of the planning system as this depends on market forces. The city centre should support the provision of 3 bed housing to provide choice for families, but this is not on offer here and could be

regarded as a weakness of the scheme given our current policies. There is, however, a significant demand for 1 and 2 bed accommodation across Southampton and the proposal includes a good range of accommodation on offer.

5.6 ***Air quality impact needs to be mitigated from increased traffic.***

Response

The Air Quality Assessment demonstrates there are no significant air quality impacts whilst further mitigation from construction impacts will be secured by condition.

5.7 ***There is already prior approval to convert the existing building to flats so it shouldn't be demolished as it is both sympathetic to its history and surroundings. With its brickwork, height, basement level parking and disability access, mural tiling and plaque.***

Response

The applicant is entitled to submit a further application for the Council to consider. Whilst there are conflicts with design and heritage policies from the replacement of Friary House with a building nearly double its height adjacent to the Town Walls these are significantly outweighed by the strong planning / regeneration benefits delivered by the development, and the delivery of much needed housing, when balanced against the priorities of the Development Plan as a whole.

5.8 ***Loss of mobile, wireless internet, and TV signal due to taller building.***

Response

The proposed building scale is comparable to the scale of neighbouring blocks and as such the scheme would not lead to a demonstrably harmful loss of signal.

5.9 ***No prior consultation with local residents by the applicant.***

Response

The applicant has submitted a statement of community involvement setting out the pre-submission consultation with the community.

5.10 ***Potential wind funnelling and microclimate impacts between neighbouring buildings.***

Response

Existing residents have every right to expect that this building will not harm the existing microclimate and enjoyment of their outdoor spaces. Whilst there is no evidence to suggest that the building would be harmful, equally a microclimate assessment was not submitted with the application to confirm its acceptability. Officers are seeking delegation to grant planning permission subject to the submission of a further assessment showing that there is no adverse impact. The site sits within a high density location, characterised by buildings of similar scale and it is unlikely that, especially when the existing building form is also considered, that the proposed changes will cause significant harm to the microclimate of the site and/or the enjoyment by neighbours of their outdoor spaces. The suggested delegation seeks approval to include any suggested mitigation following a further assessment, but in the unlikely event that significant design changes are required then the planning application will be amended and brought back to the Planning Panel for consideration.

5.11 ***Loss of view.***

Response

This is not a valid material consideration.

Consultation Responses

5.12 Historic England – No Objection – Full comments appended

The Scheduled city defences in Southampton are some of the best-preserved medieval town walls in the country. Those adjacent to the proposed 8-9 storey building will be subject to harm through impact on its setting, depreciating its legibility as a former defensive structure. Following pre-application discussions, measures to minimise the harm have been incorporated into the design of the building and landscaping proposals. However, uncertainty remains over the extent of public realm enhancements and interpretative elements that will be undertaken as part of the development. Given this represents a tangible public and heritage benefit, designed to balance the impact of the scheme, it is necessary for the extent and nature of these works to be clarified and agreed. Full comments are appended to **Appendix 5**.

5.13 SCC Conservation Officer – Objection.

The locally listed murals should be re-positioned and remain exposed to the public realm

Full Consultee Commentary:

The proposals have reduced the development to 8 storeys and have revised the previous design. The separation distances between the town wall and new building line would now be increased. The landscaped surfaces adjoining the public footpath and its junction with the base of the wall would be improved. Views to the northern end of the wall from the west of Briton Street would remain legible by employing a colonnaded entrance. An entrance would also address Briton Street providing the street with an active frontage.

The current property is a modern office building of limited architectural merit. It sits in a street that is made up of modern buildings of 4 or 5 storeys (or even higher in terms of Telecom House), orientated north to south in a linear pattern. Development both sides of street display differing styles of C21 architecture presenting a streetscape predominantly modern in character and which is far removed from the historic planform of buildings that once surrounded the original university building to the north and Gloucester Square to the south. As such, introducing a similar modern development block within this highly urbanised street would be considered to have a neutral impact (and hence would preserve) the current character or appearance of this part of the conservation area. That said, internalising the interpretive murals (which are locally listed) seems a negative step and would not present any heritage benefit. Re-positioning these elements to ensure that they remain exposed to the public (perhaps sited on the exposed wall flanking the main entrance) would therefore be required to gain conservation support.

The archaeological impact of the proposals shall be assessed by the planning archaeologist, although in respect of the wider setting of the town wall as it traverses south to God's House Tower, it is acknowledged that the height of the new build would add mass to this plot and would indirectly impact, and tower over the wall more so than the existing arrangement. However, the submitted Heritage Setting Impact Assessment is comprehensive in scope and concludes that the magnitude of impact would not adversely diminish the significance of the wall or its setting. It states that

the wall itself would not be physically altered or lost in any way, and the wall, once a defensive structure but now much reduced in height, is now located within an urban setting that has constantly changed through time. It also goes on to say that the current public path is a modern construct and this public realm adjacent to the wall through to God's House Tower would be enhanced by the proposals increasing the space adjacent to the wall allowing it to be better appreciated. It therefore concludes that the harm to the existing setting of the wall presented by the proposals would be considered 'less than substantial' harm. The submitted Townscape & Visual Impact Appraisal also demonstrates that the impact upon the views to, and along the wall, and other key townscape vistas affected by the development would be low-to-negligible given the existing urban context and topography of the site. The proposals have been discussed with Historic England who have not objected to the proposals, although they have stressed the importance of securing a high standard of public realm improvements to offset the impact of the development near the wall.

In taking all the above assessments into account, and although a development lower in height would be preferred, it would be difficult to disagree with their findings. For instance, all the affected assets have been correctly identified and the impact of the proposals in terms of their significance, setting and views have all been assessed in accordance with current heritage-led impact matrixes. As such, it would be difficult to sustain a refusal of the scheme from a conservation perspective at this time. Notwithstanding this, it is advised that should officers be minded to approve the proposals, it would need to be demonstrated that the public realm improvements, and any associated benefits related to the provision of new housing, must be shown to outweigh the identified 'less than substantial' harm to the town wall (an asset of high significance) in the planning balance. As for the public realm improvements themselves, these works should be controlled by way of condition/s and legal agreements and should seek to improve the surfaces, the lighting, the seating, and the interpretation of the town wall as it heads southwards to God's House Tower to ensure that the development delivers a valued public space in this highly sensitive location.

Officer Response

Please note the proposed position of the murals has been revised since this consultation response and the heritage officers are satisfied with the relocation approach. In principle, the heritage officers are comfortable with relocating the panels in other locations in the vicinity of the historic Friary site, so the final location can be left flexible by condition if a better location is found or there are practicalities that arises once the project starts.

5.14 SCC Design Manager – Objection (comments received following amendment to design)

Purely related to the building, from my perspective I don't feel it has really responded positively to the heritage asset, it is simply a good standardised housing block, that could be seen anywhere in the country, with or without the presence of a heritage asset. Had it been designed to specifically respond to the asset I feel it would've clearly responded to the pronounced kink in the wall, as the plans which the SCC Archaeologist produced showed that historic development along Back of the Walls had followed. I don't feel that a relatively minor widening of Back of the Walls is likely to read as such a big improvement given the increased height of the building. I think the overall real feel on the ground will be at best the same.

All that being said, without similar concerns being raised by Historic England, which does disappoint me given their previous concerns over the design of the Bargate redevelopment in terms of both height and visual appearance, and the relatively poor quality of the existing residential development in Briton Street, I suspect the prospect of upholding a refusal on design grounds at appeal to be unlikely, because its standardised typology, relative to other residential blocks around it, would be seen as much better/an improvement.

This scheme is largely unchanged from the final pre-application scheme, so has the proposal not been further reviewed by the panel and, therefore, hasn't addressed either the design issues raised at the end of the pre-application process or the issues raised by the Design Advisory Panel, the key paragraph being:

*The Panel supports the view of the city council that the quality of architecture is a critical mitigation for increased height of development adjacent to the Town Wall and it was clear that much considered thought had been given to details of the building, such as entrances and balustrade details. However, **the panel suggests that you consider the overall form of the elevation facing the Town Wall to create a stronger identity and delight to this critical façade in a street of otherwise very mediocre architecture. Rather than two end pieces connected to the main body of the building could the elevation respond more directly to the geometry of the Town Wall, with the prominent deflection in its alignment immediately adjacent to the site, breaking up the current regularity and rectilinear nature of the façade?** The use of the recessed entrance to Briton Street is a positive move, **but greater work is needed to the overall façade to provide an acceptable frontage to Briton Street.***

Officer Response

The Council's Design Manager has accepted that the proposed design has shortcomings but also that the scheme is not harmful. Following further design negotiations to encourage amendments on the east elevation to reflect the Town Wall historic setting, officers consider that on balance the other measures put in place to offset the taller development setting of the Town Wall are acceptable.

5.15 **SCC Archaeologist – No Objection**

IMPACTS OF PROPOSED DEVELOPMENT ON ARCHAEOLOGICAL REMAINS

The proposed new basement will be smaller and entirely within the footprint of existing semi-basement. It will be much deeper: cross sections show finished floor levels of 1.69m OD compared to 4.28m OD for the existing semi-basement. Construction depths will be below this level. This will impact any surviving archaeological remains below the existing basement.

The proposed new building almost entirely lies within the footprint of Friary House, so largely within the existing semi-basement. However, the new footprint extends slightly to the south and north of the existing semi-basement.

The proposed new building will have a ground floor level at 5.28m OD, seemingly designed to match existing finished levels on Back of the Walls. This needs to be confirmed to ensure no level reduction along Back of the Walls. It is unclear how this

ground floor level compares with existing levels on the other sides of Friary House, so unclear if level reductions are proposed.

New trees are shown along part of the west boundary of the application site, and along the east edge next to the Back of the Walls public realm. The tree crates may be entirely within the existing semi-basement -- this needs to be confirmed (and required along Back of the Walls to ensure no new disturbance there ' see below).

The proposed drainage layout (Drainage Report) shows two large attenuation tanks to the west and east of new building, apparently entirely within the existing semi-basement (although excavation depths will need to be confirmed). The layout shows some other new drains to the west, east and north of the existing semi-basement. Those to the east could be within Back of the Walls, which is not acceptable (see below). Other services may be proposed outside the Friary House footprint, details not yet available.

Disturbance from the construction of Friary House is likely to have extended beyond the building footprint. However, some proposed works around the edges of the application site could encounter undisturbed archaeological deposits, potentially relating to the Friary and its cemetery, known to have extended to the west and south of Friary House. Friary remains or other medieval and earlier evidence may still be present in the northern part of the site.

PUBLIC REALM

The DBA states that works to enhance the public realm along Back of the Walls will be suitably non-intrusive / minimally intrusive. There are some existing services along Back of the Walls. However, no further services should be installed there unless required for the public realm itself, and no intrusion from tree crates or attenuation tanks on the main application site. There must be no reduction in finished levels along the walkway or bank. The existing stone boundary wall must be respected. The remains here are of equivalent significance to the adjacent scheduled monument. Therefore, any destruction of such deposits should require clear and convincing justification, and substantial harm or loss should be wholly exceptional (NPPF paragraph 200 / footnote 68). Landscaping details either need to be agreed before any consent is granted, or agreement secured by a landscaping condition.

Gloucester Square Car Park (proposed for landscaping by the city council). Any proposals for landscaping of this area (including tree pits and reformation of the car park access as suggested), would need to take into full account the stone boundary wall and below-ground archaeological remains (including the Friary cemetery).

ARCHAEOLOGICAL MITIGATION

It is uncertain whether archaeological remains survive within the existing Friary House footprint. However, remains almost certainly survive beyond the area disturbed by its construction, including possible burials. Some of the current uncertainties could perhaps be resolved by checking the SOU 199 site archive. Some form of evaluation may be needed. An archaeological watching brief must take place on any proposed geotechnical/ground investigation works, with machining under the control of the

archaeological contractor (noting the 1857 Burials Act). It may be possible to deal with surviving archaeology via a watching brief on demolition and construction with provision to excavate if remains survive and are under threat. However, any further ground disturbance beyond the area already disturbed for Friary House risks uncovering friary buildings and burials, even if in a fairly narrow strip of land. Evaluation trenching around the edges of the existing building might be required, and/or archaeological clearance of areas to be subject to disturbance (including piling) (see Historic England advice on burials). Pending further information and discussion, I have recommended our standard conditions for a phased programme of archaeological work, including evaluation and follow-on investigation. Full details of all proposed ground disturbance (including below-slab demolition) would need to be supplied as part of the standard Archaeological Damage Assessment Condition.

PUBLIC REALM / BACK OF THE WALLS

Archaeological remains certainly survive here, including remains associated with the town defences and potentially of the friary. The requested archaeological conditions will apply if any archaeological remains are threatened in this area, although this should be kept to an absolute minimum.

SETTING OF THE TOWN WALL

The application site is adjacent to the scheduled eastern town wall. The town wall is a designated heritage asset of the highest significance, therefore subject to NPPF paragraphs 199 ' 202. This means that:

- When considering the impact of a proposed development on the significance of the town wall, great weight should be given to its conservation (all the greater given the high importance of the town wall) (199).
- Any harm to, or loss of, the significance of the town wall (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (200). Substantial harm to or loss of significance should be wholly exceptional (200).
- Where a proposed development will lead to substantial harm to (or total loss of significance of) the town wall, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss (201).
- Where a development proposal will lead to less than substantial harm to the significance of the town wall, this harm should be weighed against the public benefits of the proposal (202).

There is also national planning guidance on the cumulative effect on setting. Planning Practice Guide (paragraph 013) states: When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. The Historic England advice note on The Setting of Heritage Assets (page 4), discussing cumulative change, states: Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.

The Old Town Development Strategy (OTDS) includes several principles relating to setting of the town walls (see below).

As existing, the low-height Friary House, the large open area of Gloucester Square Car Park, the low-height modern development and Victorian almshouses to the south all help to retain a smaller scale feel to this part of the Old Town, despite much taller developments along Briton Street. A taller building on the Friary House site, even if set back further from the town wall, would detract from this, and would impact on the setting of the town walls. On the Briton Street frontage, the proposed 8-storey building will be taller than Telephone House and considerably taller than the building to the east. This is contrary to the OTDS principle of no development over 5 storeys (OTUDP13), and that the town walls, not the new development, should dominate the townscape (OTUDP2).

Currently Friary House is only about 2.3m from the town wall at its closest point (measured on OS map). The proposed new building will be well over 4 metres from the town wall (so complying with OTDS principle OTUDP1). There will be an increased area of private landscaping and public realm between the building and town wall. It is proposed to improve the public realm. All of this is a potential public benefit in heritage terms, depending on final design of the public realm. However, the current state of the public realm along this part of Back of the Walls is not as bad as described in the application documents. Although some improvements would be welcome (see below), the existing public realm is in keeping with this quiet location of the medieval walled town and the historic fine grain of area, with added interest from the tiled mural on Friary House itself.

IN CONCLUSION, it is arguable whether the proposed taller building constitutes substantial or less than substantial harm to the significance of the town wall from development within its setting, taking cumulative effects into account. If the harm is less than substantial, it is unclear whether the public realm improvements, as currently proposed, will constitute a public benefit that outweighs the harm.

BACK OF THE WALLS / PUBLIC REALM LANDSCAPING

The red line application boundary only includes the Friary House site. However, the Proposed Landscape Plan shows landscaping (repaving) along Back of the Walls stretching to south of the Dovecote Tower, proposed to be undertaken as part of the development. An additional area of public realm is suggested at the east side of the Gloucester Square car park, to be delivered by the city council.

The existing public realm here along Back of the Walls is in keeping with this quiet location of the medieval walled town, being the only surviving long stretch of the eastern town wall. It is one of the few areas along the town wall that retains anything like its medieval or at least pre-20th century setting. Back of the Walls and the boundary wall along its west side are part of historic fine grain of area.

Back of the Walls is a medieval road. The stone wall along its western edge marks the boundary of the Friary precinct and is a non-designated heritage asset. The surviving north end of this wall would be impacted by landscaping proposals on the application site itself. Further south, the wall partly serves as a retaining wall for the

higher ground of the Gloucester Square Car Park (see photos page 38 etc of Design & Access Statement, otherwise this wall is not mentioned in the application documents).

Back of the Walls largely retains its post-medieval form. However, historic maps show that the road was slightly wider at the north end before Friary House was built, with a distinctive kink that follows the alignment of the town wall to the east (eg, see Speeds map of 1611, and the detailed 1846 and 1870 maps). The proposed new layout of Back of the Walls will include a wider footpath between the existing grass verge and the new trees, which is welcome. However, it would be better if the historic kink could be reinstated and this should be considered, even if it conflicts with current property boundaries. (Note that the OTDS supports the retention and reinstatement of historic lanes and alleys (OTUDP10).)

In summary, new landscaping should incorporate the following:

- Reinstate the 19th century width/alignment of Back of the Walls east of the proposed new building, to follow the kink in the town wall.
- Retain all surviving parts of the stone boundary wall along Back of the Walls (including if possible the part now within the Friary House site boundary).
- Retain the grassed bank (this roughly indicates the former earth bank/rampart).
- Retain existing finished levels along Back of the Walls.
- No further services to be installed along Back of the Walls (there are some existing services here ' sewer, electricity etc - and it seems a new drain is proposed, but this is not acceptable).
- No attenuation tanks to encroach on Back of the Walls.
- No tree holes/crates to encroach on Back of the Walls. All trees to be placed in tree pits within the existing semi-basement footprint of Friary House, with concrete root barriers to prevent roots spreading into Back of the Walls (and similarly deposits that may contain burials to the west and south of Friary House).

Other issues concerning tree species, paving/resurfacing, lighting (existing lamp posts or new lighting), interpretation boards, will need to be agreed following discussion with Cultural Services, to ensure consistency of approach with other parts of the town walls.

Landscaping details either need to be agreed before any consent is granted, or agreement secured by a landscaping condition.

A contribution towards the upkeep of the town walls will be required (in line with OTDS principle OTUDP18).

CERAMIC TILED MURAL

The tiled mural on the external east wall of Friary House is locally listed. The mural was designed by John Hodgson and erected in 1987 when Friary House was constructed. It was commissioned by British Telecom, which owned the site and submitted the planning application M10/1673. The mural was probably installed to meet Condition 9 of that planning application, relating to treatment of the eastern façade of the new building, as a piece of public art. John Hodgson worked for Southampton City Council's heritage team in the 1980s and carried out some other

artworks projects. The mural consists of 15 separate panels, 5 pictorial panels, 2 with writing, and 8 plain with just border decoration.

The current proposal is to relocate the mural to the entrance lobby inside the new building. At this location it will no longer be public art. The Friary precinct extended over quite a large area from High Street to the town walls and as far as the south boundary of the Gloucester Square car park. The mural could be repositioned anywhere within that area and still be relevant as public art.

Officer Response

Whilst there is conflict with the OTDS principles regarding the impact on the Town Wall (to be weighed up in the planning balance), the applicant updated the public realm works schedule to clarify the scope of works, made a commitment to relocate the murals on site, and moved underground drainage/tanks and tree planting into the basement to protect archaeology. The internal consultee comments should be balanced in the round against the wider benefits of the scheme in terms of housing delivery and the attached commentary from Historic England.

5.16 SCC Highways – No Objection

The site being car-free is considered acceptable due to limited impact from overspill parking and being in a sustainable city centre location.

Cycle parking long stay meets policy but short stay should push for 9 spaces rather than 8 (policy is for 1 space per 10 flats).

Vehicular movements will reduce due to the loss of basement car park and use. The TA suggest as it is car-free there will be zero car movements. In reality, there may still be some based on taxi's etc. but will be limited and far less when compared to office trip rates and the fact of the existing parking on site.

A private management company is being proposed to manage the moving of the bins in and out for collection. This will need to be secured under a waste management plan condition to avoid bins being left on the highway.

5.17 SCC Flood Risk team – No Objection

I have reviewed the revised Drainage Plan (drawing PER-ZZ-XX-DR-C-02001) which repositions the attenuation tank to the western edge of the site to avoid a clash with tree pits on the eastern edge. The Drainage Strategy proposes use of attenuation tank, tree pits and a blue roof to manage surface water at this site for the 1 in 100 year rainfall event plus 40% climate change allowance. Discharge from the site will be to a Southern Water surface water sewer, limited to 2l/s with hydrobrake or similar flow control device.

5.18 SCC Sustainability team – No Objection

The recommended sustainability features for the development, resulting from a Part L compliant model, will allow for a 58.42% carbon reduction from a base Part L 2013 compliance build. Recommend conditions to investigate the improvement of embodied carbon levels in the construction and maintenance of the building. The applicant has demonstrated that they will comply with the overheating analysis with the use of specialised solar control glass.

Officer Response

Conditions have been applied to secure the energy improvements. The applicant has suggested the use of solar control glass, however, it is a legal requirement to mitigate overheating risk through Part O of Building Regulations and there is currently no planning policy to secure this by condition.

5.19 Southampton Airport – No Objection subject to condition to secure Bird Management Plan

5.20 SCC Contaminated Land – No Objection subject to conditions to assess land contamination risk due to historic land use of a depot on site

5.21 SCC Air Quality – No Objection following additional information

We recognise and support the conclusions made by the AQA provided which demonstrates that the development is unlikely to have a significant negative impact on local air quality. While the development is considered negligible in terms of relevant guidance, the Council recognises the potential for the development to contribute towards the burden of poor air quality on public health. The Council are committed to seeing a continual improvement in air quality and recognise the opportunity for developers have for helping us work towards a greener and healthier city. Conditions are recommended as part of the construction management plan to improve the level of emissions during construction works associated with HGV movements and machinery.

5.22 SCC Public Health – No Objection

Supportive of public realm improvements. Improvements are suggested to private balcony provision/suicide prevention and cycle storage facilities, limit noise and health impacts during construction. In response, these issues are covered under the assessment against the relevant policies and guidance. Whilst suicide prevention is not a planning matter the applicant and difficult to design out, there are particular safeguards for resident safety under Building Regulations.

5.23 Crime Prevention Officer - Objection

The footpath running along the East side of the proposed development and the Gloucester Square Car Park are places from which we receive regular reports of crime and disorder. Reports of relevance to this application relate to Anti-Social Behaviour, Drugs Offences and Public Order. We have several reports of people loitering in the Gloucester Square Car Park and the Back of the Walls footpath waiting to collect drugs. Such activities have caused people to feel unsafe using the footpath and caused some to discontinue their transit of the footpath. It is against this background that my comments are made.

Clear definition of the different spaces within the development reduces the opportunities for crime and disorder.

Access to the elevations of the apartment blocks from the public realm must be prevented. Apartment blocks must sit within an area of semi-private space, this space must be enclosed within a robust boundary treatment at least 1.2m high. Ground floor apartments with doors that can be accessed from the surrounding semi-private space

must be protected by a private garden which is the sole preserve of the resident of the apartment with the doors that can be accessed from the space. The private garden must be at least 1.5m wide and enclosed within a robust boundary treatment at least 1.2m high. Windows on the ground floor must be defended by planting. Hampshire Constabulary cannot support this application if the dwellings do not have this basic level of protection.

A footpath connecting Briton Street with Winkle Street and Gloucester Square Car Park runs to the East of the building. This footpath provides for public access to the balcony of studio apartment 5 (on the ground floor), this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder defensible space must be provided along this area of the building.

Seating is to be provided along the footpath in the vicinity of the French windows of studio apartments 5, 6 and 7. Seating will cause people to loiter or gather which can lead to disorder, which may adversely affect the quality of life for the residents of studio apartment 5, 6 and 7. To reduce the opportunities for disorder the seating should be removed.

The proposal creates 88 dwellings but there is no onsite parking provision. We would remind you that vehicles parked on the public highway are far more likely to be the subject of an incident when compared to vehicles parked on the public highway. Parking on the public highway outside of the building is already restricted. We would be concerned if the effect of this development were to cause additional motor vehicles to be parked on the nearby residential streets.

Officer Response

Whilst the prevalence of existing crime and disorder incidents in the local area are noted, and the social issues are somewhat out of the control of the planning system, the introduction of a residential use at this site will improve 24 hour natural surveillance of the Back of Walls footway, and the new external shared spaces on and off site will assist in reducing the risk of crime. The same could be said if the building were to be converted under the extant prior approval permission. Furthermore, a car free scheme can be supported by the Council's maximum parking standards to promote sustainable travel, whilst there legal controls in place to enforce illegal parking under other legislation are outside the planning system.

5.24 Natural England – Objection due to lack of Habitats Regulation Assessment (HRA) to assess effects on protected areas including measures to mitigate nitrates emissions to the Solent SPA and recreational disturbance to the Solent SPA and New Forest.

Officer Response

Notwithstanding that the generic response by Natural England comment on the circumstances on another authority in the Solent area, the Council has undertaken a robust HRA to assess the likely significant impacts with appropriate measures to mitigate the identified impacts (**see Appendix 1**). This includes the nitrogen budget impact.

5.25 SCC Environmental Health – No Objection

5.26 Health And Safety Executive Fire Safety – No objection with recommendations

for internal improvements

Applicants Response

The applicant's fire consultant Orion will review and consider to inform the detailed design process with regards to the advisory comments. The applicant will have to comply with Building Regulations regardless of the planning consent.

5.27 SCC Ecologist – No objection

The application site consists of a large building located approximately 1.27km to the north-west of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). This habitat is also part of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are nationally and internationally designated sites respectively. The site is located approximately 4.26km from the New Forest Special Area of Conservation (SAC) and the New Forest SPA and Ramsar site. It is also 3.35km from the Solent Maritime SAC and 220m from the Solent and Dorset Coast SPA.

The application site is located at a sufficient distance to avoid construction stage impacts on the designated sites. However, as the proposed scheme is a residential development, it will be necessary to clearly demonstrate that any resultant increase in recreational activity will not lead to adverse impacts upon internationally designated sites in the New Forest and along the coast. Similarly, the applicant will also need to demonstrate that no adverse impacts will arise from increased nitrogen emissions arising from wastewater or reduced air quality linked to vehicles. Information on these issues will be required to enable the Local Planning Authority to undertake a Habitats Regulations Assessment.

A preliminary ecological appraisal submitted in support of the planning application concluded that the site was of low ecological value although it didn't consider the potential presence of black redstart, *Phoenicurus ochruros*, which, in 2021, successfully bred for the first time on a site close to the Friary House.

The proposed building provides an opportunity to introduce biodiversity enhancements into the locality. The submitted information includes a green roof which I support. These green roofs should be biodiverse, rather than sedum, and be designed to meet the needs of black redstart and other insectivorous species. In addition, I would expect the proposed landscape planting to incorporate native and ornamental species of recognised value to wildlife e.g., the RHS 'Perfect for Pollinators' scheme. I support the proposal for a sparrow terrace, swift nest boxes and bat roosting boxes but would also like to see the inclusion of a black redstart nest box on the roof.

5.28 SCC Housing team – No Objection

Housing Management have advised that the affordable housing policy requirement is 31 dwellings (30.8 rounded up). Due to the proportion of small units, the inclusion of studios and the design of the scheme a commuted financial payment would be sought. This is subject to the findings of the independent assessment of the scheme's viability.

Officer Response

The independently assessed scheme viability appraisal report confirms that the current development proposal has viability issues, negating any provision available

toward Affordable Housing. The Strutt & Parker assessment on behalf of the Council (see **Appendix 4**) comes to the general conclusion that currently an all private scheme is deliverable, based on their appraisal of the scheme. In line with the recommendation of the appraisal report, LDF Core Strategy Policy CS15(1) and the Government's planning practice guidance, the Council should seek regular and fixed viability reviews linked with development completion deadlines. This is to ensure that the viability position is kept as current and as accurate as possible at the point of delivery of the proposed development.

5.29 City of Southampton Society – Objection

We recognise that there are some distinct advantages to this application compared with the agreed Prior Approval application (21/01181/PA56). However, there are also some disadvantages.

Advantages:

- 1) Increased number, and larger size, of residential units
- 2) Better design of flats ' better layout and more energy efficient
- 3) Increased separation of block, both from the historic City Wall and Telephone House
- 4) Removal of parking facilities - not required in this inner-city site
- 5) Provision of a roof garden (although safety may be an issue here)

Disadvantages:

- 1) Height of the building ' yet again exceeding the 5-storey limit for the Conservation Area ' a policy sadly more 'honoured in the breach than in the observance'.
- 2) Unimaginative external design (especially compared with distinctive Friary House).
- 3) Removal of the plaques showing the history of the Friary from public display. If these are to be re-sited inside the new building and the public allowed access to view them, then this will present a serious security issue for the residents.
- 4) Also, for security reasons, all the flats on the ground floor will require at least a nominal open space in front of the window which will need to be fenced off from the public.
- 5) If new foundations are to be dug, a full Archaeological survey will be required, followed by a Watching Brief.
- 6) A full Wind Survey will be required to establish the effects of high winds along Briton Street which will now be flanked by high buildings on both sides.
- 7) There should be internal access to the rubbish and cycle stores as well as the external access.
- 8) Finally, the environmental cost of demolishing the existing building and constructing a new building must be taken into consideration.

On this last point, conversion of the existing building to residential units has already been accepted as viable with the granting of the Prior Approval application. We refer to Policy SDP13 which states 'Developments should be designed in a way which minimises their overall demand for resources'. Applications for development will need to demonstrate that they have, where possible, maximised and/or incorporated the opportunity to re-use land and buildings wherever possible.'

Officer comment

The CoSS provide a well balanced assessment of the scheme and there concerns

are addressed in the Planning Considerations section of this report.

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 heritage impact;
- Residential amenity & residential environment;
- Parking highways and transport;
- Development mitigation, affordable housing and viability and;
- Habitats regulations

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

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

[the so-called "tilted balance"]

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

6.2.4 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. Policy AP9 of the City Centre Action Plan supports residential development in the city centre through the conversion or redevelopment of other sites as appropriate. The policy suggests approximately 5,450 dwellings will be built in the city centre between 2008 and 2026. Similarly, CS1 of the Core Strategy supports significant residential growth

in the city centre to assist in addressing the city's housing need.

6.2.5 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in city centre locations such as this, density levels should generally be over 100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a high residential density of 530 d.p.h. This high level density of housing is appropriate in a urban centre context, whilst on a vacant office site the development would deliver a strong and distinctive planning / regeneration benefits by positively and significantly contributing 88 units towards the city's housing delivery target (and assist making up the shortfall as a result of the 35% uplift to housing supply in urban centres as required by the government), providing new public realm and the proposed building is of good quality design and would have a positive relationship with the setting of the Town Wall. The character impact of tall building taller within this historic context is further addressed below in section 6.3 of the report.

6.3 Design and heritage impact

6.3.1 The design has evolved following consultation with the Historic England, the Council's Historic Environment Officer and the Council's Urban Design manager including design review with the Deign Advisory Panel. It is accepted by the SCC Design Manager as a good standardised design, however, the standard typology of the eastern elevation does not respond well to the pronounced kink in the Town Walls. Furthermore, the increased building height adjacent to the Town Walls is not adequately compensated by the widening of the separation compared with Friary House. Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more can be permitted in the city centre however there is a restriction within the Old Town. Having said that, the SCC Design Manager recognises that the proposed design is an improvement over other modern residential blocks in Briton Street, whilst there is a precedent for taller buildings already in this area of the Old Town. This includes Telephone House being a similar height immediately adjacent to west. The building incorporates strong design features on the ground floor including the colonnaded entrance overlooking the new public realm area.

6.3.2 It is acknowledged that, the existing scale of Friary House, the large open area of Gloucester Square Car Park, the low-height modern development and Victorian almshouses to the south all help to retain a smaller scale feel to this part of the Old Town, despite much taller developments along Briton Street. A taller building on the Friary House site, even if set back further from the town wall, would detract from this, and would impact on the setting of the town walls. However, the significance of harm and conflict with design policies in the Old Town will have to be weighed up in the overall planning balance and the policies of the Development Plan as a whole. Furthermore, the NPPF heritage test for the less than substantial harm affecting the setting of the Town Walls and conservation area should be weighed against the public benefits of the proposal, including securing its optimum viable use of the site.

6.3.3 There are a number of substantial public benefits delivered by the proposed development including the new public realm with seating and tree planting (on-site and off-site) adjacent to the Back of Walls and use of Purbeck Stone on the footway to improve the route and setting of the Town Wall, the retention of the locally listed murals in a public space adjacent to the Town Walls, introduction of 24 hour natural

surveillance in area of noted crime and disorder, preservation of underground archaeology by reusing the existing basement, and strong regeneration benefits from reuse of vacant commercial unit as windfall housing which positively and significantly contributes to meeting the housing targets in the city. Additionally, both the Conservation Officer and Historic England accepts that the heritage character impact of the increased building height can be adequately offset by the public realm improvements adjacent to the Town Walls combined with increased visibility of the Town Walls in Briton Street through the colonnaded entrance and the increased gap between the east elevation of the proposed block. Therefore, the harm arising from the negative conflicts identified with the Development Plan policies for design and preservation of heritage assets will be significantly outweighed by the positive benefits delivered by the development and, therefore, would not be in conflict with the Development Plan as a whole, and is also considered to meet the heritage tests set out in the NPPF and Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

6.4 Residential amenity & residential environment

6.4.1 This neighbourhood, within the heart of the city centre, has a character and density which can accommodate higher density residential development. Whilst the planning system cannot prevent existing crime and disorder within a neighbourhood, the active frontages and 24 hour natural surveillance of the proposed development will assist in reducing the risk of crime. In order to reduce the risk of crime and safety to the future occupiers, a suitable level of defensible planting and boundary treatment for the ground floor units will front the public realm adjacent to the Back of Walls (east side) and the west/south sides of the proposed development. That said, this back of pavement relationship is not uncommon in an urban centre and this is more suited in the quieter footfall of the Old Town residential area. The landscaping condition seeks to agree further defensible treatment outside the balcony area of studio 5 on the ground floor.

6.4.2 The application is supported by a BRE Daylight and Sunlight Assessment which demonstrates that reasonable daylighting will be maintained to neighbouring buildings in the context of this higher density neighbourhood. It is acknowledged that the BRE assessment identifies a shortfall in BRE daylighting standards to a number of habitable room windows in the adjacent west elevation of City Court. In this case, daylight is already restricted to City Court, particularly to windows on the lower floors. The analysis results show that all of the windows and rooms assessed on the ground floor would comply with the BRE Report daylighting tests. The windows and rooms not meeting the guidance are located on the upper floors and, therefore, experience a larger ratio reduction, albeit that the retained levels of daylight are similar to those received at ground floor. There would be a separation distance ranging from 15 to 18m to the east across the Back of Walls between the adjacent 7-4 storeys of City Court which is considered a reasonable separation distance within this context, and BRE guidance advises that its daylight standards can be applied flexibly in higher density environments. There is a 7m separation distance between Telephone House to the west, with the proposed mass of the 8 storeys projecting 22m beyond the rooftop elevation of Telephone House, where the closest side facing windows affected are secondary windows serving living spaces. The windows affected comply with BRE tests, whilst it is concluded that the reduction in lighting is unlikely to be noticeable to the occupiers.

6.4.3 There is already an element of overlooking by the proximity of the 4 storey Friary House towards the neighbouring buildings, albeit at a lower level and during office hours. The proposed layout and higher vantage point from the taller windows is also considered to provide reasonable levels of privacy and outlook between the proposed flats and neighbouring buildings in this city centre context, especially given the 15-18m separation distances between City Court across the Back of Walls site. The applicant has not undertaken a microclimate assessment with regards to the wind funnelling impact of the taller building on the neighbouring residents and public safety on adjacent pedestrian and cyclist routes. This matter would go to the heart of the permission as it could change the building design so it cannot be further assessed and agreed by way of a pre-commencement condition. As such, this issue does not necessarily prevent the development from being supported and officer's seek delegation from the Panel to further assess this matter with the applicant prior to granting planning permission on receipt of a satisfactory submission.

6.4.4 The proposed dwelling units are designed to fully comply with the Nationally Described Space Standards, whilst they will have access to a good standard of private and communal amenity space for a high density urban location. The majority of habitable rooms will receive a good outlook and access to daylight, with marginal daylighting issues for the studio flats which have a deeper open plan kitchen/living/dining spaces at the northern end of the plot with western and eastern aspect (as set out in the BRE daylight assessment). That said, with the overshadowing of some flats by the cantilevered balconies and the orientation of the plot, these deficiencies are not untypical of high-density urban living. On balance, the positive benefits of contributing towards housing need will significantly outweigh these marginal residential environment issues. With the exception of the studio flats, the flats will have private balconies ranging from 5sqm - 1 bed 2 persons; 6sqm - 2 bed 3 persons; 7sqm - 2 bed 4 persons. The proposal provides 631 sqm gross of communal/private internal amenity (7sqm per resident), which is considered reasonable in the context of city centre living. Residents will also have access to the public realm space adjacent to the Town Walls and access is provided for all residents to internal communal spaces.

6.5 Parking highways and transport

6.5.1 The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. In particular, policy AP19 (Transport and Movement) states that the primary aim of car parking policy is to reduce car use rather than car ownership. City centre living is likely to encourage some people not to own a car. Nevertheless appropriate car parking provision should be made for residential developments. The maximum permissible for this development mix would be 88 car parking spaces. The proposed development would be car free however, but this approach is supported by the Council's maximum parking standards which does not require a minimum to be provided. Having regard to the nature of the proposed uses and the city centre location of the site, this approach is considered to be appropriate and consistent with other high density residential schemes of this nature in the city centre. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets

6.5.2 It is recognised that the scheme would generate less trips into the city centre having regard to the existing office use however the introduction of dedicated on-site car parking will create increased vehicular traffic on roads around the site but these levels can be accommodated without having an adverse impact on network capacity.

6.5.3 The scheme provides 88 cycle spaces (on a 1:1 basis) using a 2-tier rack system within a conveniently accessible and secure store (residents key fob access on the west side of the building). The detailed design of the refuse and cycle storage will be secured by condition. A legal agreement will be used to secure site specific highway works to mitigate against the impact of the development. This has not been confirmed by the Highways team, however is likely to be the provision of sustainable travel improvements, especially related to the pedestrian / cycle environment within the vicinity of the site, in response to the provision of 88 additional units of car free residential accommodation. Additionally, a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

6.6 Development Mitigation, Affordable Housing and Viability

6.6.1 A development of this scale is expected to mitigate its direct impacts in accordance with LDF Policy CS25. A s.106 legal agreement is triggered and contributions secured. Policy CS15 sets out that “the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).” The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case Strutt & Parker (S&P). A copy of their independent assessment (dated September 2022) is appended to this report at **Appendix 5**.

6.6.2 The latest NPPF guidance suggests a profit level of 15-20% of Gross Development Value (GDV) is a suitable return for developers. The applicant’s viability assessment adopted a developer profit of 15% of GDV as agreed by S&P. The S&P report has assessed the scheme as 100% private market housing, incorporating an overall site value before development costs of £20.43m (adopting a value of £386 per sq ft) and a bench landmark value of the office space as £1.76m (£186 per sq ft), with CIL contributions totalling £68,405 (reduced due to existing deductible floorspace) and S106 contributions totalling £47,239.

6.6.3 According to S&P’s appraisal of the viability, the proposed development produces a residual land value of £1.37m – when the Benchmark Land Value of the current office space is £1.76m (adjusted down from the applicant’s £2.5m figure to more accurately reflect the current market). This will equate to a deficit of approximately £460,000 on the land value inputs of the residential development before any affordable housing can be delivered and, therefore, S&P concludes the scheme is not viable and cannot provide any contribution towards affordable housing.

6.6.4 Given the deficits involved it would be right to question why the scheme is coming

forward at the current time. The viability is showing a -£0.46m deficit with no affordable housing. Clearly, this is a matter for the applicant, however, having carried out a sensitivity analysis, S&P advises that this development is particularly sensitive to both build costs and value changes. This suggests that with just a 2.5% increase in values and a 2.5% decrease in costs that a Residual Land Value in excess of £2 million could be achieved thus providing a surplus.

6.6.5 Therefore the s.106 clauses will build in review mechanisms in line with our normal practices so that an assessment of the viability can be relooked at as the scheme progresses and if the situation improves satisfactorily then contributions can be sought. The review process will take any account any vacant building credit as a material consideration. Given the acute need for affordable housing in the city with 8,600 applicants currently on the housing register seeking affordable housing to rent, it is extremely disappointing that this scheme cannot support any section 106 affordable housing based on existing scheme viability. Ultimately the provision of nil affordable housing is planning policy compliant with adopted development plan policy CS15(1). Going forward the new local plan (City Vision) will need to be supported by up to date viability evidence underpinning the plan.

6.7 Habitats Regulations

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

7. Summary

7.1 The principle of new residential development on this highly acceptable previously developed site is considered acceptable. The proposal represents a comprehensive high density residential-led development of good standardised design that will deliver strong and distinctive planning benefits. The conflicts with design and heritage policies from redeveloping Friary House with a building double its height (but narrower and further from the Town Walls) will be significantly outweighed by the strong planning / regeneration benefits delivered by the development when making a balanced judgement against the priorities of the Development Plan as a whole.

7.2 It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the 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 judged to be acceptable when weighing the planning balance against the Development Plan as a whole, despite the negative conflict with design and heritage policies for the Old Town. 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, following further microclimate assessment, planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Stuart Brooks for 22.11.22 PROW Panel

PLANNING CONDITIONS

1. Timing

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

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

2. Approved Plans

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

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

3. Construction Environment Management Plan (Pre-Commencement)

Prior to the commencement of any below or above ground demolition and construction works a written Construction Environment Management Plan (CEMP) in respect of any construction phase identified by the above phasing conditions shall be submitted to and approved by the Local Planning Authority.

The CEMP shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. Details of the following shall also be provided for each phase of the development:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;

- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development. No storage of goods including temporary contracts buildings, plant and stacks of materials and equipment associated with the development shall be stored within 4m of the Town Wall;
- e) A scheme for recycling waste resulting from the construction programme;
- f) Measures for the suppression of dust caused by the construction phase including cleaning of wheels and the under chassis of lorries leaving the site;
- g) Details of how noise emanating from the site during construction will be mitigated. This shall include a "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- h) Confirmation that the hours of construction listed in the condition below will be adhered to;
- i) Measures to protect the Town Walls from damage potentially caused during the demolition and construction phases. This shall include the submission of a pre-construction and post-construction survey to assess any damage caused to the Town Walls. In event that the survey confirms damage to the Town Walls, repairs shall be undertaken in accordance with the submission of schedule of repairs prior to occupation of the development hereby approved;
- j) Measures to mitigate with the environmental impact issues raised by Natural England and SCC Air Quality team in their response to the application; and
- k) The methods of supervision to ensure that workers have knowledge of the method statement.

All specified measures shall be available and implemented during any processes for which those measures are required.

Reason: To protect the amenities of the occupiers of existing nearby properties and ensure that the demolition and construction phase is properly managed in terms of highway safety, whilst ensuring that local heritage assets are not damaged as a consequence of this development.

Informative: a maximum vibration of 3mm/sec Peak Particle Velocity is permitted in the vicinity of the town walls, measured by a device fixed to the monument itself.

4. 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 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 17:00 hours (9.00am to 5.00pm)

And at no time on Sundays and recognised public holidays.

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

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted

hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery within each phase.

Reason: To protect the amenities of the occupiers of existing nearby residential properties as agreed by the Council's Environmental Health Officer.

5. Land Contamination investigation and remediation (Pre-Commencement)

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

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

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

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

6. Use of uncontaminated soils and fill (Performance)

Only 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.

7. Unsuspected Contamination (Performance)

The site shall be monitored by the applicant 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.

8. Archaeological damage-assessment (Pre-Commencement Condition)

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

9. Archaeological evaluation (Pre-Commencement Condition)

No ground disturbance (including below-ground demolition) shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

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

10. Archaeological evaluation work programme (Performance Condition)

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

Reason: To ensure that the archaeological investigation is completed.

11. Archaeological investigation (further works) (Performance Condition)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

12. Archaeological work programme (further works) (Performance Condition)

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

Reason: To ensure that the archaeological investigation is completed.

13. Piling Methodology (Pre-Operation)

Prior to any piling operations being undertaken for each phase of the development a piling/foundation design risk assessment and method statement (including monitoring) for the preferred piling/foundation design/designs in respect of such relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall progress in accordance with the agreed details.

Reason: To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed, particularly in respect of residential amenity and the integrity of the scheduled ancient monuments that form part of the site and its setting.

Condition Informative 1: Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2: Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

Note to Applicant: It should be noted that the maximum PPV level permitted in the vicinity of Southampton's medieval town walls is 3 mm/s, as measured on the monument itself. A detector needs to be fixed to the monument to measure this.

14. Protection and Relocation of Friary House murals (Pre-Commencement)

Prior to commencement of the approved development including demolition/clearance of the site, details shall be submitted and agreed in writing by the Local Planning Authority for the detailed methodology to (i) protect and remove the mural panels during the demolition and construction phase and (ii) secure an appropriate location to display of the mural panels, and (iii) maintenance regime. The approved details of the removal and relocation of the panels shall be undertaken prior to the occupation of the development and thereafter the display of the panels shall be retained and maintained as approved for the lifetime of development.

Reason: In the interests of preserving the heritage assets within the site.

15. External Materials (Pre-Commencement)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works above ground level shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary for that development phase, 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 with reveal, doors (that shall be fitted not to open outwards into the public realm), balcony details, rainwater goods, screening to the retained sub-station, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials 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 when read against the important local heritage assets.

16. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works (excluding any further demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) 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 to demonstrate a level access is achievable across and through the development for all users (including those in wheelchairs, with mobility issues and parents with pushchairs) and particularly along the north-south route from Briton Street to Back of Walls; means of enclosure; other vehicle pedestrian access and circulations areas, hard surfacing materials including the use of Purbeck paving stones, structures and ancillary objects (refuse bins, bollards, information panels, lighting columns etc.)
- ii) planting plans for the external landscaped areas and roof terrace; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii) Tree species, tree pit details – including the location of root retaining barriers within the existing basement - and soil volumes;
- iv) details of any proposed boundary treatment, including retaining walls;
- v) provide additional defensible planting/railings adjacent to ground floor studio unit 5;
- vi) a landscape management scheme; and,
- vii) confirmation that the submitted landscaping scheme accords with the plans submitted in respect of the off-site public realm works undertaken by the s.278 or/and works license.

The approved soft landscaping scheme for 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. With the exception of the trees which shall be maintained for the lifetime of the development, the approved landscaping scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. The other approved works shall be carried out prior to occupation and thereafter retained 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 applicant 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 including the setting of heritage assets and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

17. Glazing- Soundproofing from external noise (Performance)

Unless otherwise agreed in writing by the Local Planning Authority, the acoustic rating of the glazing for the residential accommodation shall be installed in accordance with the recommendations set out in section 5.1 of the noise report submitted (namely Noise Assessment Report dated 9th March 2022 by Auricl) and shall thereafter be retained for the lifetime of the development.

Reason: In order to protect occupiers of the flats from traffic noise.

18. Means of Enclosure - Permitted Development Removed (Performance)

Notwithstanding the details of the proposed scheme and the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason: To safeguard the open character and appearance of this important area of open space adjoining a Scheduled Ancient Monument.

19. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures, including method statement for avoiding impacts on bat roosts, black redstart, swifts and starlings will be required, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place

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

20. Submission of a Bird Hazard Management Plan (Pre-commencement)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of the management of the roof area and any solar panels within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes'

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Southampton Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

Informative: Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within CAP1096 the Guidance to crane users on the crane notification process and obstacle lighting and marking.

21. Refuse & Recycling (Pre-Occupation)

Prior to the occupation of the development hereby approved, the details of refuse collection management plan shall be submitted to and agreed in writing by the Local Planning Authority.

Before the development hereby approved first comes into occupation, the bin store shall be provided in accordance with the plans hereby approved and the approved management plan and shall include the following:

- Ventilation;
- Outwardly opening doors, or roller shutter doors which do not encroach onto the public highway, with no less than 1.4 metre wide opening and capable of being secured in place whilst bins are moved;
- Level threshold access;
- A lock system to be operated by a coded key pad;
- Internal lighting;
- Facilities for cleaning and draining the store and;
- Dropped kerb access to the adjacent highway.

The store shall thereafter be retained and made available for use at all times for the lifetime of the development.

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

Note: 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.

22. Communal and Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the communal and private external and internal amenity and resident's space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity spaces and access to them shall be thereafter retained for the use of the dwellings.

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

23. Cycle Parking (Pre-Occupation)

Prior to occupation of the development hereby approved, a detailed plan shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the provision of long stay residents and short stay visitors cycle parking in accordance with the standards set out within the Council's Parking Standards Supplementary Planning Document (2011) unless otherwise agreed in writing by the Local Planning Authority. Once the quantum and location of cycle parking has been agreed in writing, the cycle provision shall be carried out in accordance with the approved details prior to first occupation of the approved buildings. Thereafter these cycle spaces and associated facilities shall be retained for the lifetime of the development.

Reason To promote cycling as a sustainable mode of transport.

24. Sustainable Drainage (Pre-Commencement)

The development hereby approved shall not commence until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. detailed design showing the sizing and position of each drainage component;
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be carried out in accordance with the approved surface drainage works prior to the occupation of the development and thereafter retained and maintained for the lifetime of the development.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by Government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

25. Sustainable Drainage - Verification (Pre-Occupation)

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

25. Surface/Foul Water Drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area and protection of archaeological deposits along Back of the Walls, and the town wall.

27. Sustainable Measures (Pre-Commencement)

Prior to commencement of demolition the following information for that development plot phase shall be submitted to and approved in writing by the Local Planning Authority:

- i. Pre-demolition audit - Conduct a pre-demolition audit on all existing buildings and hardstanding, considering opportunities for reuse on site and maximising the proportion of waste taken offsite which is recycled. Audit to be completed at a site-level prior to any works or at a phase-level, details of which should be provided. Set out how exploration of embodied carbon has informed decision making on materials
- ii. Embodied carbon - review the high-level embodied carbon implications of the proposals and which demonstrates that embodied carbon has been considered when making decisions regarding structure, architecture, and materiality. Consider conducting a detailed embodied carbon assessment in line with the RICS methodology on key buildings to benchmark the design.
- iii. Demonstrate compliance with Building Regulations 2021 Part O1: Overheating mitigation utilising Section 2 Dynamic thermal modelling or the most recent version.

The approved development shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent

Reason: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20, the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6, Southampton's Green City Charter and Plan (2020)

28. Energy (Pre-Commencement)

Prior to commencement of development a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the space heating demand and aspire to reduce space heating demand to 15kWh/m²/yr within apartments of 15kWh/m²/yr.

The measures set out in the agreed strategy shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010), and the Southampton Green City Charter and Plan (2020)

29. Energy (Post-Occupancy)

Within 6 months of completing each Residential accommodation block, the 'As Built' SAP certificates and Part L output BRUKL shall be provided to demonstrate post construction compliance with the pre-commencement condition.

REASON:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010), and the Southampton Green City Charter and Plan (2020).

30. Water efficiency and rainwater recycling (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 at minimum 100 Litres/Person/Day water use 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. This should include the review the viability and feasibility of rainwater harvesting and greywater recycling. 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).

31. Green Roof Specification

Details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

The biodiversity green roof shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plans hereby approved;
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mixed shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum)
- d)The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- e)The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter by a qualified maintenance company for the lifetime of the development

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015) .

Habitats Regulations Assessment (HRA)

Application reference:	22/00953/FUL
Application address:	Friary House Briton Street Southampton
Application description:	Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House
HRA completion date:	5 August 2022

HRA completed by:

Lindsay McCulloch
Planning Ecologist
Southampton City Council
Lindsay.mcculloch@southampton.gov.uk

Summary

The project being assessed is as described above.

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

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

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

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

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

Section 1 - details of the plan or project

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

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

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

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

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

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

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

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

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

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

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

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

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

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

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

The following effects are possible:

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

Conclusions regarding the likelihood of a significant effect

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

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

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

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

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

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

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

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

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

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

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

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

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

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

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

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

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

Disturbance

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

Sites considered: Solent and Southampton Water SPA

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

Collision risk

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

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

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

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

New Forest SPA/Ramsar site/ New Forest SAC

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

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

Nightjar

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

Woodlark

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

Dartford warbler

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

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

Visitor levels in the New Forest

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

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

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

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

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

Mitigation

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

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

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

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

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

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

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

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

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

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

Funding mechanism

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

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

has been agreed.

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

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

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

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

Solent and Southampton Water SPA/Ramsar site

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

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

Water quality

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

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

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

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

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

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

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

This submitted calculation resulting in ***56.73kg total nitrogen load per year*** has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required. This is based on the additional population from the residential units using 110litres of waste water per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount

of 56.73kg/TN/yr nitrogen is made.

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

Conclusions

The following conclusions can be drawn from the evidence provided:

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

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

Demolition and Construction phase

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

Operational

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

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

References

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

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

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

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

Protected Site Qualifying Features

The New Forest SAC

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

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

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

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

The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

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

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

Solent Maritime SAC

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

Solent and Southampton Water SPA

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

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

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

- Black-tailed Godwit *Limosa limosa islandica*

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

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

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

Solent and Southampton Water Ramsar Site

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre
CS4	Housing Delivery
CS6	Housing Density
CS7	Commercial Uses
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP21	Water Quality
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
NE4	Protected Species
HE1	Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains

City Centre Action Plan - March 2015

AP2	Existing Offices
AP 9	Housing supply
AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 15	Flood resilience

AP 16 Design
AP 17 Tall Buildings
AP 18 Transport and movement

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Old Town Development Strategy (November 2000)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Friary House, Southampton

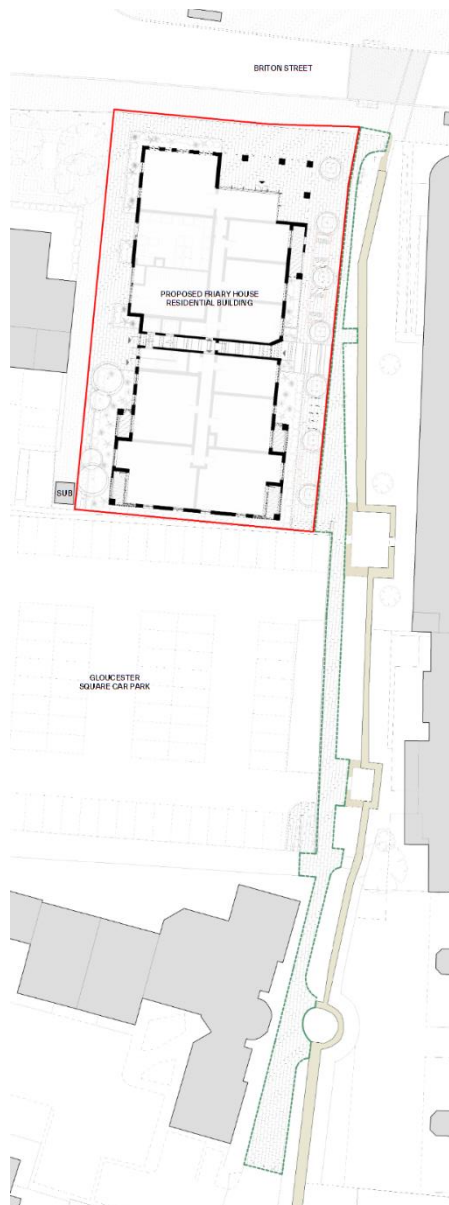
Schedule of Public Realm Improvement Works Proposed

This schedule of public realm improvement works should be read in conjunction with Proposed Landscape Masterplan (DR-A-00 012 Rev P12) – Figure 1 below.

Extent of Area of Public Realm Improvement Works

The extent of public realm improvement works relates to the area of proposed landscaping within the red line boundary between the proposed building and the Town Wall and the area of off-site public realm located within the green dotted line on the Proposed Landscape Masterplan located between the proposed building and the Town Wall and all the way down from Briton Street to the three bollards located at the entrance to Winkle Street (Figure 2 below).

Figure 1 – Extent of Area of Public Realm Improvement Works



Schedule of Public Realm Improvement Works Proposed

Figure 2 – Three Bollards Marking the Southern Boundary to Public Realm Improvement Works



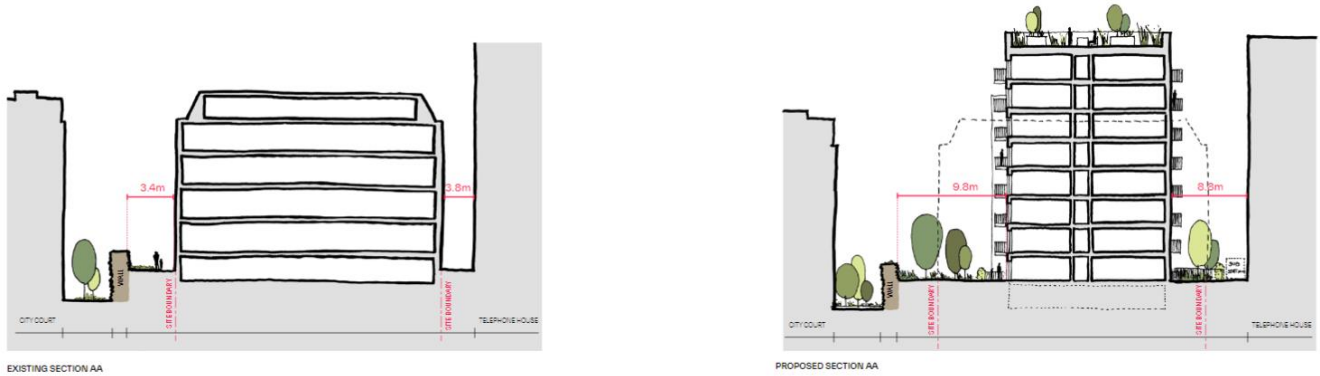
Schedule of Public Realm Improvement Works

The following public realm improvement works are proposed:

- **Widening of the public realm between the Town Wall and the proposed building.** This will increase from between 3.1m – 4.5m (existing) to 8.9m – 11.5m (proposed). This allows more space for a meaningful public realm experience, offering visitors the chance not only to move along the wall but sit and dwell. This also creates an improved setting for the monument and opportunities for learning and interpretation. A diagram showing the net gain in public realm between the proposed building and the wall is enclosed at Figure 3 below.

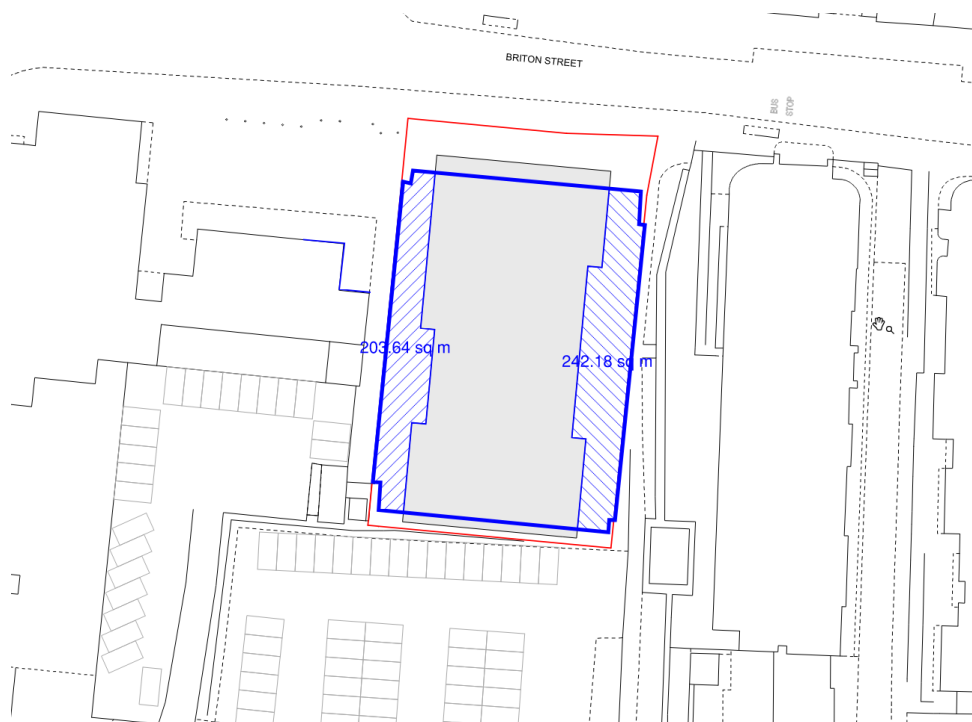
Schedule of Public Realm Improvement Works Proposed

Figure 3: Comparison of Existing vs Proposed Section Relationship between Building and Town Wall



- As such, the proposed development will create an additional 242sqm between the proposed building and the Town Wall. This is shown by Figure 4 below. The red line marks the outline of the existing building.

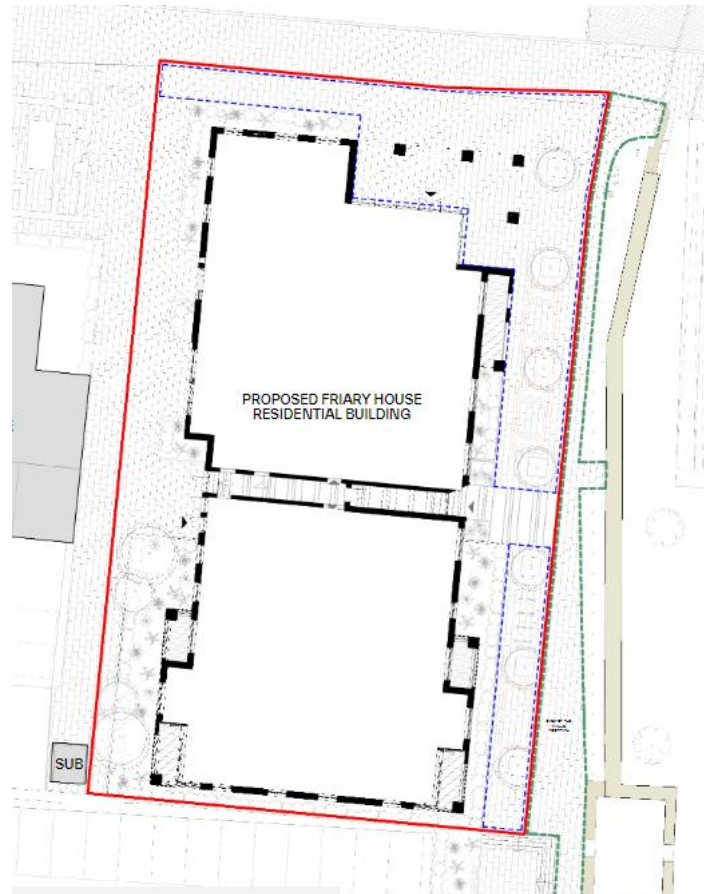
Figure 4 – Extent of new Public Realm Created by the Narrower Proposed Building



- The Applicant will undertake public realm improvement works to the area of new public realm to an adoptable standard and offer this land over to the Council for adoption. Figure 5 below shows the extent of area offered to the Council marked by the blue dotted line. Should the Council not wish to adopt this land then the Applicant would retain control of it.

Schedule of Public Realm Improvement Works Proposed

Figure 5 – Area (blue dotted line) Offered to the Council for Adoption



- The replacement of Friary House with a new-high quality building will enhance the character of the immediate area and improve the relationship with the Town Wall. Figure 6 below shows an image of the existing building compared with the new proposal.

Schedule of Public Realm Improvement Works Proposed

Figure 6 – Existing Building from Briton Street Compared with New Building from Briton Street



Image Credit: Architecture Initiative

Schedule of Public Realm Improvement Works Proposed

- The proposal includes 7no. new trees with recessed cover over pits between the proposed new building and the Town Wall. Visuals of these are shown at Figure 6 above. Care will be taken with the siting and selection of proposed trees so that they do not compete with the Town Wall or lead to future maintenance issues for the monument. Details of the specific tree species are proposed to be confirmed via condition.
- The proposal also includes low, level low maintenance wildflower around the proposed building to create defensible spaces to residential windows and improve the visual appearance of the development and relationship with the Town Wall.
- The Applicant will undertake works to replace the paving slabs within the area of public realm identified at Figure 1 (red and green line areas). This includes implementing Purbeck stone paving slabs to the new public realm area– to adoptable standards, 450mm x 450mm permeable paving to terraces adjoining the proposed building, and textured concrete flooring with metal edging at the entrance to the eastern elevation of the building.
- 4no. benches are proposed to be added to the expanded public realm for public use with planters to add interest, as shown on the submitted landscaping plan.
- 5no. external Sheffield cycle stands will be added adjoining the eastern elevation of the building, as shown on the submitted landscaping plan.
- Bollard lighting will be added in the locations shown on the proposed landscaping plan. These are proposed to be connected to the Friary House lighting system.
- Proposed floor mounted floor lighting to the city wall is proposed to enhance the night-time visual experience of the Town Wall. This would run alongside the length of the wall (Figure 1) on the proposed building side only and is proposed to be connected to the public lighting system.
- Railings will be added to mark the separation between the public realm and the private defensible spaces.
- Proposed 50mm steel profile to the edge of the grass bank running along side the Town Wall to be added, as shown on the landscape plan, to replace the existing edging. No intrusive works to the grass bank itself are proposed due to archaeological sensitivity.
- An improved interpretation strategy will be incorporated within the public realm. This will include improved information on the Town Walls and their importance, along with feature lighting. Details of the design and information included will be agreed via an appropriately worded condition and will be consistent with the Council’s city wide heritage interpretation strategy.
- Repair works will be undertaken to the historic wall, separating the public realm with Gloucester Square car park, to appropriate conservation standards.
- The locally listed murals (7no. with detail) currently located on the eastern façade of the existing Friary House building are proposed to be relocated to the public realm on the back of the proposed benches. Please refer to Figure 7 below.

Figure 7 – Mural relocation





Review of 'Financial Viability Assessment in support of the Planning Application' – Friary House, Briton Street, Southampton SO14 3JL



Prepared for
Southampton City Council

September 2022

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Appendix 1 - Proposed Schedule of Accommodation
Appendix 2 - Residual Appraisal
Appendix 3 - Sensitivity Analysis

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1 Introduction

Southampton City Council ('the Council') has commissioned BNP Paribas Real Estate to advise on a 'Financial Viability Assessment in support of the Planning Application' validated July 2022 prepared by Savills on behalf of Telereal Trillium ('the Applicant') in relation to its development proposals ('the Development') at Friary House, Briton Street, Southampton SO14 3JL ('the Site').

The application for the "*Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.*" reference 22/00953/FUL was received 2nd August 2022 and the planning status at the time of writing is "registered".

1.1 BNP Paribas Real Estate

BNP Paribas Real Estate is a leading firm of chartered surveyors, town planning and international property consultants. The practice offers an integrated service from nine offices in eight cities within the United Kingdom and over 180 offices, across 34 countries in Europe, Middle East, India and the United States of America, including 18 wholly owned and 16 alliances.

BNP Paribas Real Estate has a wide ranging client base, acting for international companies and individuals, banks and financial institutions, private companies, public sector corporations, government departments, local authorities and registered providers ('RPs').

The full range of property services includes:

- Planning and development consultancy;
- Affordable housing consultancy;
- Valuation and real estate appraisal;
- Property investment;
- Agency and Brokerage;
- Property management;
- Building and project consultancy; and
- Corporate real estate consultancy.

This report has been prepared by Steve Pozerskis MRICS, RICS Registered Valuer.

The Development Viability and Affordable Housing Consultancy of BNP Paribas Real Estate advises landowners, developers, local authorities and RPs on the provision of affordable housing.

The firm has extensive experience of advising landowners, developers, local authorities and RPs on the value of affordable housing and economically and socially sustainable residential developments.

1.2 Report Structure

This report is structured as follows:

Section two provides a brief description of the Development;

Section three describes the methodology that has been adopted;

Section four reviews the assumptions adopted by the Applicant, and where necessary, explains why alternative assumptions have been adopted in our appraisals;

Section five sets out the results of the appraisals;

Section six, sets out the conclusions from the analysis.

Section seven, sets our recommendations.

1.3 Disclaimer

This report is not a valuation and should not be relied upon as such. In accordance with PS1 (5.2) of the RICS Valuation – Professional Standards – Global Standards 2020 (the 'Red Book'), the provision of VPS1 to VPS5 are not of mandatory application and accordingly this report should not be relied upon as a Red Book valuation.

In carrying out this assessment, we have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.

We are not aware of any conflicts of interest in relation to this assessment.

In preparing this report, no 'performance-related' or 'contingent' fees have been agreed.

This report is addressed to Southampton City Council only. No liability to any other party is accepted.

For the avoidance of doubt, this document is a review of the Applicant's Financial Viability Submission. None of the residual valuations contained in this report represent an expression of our opinion of the market value of the Site.

2 Description of the Development

2.1 Site Location and Description

The 0.41 acre site is located to the south of Southampton City Centre close to the “Old Town” and various shopping centres and the port. It fronts Briton Street which consist of mainly low to medium rise residential building.

The site is within walking distance of the various amenities available within Southampton City centre which include retail, restaurants and commercial users plus the large port and Ocean Village.

Southampton is well connected to the transport network with a large railway station providing direct access to London / Reading, a regional airport and the motorway network (M27 / M3).

The site currently consists of a (now vacant) 1980’s era office building of some 51,596 sq ft (GIA) which is understood to be in an “average” state of repair.

Figure 2.1.1: Site Plan



Source: LandInsight

Figure 2.1.2: Location Plan



Source: LandInsight

2.2 Planning History

The subject site has been the subject of the following applications:

- 21/01181/PA56 – Prior Approval sought for a change of use from Office (Use Class B1 (a)) to 46 flats (4 x studio, 30 x 1-bed, 10 x 2-bed and 2 x 3-bed) (Use Class C3) – No Objection (11th October 2021)
- 22/00953/FUL– Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.– No decision at the time of writing.

2.3 The Proposed Development

In August 2022, the Applicant submitted an application for the “*Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.*”

It is this application which is the subject of Savills’ report.

The proposals, if granted would create 88 residential dwellings as follows:

Table 2.3.1: Residential units and floorspace

Type	Units		
	Number	Av.Sq ft	Total Sq ft
Studio	25	420	10,508
1 Bed Flat	26	550	14,292
2 Bed Flat	37	761	28,145
Total	88		52,945
GIA			73,259

A full schedule of accommodation is available at **Appendix 1**.

3 Methodology

Savills have undertaken their appraisal using Argus Developer Software, which is a standard development appraisal tool widely used for the purposes of appraising development proposals, including for the purposes of secured lending valuations. The Argus Developer model has been widely utilised in viability assessments on application schemes in the South East and has been accepted for the purposes of evidence at numerous planning appeals.

We have used Argus for the purposes of undertaking our own appraisals of the Applicant's proposals.

Argus is essentially a cash-flow backed model which allows the finance charges to be accurately calculated over the development/sales period. The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value. The model is normally set up to run over a development period from the date of the commencement of the project and is allowed to run until the project completion, when the development has been constructed and is occupied.

Essentially, such models all work on a similar basis:

- Firstly, the value of the completed development is assessed;
- Secondly, the development costs are calculated, using either the profit margin required or land costs (if, indeed, the land has already been purchased).

The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value.

In order to determine whether a scheme is viable with a given percentage of affordable housing, the key question is whether the residual land value is sufficient to incentivise the landowner to bring the site forward for development. The Planning Practice Guidance ('PPG') indicates that a 'benchmark land value' should be established on the basis of the existing use value of a site plus a premium for the landowner. The premium should "*provide a reasonable incentive, in comparison with other options available, for the landowner to sell the land for development while allowing a sufficient contribution to fully comply with policy requirements*" (paragraph 013).

The PPG recognises that landowners may also be able to develop their land for an alternative type of development to that proposed in their application. As an alternative to existing use value, paragraph 017 of the PPG indicates that benchmark land value may be established through a valuation of an alternative use, providing that the alternative scheme would "*fully comply with up to date development plan policies.... and... it can be demonstrated there is market demand for that use*". Furthermore, if an alternative use value approach is adopted, the PPG indicates that "*AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted*".

The PPG is explicitly clear that prices paid for sites are to be excluded from Financial Viability in planning and this report reflects this guidance.

4 Review of Assumptions

A review of the assumptions made by Savills has been undertaken as follows:

4.1 Project Programme

We do not have the project programme that Savills have utilised.

We have therefore utilised BCIS duration calculator for both the office refurbishment and the residential appraisals:

Type	BCIS duration
Office Refurbishment	42 weeks
Residential Development	89 weeks

In addition, we have utilised a six month pre-construction period for the residential development option and a three month pre-construction period for the refurbishment.

Sales conclude after 24 months or approximately 3.5 per month.

4.2 Market Housing Revenue

Savills assessment relies upon comparable sales data from the Southampton area conclusion with a conclusion of a GDV in the region of £19.29 million (£364 per sq ft).

There is limited analysis of the various sales and ongoing marketing of nearby schemes particularly regarding how the various locations / specifications compare to the proposals.

4.3 Ground Rent Revenue

Savills have not included ground rent income in their assessment. In light of the impending legislation which will limit future ground rents to a peppercorn, we consider this approach to be reasonable.

4.4 Construction Costs

Savills have relied upon BCIS for their cost plan. They conclude that the “mean quartile” should be adopted at £185 per sq ft plus additional costs consisting of the following:

Input	Cost
Contingency	3%
Demolition	£150,000

4.5 Professional fees

Savills have applied an allowance of 7% of construction costs for professional fees.

4.6 Community Infrastructure Levy ('CIL') and Section 106 Payments

Input	Cost
CIL	£68,405
S106	£47,239

4.7 Developer's Profit

Savills report indicates that they have utilised a profit level of 15% (on GDV).

This is towards the lower end of expectations and with the potential of a recession and impending cost of living crisis we would not be surprised were a lender to require a higher return than this. However, for the purposes of this FVA we will utilise the profit level provided by the Applicant.

4.8 Finance Costs

The Applicant's viability assessment adopts a finance rate of 5%, applied to 100% of costs. Although bank funding is unlikely to be available to cover all costs, it is usual practice to apply finance to 100% of costs to reflect the opportunity cost of an applicant's own funding, or to reflect the cost of mezzanine finance. Savills finance rate is towards the lower end of the normal range applied in financial viability assessments.

4.9 Marketing, Sales & Disposal Fees

Savills have applied a 0.75% agent fees plus £10,000 marketing plus legal fees of 0.5%.

These inputs are not considered unreasonable.

5 Analysis

5.1 Benchmark Land Value

Our approach to benchmark land value reflects the requirements set out in paragraphs 013 to 017 of the Planning Practice Guidance and other relevant planning guidance. Benchmark land value is not an expression of what a site might sell for in the market and the PPG warns against reliance on the prices paid for sites.

Savills suggest that the Benchmark Land Value should be based upon an Existing Use Value plus (EUV+) methodology (which would usually be expected for this type of property) as a vacant office building. The methodology includes providing both sales evidence of vacant office buildings and a check via a basic residual appraisal on the basis of a GDV of good quality office space, less the costs of refurbishing the existing office space up to a modern standard plus a premium.

We do not disagree with this methodology.

Savills have included a number of office comparable sales and lettings to support their GDV. The first set of evidence is based upon sales of vacant office space in Southampton / nearby area with values of between £70 and £176 per sq ft provided. We note that a number of these buildings have Prior Approval for conversion to residential space. It is difficult to compare like with like as we are unaware of the costs associated with a conversion, and on the basis that the prior approval for the subject site has not been implemented as yet, it may be that the conversion costs of the subject building are too high in comparison to those comparables provided. We are therefore wary of this approach as these sales may not be directly comparable.

A check is provided via an investment method and residual approach. The basic inputs are as follows:

Input	Cost / Value
Rent	£20 – £22 per sq ft
Capitalisation Rate	7.5%
GDV	£9.25 million
Costs	£5 million (£97 per sq ft)
Finance	6.5%
Profit	15%

The rent / capitalisation rate is not considered unreasonable. A rent for an air-conditioned, Grade A office in Southampton is likely to be in the region of £20 per sq ft and thus we do not believe this is unreasonable however we are of the opinion that a six month void and six month rent free period are potentially on the optimistic side. CoStar analytics suggest an average 15 month void period.

The Southampton office market is considered to be relatively slow at present with little demand for large spaces such as the subject site thus we would expect the updated office space to be let to multiple tenants. This would therefore encourage tenants with lower covenants to the smaller available spaces and therefore present more risk to an investor.

CoStar suggests the average yield in Southampton to be around 9-9.5%. We would expect a harder yield than this once the refurbishment has taken place – the sale at 1650 Prism in mid-2022 at 8.6% NIY provides evidence for this, being a modern office space in the popular Solent Business Park. This has a strong location close to the M27 but does not have the City centre attraction.

We would therefore expect a similar yield to apply to the subject site, were it completed to a high specification. We have adopted a Net Initial Yield of 8.0% to reflect the more desirable, city centre location compared to 1650 Prism.

The costs of refurbishment are difficult to analyse on the basis that each refurbishment is different thus we would recommend that the Council may wish to instruct a cost consultant to confirm the £5 million cost.

Utilising BCIS as basis of our initial appraisal we note that a median refurbishment for a 3-5 storey office building, rebased to Southampton, is expected to be cost between £124 per sq ft (non-air conditioned) and £143 per sq ft (air-conditioned). However, Lower Quartile costs are closer to the Applicant's costings at between £84 per sq ft and £102 per sq ft. However, on top of these base costs we would expect a level of contingency to be included as well.

In this instance we have utilised £102 per sq ft which reflects the Lower Quartile level assuming air-conditioning, plus a contingency of 3%.

We have applied a 15% profit level on cost in line with the Applicant's appraisal and a finance rate of 6.5%.

This equates to a value of the office, once converted, of £1,559,749 say £1,600,000.

The Applicant has included a further 20% premium for incentivisation. Whilst we do not disagree with this methodology, we would suggest that, given the relative weakness of the office market in Southampton, that a premium towards the lower end of the "10%-30%" range noted by the Borrower would be reasonable. In this instance, we have utilised a 10% premium, which we suggest reflects the fact that there is potential for large void periods, significant empty space running costs, and a general negative market outlook due to the cost of living crisis and high inflation.

Overall our Benchmark Land Value, inclusive of premium, equates to £1,760,000.

Scheme GDV

Savills have provided a number of comparable development schemes as evidence to support their expected GDV.

The developments include Portland Place (by Cannon Capital), The Courtyard (by Orchard Homes) and Compass Point (BMR London).

Overall a value of some £364 per sq ft has been concluded.

We are of the opinion that this may be on the pessimistic side based upon the following sales in the local area since 2020:

Address	No. Sales	Av Size	Av Achieved £/ft ²	Av Indexed £/ft ²
Riverside Quay, Thomas Blake Avenue, Southampton, SO14 5DH	43	679	£353	£380
Seafarers Court, 12 - 14, Queens Terrace, Southampton, SO14 3SG	24	427	£350	£371
8, Ogle Road, Southampton, SO14 7FB	27	420	£376	£404

Azera, Capstan Road, Southampton SO19 9US	10	734	£351	£368
Television House, Meridian Way, Southampton, Southampton SO14 0FS	31	719	£342	£368

Riverside Quay – Average Index Adjusted Rate £380 per sq ft

This modern development is situated on the riverside at Chapel Riverside Quay. The development benefitted from a good specification, undercroft parking and a communal garden, with some flats having views over the river. Generally, the inclusion of undercroft parking and proximity to the river will be considered to be valuation positive however we note that the local area is not considered to be as desirable as the subject site. We note that over the last five years, achieved sale prices of flats in the SO14 5 region have been some 72% of those in the subject postcode sector. On the basis that the subject site is better located albeit does not have access to secure parking we would expect a similar value to be achieved accordingly.



Seafarers Court, 12 - 14, Queens Terrace - Average Index Adjusted Rate £371 per sq ft

A recently redeveloped apartment block in a central location and benefitting from a good specification and a communal garden, this development is considered to provide reasonable evidence as to achievable values in the local area. This development does not include parking (although nearby permit parking is available as per the subject site) and is similarly located in terms of access to the City centre. The average size of flat sold is only 471 sq ft compared to the proposed circa 600 sq ft. However, we would note that the proposed development will be a newly constructed development with access to various warranties and a new build specification throughout, thus whilst quantum factors would suggest this development would achieve a higher value, the new build specification and layout of the proposed scheme will be considered valuation positive.



8 Ogle Road - Average Index Adjusted Rate £404 per sq ft

This converted office building situated in a central location has a good specification throughout and benefitting from secure parking. On average, the flats within this development are smaller than the proposed dwellings at 420 sq ft thus we would expect a lower rate per sq ft to apply to the proposed development based upon quantum factors alone. However, this is considered to be a development with little architectural merit and does not have any communal outdoor space. Furthermore, there is a general tendency for office to residential conversions to achieve lower values generally than purpose built developments on the basis of design and the general aesthetics. Thus, whilst this development does include parking and has smaller flats on average, we would expect that generally a higher rate per sq ft would be achieved by the proposed development. We also note that SO14 7 has achieved approximately 72% of the values achieved in the subject postcode sector on average over the last 5 years suggesting that the subject site is more desirable than this.



Azera, Capstan Road - Average Index Adjusted Rate £368 per sq ft

Situated in Centenary Quay on the east side of the river is this newly completed development of flats. The flats benefit from a modern specification and secure undercroft parking and some have river views. However, the development is on the opposite side of the river to the main CBD and City centre thus is not as popular as more centrally located residences. We note that sales in SO19 9 are some 72% of those at the subject site. This is particularly relevant as many of the flats in this location are newly constructed / modern as part of the overall regeneration of the area.



On the basis that the proposed development has a similar specification (albeit without parking) plus communal roof terrace and a central location, we would expect achievable values to be in excess of those noted above.

Television House Average Index Adjusted Rate £368 per sq ft

Situated on the riverside to the north of the City centre in a similar location to Riverside Quay (described above) close to St Mary's football stadium in an area undergoing regeneration. This is a modern development with allocated parking and riverside views for some of the apartments.



Similarly to the Riverside Quay development, it is noted that the location is considered not to be as desirable as the subject site and this is backed up with a postcode sector analysis with values being some 82% of those in the subject postcode sector in the last 5 years. We would therefore expect higher values to be achieved by the proposed flats at the subject site on the basis of the stronger location.

Applicant's Evidence

The evidence provided by the Applicant is considered to be relatively limited. Portland Place is also known as 8 Ogle Road (discussed above) whilst the Courtyard is a high specification, small-scale development which is not considered to be particularly comparable to the proposed 88 unit scheme. Compass Point is a redevelopment of office space with a large courtyard / communal space but otherwise is considered to be in a poorer location (well outside the City centre) and of little architectural merit. We note that Compass Point is close to the hospital thus will likely have a high number of hospital staff renting / purchasing dwelling within this development, and as such, will be a separate market to the flats noted above.

Agent Input

We have spoken to local agents in Southampton and they agree that there is a lack of directly comparable evidence within the immediate vicinity of the subject site. The general consensus is that the subject location is marginally more desirable than the "riverside" developments noted above. Furthermore, the residents' lounge and rooftop terrace will be considered to be valuation positive elements. However, the lack of balconies and parking will limit any premium associated with the previously noted elements.

The general feeling was that a value in excess of £400 per sq ft is not achievable in the current market and values between £380 - £390 per sq ft would be more likely to be achieved.

GDV Conclusion

Based upon the evidence above, the most comparable development in terms of location is Seafarers Court. The development however is not a purpose built, and therefore, whilst on average, smaller than the proposed dwellings, we would expect the proposed flats to achieve a higher rate per sq ft on average on the basis of a modern and efficient layout and specification.

Ogle Road provides considerably smaller dwellings than proposed but in an office to residential development. Values at over £400 per sq ft have been achieved however.

We would therefore suggest that achievable values at the subject site would be somewhere within the above range of £368 per sq ft to £404 per sq ft – this is in line with agent expectations.

On the basis of the reasonable level of communal space and relatively central location we have adopted a value at £386 per sq ft.

We would suggest however that there is an element of uncertainty regarding this figure as there is little directly comparable evidence available and thus we would recommend that were a reduced level of planning obligations agreed, then a review mechanism should be agreed prior to the grant of planning to cover off this uncertainty.

We have therefore adopted a value of £386 per sq ft which equates to £20,437,928.

Construction costs

We do not believe the methodology (BCIS) utilised by Savills is unreasonable and 3% contingency is also within a range we would expect.

Other costs

The other costs as follows are not considered unreasonable:

Input	Cost
Demolition	£150,000
Professional Fees	7%
Agent Fee	0.75%
Marketing	£10,000
Legal	0.5%
Finance	5%
Profit	15%

It should be noted that these inputs are considered to be towards the lower end of expectations and are considered to be location specific in some cases.

5.2 Appraisal results

Savills appraisal results

Savills have structured their appraisal so that the Residual Land Value can be directly compared to the Benchmark Land Value.

Savills Summary

Appraisal variable	£ Value
Gross Development Value	£19,290,000
Construction Costs	£13,552,915
Contingency	£406,587
Demolition	£150,000
Sales/Marketing	£154,667
Finance	£917,131
Return	£2,893,500
Residual Land Value	£53,590
BLV	£3,000,000
Shortfall	-£2,945,000

A question has to be asked as to why the Applicant is considering this development on the basis that it falls so short of the BLV. When considering the “profit” and the “RLV” together the total return is less than the BLV, thus, based upon the inputs above, there is little financial merit in undertaking this development. Whilst this is not a “planning issue”, it does suggest that a potentially pessimistic take on the appraisal has been presented.

BNPPRE Appraisal Results

There are three main areas that are important within a viability appraisal. Gross Development Value, Costs and Benchmark.

We do not believe Savills have been unreasonable regarding the costs and we have therefore utilised these inputs throughout our appraisal.

As discussed above, we are of the opinion that the Gross Development Value falls short and we have therefore adopted a figure £386 per sq ft (above the Applicant's £368 per sq ft).

In terms of the Benchmark Land Value, overall, the Applicant's £2,500,000 EUV is considered to be on the optimistic side. Firstly, as a vacant office space, in existing condition – the Applicant has utilised comparable evidence from smaller office space sales, some of which benefit from permitted development residential conversion options. The subject site does have permitted development for residential conversion but this has not been explored by the Applicant within their report. This is either an oversight or suggests that the conversion is not considered to be financially viable. If it is the former, then we would recommend that the Applicant may wish to provide evidence that the conversion is viable. Were it the latter, then it is not considered reasonable to use other sales from permitted development schemes when this is not financially viable.

We therefore rely upon the Existing Use Value of the property on the basis of a refurbishment. We do not disagree with the majority of the inputs utilised by the Borrower but believe the capitalisation rate is on the optimistic side whilst the void period at six months is not considered reasonable in the current market. Finally, the 20% premium applied to the Applicant's EUV is considered to be optimistic in the current climate. Based upon the inputs detailed above, we suggest a BLV of some £1.76 million is more realistic than the £2.5 million suggested by the Applicant.

As noted in Section 4, we have made the following amendments to Savills' appraisal inputs:

- Adjust residential values in line with market evidence at £186 per sq ft
- Adjust BLV to £1.76 million

As a result of these changes, the Proposed Development generates a residual land value of **£1.37 million (see Appendix 2)**.

It should be noted that this development is particularly sensitive to both build costs and value changes. We include a sensitivity analysis at **Appendix 3**. This suggests that with just a 2.5% increase in values and a 2.5% decrease in costs that a Residual Land Value in excess of £2 million could be achieved thus providing a surplus.

6 Conclusions

The Applicant's appraisal is not considered to be fundamentally wrong but there are a number of adjustments that we suggest are required. These are:

Input	Savills	S&P
BLV	£2,500,000	£1,760,000
GDV	£168 per sq ft	£186 per sq ft

On the basis of our inputs our Appraisal returns an RLV of approximately £1.375 million. This is still short of our Benchmark Land Value of £1.76 million.

DRAFT

7 Recommendations

The report provides insight in to the differences between the Applicant's appraisal and ours – namely the proposed Gross Development Value and Benchmark Land Value.

Our recommendation is that this development, based upon the above values and costs is viable in an "All Private" configuration however, there is some doubt as to final achievable GDV. With this in mind we would recommend a review mechanism is incorporated in to the planning permission.

It is suggested that a basic review mechanism based upon the Greater London Authority "Late Stage Review" formula is implemented which is requires a viability review once 75% of the proposed dwellings have been sold. Any surplus over would be recommended to be shared 60/40 (LPA / Developer). This has the benefit of bringing forward the development without a long and protracted viability discussion whilst shielding the Local Authority from any "super profits" that the developer may make during the delivery of the development.

DRAFT



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Our ref: P01531293

15 August 2022

Dear Mr Brooks

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**FRIARY HOUSE , BRITON STREET , SOUTHAMPTON
Application No. 22/00953/FUL**

Thank you for your letter of 5 August 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The Scheduled city defences in Southampton are some of the best-preserved medieval town walls in the country. Those adjacent to the proposed 8-9 storey building will be subject to harm through impact on its setting, depreciating its legibility as a former defensive structure. Following pre-application discussions, measures to minimise the harm have been incorporated into the design of the building and landscaping proposals. However, uncertainty remains over the extent of public realm enhancements and interpretative elements that will be undertaken as part of the development. Given this represents a tangible public and heritage benefit, designed to balance the impact of the scheme, it is necessary for the extent and nature of these works to be clarified and agreed.

Historic England Advice

The proposals presented follow a series of pre-application meetings between the applicant and Historic England.

The Significance of Designated and Undesignated Heritage Assets

The proposed development site lies within the south-east quarter of the medieval walled town of Southampton. Most of the medieval town is designated as



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Conservation Area (divided into Old Town North, Old Town West and Old Town South). The extensive stretch of town walls is the outstanding feature of the Old Town conservation areas. The portion immediately adjacent to the development site is protected as a Scheduled Monument (NHLE: 1001931) and is also Grade II listed (NHLE: 1179291).

Southampton Old Town and the City Defences

The town of Southampton developed in its present location from the Norman period. The town walls were extended, and the fortifications enhanced throughout the 13th and 14th centuries and by 1381 the whole town was enclosed by these formidable defensive structures. The medieval street pattern is still evident within the town, with the High Street being the principal route from north (The Bargate) to south (the Water Gate). A grid of narrow streets extended from the High Street to the walls. Significant medieval remains survive within these areas as above and below ground archaeology.

The area within which the proposed development site is located is considered to possess a high degree of evidential value due to its particularly rich survival of highly significant and visible remains of Southampton's medieval past. The town wall to the east, God's House Tower and museum and adjacent gateway and the remains of the Watergate and the remains of the South Gate are part of one of the best-preserved medieval town walls in the country, although the east section is somewhat compromised by modern development.

These highly significant heritage assets are culturally important in their role of defining how the medieval city functioned and was ordered. They have associative value for their historic role as one of the most important ports in England.

Southampton Greyfriars

Friary House is located on the site of a medieval Franciscan Friary, which possessed a burial ground where many merchants of the town were buried. The development of this part of lower High Street in the medieval period, with the suggested movement of the merchant classes to the area to the east of High Street after the construction of the defences, is of particular interest. For this reason, this area is considered to have high evidential value in terms of what information can be gained from the sequencing of progressive development on sites and how this has influenced present development.

There is also evidence for the Roman, Saxon and medieval use and occupation of this area. Accordingly, any archaeological remains within the area are regarded as being of national importance and the area is within a Local Area of Archaeological Importance to reflect this potential to yield significant evidence for past activity in the area.





The Archaeological Desk Based Assessment that accompanies the application notes potential for archaeological survival, specifically along the northern margins of the application site.

Impact of the proposals

The proposals concern the demolition of the existing 4 storey Friary House, an office block constructed in the 1980s, and the construction of a new 8-9 storey residential building in its place.

Setting

The height of the building will have some impact and visibility on the surrounding streetscape, which forms part of the Old Town South Conservation Area. More pertinently, it will overshadow over the scheduled Town Wall at an increased height compared to the current Friary House. This would cause harm to its significance via the impact of its setting, further diminishing its presence as a former defensive structure.

Steps have been taken to attempt to lessen the harm that this would cause to the significance of the monument, via incursion of its setting. This includes shifting the building to the west, away from the wall, the use of recessed balconies at points closest the wall and the opening up of views of it from Briton Street at ground level. Consideration has also been given to our comments that external materials should complement, contrast (but not compete) with the monument.

Public realm and landscaping

It is intended that this space will comprise a landscaped area of public realm, softening the impact of the height of the new development and opening up the area around the wall and making it a more inviting place to traverse. The application proposed works to be undertaken within the application site, outside of it and also works for Southampton City Council to undertake (specifically along the eastern edge of the car park to the south of the site).

The application provides an indicative landscaping plan but details such as the location and species of trees will need consideration and, potentially, amending. Care needs to be taken with regard to the introduction of trees or other such plantings so that it does not cause issues relating to the conservation and maintenance or, indeed, visibility of the medieval wall. The inclusion of benches and feature lighting for the wall are a positive addition, although the location of the lighting will need to be finalised so as to ensure there is no harmful impact on significant archaeology. Consideration will need to be given regarding the treatment of the existing streetlamps and, as such, it will be important to understand their age.



Some of the landscaping details can be subject to condition on any planning permission you were minded to grant. However, the extent of the public realm improvements will need to be firmly established with Southampton City Council pre-determination (or via provision of a S106 agreement). This is because they will have a bearing on the extent, impact and effectiveness of the public realm (and interpretative elements) that are an important heritage (and public) benefit for the scheme.

Interpretation strategy

This is intrinsically linked with the public realm proposals and is proposed to help mitigate the heritage impact of the scheme. New interpretative elements should provide greater opportunity for education and learning, particularly related to the Town Wall, the Reredorter Tower and the Friary Gate.

It will be important to ensure that any new interpretation is consistent with the design, format and materials utilised at other sites across the city, specifically in relation to the defences. This will include the layout of any interpretation panels, lighting design and materials for paving. They should be of an appropriately high quality to reflect the high significance of the nationally important heritage asset. The proposed landscape plan appears to indicate one panel only at the northern end, but we would expect to see some interpretation for the Tower and Gate included within the proposals.

As with the landscaping, the finer details of the interpretation strategy should be conditioned, but the extent of the public realm works should be agreed with Southampton City Council pre-determination (or via S106).

Archaeology

The proposals will potentially have an archaeological impact. As reported in the DBA and Heritage Statement, previous investigations suggest the banking present along the western elevation of the wall may form part of the 12th century earthwork defences and, as such, will be archaeologically sensitive. It should also remain consistent along the length of the wall so as to not to be visually confusing. To that end the existing bank will need to remain intact, although the edging could be updated.

The construction of the new building may also have other archaeological impacts, most significantly related to the potential for surviving features relating to Southampton Greyfriars, its associated burial ground and features from other periods. It should be noted that there remains the potential for any such surviving features to be considered nationally important and, under the terms of the NPPF, would be treated to the same policies as a designated heritage asset.

The DBA that accompanies the application makes a recommendation for



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archaeological mitigation to be controlled by condition. The nature and scope of any mitigation (whether pre or post determination/commencement) should be agreed with the Southampton City Archaeologist, Ingrid Peckham.

Condition, maintenance and monitoring of the Town Wall

This stretch of wall is included in Southampton City Council's current project to undertake conservation repairs to a number of its heritage assets, including the scheduled Town Walls. As such a recent condition survey has already been undertaken and repairs will be under way shortly. These are understood to be light touch and comprise of minor stabilisation works and repointing at specific locations.

Due to the potential impacts associated with the demolition of the existing Friary House and construction of the new building (such as vibration and dust), it will be necessary to ensure the monument is protected. A monitoring strategy will need to be implemented to make certain that vibration levels are not exceeded. A survey will also be required, post development, to assess its condition and make recommendations for any further works and repairs, which may include cleaning.

These actions will likely require an application for Scheduled Monument Consent (SMC) and as such further discussion will be necessary in advance of an application being made. They can also be included as a planning condition.

Policy considerations

Statutory protections

The remains of East side of the Town wall South of East Street and North of Gods House Tower is protected as a Scheduled Monument under the 1979 Ancient Monuments and Archaeological Areas Act on account of its national importance and archaeological, architectural and historical interest. Any works to (or interacting with) the monument will be subject to the requirement of Scheduled Monument Consent (SMC) which is granted by the Secretary of State for Digital, Culture, Media and Sport, in a process administered by Historic England.

The site is located within the Old Town South Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it an overarching statutory duty for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

National policy regarding Scheduled Monuments

The DCMS document Scheduled Monuments and nationally important but non-scheduled monuments (October 2013) sets out Government policy on the



identification, protection, conservation and investigation of nationally important sites and buildings for the benefit of current and future generations. It notes that in addition to their intrinsic value, scheduled monuments can contribute to our perceptions of cultural identity and provide unique opportunities for research, education, leisure and tourism, delivering social benefits and contributing to economic growth.

Paragraph 20 states that, in cases including works proposed for development-, conservation- or presentation-related purposes, the Secretary of State has particular regard to the following principles which align with those contained in the National Policy Framework:

- Only in wholly exceptional cases will consent be granted for works that could result in substantial harm to, or loss of, the significance of a Scheduled Monument; and
- In cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal.

National Planning Policy Framework

One of the principal objectives of the National Planning Policy Framework (NPPF 2021) is the conservation of historic environment (paragraph 20). The following sections of the NPPF are of particular relevance to the application:

- A decision-maker should identify and assess the particular significance of the heritage assets that are affected by a proposal. They should take account of this assessment to avoid or minimise conflict between the heritage assets' conservation and any aspect of the proposal (Paragraph 195).
- Sustaining and enhancing the significance of heritage assets is also a key requirement (Paragraphs 197 and 206) that may form part of the balancing process.
- Great weight should be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Paragraphs 199 and 200).
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202).
- Opportunities for new development should be sought within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance (Paragraph 206).



Local Policy

Both the Southampton City Centre Urban Design Strategy and the Southampton Old Town Development Strategy make references to the height of buildings in relation to the medieval townscape and character of the old town. They contain specific requirements for maximum heights for buildings in close proximity to the Town Walls, namely 3-5 storeys.

Historic England's position

The development will cause some harm to the setting of the Old Town South Conservation Area and the scheduled Town Wall that lies immediately adjacent to and east of the application site (NPPF Paragraphs 199 & 200). It should also be noted that the proposed height of the development also contravenes local policy in relation to the maximum height requirements in close proximity to the Town Walls.

As a result of successful pre-application engagement, endeavours to incorporate measures to reveal and enhance the significance of the scheduled walls have been offered within the application. Although there remains some demonstrable harm in the construction of a building taller than the present adjacent to the scheduled walls, careful and sensitive design and the inclusion of tangible heritage benefits have been incorporated to help redress the balance (NPPF Paragraph 195).

We would be content for some elements of the scheme to be conditioned within any planning permission that you were minded to grant. Specifically details of landscaping, public realm and an interpretation strategy. Also, a conservation plan comprising protection measures, surveying post construction and any conservation repairs/cleaning required post development, can be conditioned.

We would reiterate, however, that resolution over the extent of proposed public realm and interpretative elements that is to be undertaken by the applicant and by Southampton City Council, should be agreed pre-determination. It is Historic England's position that the harm to the significance of the Scheduled Monument (through incursion of its setting) can only be meaningfully balanced if the full extent of these proposals is undertaken (NPPF Paragraphs 197 & 206).

To conclude, we see that despite causing some harm, specifically to the scheduled Town Wall, there remains potential to offset and/or balance the harm with tangible improvements and heritage benefits (NPPF Paragraph 202). We urge you to ensure that these benefits are entrenched into any planning permission you be minded to grant by condition and/or S106 arrangements.

Recommendation



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Historic England does not object the application on heritage grounds, but has outstanding concerns as detailed above.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 197, 199, 200, 202 and 206 of the NPPF.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

Iain Bright

Inspector of Ancient Monuments

E-mail: iain.bright@HistoricEngland.org.uk

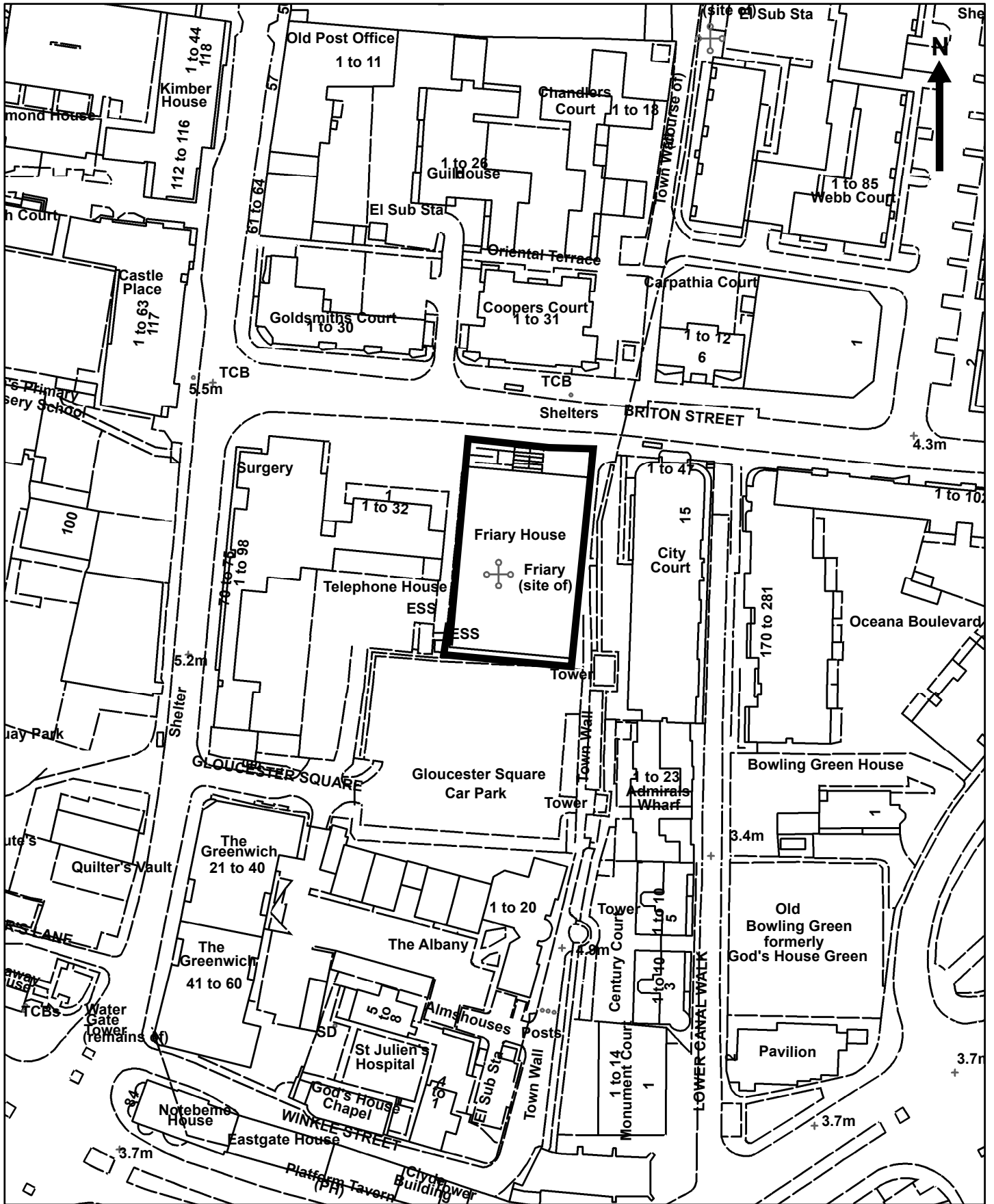
cc: Ingrid Peckham



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Planning and Rights of Way Panel 22nd November 2022
Planning Application Report of the Head of Green City & Infrastructure

Application address: 21-35 St Denys Road, Southampton			
Proposed development: Demolition of former car showroom and outbuildings and the erection of two blocks comprising 35 apartments, with associated parking, access and landscaping (Resubmission 21/00324/FUL).			
Application number:	22/00347/FUL	Application type:	FULL
Case officer:	Anna Lee	Public speaking time:	15 minutes
Last date for determination:	30.11.2022	Ward:	Portswood
Reason for Panel Referral:	More than 5 letters of support have been received contrary to the recommendation	Ward Councillors:	Cllr Cooper Cllr Mitchell Cllr Savage
Applicant: Petra Developments Ltd & Fortitudo Ltd		Agent: Chapman Lily Planning Ltd	

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Full Consultation Comments	4	DVS Viability Review

Recommendation in Full

Refuse for the following reasons:

01.Reason for Refusal: Overdevelopment

The proposal would, by reason of the level of development, result in harm to the established character of the area and not achieve a satisfactory residential environment for prospective occupants in the following way:

- (i) The layout, scale, bulk and massing of the development would appear unduly dominant within the St Denys Road and Osborne Road North street scenes and would be out of keeping with the character and appearance of the area;
- (ii) The proposed layout and excessive level of site coverage (with buildings and hard surfacing exceeding 50% of the site) is symptomatic of a proposal that

results in an overdevelopment of the site that is out of character with the established pattern of development within the vicinity.

- (iii) The layout of the buildings, due to the positioning of habitable windows on and close to neighbouring boundaries (74 Belmont Road) results in poor outlook that would adversely impact neighbouring occupiers.
- (iv) Due to the absence of sufficient private and useable amenity space that is directly accessible by all occupants of the development, including those with a disability, the proposal fails to provide an acceptable residential environment for occupants of the development. This is particularly having regard to the two-bedroom units of the development which could provide accommodation for families with small children.

Overall, the proposal would appear as an over-intensive form of development that would fail to add to the overall quality of the area or function well for its potential residents and would unacceptably affect the amenity of neighbouring residents. The development would be contrary to saved policies SDP1(i), SDP6, SDP7 SDP9, and H7 of the City of Southampton Local Plan (2015) and saved policies CS5, CS13 and CS18 of the Local Development Framework Core Strategy (2015), sections 2, 3 and 4 of the Council's Residential Design Guide Supplementary Planning Document (September 2006) with particular reference to paragraphs 2.2.1 – 2.2.10, 3.9.1 - 3.9.5 and 4.4 - 4.4.4 and the relevant guidance contained within the National Planning Policy Framework 2021.

02. Reason for Refusal: S106 contributions not secured

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- (i) 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 have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- (ii) 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;
- (iii) In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations;

- (iv) The provision of affordable housing in accordance with Policy CS15 of the Core Strategy - noting the viability submission as independently verified, whilst requiring an obligation for an ongoing review mechanism in line with good practice;
- (v) Submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013) has not been secured;
- (vi) In the absence of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013); and,
- (vii) Restrictions to ensure that future occupiers are aware that they will not benefit from parking permits in surrounding streets covered by Controlled Parking Zones.

The Panel will note that this second reason for refusal could be overcome following the submission of a satisfactory scheme and the completion of a s.106 legal agreement.

Background

This application is a resubmission of a proposal for 48 flats that was refused under officer delegation (LPA ref: 21/00324/FUL). The full reasons for refusal are set out in **Appendix 2** of this report. The current scheme seeks to address these previous reasons for refusal and officers consider that the scheme still results in harm to the wider context. The Planning Panel are not bound to accept the recommendations of officers, or the previous reasons for refusal, but must show reasonable planning grounds for taking a contrary position. Reasons for refusal should be fully substantiated and not based on vague, generalised or inaccurate assertions and should be supported by objective analysis.

1. The site and its context

- 1.1 The site has an area of 0.27 hectares and comprises a vacant garage/car sales lot, located at the corner of St Denys Road and Thomas Lewis Way. The topography of the site falls from west to east with a level difference of approximately 5 metres. The surrounding area is predominantly residential in character with two-storey housing located on the adjacent side of St Denys Road and to the south on St Denys Road.
- 1.2 A detached two-storey dwelling (72c Belmont Road) is also located to the rear of 72 Belmont Road and sits adjacent to the southern site boundary. A 3-storey flatted development is located to the west, at 74

Belmont Road. Belmont Road comprises a mix of flatted development and housing. Parking restrictions prevent on-street parking on St Denys Road and there is a bus stop outside the site. Belmont Road has unrestricted parking.

2. Proposal

2.1 The proposal seeks to redevelop the site to provide a residential development set within two blocks with parking to the rear and the side adjacent to no 74 Belmont Road. A total of 35 units are proposed at a density of 130 dwellings per hectare (dph); inc. 30 no. 2-bed and 5 no. 1-bed. Block A is a three-storey building which provides nine units (3 on each floor). All the units comprise 2 bedrooms and provide a lounge/kitchen/diner and bathroom and en-suite in one of the bedrooms. The 6 units in the upper floors have all have balconies. Within block B there are 26 flats within a 5-storey building with a mix of 1 and 2 bedrooms. Many of the units have balconies and all the units have kitchen/lounge/diners, ensuite and bathroom. This scheme follows an earlier one and has reduced the number of dwellings from 48 flats (comprising 58 bedrooms in total) to 35 flats (comprising 65 bedrooms in total – representing a more intensive form of development).

2.2 All units comply with the nationally prescribed internal space standards, with the smallest 1-bed unit being 51sq.m and the majority of the units measuring 72sq.m. The usable community amenity space is approximately 420sq.m (180sq.m on ground floor amenity space and 240sq.m on the roof terrace) and the balconies range in size from 2.5sq.m and 7sq.m but with many being 2.5sq.m. The amount of amenity space required is 700sq.m and therefore this development falls short of the requirement.

2.3 In terms of design and materiality, the buildings are flat roofed and have clad corner box-bay windows. Brick is proposed as the main material on the elevations with glass balustrades on the balconies.

2.4 There are 30 off-street parking spaces; 7 within an area adjacent to 74 Belmont Road and 23 spaces, including 2 disabled spaces, located to the rear of the site. Both parking areas are accessed via St Denys Road and the main parking area enables on-site turning for a refuse lorry. There is integral cycle and refuse storage for all the units within the ground floor of block B accessed via the main entrance.

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

3.3 The National Planning Policy Framework (NPPF) was revised in 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.

4.2 As stated above, a recent similar scheme for 48 units was refused (planning 21/00324/FUL on 26.11.2021 for a poor mix of units due to a high number of one-bed units (38 were proposed), together with an overdevelopment of the site due to height, bulk, massing and site coverage, in addition to the scheme being overly dominant within the streetscene and resulting in detrimental harm to the character of the area. The full reasons for refusal are set out in **Appendix 2** of this report. The current scheme seeks to address these previous reasons for refusal.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement **06.05.2022** and erecting a site notice **06.05.2022**. At the time of writing the report **27** representations have been received from surrounding residents. This includes 17 letters of support and 10 in objection. The following is a summary of the points raised:

5.2 Objections

Harmful in terms of loss of light and outlook and results in an overdevelopment o the site and is too high.

Response

Noted see section 6 below.

5.3 Dangerous access point and remote refuse collection point

Response

The application has been assessed by the Council’s Highways Development Management team and they have not raised the access design or location of the access point as a highway safety issue. Large flatted developments are

typically served by management companies which would be responsible for moving refuse containers to and from the collection point. If the scheme were to be supported, this would be secured by condition. This issue was not raised by the Council as a concern with the previous application (with a similar arrangement).

5.4 ***The site provided employment and therefore should be used for commercial purposes instead of housing.***

Response

The site is not safeguarded for employment use and therefore the use is open to market need. Housing development would in itself support construction related employment as well as fulfilling a need to further accommodation in the city.

5.5 ***Insufficient amenity space for the future occupiers and to offset the impacts of the development in terms of carbon emissions.***

Response

Noted see section 6 below.

5.6 ***Units too small and would lead to poor quality housing and overcrowding***

Response

The units comply the technical standards as section in section 2 of the report.

5.7 ***Conflicts with the Council's commitments to make the city safer for cyclists and more sustainable and would result in increased traffic to an already congested area***

Response

The Council's Highway Team have not raised a concern that the development would be unsafe for cyclists. The site is located within a sustainable location close to public transport and lies 200m from the district centre and also proposes redevelopment of previously developed land. If approved measures for carbon off-setting could be secure together with energy and water efficiencies. Therefore, the development does not conflict with the Council's commitments.

5.8 ***Close to junction with Thomas Lewis Way so harmful to future occupiers in terms of noise and air pollution***

Response

The Council's Air Quality and Environmental health team have not raised an objection to the proposed development on these grounds. Mitigation measures such as window specifications can be included if the scheme were recommended for approval.

5.9 **In Support**

Under the NPPF brownfield development is encouraged in favour of sustainable development, and this application will help contribute to the recent levelling up bill for the provision of new homes.

Response

Agreed, however, the provision of housing needs to be balance against other material planning considerations.

- 5.10 ***The scheme will improve the existing site and provide well-designed housing which will support the economy short, medium and long term and would enhance the character of the area.***

Response

Disagree - see reasoning in section 6 below.

- 5.11 ***The sustainable location and maximises the use of the land without needing to develop green field sites.***

Response

Agreed - see section 6 below.

- 5.12 ***Site is suitable for flats rather than houses and is in a good location for transport links.***

Response

Noted, but the character of the area includes houses (see opposite, for instance). All development on this site would benefit from its location close to existing services and transport links.

Consultation Responses

5.13	Consultee	Comments
	<p>SCC Highways Development Management Team</p>	<p>No objection raised: The proposed development will result in less daily vehicular movements and therefore would see less impact as a direct result of turning movements.</p> <p>The straddles both high and standard accessibility zone and the level of parking provided is less than the maximum (just a matter of by how much). Having said that, the junctions in the nearby vicinity all contain parking restrictions and therefore any potential overspill parking is not considered to be a highway safety matter and more of an amenity issue.</p> <p>With respect to S106 legal agreement, highway contributions would be sought to improve sustainable travel in the nearby area to accommodate the travel needs of the proposed development – specifically St. Denys Road/Belmont Road junction. Improvements aimed at pedestrian and cycle facilities to improve safety and traffic calming at this junction which will likely see an increase in multi-modal footfall due to it being a desire route towards Portswood district centre.</p>

		<p>Subject to this and the following conditions, the application can be supported.</p> <p>Planning conditions:</p> <ul style="list-style-type: none"> • Refuse Vehicles Turning Head and Access point. • Sightlines and Boundary treatment; • Drainage detail to avoid surface water migrating onto the public highway. • Construction management plan • Cycle Parking. Horizontal stands to be provided as shown on the site plan. <p>The full comments from the Highway Engineer are included as <i>Appendix 3</i>.</p>
	<p>SCC Archaeology</p>	<p>No objection raised: No objection subject to the following conditions being applied;</p> <ul style="list-style-type: none"> • Archaeological damage-assessment (Pre-Commencement Condition) • Archaeological evaluation investigation (Pre-Commencement Condition) • Archaeological evaluation work programme (Performance Condition) • Archaeological investigation (further works) (Performance Condition) • Archaeological work programme (further works) (Performance Condition) <p>The full comments from the Council's Archaeologist are included as <i>Appendix 3</i>.</p>
	<p>Independent Design Advisory Panel</p>	<p>Objection raised The Panel recognised that improvements had been made from the previous review. Setting the building line back from St Denys Road to allow for a proper boundary frontage including street trees is a positive move.</p> <p>The reduction in height of the north block to 3 storeys is also a welcome move, but the raising of the overall height of the entire south block to 5 storey is too great a mass. The Panel's previous comments referred to increased height to the corner of the block defining the junction to Thomas Lewis Way a principal highway. The general height of the</p>

		<p>block would be better at 4 storeys, with the corner element only being expressed at 5 storeys.</p> <p>The inclusion of a roof terrace on the north block could potentially be beneficial, although no design is shown as to how this roof terrace will be laid out in detail to encourage resident use. This would need to be a properly design roof garden. Also given the potential noise from Thomas Lewis Way, the mainline railway and St Denys Road, its attractiveness will be less than if the development had a better quality of rear amenity where the buildings would provide significant acoustic protection.</p> <p>The private residential entrances remain poor, and no entrance is provided to the blocks from the public street.</p> <p>The panel had previously referred to the idea of utilising the levels to provide parking under the apartment blocks and the surface car parking is leading to a generally poor quality of residential environment.</p> <p>The open parking area to St Denys Road is particularly poor and needs at the very least the removal of the parking space closest to St Denys Road to allow for landscaping including tree planting backed by a wall to help reduce the view across an open parking area.</p> <p>Overall and despite recognising some positive changes, the panel remained of the view, principally for the reasons outlined above, that this development still did not meet the requirements of a “well designed place” required by the NPPF</p>
	<p>SCC Design Officer</p>	<p>Objection raised I support and endorse the observations of the Design Advisory Panel.</p>
	<p>SCC Community Infrastructure Levy (CIL)</p>	<p>The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is currently £103.75 per sq. m, to be measured on the Gross Internal Area floorspace of the building.</p>

		<p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.</p>
	<p>SCC Ecology team</p>	<p>No objection raised</p> <p>The application site consists of a building, an extensive area of hard standing, scrub and amenity grassland. The hard-standing has no ecological value however, the ecology report supporting the planning application has assessed the amenity grassland and scrub as being of low and moderate ecological value respectively. Mitigation measures will therefore be required for the loss of this vegetation.</p> <p>The building was assessed as having negligible potential for bat roosts, but the vegetation was considered to offer potential for nesting birds. In addition, the vegetation provides a corridor for foraging bats to access suitable habitat in surrounding gardens</p> <p>All nesting birds receive protection under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should therefore be undertaken outside the breeding season which runs from March to August inclusive. The foraging value of any retained vegetation, plus new landscape planting, can be reduced by night-time illumination. To minimise impacts lux levels around tree canopies will need to be no greater than 1lux. In addition, external lighting should be LED with no UV component, use warm white (2700k to 3000K) luminaires, with a peak wavelength higher than 550nm.</p> <p>The ecological survey report details a number of mitigation and enhancement measures which I support.</p>

	<p>I have no objection to the proposed development. If planning permission is granted, I would like the following conditions applied to the consent:</p> <ul style="list-style-type: none"> • Ecological Mitigation Statement (Pre-Commencement) • Protection of nesting birds (Performance) • Lighting [Pre-Commencement Condition] <p>Officer comment: The above details would be secured via condition if approved.</p>
<p>SCC Employment and Skills</p>	<p>No objection raised An Employment and Skills Plan obligation will be required for this development and applied via the section 106 Agreement.</p>
<p>SCC Land Contamination</p>	<p>No objection raised No objection subject to a condition to secure a full land contamination assessment and any necessary remediation measures.</p>
<p>SCC Environmental Health</p>	<p>No objection raised Environmental Health has no objection in principle to what is an extension of the residential area. There does not appear to be any detail relating to the demolition of existing buildings and consideration for the appropriate identification, removal and disposal of any asbestos containing material.</p> <p>There is no detail of the construction phases and how noise, vibration, dust and potential nuisance to neighbours will be minimised. Conditions are recommended to include no fires and standard working hours.</p> <p>Glazing to the habitable areas needs to be appropriate to the location (and elevation) close to a busy road junction. Ventilation may need to be mechanical due to the proximity of the road with the option of natural ventilation if the occupant chooses. Refuse store to be provided and this is to be such that it can be washed out.</p> <p>Officer comment: These matters would be conditioned if the scheme were to be</p>

	approved.
<p>SCC Sustainability (Flood Risk)</p>	<p>In line with National Planning Policy Framework (revised 2021) and the Southampton Core Strategy Policy CS20 (Adapting to Climate Change) (amended 2015), major developments are required to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This is to reduce the risk of flooding to the site and areas within the catchment to which the site will drain to. Drainage proposals should be developed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage and Southampton SuDS Design Guidance.</p> <p>The existing site is considered to be brownfield with a fully impermeable surface, with surface water discharge spilt between a surface water sewer and combined foul water sewer. The proposal for this site includes some soft landscaping which will help support a reduction in surface water runoff, and also intends to separate out the surface water from the combined system which will also support betterment. The proposal seeks to attenuate the 1 in 100 year plus climate change allowance of 40% with a restricted discharge of 5l/s.</p> <p>The Drainage Strategy indicates that use of infiltration-based SuDS is not viable due to ground conditions. The same drawing also references an attenuation tank as an alternative solution, however the connecting pipework and outfall location is unclear and will need to be confirmed.</p> <p>The Drainage Strategy (Feb 2021) is reliant upon a new surface water connection to Osbourne Road South which has not yet been confirmed with Southern Water. Confirmation that this connection, with a maximum discharge of 5l/s, will be required prior to approval otherwise an alternative location will need to be sought. It will not be deemed acceptable for surface water to be discharged to the combined foul water sewer.</p>

		<p>Exceedance of the surface water drainage system has been considered, with a low level wall to the car parking areas identified to attenuate exceedance flows to prevent runoff impacting neighbouring properties on Osbourne Road South. This should be implemented to avoid any potential increases to property.</p> <p>An oil interceptor has been included on the final downstream manhole. This should be implemented to improve water quality.</p> <p>Information on who will be responsible for the management and maintenance of the drainage will be required.</p> <p>Southern Water will need to confirm that there is sufficient capacity within the combined sewer to manage the increase in foul water discharge from the site. This will be important to ensure that properties, particularly those downstream, are not subjected to an increase risk of flooding from foul water services.</p> <p>If the case officer is mindful to approve this application, then the above needs to be conditioned and in addition the drainage works approved need to be installed and verified.</p> <p>Officer comment: These matters would be conditioned if the scheme were to be approved.</p>
	<p>SCC Housing Team</p>	<p>As the scheme comprises of 35 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 12 dwellings (12.25 rounded down).</p> <p>Officer Comment: SCC Housing have acknowledged the findings of the DVS viability review, which found the scheme is not viable and cannot provide any contribution towards affordable housing at this time. This is discussed in more detail in the Planning Considerations section of this report.</p>

<p>SCC Sustainability team</p>	<p>No objection raised No objection subject to the following conditions being applied.</p> <ul style="list-style-type: none"> • Energy & Water (Pre-Construction) • Energy & Water (Performance) <p>Officer comment: The above details would be secured via condition if approved.</p>
<p>SCC Trees & Open Spaces Team</p>	<p>No objection raised No significant trees on site. Trees on neighbouring land to the South are to have the Root Protection Areas (RPAs) protected by use of a cellular confinement system, as per manufacturers specification. I would like to ensure this is followed by conditioning the works carried out in accordance with the Arb method statement.</p> <p>There are a lot of new trees indicated on plans but with no real detail of species, size or underground provision of appropriate soil levels and condition. A range of suitable species with a mix of native and non-native ornamentals is acceptable with a request that trees fronting the road are larger, longer-lived species and are given adequate soil volumes to achieve maturity and be retained long term. This would need to be conditioned via a landscape plan.</p> <p>Officer comment: The above details would be secured via condition if approved.</p>
<p>Environment Agency</p>	<p>No objection raised We request that a condition be attached to any planning permission granted that if, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt has been agreed and implemented as approved.</p> <p>This is to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources</p>

		<p>at the development site.</p> <p>We have reviewed the submitted remedial method statement report. As noted in the report, the site is underlain by unproductive strata. The report concludes this will greatly reduce the controlled water risks. We confirm that we are in agreement with this conclusion.</p> <p>However, there is always a risk that contaminated perched water (as observed beneath the site) could reach preferential pathways (such as surface water drains), which in turn could result in impacts to controlled water receptors such as the River Itchen. Although such risks are substantially reduced, some risks may still exist. We would agree these are sufficiently small and that they can be satisfactorily managed by mitigation of any potential sources of gross contamination. As such, we agree that the existing underground storage tanks and interceptors should be removed. Grossly impacted perched water and soil encountered in any excavation should also be removed. We support the following recommendation specified in the report:</p> <p>"Therefore, although the recorded concentrations will require remedial works, as described in section 5, these will be limited to removing groundwater from the tank/interceptor removal excavations and the inclusion of in-situ treatment products being included in the granular backfill material."</p> <p>This should help mitigate any risks. We would also ask that any free phase contamination oils encountered anywhere else on site are also removed. Provided this is undertaken, we would agree that the risks to controlled waters is likely to be small and we would have no further recommendations.</p> <p>Officer comment: The above details would be secured via condition if approved.</p>
	<p>Hampshire Constabulary Crime</p>	<p>Clear definition of the different spaces within the development reduces the opportunities for crime and disorder.</p>

**Prevention Design
Advisor**

Access to the elevations of the apartment blocks from the public realm must be prevented. Apartment blocks must sit within an area of semi-private space, this space must be enclosed within a robust boundary treatment at least 1.2m high. Ground floor apartments with doors that can be accessed from the surrounding semi-private space must be protected by a private garden which is the sole preserve of the resident of the apartment with the doors that can be accessed from the space. The private garden must be at least 1.5m wide and enclosed within a robust boundary treatment at least 1.2m high. Windows on the ground floor accessible from the semi-private space must be defended by planting. Hampshire Constabulary cannot support this application if the dwellings do not have this basic level of protection.

The cycle store is shown with a double doorset, in this situation this is not ideal, with the second leaf often becoming insecure, which increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder a single robust doorset should be fitted. The door should be fitted with a lock that provides for authorised access only. The cycle store should be fitted with cycle anchor points and lighting.

The proposal provides 35 apartments but only 30 on-site parking spaces. We would be concerned if the effect of this development was to place an additional burden on the existing on-street parking provision. One allocated parking space for each apartment should be provided on site. Not all of the parking spaces are shown as being fitted for electric vehicle charging, we would recommend that all parking spaces have the fittings for electric vehicle charging.

To provide for the safety and security of residents and visitors lighting throughout the development should conform to the relevant sections of BS 5489-1:2020. To secure this we would ask that detailed lighting scheme condition is attached to any consent:

	<p>Officer comment: The above details would be secured via condition if approved.</p>
<p>SCC Air Quality Team</p>	<p>No objection raised Subject to a detailed Construction Management Plan condition.</p> <p>Officer comment: The above details would be secured via condition if approved.</p>
<p>Natural England</p>	<p>The application could have a likely significant effect on:</p> <ul style="list-style-type: none"> • Solent and Dorset Coast SPA • Solent Maritime SAC • Solent and Southampton Water SPA <p>Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate assessment stage where significant effects cannot be ruled out. The following information is required to inform an HRA:</p> <ul style="list-style-type: none"> • Consideration of this project's effects on total nitrogen and nutrient loading within the Solent catchment, including a nutrient budget calculation. • Details of proposed mitigation measures to address any nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development. • An outline of measures designed to mitigate the adverse impact of recreational disturbance arising from this development on designated sites in the New Forest. <p>Officer Response: A Habitats Regulations Assessment (HRA) would be provided for this application were the proposal to be recommended for approval.</p>
<p>Southern Water</p>	<p>No objection raised No objection subject to request an informative is attached to the consent requesting details of the proposed means of foul sewerage and</p>

	surface water disposal.
City of Southampton Society	<p>Objection raised</p> <p>We object to this proposal.</p> <p>We recognise that the developers have to a large extent addressed the first two reasons for the refusal of the earlier application (21/00324/FUL) namely, Overdevelopment and Housing Mix.</p> <p>However, our main criticism is that the site is not suitable for residential development on the basis of traffic pollution from Thomas Lewis Way and St Denys Road ' a situation that is exacerbated when traffic stops, with engines idling, at the traffic lights.</p> <p>In the Delegated Report to the earlier application the Air Quality Consultant states: 'the development is not located in the immediate vicinity of an Air Quality Management Area' and goes on to say: 'I would, however, request that an air quality statement be provided by the developer which sets out why the impact of the development on air quality is unlikely to be significant'.</p> <p>Our argument is NOT based on the added pollution caused by any additional traffic movements resulting from the proposed development, but by the existing pollution at the cross-roads. This needs to be measured before adding any additional pollution from the proposed development.</p> <p>Furthermore, we do not feel that the difficulties of traffic turning right into or out of the site has been addressed. Traffic is frequently stationary along St Denys Road, in both directions, when the traffic lights are red at both the intersection with Thomas Lewis Road and Belmont Road. This situation does not only arise during the peak traffic movements at Rush Hours. At such times right turns into or out of the site are restricted and dangerous.</p> <p>In summary, we object to this application on the grounds of air pollution and traffic</p>

	<p>management. This site is better suited to commercial rather than residential use.</p> <p>Officer comment: An Air Quality Assessment has since been submitted and the Council's Air Quality Team raises no objection to the proposal subject to a Construction Management Plan condition.</p>
Hampshire Swifts	<p>The Royal Institute of British Architects (RIBA) and British Standard BS 42021:2022 Integral nest boxes recommend an average of 1 integral nest brick per dwelling, between 4 and 10 on a small block of flats, or between 10 and 40 or more on a major apartment development, such as this. Swift bricks are a universal nest brick as they are readily used not just by Swifts but also by House Sparrows, Starlings (provided the entrance is large enough), Great Tits, Blue Tits and other species. Swift bricks should be installed in accordance with British Standard BS 42021:2022 Integral nest boxes.</p> <p>Officer comment: If the scheme were to be approved these swift bricks would be sought and secured via condition.</p>

6. Planning Consideration Key Issues

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

- The principle of development;
- The previous reasons for refusal;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Air quality and the Green Charter;
- Mitigation of direct local impacts, affordable housing and viability and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The principle of additional housing on this previously developed land in a sustainable location is supported. The site is not allocated for additional housing and the proposed dwellings would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300

homes need to be provided within the City between 2006 and 2026. The NPPF and the Council's saved policies seek to maximise previously developed land potential in accessible locations.

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

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

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

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

6.2.5 With regard to the departure from Policy CS16 of the Core Strategy, this policy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal does not incorporate any family units. The policy states that the provision of a family housing is dependent on *'the established character and density of the neighbourhood and the viability of the scheme'*. Due to the mixed nature of the area and having regard to the size of two-bed units which may also become home to children, it is considered that the mix of accommodation is acceptable in this instance. Furthermore, the supporting text of the Council's housing policies sets out that single person households are likely to make up 80% of the increase in

households during the plan period and therefore, the proposal meets a specific need by providing smaller units.

6.2.6 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in an area of medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 129 d.p.h which, although it exceeds the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.

6.3 Previous Reasons for Refusal

6.3.1 The previous scheme for was refused for three reasons as set out in **Appendix 2** of this report. The third reason for refusal related to failure to mitigate against the impacts of the development due to a legal agreement not being completed. However, the first and second reasons for refusal related to failure to address relevant planning considerations. The second reason related to the housing mix proposed which over provided 1-bed units.

6.3.2 Background policy evidence in the form of the Partnership for South Hampshire's (PSH) 'South Hampshire Strategic Housing Market Assessment' (SHMAA) from 2014 indicates the following housing mix need for market housing in Southampton:

1-bed 10.5%
2-bed 31.7%
3-bed 43.9%
4-bed+ 13.9%

This data indicates that although there is a need for 1-bed units, there is a very clear need for 2-bed units. The revised proposal provides 5 no. 1-bed units and 30 no. 2-bed units. It could be argued that the amended scheme over provides 2-bed units but given the clear demand and the need, officers consider that it would be unreasonable to refuse the scheme on this basis. As such the revised proposal is considered to have addressed the previous reason for refusal.

6.3.3 With respect to the first reason for refusal, officers do not believe the scheme has provided sufficient changes to address the previous reason for refusal as explained further below.

6.4 Design and effect on character

6.4.1 The NPPF states in paragraph 124 that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including 'd) *the desirability of maintaining an area's prevailing character and setting (including residential*

gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.'

- 6.4.2 Furthermore, paragraph 130 seeks to ensure that developments function well and add to the overall quality of an area and ensure a high-standard of amenity for existing and future users. It leads onto say that development should be *'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'* The NPPF also confirms, at paragraph 134, that *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'*. It is once again noted that the proposed units would add to the Council's housing need but as stated above development must respect the character of the area and it is the officer's opinion that this scheme does not as set out below.
- 6.4.3 It is recognised that, because of the nature of the adjoining highways, on-street refuse collection would difficult to achieve. As a consequence, a refuse truck turning head has been incorporated to the rear of the site which adds to the amount of hard surfacing on site. The applicants have amended the scheme and set Block A back from St Deny's Road to provide landscape setting including trees and a boundary hedge, which is a positive amendment from a streetscene perspective. However, the provision of a parking court adjacent to no 47 Belmont Road provides a very car dominant frontage which is not commonplace within the streetscene as the vegetation boundary does not continue at this point. Access from this car park to the development is unclear. No objection is raised to the height of block A. However, although the Design Advisory Panel have previously suggested that Block B could accommodate more height given the width of the Thomas Lewis Way junction, a full five storey height building is not considered to be the correct design response. A building that steps up to a fifth floor on the corner would be more appropriate.
- 6.4.4 Given the site context comprises two and three storey buildings, the provision of a full five-storey building on this corner location would be both very prominent and dominant. The resulting development would be out of keeping with the area and not respect the scale or layout of existing adjacent properties. As a consequence of the proposed quantum of units, the scale, bulk and massing would appear over-bearing and unduly dominant within the St Denys Road and Osborne Road North street scenes. The impact is further heightened by the number of the parking spaces required to serve the scheme reducing the availability of residential amenity and providing a development which has more than 50% site coverage contrary to the RDG. This failure to meet guidance is a symptom of an over-development. The previous scheme, although it proposed more units, comprised 58 bedrooms whereas this revised scheme, due to the provision of two-bed units, comprises 65 bedrooms. Therefore, enabling an increase in occupiers which further highlights the deficiencies in this scheme especially as children could occupy the units. It is recognised that

this vacant brownfield site on a busy transport corridor would be appropriate for a flatted scheme of higher density having regard to the surrounding residential character. However, the proposed scheme seeks an excessive quantum of flats, which result in an over-development of the site.

6.4.5 No objection has been raised to the design detail of the proposal (bar the height) nor the materiality of the scheme. The amount of space given to parking and servicing needs is not acceptable. Redevelopment of a site should enhance the character of the area especially in visual terms both in the built and soft landscaped form. This proposal, due to the proposed massing and height as well as site coverage would not enhance the street scene. In summary, due to the height, design, layout and density the proposal would fail to respect the context of the local area and would not comply with policies CS5 and CS16 of the Core Strategy and the RDG.

6.5 Residential amenity

6.5.1 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Described Space Standards (NDSS) (1 bed = 39 or (37 square metres sq.m with shower) & 2 bed = 61sqm) and the minimum garden sizes of 20sqm per flat set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). NDSS - [Title \(publishing.service.gov.uk\)](http://publishing.service.gov.uk). The scheme is compliant with the national space standards, but the quantum of external amenity space is not acceptable when assessed against the Council's standards set out in the Residential Design Guide.

6.5.2 Furthermore, given the set back of the buildings in the site, the amount of on-site private useable 'garden' amenity space has reduced from the previous scheme. The refused scheme had two decent areas of communal amenity space as well as a roof terrace. This is not the case here and given the potential for further occupiers, including families, this is not considered to be acceptable.

6.5.3 All habitable rooms will have access to outlook and natural daylight. The habitable windows proposed to the rear of block A have been set further away from 72C Belmont Road enabling acceptable outlook. However, there is no defensible space to the ground floor windows to enable privacy from other occupiers of the development when using the outdoor space. Furthermore, access to the parking area fronting St Deny's Road does not have access from the site so users need to leave the site to access the car park. There is no main access to either block from the road frontages as the entrances are located adjacent to the vehicular access, thereby hidden from the streetscene. Overall, the proposal does not provide an ideal residential environment and therefore is contrary to policy SDP1(i) of the current Local Plan.

6.5.4 In terms of the impact on neighbouring occupiers, given window design of 72C Belmont Road and the proposed site levels, it is considered that

the amended scheme would not cause unreasonable overlooking, loss of privacy or loss of daylight/sunlight to 72C Belmont Road as there are no habitable windows on the north elevation of 72C Belmont Road. The scheme is located approximately 13 metres away from the rear elevation of 74 Belmont Road but the window configuration has been amended to prevent overlooking from the lounge/kitchen/diner and a bedroom proposed on this side elevation with 74 Belmont Road. However, given the siting of block A is less than 15 metres of the rear elevation of no 74 Belmont Road the proposal would harm the current occupiers outlook given the rooms are also bedrooms and lounge/kitchens. No 97 Osborne Road South has a habitable bedroom window in the side elevation facing the site. The scheme has been reduced in height to two-storey instead of three previously proposed which is positive.

6.6 Parking highways and transport

6.6.1 The residential proposal will result in the vehicular trips being less intensive than the current use. A total of 30 car parking spaces are provided which is less than the maximum standard of 65 spaces. The 2011 Census concludes 32% of households in Portswood ward do not have access to a car. In this instance, the number of car parking spaces is accepted given the location of the site, within a sustainable location for both employment, services and transport.

6.6.2 The Council's policy is that the provision of less parking than the maximum standards set out can be permissible subject to justification. In this case, no highway objection has been raised on this ground given that parking overspill and parking in close proximity to junctions is unlikely to occur. Officers believe the level of parking is a reasonable balance is provided in terms of the amount of parking within this site on the edge of a high accessibility area and in close proximity to Portswood District Centre. Furthermore, the lack of available parking space in the area, and the existing controlled parking zones, will discourage occupiers from having a car if they can't park it on-site. Sufficient on-site turning has been provided to serve the refuse vehicle, and sufficient sightlines have been provided to serve the site to prevent an objection on highway safety grounds.

6.6.3 Further details would be sought if the scheme were to be approved (including, for instance, details of electric vehicle charging which has also recently been added as a requirement under the current Building Regulations) and, therefore, given no objection has been raised to the proposal from the Highways Development Management Team the proposal is considered to address the above concerns relating to parking and highway safety.

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 (AQMA) 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 site is 800 metres from the nearest Air Quality Management Zone but as the proposal is for a major development an air quality assessment has been undertaken for this development, which concludes that, subject to mitigation, the scheme would not be at risk from poor air quality or unduly exacerbate poor air quality in the area. Furthermore, the application has introduced measures to respond to the Green Charter and the air quality impact of the development including:

- Provides a lower number of parking spaces;
- Reduces the intensity of the use;
- Making better use of the site;
- Bringing the site back into use;
- Being designed to meet water requirements; and
- Securing a detailed landscaping scheme which results in the introduction of further soft landscaping;

The application has addressed the effect of the development on air quality and the requirements of the Green Charter by redeveloping an existing developed site to provide housing units in a sustainable area with garden areas for occupiers. Together with no objection being raised by the Council Air Quality Management team and securing a construction management plan the scheme complies with the above requirement and no objection to the scheme is raised on these grounds.

6.8 Mitigation of direct local impacts, affordable housing and viability

6.8.1 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations would be required as part of the application if the application were to be approved. The main areas of contribution for this development, in order to mitigate against its wider impact, is for the provision of affordable housing and highway works.

6.8.2 Contributions would be secured via a Section 106 legal agreement with the applicant (had the scheme been acceptable in other terms). In terms of highway works these would be improvements aimed at pedestrian and cycle facilities to improve safety and traffic calming at the adjacent junction together with restrictions to prevent occupiers being eligible for residents parking permits. In addition, the scheme triggers the Community Infrastructure Levy (CIL).

6.8.2 Policy CS15 sets out that *“the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).”* The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 4**.

6.8.3 The DVS report has assessed the scheme, incorporating a site value of £970,000, with CIL contributions totalling £315,608 and S106 contributions totalling £110,140 and concludes the scheme is not viable and cannot provide any contribution towards affordable housing, whilst giving the applicant the necessary profit to ensure delivery is forthcoming. According to DVS's appraisal the scheme produces a residual land value of £85,552 – when the Benchmark Site Value is £970,000 meaning that there is a deficit of approximately £885,000 on the land value inputs before any affordable housing can be delivered. The latest NPPF guidance suggests a profit level of 15-20% of Gross Development Value (GDV) is a suitable return for developers. The applicant's viability assessment adopted a developer profit of 14.71% of GDV. DVS have agreed the adopted a blended profit (Market Housing 17.55% /Affordable Housing 6%).

6.8.4 Officers accept that the scheme would be not viable with an affordable housing element. If the scheme were to be approved the s106 legal agreement would build in review mechanisms in line with our normal practices so that an assessment of the viability can be relooked at as the scheme progresses; and if the situation improves satisfactorily then contributions can be sought. The review process will take any account any vacant building credit as a material consideration and contributions would only become viable once the deficit has been covered.

6.8.5 Given the acute need for affordable housing in the city with 8,600 applicants currently on the housing register seeking affordable housing to rent, it is extremely disappointing that this scheme cannot support any section 106 affordable housing based on existing scheme viability. It should however be noted that the applicants have advised they are in discussions with Register Providers of Affordable Housing and it is likely that they will explain their delivery model at Panel. However, any 'affordable' units delivered outside of the s.106 process cannot be taken into consideration at the planning application stage as they may not be delivered if the scheme were approved. They also wouldn't be subject to the same controls following delivery. As such the potential deliver of non section 106 affordable housing units cannot be given any weight in the determination of this planning application. Ultimately the provision of nil affordable housing is planning policy compliant with adopted development plan policy CS15. Going forward the new local plan (City Vision) will need to be supported by up-to-date viability evidence underpinning the plan.

6.9 Likely effect on designated habitats

6.9.1 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. As such, in the absence of a mechanism to secure a scheme of mitigation measures, the application should also be refused for this reason. In the event that the recommendation had been favourable it would have been supported by a Habitats Regulations Assessment, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, outlining this issue in more detail.

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, and that currently there is a shortfall in Southampton meaning that the 'tilted balance' is engaged. Whilst the delivery of housing, and the associated social and economic benefits resulting from the construction of the new dwellings, is material, the adverse impacts of the development when assessed against the

policies in the Framework taken as a whole and as set out in the report, would significantly and demonstrably outweigh the benefits.

7.2 The Council's housing land supply shortfall is relatively small. The Council is also progressing a Local Plan review and a full update to its Strategic Land Availability Assessment (which is identifying a significant increase in supply) and working with other local authorities across Hampshire to meet unmet needs through the Partnership for South Hampshire Strategy. These factors can be taken into account when deciding what weight can be given to the tilted balance and, in this instance, it is considered that this assessment alongside the stated harm of the proposal suggest that the proposals are unacceptable. 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 refusal.

8. Conclusion

8.1 The positive aspects of the scheme are judged to be outweighed by the negative impacts, namely overdevelopment of the site and the effect on the character and neighbour amenity from the chosen form of development, alongside the current failure to secure planning obligations. It is recommended that planning permission should not be granted for the reasons set out above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers 1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Anna Lee for 22/11/2022 PROW Panel

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
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
21/00324/FUL	Demolition of former car showroom and outbuildings and the erection of two blocks comprising 48 apartments, with associated parking, access and landscaping (Amended Description)	Application Refused (see full reasons below)	26.11.2021
11/01856/FUL	Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 pumps with canopy.	Application Refused	31.05.2012
10/01213/FUL	Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 twin sided pumps with canopy.	Application Refused	26.01.2011
09/01243/FUL	Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk, installation of 6 twin sided pumps with canopy and a car wash (after removal of existing building)	Withdrawn	26.01.2010
901299/W	Extension and alterations to form new workshop at Berkeley Garage	Conditionally Approved	30.01.1991
1600/M22	Redevelopment of the sites as an extension to adjoining garage/car sales business at 99 Osborne Road and 35 St. Denys Road.	Temporary Consent	07.07.1981
1566/M16	Permanent retention of temporary extension to an existing building for use as vehicle showroom at Berkeley Garage (Southampton) Ltd. 21-33 St. Denys Road.	Conditionally Approved	29.01.1980
1566/M15	Permanent retention of an 8000 gallon underground storage tank under existing forecourt at Berkeley Garage (Southampton) Ltd. 21-33 St. Denys Road.	Conditionally Approved	29.01.1980
1566/M14	Permanent retention of land at rear of garage as employees car park at Berkeley Garages (Southampton) Ltd.	Conditionally Approved	29.01.1980
1566/M13	Retention of garage building at rear of showroom/workshop at Berkeley Garages (Southampton) Ltd. 21-33 St. Denys Road. Temporary until 31.12.1984	Conditionally Approved	29.01.1980
1566/M12	Permanent retention of part of forecourt for the sale and display of motor vehicles at Berkeley Garages (Southampton) Ltd, 21-33 St. Denys Road.	Conditionally Approved	29.01.1980

1566/M11	Permanent retention of land forward of proposed road improvement line on part of petrol filling station at Berkeley Garage (Southampton) Ltd. 21-33 St. Denys Road.	Conditionally Approved	29.01.1980
1305/P33	The erection of 1 floodlight standard and the retention of 3 other floodlight standards at 21-33 St. Denys Road.	Conditionally Approved	22.03.1966
1303/142	Alterations to garage workshop	Conditionally Approved	22.02.1966
12701/76	Office addition above ground floor store	Conditionally Approved	28.07.1964
1203/21	Alterations to an existing service station to provide an inspection pit.	Temporary Consent	11.07.1961
1174/P32	Use of land for the display and sale of cars	Conditionally Approved	04.04.1960
1100/AA	Use of land for car parking	Conditionally Approved	18.12.1956
1047/H	Garage and petrol station (OUTLINE)	Conditionally Approved	28.09.1954

Reasons for reason for planning application 21/00324/FUL

01. Overdevelopment

The proposed development by reason of its layout, scale, bulk, massing and close proximity to the northern boundary would appear unduly dominant within the St Denys Road and Osborne Road North street scenes and would be out of keeping with the character and appearance of the area. The lack of spacing around the blocks combined with the quantum of development and level of site coverage (with buildings and hard surfacing exceeding 50% site coverage) is symptomatic of a site overdevelopment. As such the development would be contrary to saved policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan (2015) and policies CS5 and CS13 of the Local Development Framework Core Strategy (2015) and Section 03 of the Council's approved Residential Design Guide SPD (2006).

02. Housing Mix

The proposed housing mix of 38 x 1-bed and 10 x 2-bed units provides a disproportionate number of 1-bed units and would fail to provide a suitable range of housing to assist in providing a mixed and balanced community having regard to the character of the neighbourhood. The scheme would be at odds with the evidenced market housing need within the South Hampshire Strategic Housing Market Assessment (2014) which indicates a need for 10.5% of new dwellings in Southampton to be 1-bed up to 2036. As such the development would be contrary to policy CS16 of the Local Development Framework Core Strategy (2015).

03. S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as

supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

(i) 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 have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);

(ii) 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;

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

(iv) The provision of affordable housing in accordance with Policy CS15 of the Core Strategy - noting the viability submission as independently verified, whilst requiring an obligation for an ongoing review mechanism in line with good practice;

(v) Submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and

(vi) Employment and Skills Plan.

Highway Engineer Response

Access

The existing access furthest to the East is proposed to be stopped up. Works to reinstate the kerbs to full height and related footway works would need to be provided and secured via the Section 106.

The other current existing access will be used for the main car park access with a new one being formed to the west for a separate car park. Suitable drainage measures should be provided at the new access as it appears that the levels fall towards to the highway and therefore risk of surface water migration. Some form of drainage channel should suffice along the edge of the driveway where it adjoins the public footway.

The new access also shows that the y-distance for visibility is at 40m looking left for exiting vehicles. This falls just under the recommended 43m as per Manual for Streets - this is considered acceptable considering that the x-distance could be reduced to 2m and 40m does cover the signalised junction. The height restriction should be applied along the site frontage 600mm in order to secure pedestrian sightlines.

Car Parking

The TA suggests that the site is in a High Accessible Zone (HAZ) and therefore maximum parking standards would be 26. The proposal contains 30 parking spaces which exceeds this.

However, it would appear that the development is actually for 35 units and therefore max parking standards in a HAZ should be 35.

In addition, the site actually straddles between a HAZ and 'standard' accessible zone. Therefore the site may need to be assessed on a site-by-site basis and weighing up the potential impacts from being in either accessibility zones.

Under a standard accessibility zone, the maximum parking standard would be 65 parking spaces.

2011 Census data has been used to justify the level of parking provided. Based on the data, the predicted car ownership for this development ranges from 34 to 40 (depending how you round the figures and calculations).

Electric Vehicle Charging points are proposed but the level of provision will need to be 15% for active spaces (ready to be used) and all other spaces to be passive (infrastructure installed for further charging points to be easily and readily installed in the future).

Cycle Parking

The level of cycle parking is considered acceptable.

Servicing

The level of bins appear to be appropriate and location to be suitable as it is proposed that a refuse vehicle can enter and leave the site in a forward gear. For this reason, it is important for the turning head as shown on the site plan to be kept clear at all times. Suitable signage and marking will need to be provided to help enforce this – and if there is on site management for these flats, a management plan should be required to ensure further its effectiveness and allow further measures to be provided if or when is needed.

Trip Generation and Impact

The change of use will generate lower daily vehicular trips but as the nature of the site changes, so will the nature of the trips. Active travel and sustainable connectivity will need to be encouraged as per the Council Policies and can be especially effective for residential trips as there are more reasons to travel and where choice of travel can be more flexible.

Furthermore, access should be prioritised for pedestrians, cyclists and wheelchair/pushchair users. It seems that the Western block has steps on both accesses and therefore would suggest a ramp to be provided so it is accessible for all.

Archaeology response

ARCHAEOLOGICAL POTENTIAL

The application site is in Local Area of Archaeological Potential 10 (Portswood, Highfield and northern St Denys), as defined in the Southampton Local Plan and Core Strategy. The designation of all LAAPs is supported by evidence in the Southampton Historic Environment Record (HER). A brief outline of the evidence for the application site area is provided here (further details are available in the HER).

Prehistoric evidence has been found in the area, notably an important Mesolithic site on the shore of the Itchen at St Denys. The projected course of the Roman road between the Roman settlement at Bitterne Manor and Winchester is approximately 180m to the east of the application site. Previous work in St Denys has shown that there was a significant settlement in the area throughout the Roman period, although the full extent of the settlement is unknown. The area also includes the historic village of Portswood, the Priory of St Denys and associated watercourses, all of which date to the medieval period. The part of St Denys Road to the north of the application site is on the line of a road that led to St Denys Priory, shown on a map of the Manor of Portswood dating to 1658. The area of the application site was within the Manor of Portswood, owned by St Denys Priory in the medieval period.

The 1846 map of Southampton shows the application site to lie across two large fields, with a tree-lined field boundary running north/south across the site. At that time, the area was part of the Portswood House Estate. The 1846 map includes contours; the application site lies towards the base of a slope above the Itchen flood plain. The 1867-1883 map shows plots laid out and houses built, with a probable house and associated outbuildings on part of the site. Between 1896/7 and 1909-1910 this was replaced by a row of terraced houses fronting onto St Denys Road, some of which survived until at least 1946. Throughout the 19th and early

20th centuries, most of the application site consisted of gardens. The current garage is first shown in 1959 and was gradually extended until 2002 (Proposed Remedial Strategy document).

The submitted Design & Access Statement includes a Heritage Statement. The Heritage Statement includes some historic maps. However, it does not include an archaeological desk-based assessment and therefore does not meet the requirements of NPPF paragraph 194 (2021 NPPF). The Heritage Statement concludes that it is highly unlikely any archaeological interest would remain on the site, due to several phases of past development and known underground tanks. However, the assumption is incorrect. It cannot be assumed that the 19th century development caused anything other than minor disturbance, and the garage building (which only occupies part of the site) appears to have been built at least partly on a raised plinth. The Proposed Remedial Strategy for contamination includes a plan showing underground tanks in the former forecourt area to the north of the garage, between the building and St Denys Road, and a smaller area to the southeast; however, there are no tanks under the garage or on other parts of the site.

Archaeological remains are frequently found to survive several phases of development, including 20th century construction methods. Archaeological remains from a number of periods may survive on the site, potentially dating back to at least the Roman period. Archaeological remains would be non-designated heritage assets under the National Planning Policy Framework.

PROPOSED DEVELOPMENT & ARCHAEOLOGICAL MITIGATION

The proposed development involves demolition of the former car showroom and outbuildings and the erection of two blocks of apartments, with associated parking, access and landscaping (resubmission 21/00324/FUL). Under the Proposed Remedial Strategy, underground tanks, etc, in the forecourt area will be removed. No details of proposed foundations are provided. The Drainage and Flood Risk document mention proposed drainage and attenuation, and the SUDS plan shows a large attenuation tank.

Development here threatens to damage potential archaeological deposits, and a phased programme of archaeological investigations will be needed, as follows:

- Watching brief on all further geotechnical/ground investigation works.
- Archaeological evaluation trenching to fully assess the nature, state of preservation and significance of archaeological remains across the site. This should ascertain the presence / absence of archaeology on the site and allow recommendations to be made for any further archaeological work required. (Depending on site accessibility, it is recommended that this takes place prior to determination of the application, to prevent hold-ups during development.)
- Further archaeological work as necessary, which may include archaeological excavation of certain areas.

Archaeological damage-assessment. Full details of all proposed ground disturbance will need to be provided, so that the impact on any potential archaeological deposits can be assessed, alongside the results of the evaluation excavation. (Ground disturbance includes below-ground demolition/grubbing out of foundations, removal

of the underground tanks, other enabling works, level reductions, foundations, services/soakaways, etc.)

No grubbing out of old foundations etc to take place until the archaeological evaluation and any follow-on archaeological excavation has taken place.

Written schemes of investigation (WSIs) will need to be submitted to cover all aspects of the archaeological work. The WSI for the evaluation excavation will need to include the results an archaeological desk-based assessment using data from the Southampton Historic Environment Record.

DVS Viability Review dated 26.09.2022



Valuation Office
Agency

DVS Property Specialists
for the Public Sector

Viability Review Report
Viability Report for
21-35 St Denys Road
Southampton
SO17 1GJ

Report for:

██████████
Southampton Council

Prepared by:

██████████ MRICS
Principal Surveyor
RICS Registered Valuer
DVS

██████████ @voa.gov.uk

Case Number:1800945

Client Reference: 22/00347/FUL

Date: 26 September 2022
Redacted : 3 November 2022

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1.0 Executive Summary

1.1 Proposed Development Details.

This report provides an independent review of a viability assessment in connection with:

Proposed Development	Demolition of former car showroom and outbuildings and the erection of two blocks comprising 35 apartments, with associated parking, access and landscaping (Resubmission 21/00324/FUL)
Subject of Assessment:	21-35 St Denys Road Southampton SO17 1GJ
Planning Application Ref:	22/00347/FUL
Applicant / Developer:	Fortitudo Ltd
Applicant's Viability Advisor:	S106 Affordable Housing

1.2 Instruction

In connection with the above application Southampton Council's Planning Department require an independent review of the viability conclusion provided by the applicant in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made can be relied upon to determine the viability of the scheme.

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

1.3 Viability Conclusion

Further to the independent assessment undertaken, it is my considered conclusion that the proposed is unable to support any affordable housing provision.

1.4 Non-Technical Summary of Viability Assessment Inputs

	S106 Affordable Housing	DVS	Agreed?
Assessment Date	March 2022	Sept 2022	N
Scheme	New build two 3-5 storey blocks comprising 35 apartments (5 X 1 bed ; 30 X 2 bed) , with associated parking, access and landscaping, site of 21-35 St Denys Road Southampton SO17 1GJ		Y
Net Internal Area Gross Internal Area, Site Area	NIA 2409.8 sq. m ; GIA 3041 sq. m 0.66 acres		Y
Development Period	33 months	28 months	N
Development Value Comprising:	£7,984,720	£8,038,000	N
Market Housing GDV	£6,048,000	£6,187,000	N
Affordable Housing GDV	£1,936,720	£1,851,800	N
Parking GDV	Nil	Nil	Y*
Affordable Housing Assumptions	35% on site Affordable housing; 12 units comprising 4 affordable rent and 8 shared ownership.		Y
CIL (no AH figure) CIL Compliant	(£202,842) £131,847	£315,608	N
Other S106 contributions	Nil	£110,140	N
Construction Cost Inc. Externals	£4,980,802	£5,171,677	N
Abnormals	£123,782	£123,782	Y*
Contingency %	5%	5%	Y
Professional Fees %	7%	7%	Y
Marketing Fees	2.5% (MH)	2.5% (MH)	Y
Disposal Fees	£1,000/ unit (MH)	£500/ unit (MH) £5,000 lump sum (AH)	N
Finance Interest and Sum	6.5% 100% debt funded £352,755	6.5% 100% debt funded £364,788	Y
Land Acquiring Costs	SDLT + £7075	SDLT plus 1.5%	N
Profit Target % GDV and Sum	Blended 14.71% GDV (MH 17.55% /AH 6%) £1,174,603	Blended 14.71% GDV (MH 17.55% /AH 6%) £1,182,5107	Y
Benchmark Land Value	£970,000	£970,000	Y
EUV description	A vacant car showroom and premises, capable of occupation without investment		Y*
EUV £	£970,000	Provisionally accepted	Y*
Premium	Nil	Nil	Y
Purchase Price	£765,000 (2013)	£765,000	Y
Alternative Use Value	n/a	n/a	Y
Residual Land Value	£404,311	£85,552	N
Viability Conclusion Plan Policy Compliant	Not viable. Shortfall of £565,689	Not viable. Shortfall of c.£885,000	Y

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

Y* = These inputs are based upon restricted information, and may have not been verified, and are adopted in good faith, some inputs are reliant on the professional integrity of the applicant's advisor. **Southampton Council may wish to seek further clarifications on these matters before making a recommendation on this desk top advice.**

2.0 Instruction and Terms

2.1 The Client is Southampton City Council.

2.2 The Subject of the Assessment is 21-35 St Denys Road Southampton, SO17 1GJ.

2.3 The date of viability assessment is 23 September 2022. Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

2.4 Instructions were received on 28 June 2022. It is understood that Southampton Council require an independent opinion on the viability information provided by S106 Affordable Housing, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme. Specifically, DVS have been appointed to:

- Assess the Viability Assessment submitted on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authority's planning website.
- Advise Southampton Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, this report will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development.

2.5 Conflict of Interest Statement - In accordance with the requirements of RICS Professional Standards, DVS has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists. There has been previous material involvement by DVS.

- 2.5.1 Southampton Council and the applicant are aware that DVS has previously advised on the viability of this site, as part of a former application for a 49 unit apartment scheme. I refer to my retired colleague's report (DVS reference 1768862) dated July 2021. Here DVS concluded the scheme could support all plan policy requirements and identified a small surplus of circa £4,000. It is understood that this application was refused.
- 2.6 Inspection – As agreed, the property/site has not been inspected, and this report is provided on a desk top basis.
- 2.7 DVS/ VOA Terms of Engagement were issued on 22 July 2022 a redacted copy is included as an appendix.

3.0 **Guidance and Status of Valuer**

3.1 Authoritative Requirements

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative mandatory requirements:

- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).
- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards**'.

3.2 Professional Guidance

Regard will be made to applicable RICS Guidance Notes, principally the best practice guidance as set out in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

Other RICS guidance notes will be referenced in the report and include RICS GN '**Valuation of Development Property**' and RICS GN '**Comparable Evidence in Real Estate Valuation**'.

Valuation advice ([see Note 1](#)) will be prepared in accordance with the professional standards of the of the '**RICS Valuation – Global Standards**' and the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book.

Compliance with the RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

(Note 1) Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your decision making for planning purposes and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our review assessment and conclusion may be used by you as part of a negotiation.

The RICS Red Book professional standards are applicable to our undertaking of your case instruction, with PS1 and PS 2 mandatory. While compliance with the technical and performance standards at VPS1 to VPS 5 are not mandatory (as per PS 1 para 5.4) in the context of your instruction, they are considered best practice and have been applied to the extent not precluded by your specific requirement.

3.3 RICS 'Financial Viability in Planning Conduct and Reporting'

In accordance with the above RICS Professional Statement it is confirmed that:

- a) In carrying out this viability assessment review the valuer has acted with objectivity, impartiality, without interference and with reference to all appropriate sources of information.
- b) The professional fee for this report is not performance related and contingent fees are not applicable.
- c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- d) The appointed valuer, [REDACTED] MRICS is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- e) Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- f) The DVS viability review assessment has been carried out with due diligence and in accordance with section 4 of this professional statement
- g) The signatory and all other contributors to this report, as referred to herein, has complied with RICS requirements.

3.4 Most Effective and Efficient Development

It is a mandatory requirement of the RICS 'Financial viability in planning: conduct and reporting' Professional Statement for the member or member firm to assess the viability of the most effective and most efficient development.

The applicant's advisor – S106 Affordable Housing - has assessed the viability based on 'build to sell' apartment scheme development, the appraisal assumes the land will be bought up front.

The DVS valuer passes no comment on whether this is the most effective and most efficient development. DVS has assessed the viability based upon the same scheme assumptions. The impact on viability of different scheme e.g. build to rent has not been appraised, however should this be pursued another viability assessment may be necessary.

3.5 Signatory

- a) It is confirmed that the viability assessment has been carried out by [REDACTED] BSc (Hons) MRICS, Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review.
- b) As part of the DVS Quality Control procedure, this report and the appraisal has been formally reviewed by [REDACTED] MRICS, Registered Valuer, who also has the appropriate knowledge, skills and understanding necessary to complete this task.
- c) I have been assisted by [REDACTED], Graduate Valuer, who was responsible for the GDV research.

3.6 Bases of Value

The bases of value referred to herein are defined in the TOE at **Appendix IV** and are sourced as follows:

- Benchmark Land Value is defined at Paragraph 014 of the NPPG.
- Existing Use Value is defined at Paragraph 015 of the NPPG.
- Alternative Use Value is defined at Paragraph 017 of the NPPG
- Market Value is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Market Rent is defined at VPS 4 of 'RICS Valuation – Global Standards'

- Gross Development Value is defined in the Glossary of the RICS GN 'Valuation of Development Property' (February 2020).

4.0 **Assumptions, and Limitations**

4.1 Special Assumptions

As stated in the terms the following special assumptions have been agreed and will be applied:

- That the proposed development is complete on the date of assessment in the market conditions prevailing on the date of assessment.
- That your Council's Local Plan policies, or emerging policies, including for affordable housing are up to date.
- That the applicant's abnormal costs, where adequately supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report and/ or otherwise instructed by your Council and that are no abnormal development costs in addition to those which the applicant has identified.

4.2 General Assumptions

The below assumptions are subject to the statement regarding the limitations on the extent of our investigations, survey restrictions and assumptions, as expressed in the terms of engagement.

- a) The site has not been inspected at this stage.
- b) Tenure - A report on Title has not been provided. The review assessment assumes that the site is held Freehold.
- c) Easements / Title restrictions - A report on Title has not been provided. The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- d) Access / highways - It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs or those identified by the Council and included as part of policy costs.

- e) Mains Services - It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- f) Mineral Stability - This assessment has been made in accordance with the terms of the agreement in which you have instructed the Agency to assume that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence. I refer you to the DVS Terms of Engagement at **Appendix (iii)** for additional commentary around ground stability assumptions.
- g) Flood Risk. DVS have referred to the Environment Agency's Flooding 'flood risk assessment' mapping tool which indicates the site is subject to a 'low probability' of flood risk.
- h) Asbestos - It is assumed any asbestos where identified present will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

5.0 Proposed Development

5.1 Site Plan and Area

The S106 report state the site area as 0.66 acres.

5.2 Location / Situation

I have not inspected the site at this stage.

The location of the site is not detailed in the S106 report.

The site is located approximately 2 miles north of the city centre, situated at the west of the junction of St Deny's Road and Thomas Lewis Way in Portswood, Southampton in a mixed use location, dominated by retail and commercial uses. The Portswood district centre is approx. 300 m away to the west.

In terms of transport links the site fronts the main A3035 road and bus route into the city centre are outside the application, St Denys train station is approximately than 400 m south of the site.

5.3 Description

The site occupies a prominent corner plot which was last used as a car sales showroom and workshop. It is understood to have been vacant for several years. For the purpose of the viability assessment the site is regarded to be a **vacant, single storey car showroom and premises in fair repair.**

It is stated in the S106 Affordable Housing viability report that car sales showroom and workshop *total floor area is 12,416ft² comprising the showroom area at 3,148ft² , the offices at 1,700ft² and the workshop/storage areas at 6,572ft².*

Photo of the site:



Source: Google Street view image from March 2021

5.4 Schedule of Accommodation/ Scheme Floor Areas

DVS make no comment about the density, design, efficiency, merit or otherwise, of the suggested scheme, the site area and accommodation details have been taken from the S106 appraisal.

It is understood the application proposes is to demolish the existing buildings and redevelop the site with two blocks providing 35 apartments for sale with surface car parking.

A detailed schedule of accommodation is not set out in the applicant's viability report. In the appraisal the Net Internal Area for the development is stated to be 2408 sq. m. The One Bed apartments have a total NIA 257 sq. m.; whereas the Two Bed apartments have a total NIA 2151 sq. m. There is no specific detail provided regarding the overall GIA.

A GIA of 3041 sq. m has been derived by DVS from the total build cost in the S106 appraisal. DVS have not verified the Gross Internal Area from the applicant's advisor's appraisal with scaled plans or drawings.

The gross to net ratio, of 79% is regarded to be high for a small apartment development but is accepted in good faith. Noting there is an integral ground floor bike and bin store present. This acceptance is significant to the viability conclusion and so you may wish to verify this before making a decision based on this advice.

An overall area is insufficient for assessing the viability of a site specific development. I have therefore reverted to the plans submitted as part of the application.

SCHEDULE OF ACCOMMODATION	SCHEDULE OF ACCOMMODATION																
UNIT 1: 2 BED FLAT @ 72.8 SQM / 783 SQFT UNIT 2: 2 BED FLAT @ 71.2 SQM / 766 SQFT UNIT 3: 2 BED FLAT @ 72.2 SQM / 776 SQFT UNIT 4: 2 BED FLAT @ 72.7 SQM / 782 SQFT UNIT 5: 2 BED FLAT @ 71.2 SQM / 766 SQFT UNIT 6: 2 BED FLAT @ 72.2 SQM / 776 SQFT UNIT 7: 2 BED FLAT @ 72.7 SQM / 782 SQFT UNIT 8: 2 BED FLAT @ 71.2 SQM / 776 SQFT UNIT 9: 2 BED FLAT @ 72.2 SQM / 776 SQFT	UNIT 1: 2 BED FLAT @ 72.2 SQM / 776 SQFT UNIT 2: 2 BED FLAT @ 71.4 SQM / 768 SQFT UNIT 3: 2 BED FLAT @ 71.8 SQM / 772 SQFT UNIT 4: 2 BED FLAT @ 71.2 SQM / 766 SQFT UNIT 5: 1 BED FLAT @ 51.4 SQM / 553 SQFT UNIT 6: 2 BED FLAT @ 72.2 SQM / 776 SQFT UNIT 7: 2 BED FLAT @ 71.4 SQM / 768 SQFT UNIT 8: 2 BED FLAT @ 71.8 SQM / 772 SQFT UNIT 9: 2 BED FLAT @ 71.2 SQM / 766 SQFT UNIT 10: 1 BED FLAT @ 51.4 SQM / 553 SQFT UNIT 11: 2 BED FLAT @ 72 SQM / 774 SQFT UNIT 12: 2 BED FLAT @ 71.4 SQM / 768 SQFT UNIT 13: 2 BED FLAT @ 71.8 SQM / 772 SQFT UNIT 14: 2 BED FLAT @ 71.2 SQM / 766 SQFT UNIT 15: 1 BED FLAT @ 51.4 SQM / 553 SQFT UNIT 16: 2 BED FLAT @ 72 SQM / 774 SQFT UNIT 17: 2 BED FLAT @ 71.4 SQM / 768 SQFT UNIT 18: 2 BED FLAT @ 71.8 SQM / 772 SQFT UNIT 19: 2 BED FLAT @ 71.2 SQM / 766 SQFT UNIT 20: 1 BED FLAT @ 51.4 SQM / 553 SQFT UNIT 21: 2 BED FLAT @ 72 SQM / 774 SQFT UNIT 22: 2 BED FLAT @ 71.4 SQM / 768 SQFT UNIT 23: 2 BED FLAT @ 71.8 SQM / 772 SQFT UNIT 24: 2 BED FLAT @ 71.2 SQM / 766 SQFT UNIT 25: 1 BED FLAT @ 51.4 SQM / 553 SQFT UNIT 26: 2 BED FLAT @ 72 SQM / 774 SQFT																
B. FIRE ALARM NOTE ADDED TO TERRACE. 07.03.22 JA TITLE BLOCK NOTES UPDATED. A. BALCONIES REMOVED. 11.02.22 JA CLIENTS COMMENTS.	A. OUTLINE OF UNIT 11 BALCONY 07.03.22 JA SHOWN ON GROUND FLOOR. TITLE BLOCK NOTES UPDATED.																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Revision.</th> <th>date</th> <th>by</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Revision.	date	by					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Revision.</th> <th>date</th> <th>by</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Revision.	date	by				
No.	Revision.	date	by														
No.	Revision.	date	by														
PROPOSED DEVELOPMENT, 21-35 ST DENYS ROAD, SOUTHAMPTON, HAMPSHIRE, SO17 1GJ.	PROPOSED DEVELOPMENT, 21-35 ST DENYS ROAD, SOUTHAMPTON, HAMPSHIRE, SO17 1GJ.																
BLOCK A FLOOR PLANS	BLOCK B FLOOR PLANS 1 OF 2																

In addition there are 30 car parking spaces in the development.

	1 bed units	2 bed units	Total NIA sq. m
Building A	0	9	648.4
Building B	5	21	1761.4
Total	5	30	2409.8

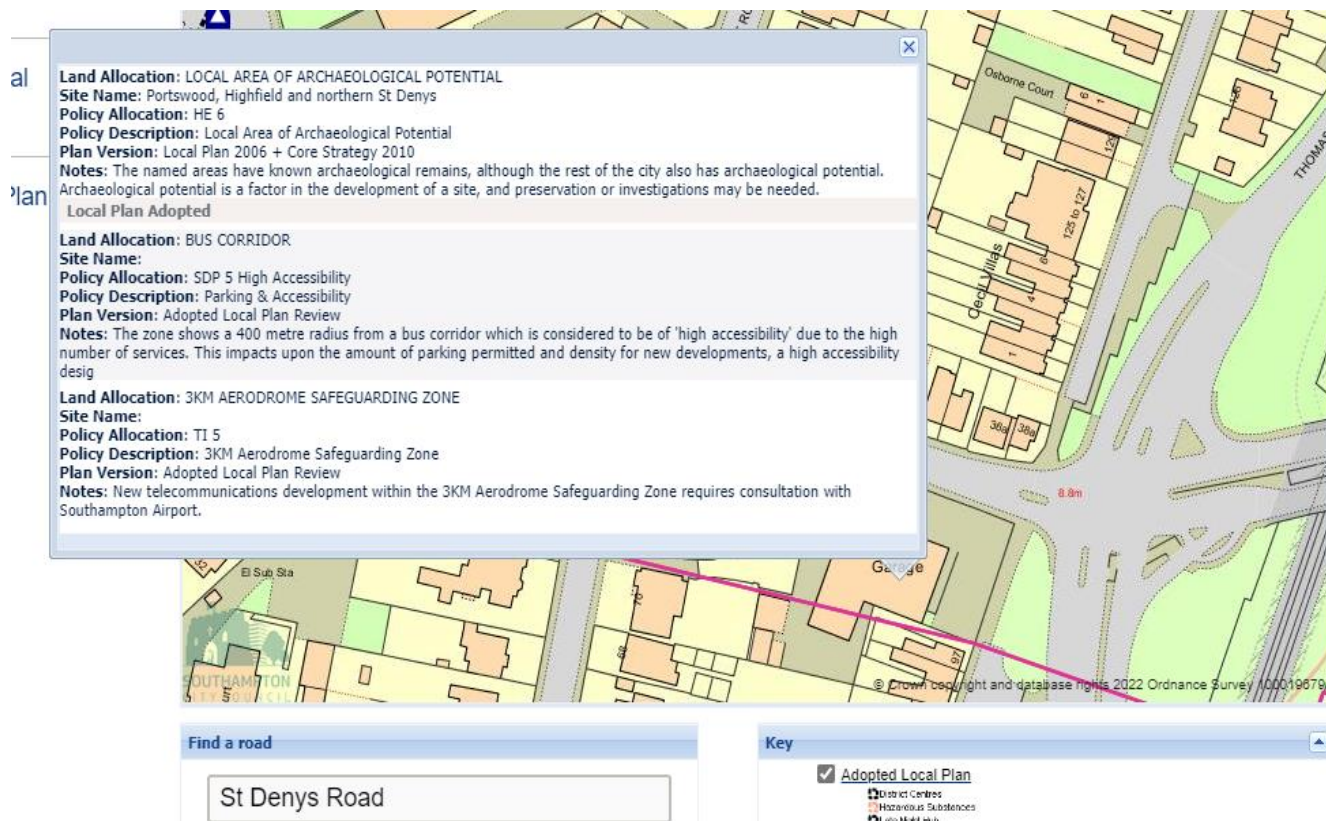
Measurements stated are understood to be in accordance with the RICS Professional Statement '**RICS Property Measurement**' (2nd Edition) and, where relevant, **the RICS Code of Measuring Practice (6th Edition)**.

As agreed in the terms, any residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area / Gross Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2nd Edition)'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction/ residential industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

5.5 Planning

- a) The Local Plan's interactive map indicates the site is subject to the following plan policies:



Source: [Interactive Map \(southampton.gov.uk\)](http://southampton.gov.uk)

- b) DVS have not been made aware of why this scheme has been accepted for site specific viability assessment.

5.6 Policy Requirements for the Scheme

I understand the Local Plan Policy requirements to be:

Affordable Housing	35% On-Site. Tenures unknown but DVS can assume one third Affordable Rented and two thirds Shared Ownership
Highways/Transport	£70,000
Solent Disturbance Mitigation Project	£18,840
CIL	£315,608
Employment & Skills Plan	£12,174
Carbon Management Plan	£9,126
Total	£425,748

This total has been supplied by your Council but it is noted to be different from the sum in the applicant's appraisal. In particular there is a large discrepancy in terms of CIL sum payable. I have assumed that the CIL and Section 106 contributions would be payable in full at start of works on site.

Planning policy requirements and timings should be factual and agreed between the LPA and the applicant. If the review assessment adopts incorrect timing an incorrect figure and/ or a (significantly) different figure is later agreed the viability conclusion should be referred back to DVS.

5.7 Planning Status

I have made enquiries of the Planning Authority's website as to the planning status and history (search 22 September 2022) and I understand that there are no extant or elapsed permissions that would give way to an AUV.

The website details that 63 planning applications have been registered against the address since 1979.

The most pertinent being the afore mentioned 2021 proposal for 49 apartments (refused); and 2011 applications to change use from a showroom to a petrol filling station (refused).

Screenshot of planning proposal history:

010024437219 | 21 St Denys Road Southampton SO17 1GJ

Print

Address Property History (66) Constraints (9)

Planning Applications (63)

- INSTALLATION OF ILLUMINATED FASCIA AND POLE SIGNS
Ref. No: 911355/WA | Status: Conditionally Approved
- 21-35 ST DENYS ROAD PORTSWOOD WARD PORTSWOOD SOUTHAMPTON SO17 2GJ INSTALLATION OF ILLUMINATED FASCIA SIGNS AND NON-ILLUMINATED GANTRY SIGN
Ref. No: 920157/WA | Status: Conditionally Approved
- 21-35 ST DENYS ROAD PORTSWOOD WARD PORTSWOOD SOUTHAMPTON SO17 2GJ INSTALLATION OF ILLUMINATED FASCIA AND POLE SIGNS
Ref. No: 941468/WA | Status: Conditionally Approved
- 21-35 ST DENYS ROAD PORTSWOOD WARD PORTSWOOD SOUTHAMPTON SO17 2GJ DISPLAY OF INTERNALLY ILLUMINATED FASCIA AND POLE SIGNS
Ref. No: 970557/WA | Status: PER
Ref. No: 03301780/ADV | Status: Conditionally Approved
- Installation of an internally illuminated fascia sign and a 4.2M totem sign.
Ref. No: 06/00205/ADV | Status: Conditionally Approved
- Installation of 7 no. internally illuminated fascia signs
Ref. No: 08/01380/ADV | Status: Conditionally Approved
- Replacement signage including 1 x set individual illuminated letters, 2 x fascia signs, 1 x totem pole sign and 1 x non-illuminated entrance sign.
Ref. No: 09/01243/FUL | Status: Application Withdrawn
- Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk, installation of 6 twin sided pumps with canopy and a car wash (after removal of existing building)
Ref. No: 10/01213/FUL | Status: Application Refused
- Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 twin sided pumps with canopy.
Ref. No: 11/01856/FUL | Status: Application Refused
- Demolition of former car showroom and outbuildings and the erection of two blocks comprising 48 apartments, with associated parking, access and landscaping (Amended Description)
Ref. No: 21/00324/FUL | Status: Application Refused
- Demolition of former car showroom and outbuildings and the erection of two blocks comprising 35 apartments, with associated parking, access and landscaping (Resubmission 21/00324/FUL)
Ref. No: 22/00347/FUL | Status: Pending Consideration
- illuminated fascia sign 'Peugeot Talbot'
Ref. No: 901022/WA | Status: Application Withdrawn

It is understood from this there are no extant consents for alternative redevelopment.

6.0 Summary of Applicant's Viability Assessment

6.1 Report Reference

DVS refer to the Economic Viability Appraisal Report prepared by [REDACTED] director at S106 Affordable Housing dated 24 March 2022 and the two appraisals therein.

It is not clear whether the surveyor and firm are member or member firm of the RICS, the report does not appear to state that they have carried out this work in accordance with RICS Standards.

6.2 Summary of Applicant's Appraisal

There are two appraisals in the S106 Affordable Housing report, the first is of a market housing scheme with CIL, the second reflects 35% on site affordable housing with CIL. I have concentrated my review on appraisal 2.

In summary S106's appraisals have been produced using HCA DAT software and follows established residual methodology. This is where the Gross Development Value less the Total Development Costs Less Profit, equals the Residual Land Value, and the Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance, to establish viability.

S106 outline in their report the following:

- The proposed scheme appraised with regards to planning policy, that being CIL and 35% Affordable Housing provision, produces a Residual Land Value of £404,311; this is below the S106 opinion of Benchmark Land Value of £970,000; identifying a development deficit of £565,689.
- When affordable housing is removed the RLV is improved, to £679,248, however this is below the BLV opinion, a deficit of £290,752 remains.
- The applicant's advisor seeks to demonstrate that Affordable Housing cannot be viably supported.
- Notwithstanding the significant shortfalls identified, it is understood the applicant is prepared to deliver this scheme.

To review the reasonableness of this conclusion, the reasonableness of the S106 appraisal inputs is considered in the next sections.

7.0 Development Period/ Programme

7.1 The development period adopted by the applicant's advisor is a *6 month lead in to site start for detail design, building regulations approval, clearing pre-start planning conditions and site set up. The contract period is 18 months with a sales period of 9 months.*

7.2 This is considered unreasonable based on development period of other similar schemes, in particular the 6 month lead in is not agreed. DVS have adopted:

- 1 month for site purchase (in full)
- 3 months pre-construction/ demolition/site preparation (S-curve)
- Construction period 18 months (S-curve)
- Sales revenue 6 months (23 market apartments to be sold) * 30% (7 units) upon PC; 10% in month 2; 10% pcm for 4 months.

8.0 Gross Development Value (GDV)

8.1 Applicant's GDV

Referring to S106 appraisal 2. S106 have adopted a Gross Development Value (GDV) of £7,894,720 this comprises:

Private GDV	£6,048,000
Affordable GDV	£1,936,720
Parking GDV	£0

I have reviewed the GDV proposed with regards to RICS Guidance Notes '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' and '**Comparable Evidence in Real Estate**'

My conclusions are set out below.

8.2 Market Value Apartments

S106 have looked at comparable properties either on the market or recently sold within 0.25 to 0.5 miles of the site. They state that there are no new build residential developments in the search area and have relied on second hand evidence with a new build premium of 10-20%.

S106 are of the opinion that a reasonable second-hand value is in the region of £3360 per sq. m. S106 have adopted £3,750 per sq m reflecting a new build premium. This the same rate as adopted in the 2021 viability proposal for the larger scheme, despite a period of sustained house price growth. A blended value by apartment type is shown in the report and appraisal as follows:

One bedroom: £192,250

Two bedroom: £268,913

DVS have undertaken our own independent research as to sold and asking prices for new build and existing properties in the area.

The VOA database contains details of sales of residential properties including accommodation details, age of property number of bedrooms, reception rooms, age, floor areas and so forth as well as transactional information such as new build sales, part exchange shared ownership or connected party sales etc. We also have access to Energy Performance Certificates which enables analysis. We have also considered sales information about current and forthcoming schemes. All of this enables the valuer to confirm or dispute the applicant's evidence.

It is recorded that there are few new build/newly converted apartments in the immediate vicinity of the subject. The retirement scheme is awarded little weight due to the fact these attract a premium over 'open market' apartments, due to their age restricted market and additional facilities. It is however a useful upper parameter for benchmarking purposes.

Sales were considered since our previous June 2021 advice within the same locality of the subject property.

We concur with S 106 that there are not any new build developments in this immediate location. The majority of the comparables were built from 2000-2008. New build apartments command a premium over second hand sales. This has been considered when adjusting and analysing the comparable evidence.

Pertinent comps include:

Address	Type m ² Beds Transaction Date Price (£)	Analysis/Adjustment
Flat within Osborne House, Grosvenor Square, Southampton SO15 2DA	Flat 46 1 8 July 2022 £184,000	Ground Floor Apartment, Maisonette /One Double Bedroom /Allocated Parking Well Presented / Slightly further out than the subject £4,000 per sqm
. Flat within 70 St Denys Road, Southampton, SO17 2GL	Flat 39 1 25 March 2022 £142,000	1 Bedroom Ground Floor Flat Very close proximity to the subject site £3,641.02 per sqm
. Flat within Quay 2000, Horseshoe Bridge, Southampton, SO17 2NP	Flat 79 2 31 May 2022 £265,000	Ground floor flat / 2 Bedroom, 2 Bathroom £3,607.59 per sqm

Taking into account of the location and nature of the scheme and further to our investigations, research and full valuation exercise, the applicant's unit rate and GDV conclusion is considered reasonable to assess the viability of the scheme.

I have adopted the same values in my review appraisal, albeit I have rounded the values. My opinion of Market Values for the private dwellings is as follows:

One bedroom: £192,000
Two bedroom £269,000

8.3 Market Value of Affordable Housing Dwellings

I understand to be plan compliant that 35% on site affordable housing would be sought. Equivalent to 12 units (rounded down) and that 4 of these units would be allocated as affordable rent tenure and 8 units as shared ownership.

For modelling purposes, I have selected the 12 smallest apartments as affordable which comprises 5 one beds and 7 two beds.

I am not aware of set transfer rates for affordable dwellings in your authority.

For ease of modelling I have adopted a blended relativity based value on the basis of 55% of Market Value for affordable rented units (£105,600 per unit) and 70% for shared ownership (£188,300 per unit); reflecting the tenure split described this is a blended relativity of 65% of Market Value.

If required to validate these relativities I refer the reader to other viability reviews produced by surveyors and subsequently reviewed by DVS in your authority and neighbouring authorities.

Further to this my GDV for Affordable Housing is £1,851,800.

DVS approach to affordable revenue differs from S106, where a capitalised rental approach is taken. This methodology is accepted practice. There does, however, appear to be much valuer judgement in the calculation. In particular the operational cost deduction and the yield adopted, neither of these assumptions are evidenced.

The comparison between final figures, DVs approach produces a figure c.£85,000 higher this is not significant to the overall viability conclusion.

8.4 Market Value of Ground Rents

The Leasehold Reform (Ground Rent) Act 2022, which received Royal Assent in 2022 will mean dwellings in this development are likely to be sold freehold (or as part of a commonhold) title, or long leasehold and not subject to any ground rent above a peppercorn. This effectively restricts the ground rent of the lease to zero financial value. The legislation also bans freeholders from charging administration fees for collecting a peppercorn rent. Consequently, DVS have not allowed for Ground Rent Investment Value in the viability assessment review.

8.5 Market Value of Car Parking

There are 30 spaces within this development.

S106 have not assessed car parking revenue. It is often appropriate to include carparking revenue where spaces are at a premium. Parking spaces in prime locations such as the waterfront can command upwards of £25,000 each.

Having reviewed the comparable evidence parking is generally included in the value either by way of allocated space or an open car park to residents. Having reviewed the location, whilst there may be some demand from the train station, I am satisfied a private car park for residents only, would not generate additional revenue in this scheme.

I have assumed each of the two bed apartments has a parking space in the £269,000 market value adopted.

My opinion of GDV for the parking is Nil.

8.6 Other Revenue

There is no other revenue in the assessment however I draw your attention to Tax Relief. There is no allowance for tax reliefs in the applicant's assessment. Tax relief may be applicable on this site and, if so, may improve the viability of the scheme. You may wish to seek additional guidance on this from a tax expert.

8.7 Total Development Value

My GDV for the Plan Policy Compliant with 35% AH appraisal is £8,038,800. Marginally higher than S106's assessment.

The impact on viability of higher and lower values are reflected upon as part of the sensitivity tests.

9.0 Total Development Costs

9.1 Summary of Costs

Costs in the S106 appraisal before finance and profit are grouped together as follows:

Item	£ Sub Total
Construction Costs – inc. Externals	£4,980,802
Contingency 5%	£249,040
Professional Fees 7%	£366,089
Marketing Fees 2.5%	£151,200
Disposal Fees £1,000 / private unit	£23,000
CIL / planning policy	£131,847
Total	£6,025,760

9.2 Construction Cost

Para 12 of the NPPG explains that the assessment of costs should be based on evidence which is reflective of local market conditions. The RICS viability guidance indicates *that site specific costs should be used to assess viability of a scheme where available.*

A site specific cost plan detailing the anticipated development costs for the scheme, has not been provided. Southampton Council has instructed DVS to review the costs on a high level basis, provide commentary about any concerns, and to comment on the reasonableness of the figure with regard to BCIS and other VOA held information.

Whilst I feel that I have sufficient evidence on construction rates to form a reasoned opinion on total construction costs for the purpose of this initial review, it cannot be ignored that I am a chartered valuation surveyor, not a quantity surveyor (QS), and so I emphasise that ,notwithstanding my initial opinion, in the event of an appeal or protracted negotiations, a separate expert in costs may be required.

S106 have based the build costs on the BCIS 5 year median rates for 3 to 5 storey apartments rebased to Southampton of £1,489 per sq. m. In addition, they have included for externals of 10% with a total base build cost of £4,980,802

I have also taken account of the 5 year BCIS rates for 3 to 5 storey flats (September 2022) rebased to Southampton; the median rate at my later assessment date is £1,582 / sq. m.

Extract below:



£/m2 study

Description: Rate per m2 gross internal floor area for the building Cost including prelims.

Last updated: 10-Sep-2022 05:41

> Rebased to Southampton (107; sample 51)

Maximum age of results: 5 years

Building function (Maximum age of projects)	£/m² gross internal floor area						Sample
	Mean	Lowest	Lower quartiles	Median	Upper quartiles	Highest	
New build							
816. Flats (apartments)							
Generally (5)	1,707	947	1,415	1,598	1,916	3,719	188
1-2 storey (5)	1,680	1,046	1,402	1,578	1,998	2,397	32
3-5 storey (5)	1,693	947	1,404	1,582	1,860	3,719	132
6 storey or above (5)	1,825	1,291	1,547	1,819	1,977	2,644	24

Build costs have been subject to much pressure and volatility in recent times. The impact on viability of higher and lower costs are reflected upon as part of the sensitivity tests at the end of this report.

There are two matters to note:

One: BCIS median rates have been applied to the GIA of the building as it standard practice, I am however mindful that the gross to net ratio of 79% is at the extreme of typical ratios; and is noted to includes areas such as a bike and bin store which would not be expected to cost £1582 per sq. m. to build. Further to this concern I have included a scenario test whereby these costs are at £750/ sqm; a valuer judgment approximately 50% of the main space price.

Two: For a scheme of 35 units, lower quartile build cost may be appropriate, I have therefore included a scenario test whereby LQ costs are adopted (£1404/ sq. m).

9.3 External Costs

The applicant includes external costs at 10% of base build costs. Whilst 10% is reasonable for new build housing scheme, it is high for an apartment scheme. On this basis I consider 10% to be unreasonable.

I have adopted 7.5% for externals. This is reflective of other agreements and assessments on apartment schemes; in the event of a dispute I would welcome details of the extent of the works required in order to consider this input more fully.

9.4 Site Specific Abnormals

S106 have also included the following abnormals

- Demolition and site clearance - £38,291
- Site remediation - £75,000
- Tarmac break-up - £10,491
- Total for abnormals - £123,782

There is no information provided in support of these items and the respective amounts.

DVS are instructed to adopt the applicant's abnormal costs where sufficiently supported. I am a valuation surveyor and not a quantity surveyor and so can only provide high level observations in respect of abnormal cost items. It is my opinion as a valuation surveyor that the works are reasonable to enable the scheme. The demolition costs are within expected levels. I have not recorded of the other items, but I can comment the proposed abnormal costs do not appear to be extraordinary.

In the absence of an independent costs review and information to the contrary, for the purpose of completing this report, I have relied on the professional integrity of the applicant's advisors that such works are necessary, and that the associated costs are a true reflection of the actual costs that would be incurred. For my review I adopt the same sum with the below caveat:

If the abnormal and or construction costs are later reviewed and a different conclusion reached by the Council's advisor, I will revert to their advice and will update my report and appraisal accordingly.

The above acceptance is specific to this case and does not prejudice any future viability reviews on this site, which will have regard to the information at that time.

DVS reserves right to review these costs in the event of an appeal or if further information becomes available. If viability is contested and abnormal costs are a significant contributing factor the matter could be looked at a later stage by an independent Quantity Surveyor or advisor to the Council. This will be essential in the event of an appeal.

Any future change to costs may also lead to a reconsideration of other appraisal inputs such as the land value, professional fees and contingencies.

9.5 Agreed Cost Inputs

The following cost inputs have been accepted as reasonable and adopted by DVS in the review assessment:

Accepted Cost	Agent	Comments
Contingency	5% £249,040	5% is accepted as reasonable applied to construction, external plus abnormal costs. Consequently my contingency is higher at £264,773
Professional fees	7%	Accepted as reasonable applied to construction costs (not contingency)
Marketing/ sales agency fees	2.5%	Accepted as reasonable applied to market housing GDV.
Finance	6.5% Inclusive of fees	Accepted as reasonable 100% debt funded scheme; land purchased in entirety at day 1.

9.6 Unagreed Costs

The following cost inputs have not been accepted as reasonable as explained in the DVS comments column:

Unreasonable Cost	Agent	DVS Comments
Legal fees - Private	£1,000 per private unit	£1,000 per property regarded to be high, £500 per unit adopted.
CIL	£131,847	SCC have confirmed the CIL payable on the proposed would be £315,608.

9.7 Omitted Costs

The following cost inputs have been omitted by S106, but are including in my assessment as explained below:

Omitted Cost	Agent	Comments
Land acquisition Agent and legal fees	Omitted	1.5% of (DVS opinion) of the land value,
Stamp Duty Land Tax	Omitted	At the prevailing (commercial) rate of (DVS opinion) of the land value.
Legal fees - Affordable	Omitted	No AH legal fees in assessment regarded to unusual, I have adopted £5,000 fee.
Other Policy Contributions	Nil	£110,140 (see section 5.6 for the makeup of this sum)

10.0 Developer's Profit

- 10.1 The applicant's advisor has included blended profit at £1,174,603 this is 14.71% of GDV which is understood to be a blend based upon 17.5% of value for the private residential and 6% of value for the affordable .
- 10.2 This blended profit level is considered reasonable; I have adopted the same.
- 10.3 Text within the PPG explains that for the purpose of plan making '15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies' and that 'Alternative figures may also be appropriate for different development types'. It is a widely held view that PRS is a development type which warrants a different, lower rate.
- 10.4 To accord with the RICS Guidance Note '**Assessing viability in planning under the National Planning Policy Framework 2019**', I can report that the profit level I have adopted of 14.71% GDV is equivalent to 17.25% Total Development Costs and an Internal Rate of Return of 24.45%, please note this IRR is relative to the development period and finance rate adopted.

11.0 **Benchmark Land Value (BLV)**

11.1 Applicant's BLV

The applicant's surveyor has adopted a Benchmark Land Value of £970,000, this comprises their opinion of EUV of £970,000 plus nil premium.

The EUV is based upon the capitalised estimated rental value of the car show room, less rent free and purchaser's costs as follows:

Rental income £75,000pa
Capitalise 7% yield £1,071,428
Less 6 months' rent free £37,500
Less Buyers costs' £61,607
= EUV £972,321 say £970,000

S106 state that there are limited comparables; one comp was identified in Bittern at £15.27 /sq ft a copy of the letting particulars was supplied this asking rent is dated from November 2020; together with the asking rent of the subject property of £80,000 per annum; no details were provided in support of the latter.

In forming my opinion of BLV I have followed the five-step process, which is detailed in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

11.2 Existing Use Value (EUV)

Step one is to undertake a valuation to determine EUV.

DVS are reliant on the professional integrity of the applicant's advisor that the subject comprises a vacant car show room of 12,416 sq. ft Sq. ft that is capable of occupation without investment. If this is incorrect the viability conclusion cannot be relied upon.

From Valuation Office Agency records the Rateable Value is £104,000 made up of two sums:

- Showroom, Workshop and premises – 996.92 sq. m @ £84.95
- Hard surface and vehicle display - £19,455pa

Rounded to a RV of £104,000.

Further to this and on the understanding the property is present and capable of occupation, and that there is a demand for this continued use as a car show room in this location, I am prepared to accept a rental value of £75,000 per annum with a net capital value of £970,000 as a reasonable EUV as at the current September 2022 assessment date.

I accept the EUV proposed in good faith.

This EUV acceptance is provisional and is based on restricted information and may be subject to change if new or better information is later available and/ or following an inspection of the subject premises. If it is found that this acceptance is based on incorrect information, for example if it is incapable of occupation without investment, there is potential that the EUV will be lower, this would improve the viability of the scheme.

Further to this you may wish to carry out your own enquiries before determining the application.

11.3 Alternative Use Value (AUV)

Step two is the assessment, where appropriate, of the AUV. The PPG explains that AUV may be informative in informing the BLV.

It is understood there are no extant consents. An AUV is not applicable in this case.

11.4 Cross Sector Collaboration Evidence of BLV and Premium

The RICS GN explains that Step three is to assess a premium above EUV based on the evidence set out in PPG paragraph 016, which is:

'the best available evidence informed by cross sector collaboration. which can include benchmark land values from other viability assessments' comparisons with existing premiums above EUV'.

No premium evidence has been provided. For an operational/ occupied property that does not require expense to continue in its current use, where there is continued demand for the current use, and where the premises are not at the end of their economic life, a typical premium in this authority is 10-20%. For properties where there is no demand for continued use, or the EUV reflects expenditure required, a nil or nominal premium is often appropriate.

S106 have not included a premium. Given the fact it has been vacant for some time, and my understanding this property may be a liability to the owner (outgoings such as rates, insurance, security costs etc) I consider that the landowner would not require incentivising to dispose of this site. Therefore, I agree a nil premium is appropriate.

11.5 Residual Land Value of the Scheme with regard to Plan Policy

Step four is to determine the residual value of the site or typology, assuming actual or emerging policy requirements.

Adopting the inputs described herein this report, the residual land value of the proposed scheme with partial plan policy requirements is £85,552. Which is significantly below the provisionally accepted EUV.

11.6 Adjusted Land Transaction Evidence

Step five is to cross-check the EUV+ approach to the determination of the BLV of the site by reference to (adjusted) land transaction evidence and can also include other BLV of compliant schemes (or adjusted if not compliant).

Market Transaction Evidence, needs careful adjustment and analysis, due to the opaque knowledge of the facts it is difficult to place weight on the evidence and the analysis provided.

No comparable evidence has been provided for review.

It is recorded that for the June 2021 case DVS previously assessed the BLV at £977,500.

11.7 Purchase Price

The NPPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating *the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan*. And *'under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan'*.

The PPG does not, however, invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

The applicant has provided historic information from 2013, that the site was purchased £746,000 plus VAT.

11.8 Benchmark Land Value Conclusion

The reasonableness of the applicant's £970,000 Benchmark Land Value has been considered against:

- The provisionally agreed EUV of £ 970,000 , agreed on the understanding the premises are capable of occupation as a showroom
- Alternative use value £n/a
- Evidence of appropriate premium above the EUV – up to 20% where there is demand
- The Residual Land Value of the planning compliant scheme £85,552
- Benchmark Land Values (BLV) adopted in the local plan study for this typology (not applicable)

- The 2013 purchase price of £746,000
- BLV previously reported by DVS - £977,500

It is my balanced and professional opinion having considered all of the above approaches that the applicant's agents proposed BLV of £970,000 can be adopted for the viability review.

This can be reported as:

EUV (with special assumption) of £970,000 and Premium £nil.

12.0 DVS Viability Assessment

12.1 DVS Viability Appraisal 1 Partial Plan Policy Compliant Scheme

My viability review assessment has been produced using Argus Developer software.

Appraisal 1 can be found at **Appendix (i)** reflects the known plan policy requirements of £315,605 of CIL, and £110,140 of other policy asks together with 35% on site provision of Affordable Housing.

Based on the inputs I have outlined above including developer's profit which is fixed at 14.71% of Gross Development Value, the cumulative effect of my changes is that my viability appraisal generates a Residual Land Value of £85,552 which is well below the agreed Benchmark Land Value of £970,000.

This indicates the scheme cannot support the required contributions towards plan policy.

12.2 DVS Appraisal 2 – – Reduced Policy Scheme

As the scheme cannot meet full policy requirements, I have considered the maximum amount of Affordable Housing that the scheme could viably provide. Through a series of iterations to the appraisal I have established that the scheme cannot support the provision of any affordable housing.

Appraisal 2 - which can be found at **Appendix (ii)** reflects a scheme with no affordable housing and a CIL payment of £315,605 and £110,140 of other policy asks together with Developer's profit fixed at 17.5% of GDV.

Appraisal 2 generates a residual value for land of £581,959 which remains below the provisionally agreed BLV of £970,000.

It is my independent conclusion this scheme cannot support Affordable Housing requirements.

13.0 Sensitivity Analysis

13.1 Further to mandatory requirements within the RICS Professional Statement 'Financial viability in planning: conduct and reporting', sensitivity tests are included to support the robustness of the viability conclusion described above.

13.2 I have varied two of the most sensitive appraisal inputs relating to sales revenue, and base construction costs. In order to show the changes required to support the viability of 35% affordable housing provision, I have adjusted these in upward and downward steps from the base appraisal assumption.

13.3 The output is the residual land value which can be compared to the BLV of £970,000.

13.4 Sensitivity Test 1 – Appraisal 1 – 35% Affordable Housing

Cells show the Residual Land Value resulting from the adjusted input combination.

Table of Residual Land Value

		Construction: Rate /m ²			
Sales: Rate /m ²	-10.000%	-5.000%	0.000%	5.000%	10.000%
	1,423.80 /m ²	1,502.90 /m ²	1,582.00 /m ²	1,661.10 /m ²	1,740.20 /m ²
-5.000%	£316,401	£53,697	-£220,829	-£498,702	-£777,397
-2.500%	£459,263	£202,562	-£65,850	-£343,248	-£621,120
0.000%	£602,126	£346,760	£85,552	-£187,794	-£465,666
2.500%	£744,988	£489,623	£233,801	-£33,167	-£310,212
5.000%	£887,851	£632,485	£377,120	£117,408	-£154,758

13.5 The base conclusion is shown in bold at the centre of the results table (white cell). The red cells indicate the combination of factors that would give way to an unviable scheme. Green would indicate viable (in excess of the BLV) and orange would show marginal viability a residual land value within, say, 10% of the BLV.

13.6 As can be seen from sensitivity matrix, 1 of the 25 iterations give way to a marginal scheme; a reduction in costs of 10% coupled with a rise in value of 5% produces a RLV within 10% of the provisionally agreed BLV.

13.7 This matrix strongly supports my conclusion the scheme cannot support full policy provision; without significant change in market conditions such as a 10% fall in construction cost coupled with a 5% rise in values.

13.8 Sensitivity Test 2 – Appraisal 2 – No Affordable Housing

Cells show Residual Land Value resulting from the adjusted input.

Table of Residual Land Value

Construction: Rate /m ²					
Sales: Rate /m ²	-10.000%	-5.000%	0.000%	5.000%	10.000%
	1,423.80 /m ²	1,502.90 /m ²	1,582.00 /m ²	1,661.10 /m ²	1,740.20 /m ²
-5.000%	£782,760	£527,031	£271,302	£5,996	£-270,693
-2.500%	£938,088	£682,359	£426,631	£168,609	£-101,826
0.000%	£1,093,416	£837,688	£581,959	£326,230	£63,630
2.500%	£1,248,745	£993,016	£737,287	£481,559	£225,130
5.000%	£1,404,073	£1,148,344	£892,616	£636,887	£381,158

13.9 The base conclusion is shown in bold at the centre of the results table (white cell). The red cells indicate the combination of factors that would give way to an unviable scheme. Green would indicate viable (in excess of the BLV) and orange would show marginal viability a residual land value within, say, 10% of the BLV.

13.10 As can be seen from sensitivity matrix, 7 of the 25 iterations give way to a marginal or viable scheme.

13.11 This matrix indicated that the scheme without any affordable housing is viable with a 5% fall in construction cost coupled with a 2.5% rise in value.

13.12 Scenario test 1: Impact of reducing Build Cost of common space

13.13 As detailed in the construction costs section of this report , I have concerns that there is a disproportionate amount of circulation/ communal space and the costs attributed (totalling £998,558) is excessive for the accommodation it represents (bin store/ cycle store corridors). I have therefore assessed the impact on viability of reducing this cost to £750 per sqm which is valuer judgement, approximately equal to half the median rate.

13.14 For the plan compliant appraisal with 35% on site Affordable Housing the residual land value would be £642,919. Which remains below the opinion of BLV. suggesting this would not make a difference to the schemes ability to meet full policy. Extract below:

ACQUISITION COSTS			
Residualised Price			642,919
			642,919
Stamp Duty			21,646
Agent & Legal Fee	1.50%		9,644
			31,290
CONSTRUCTION COSTS			
Construction	m ²	Build Rate m ²	Cost
Two bedroom MH	1,654.40	1,582.00	2,617,261
All AH (blended)	755.40	1,582.00	1,195,043
Communal Space	<u>631.20</u>	750.00	<u>473,400</u>
Totals	3,041.00		4,285,704

13.15 Applying this test to the second appraisal, with no affordable housing, the residual Land Value would be £1,133,483 which is above the BLV. This suggests the scheme would be able to support a moderate contribution towards affordable housing, in the order of £160,000, and also meet the developers profit target of 17.5% GDV Extract below:

ACQUISITION COSTS			
Residualised Price			1,133,483
			1,133,483
Stamp Duty			46,174
Agent & Legal Fee	1.50%		17,002
			63,176
CONSTRUCTION COSTS			
Construction	m ²	Build Rate m ²	Cost
Two bedroom MH	2,152.80	1,582.00	3,405,730
One bedroom MH	257.00	1,582.00	406,574
Communal Space	<u>631.20</u>	750.00	<u>473,400</u>
Totals	3,041.00		4,285,704

13.16 Scenario test 2: Impact of adopting BCIS Lower Quartile

13.17 As detailed in the construction costs section of this report, it may be appropriate to adopt Lower Quartile build costs in this case, £1404 / sq. m.

13.18 For the plan compliant appraisal with 35% on site Affordable Housing the Residual Land Value would be £666,048. Which remains below the opinion of BLV. Suggesting this cost would not improve the schemes ability to meet full policy. Extract below:

ACQUISITION COSTS			
Residualised Price			666,048
			666,048
Stamp Duty			22,802
Agent & Legal Fee	1.50%		9,991
			32,793
CONSTRUCTION COSTS			
Construction	m ²	Build Rate m ²	Cost
Two bedroom MH	1,654.40	1,404.00	2,322,778
All AH (blended)	755.40	1,404.00	1,060,582
Communal Space	<u>631.20</u>	1,404.00	<u>886,205</u>
Totals	3,041.00		4,269,564

13.19 However if the lower quartile rate was combined with a reduced rate of £700/ sq. m for the communal space, then the Residual Land Value would be in excess of the Benchmark Land Value. The results are very sensitive to build costs.

13.20 If your council requires any additional or specific testing for future reports, please let me know.

14.0 Conclusion and Recommendations

14.1 Viability Conclusion

Following the above testing work, whilst it is recognised that viability on this scheme is very sensitive to build costs, it is my considered conclusion that at the September 2022 assessment date, the proposal is unable to support the requirement for 35% on site affordable housing.

This conclusion is based on restricted information and may be subject to change if new or better information is later available and/ or following an inspection of the subject premises. If it is found to be based on incorrect information, for example if it is incapable of occupation without investment there is potential that the EUV will be lower and this will improve the viability of the scheme. I am also concerned the build costs for the communal areas are overstated.

Further to this you may wish to carry out your own enquiries or employ a quantity surveyor to advise on the appropriate build cost rate to adopt before determining the application.

14.2 Review

Further to my conclusion above and the advice that your Council's Affordable Housing planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. DVS can advise further on this should you so require.

The council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.

14.3 Market Commentary

The Bank of England have this week raised base rates to a 14 year high of 2.25% in an attempt to combat high inflation rates which they have forecast to peak at 11% later this year. Build costs remain at record highs.

While there are anecdotal reports of a slowing in the residential market this is yet to manifest itself in reduced values as a shortage of supply in the market underpins the current levels of value which have increased over recent years.

15.0 **Engagement**

- 15.1 The DVS valuer has not conducted any discussions negotiations with the applicant or any of their other advisors
- 15.2 Should the applicant disagree with the conclusions of our initial assessment; we would recommend that they provide further information to justify their position. Upon receipt of further information and with your further instruction, DVS would be willing to review the new information and reassess the schemes viability. Please note that there will be an additional diary charge where fee is expended.
- 15.3 If any of the assumptions stated herein this report and/or in the attached appraisal are factually incorrect the matter should be referred back to DVS as a re-appraisal may be necessary.
- 15.4 There was no discussion in this case.

16.0 **Disclosure / Publication**

- 16.1 **This redacted review report is suitable for publication.**
- 16.2 The report has been produced for Southampton Council only. DVS permit that this report may be shared with the applicant and their advisors as named third parties only.
- 16.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party (named or otherwise) who may seek to rely on the content of the report.
- 16.4 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this initial assessment report, nor make reference to it, in any way in any publication.
- 16.5 As stated in the terms, none of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will

not bring any claim against any such individuals personally in connection with our services.

- 16.6 (England) This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

I trust that the above report is satisfactory for your purposes, however, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely

██████████ MRICS
Principal Surveyor
RICS Registered Valuer
DVS
Date: 26 September 2022
Redacted version produced: 03 November 2022

Reviewed by:

██████████ MRICS
Principal Surveyor
RICS Registered Valuer
DVS
Date: 26 September 2022

Appendices

- (i) Appraisal 1
- (ii) Appraisal 2
- (iii) Blank
- (iv) Redacted TOE

(i) Appraisal 1 – 35% AH plus CIL

APPRAISAL SUMMARY

VALUATION OFFICE AGENCY

**St Deny's
Policy Compliant**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	m ²	Sales Rate m ²	Unit Price	Gross Sales
Two bedroom MH	23	1,654.40	3,739.72	269,000	6,187,000
All AH (blended)	12	755.40	2,451.42	154,317	1,851,800
Totals	35	2,409.80			8,038,800

NET REALISATION 8,038,800

OUTLAY

ACQUISITION COSTS

Residualised Price			85,552		
Agent & Legal Fee		1.50%	1,283	85,552	1,283

CONSTRUCTION COSTS

Construction	m ²	Build Rate m ²	Cost		
Two bedroom MH	1,654.40	1,582.00	2,617,261		
All AH (blended)	755.40	1,582.00	1,195,043		
Communal Space	631.20	1,582.00	999,558		
Totals	3,041.00		4,810,862	4,810,862	

Externals		7.50%	360,815		
Remediation			75,000		
Demolition			38,291		
Tarmac break up			10,491		
Contingency		5.00%	264,773		
CIL			315,605		
Other S 106			110,140		1,175,115

PROFESSIONAL FEES

Professional Fees		7.00%	336,760		336,760
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MARKETING & LETTING

Marketing MH		2.50%	65,432		65,432
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DISPOSAL FEES

Sales Legal Fee MH	23.00 un	500.00 /un	11,500		
Sales Legal Fee AH			5,000		16,500

FINANCE

Timescale	Duration	Commences
Purchase	1	Sep 2022
Pre-Construction	3	Oct 2022
Construction	18	Jan 2023
Sale	6	Jul 2024
Total Duration	28	

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)					
Land			10,378		
Construction			311,905		
Other			42,505		
Total Finance Cost					364,788

TOTAL COSTS 6,856,293

PROFIT

1,182,507

Performance Measures

Profit on Cost%	17.25%
Profit on GDV%	14.71%

IRR 24.45%

(ii) Appraisal 2: Max Policy

APPRAISAL SUMMARY

VALUATION OFFICE AGENCY

**St Deny's
App 2 Max Policy - No AH**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	m ²	Sales Rate m ²	Unit Price	Gross Sales
Two bedroom MH	30	2,152.80	3,748.61	269,000	8,070,000
One bedroom MH	5	257.00	3,735.41	192,000	960,000
Totals	35	2,409.80			9,030,000

NET REALISATION 9,030,000

OUTLAY

ACQUISITION COSTS

Residualised Price			581,959		
Stamp Duty			18,598		581,959
Agent & Legal Fee	1.50%		8,729		
					27,327

CONSTRUCTION COSTS

Construction	m ²	Build Rate m ²	Cost	
Two bedroom MH	2,152.80	1,582.00	3,405,730	
One bedroom MH	257.00	1,582.00	406,574	
Communal Space	631.20	1,582.00	998,558	
Totals	3,041.00		4,810,862	4,810,862

Externals	7.50%		360,815	
Remediation			75,000	
Demolition			38,291	
Tarmac break up			10,491	
Contingency	5.00%		244,444	
CIL			315,605	
Other S 106			110,140	
				1,154,786

PROFESSIONAL FEES

Professional Fees	7.00%		336,760	
				336,760

MARKETING & LETTING

Marketing MH	2.50%		95,308	
				95,308

DISPOSAL FEES

Sales Legal Fee MH	35.00 un	500.00 /un	17,500	
				17,500

FINANCE

Timescale	Duration	Commences
Purchase	1	Sep 2022
Pre-Construction	3	Oct 2022
Construction	18	Jan 2023
Sale	6	Jul 2024
Total Duration	28	

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)

Land			72,817	
Construction			311,180	
Other			41,250	
Total Finance Cost				425,248

TOTAL COSTS 7,449,750

PROFIT 1,580,250

Performance Measures

Profit on Cost%	21.21%
Profit on GDV%	17.50%
IRR	26.84%

(iii) Supporting information

Nil

(iv) Redacted TOE

The original DVS Terms of engagement are included below. These are redacted for names , contact details and fees.

I refer also to our subsequent correspondence/ telephone calls which covered matters such as: policy requirements to adopt, previous material involvement, no site inspection, the presumed condition of the subject premises and agreement of a later reporting date.



██████████ Planning Agreements Officer
Planning and Economic Development
Southampton Council
Civic Centre
SO14 7LY

By Email : ██████████@southampton.gov.uk

DVS Property Specialists
for the Public Sector

Valuation Office Agency (VOA)
Wycliffe House
Green Lane
Durham
DH1 3UW

Please note that this is our national postal centre, contact by digital channels preferred

Our Reference : 1800945
Your Reference : 22/00347/FUL

Please ask for : ██████████
Tel : 0 ██████████
E Mail : ██████████@voa.gov.uk

Date : 22 July 2022

Dear ██████████,

**Terms of Engagement
DVS Independent Review of Development Viability Assessment**

Proposed Development	Demolition of former car showroom and outbuildings and the erection of two blocks comprising 35 apartments, with associated parking, access and landscaping (Resubmission 21/00324/FUL)
Subject of Assessment:	21-35 St Denys Road Southampton SO17 1GJ
Planning Application Ref:	22/00347/FUL
Applicant / Developer:	Fortitudo Ltd
Applicant's Viability Advisor:	S106 Affordable Housing

I refer to your instructions dated 28 June 2022 and am pleased to confirm my Terms of Engagement in undertaking this commission for you.

This document contains important information about the scope of the work you have commissioned and confirms the terms and conditions under which DVS, as part of the VOA proposes to undertake the instruction. It is important that you read this document carefully and if you have any questions, please do not hesitate to ask the signatory whose details are supplied above.

Please contact them immediately if you consider the terms to be incorrect in any respect.

Please note that this Terms of Engagement document is confidential between our client, Southampton Planning and Economic Development, and the VOA. As it contains commercially sensitive and data sensitive information, it should not be provided to the applicant or their advisor without the explicit consent of the VOA. A redacted copy of these terms will be included as an appendix to our final report.

1. Client

This instruction will be undertaken for Southampton Planning and Economic Development and the appointing planning officer is yourself, Mr [REDACTED]

2. Subject Property and Proposed Development

It is understood that you require a viability assessment review of planning application ref: 2/00347/FUL concerning the former car show room and premises known as 21-35 St Denys Road Southampton SO17 1GJ.

It is understood that the development will comprise 35 apartments over 2 blocks and will include ; 30 parking spaces and 36 cycle spaces on a site area of 0.66 acres (0.27 ha)

The proposed schedule of accommodation is per the plans submitted as part of the on the application

Block B - 5 storey / 26 units

5 units on GF and 6 on floors 1,2,3,4

5 x 1 bed (app 5,10,15,20, 25) and 21 X 2 beds

Block A – 3 storey / 9 units – all 2 bed. 3 per floor

SCHEDULE OF ACCOMMODATION
UNIT 1: 2 BED FLAT @ 72.8 SQM / 783 SQFT
UNIT 2: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 3: 2 BED FLAT @ 72.2 SQM / 776 SQFT
UNIT 4: 2 BED FLAT @ 72.7 SQM / 782 SQFT
UNIT 5: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 6: 2 BED FLAT @ 72.2 SQM / 776 SQFT
UNIT 7: 2 BED FLAT @ 72.7 SQM / 782 SQFT
UNIT 8: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 9: 2 BED FLAT @ 72.2 SQM / 776 SQFT

SCHEDULE OF ACCOMMODATION
UNIT 1: 2 BED FLAT @ 72.2 SQM / 776 SQFT
UNIT 2: 2 BED FLAT @ 71.4 SQM / 768 SQFT
UNIT 3: 2 BED FLAT @ 71.8 SQM / 772 SQFT
UNIT 4: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 5: 1 BED FLAT @ 51.4 SQM / 553 SQFT
UNIT 6: 2 BED FLAT @ 72.2 SQM / 776 SQFT
UNIT 7: 2 BED FLAT @ 71.4 SQM / 768 SQFT
UNIT 8: 2 BED FLAT @ 71.8 SQM / 772 SQFT
UNIT 9: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 10: 1 BED FLAT @ 51.4 SQM / 553 SQFT
UNIT 11: 2 BED FLAT @ 72 SQM / 774 SQFT
UNIT 12: 2 BED FLAT @ 71.4 SQM / 768 SQFT
UNIT 13: 2 BED FLAT @ 71.8 SQM / 772 SQFT
UNIT 14: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 15: 1 BED FLAT @ 51.4 SQM / 553 SQFT
UNIT 16: 2 BED FLAT @ 72 SQM / 774 SQFT
UNIT 17: 2 BED FLAT @ 71.4 SQM / 768 SQFT
UNIT 18: 2 BED FLAT @ 71.8 SQM / 772 SQFT
UNIT 19: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 20: 1 BED FLAT @ 51.4 SQM / 553 SQFT
UNIT 21: 2 BED FLAT @ 72 SQM / 774 SQFT
UNIT 22: 2 BED FLAT @ 71.4 SQM / 768 SQFT
UNIT 23: 2 BED FLAT @ 71.8 SQM / 772 SQFT
UNIT 24: 2 BED FLAT @ 71.2 SQM / 766 SQFT
UNIT 25: 1 BED FLAT @ 51.4 SQM / 553 SQFT
UNIT 26: 2 BED FLAT @ 72 SQM / 774 SQFT

3. Purpose and Scope

To complete this assessment DVS will:

- a) Assess the Financial Viability Appraisal (FVA) submitted by / on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authorities planning website.
- b) Advise you on those areas of the appraisal which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion.
- c) If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, we will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development. This will take the form of sensitivity tests.

3.1 My report to you will constitute my final report if my findings conclude that the planning applicant / developer cannot provide more affordable housing and s106 payments than have been proposed.

3.2 However, if having completed my assessment, I conclude that the planning applicant / developer may be able to provide more affordable housing and s106 payments than have been proposed, I understand that my findings report may only constitute Stage One of the process as the report will enable all parties to then consider any areas of disagreement and potential revisions to the proposal.

3.3 In such circumstances, I will, where instructed, by you be prepared to enter into discussions on potential revisions to the applicant's proposals, and / or consider any new supporting information. Upon concluding such discussions, I will submit a new report capturing my subsequent determination findings on the potentially revised application; for convenience and to distinguish it, this report on a second stage assessment may be referred to as my Stage Two report.

4. Date of Assessment

The date of the assessment is required to be the date on which the report is signed, which date will be specified in the report in due course.

5. Confirmation of Standards to be applied

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative requirements:

Mandatory provisions

- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in **the 'National Planning Practice Guidance on Viability'**. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).

- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 in the '**RICS Valuation – Global Standards**'.

Best Practice provisions

Regard will be had to applicable RICS Guidance Notes:

- RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021)
- RICS GN '**Valuation of Development Property**'
- RICS GN '**Comparable Evidence in Real Estate Valuation**'

Measurements stated will be in accordance with the RICS Professional Statement '**RICS Property Measurement (2nd Edition)**' and, where relevant, the '**RICS Code of Measuring Practice (6th Edition)**'.

Valuation advice, where applicable, will be prepared in accordance with the professional standards, in particular VPS 1 to 5 of the '**RICS Valuation – Global Standards**' and with the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book. Compliance with RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

6. Agreed Departures from the RICS Professional Standards

As agreed by you, any office and/or residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area / Gross Internal Area/ Net Sales Area has been used. Such a measurement is an agreed departure from '**RICS Property Measurement (2nd Edition)**'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction /planning industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

RICS Red Book Professional Standards PS1 and PS2 are applicable to our undertaking of your case instruction. As our assessment may be used by you as part of a negotiation, compliance with the technical and performance standards at VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) but best practice and they will therefore be applied to the extent not precluded by your specific requirement.

7. Bases of Value

7.1 Benchmark Land Value (BLV) Paragraph 014 of the NPPG for Viability states that Benchmark Land Value should:

- *be based upon existing use value*
- *allow for a premium to landowners (including equity resulting from those building their own homes).*
- *reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees.*

Viability assessments should be undertaken using benchmark land values derived in accordance with this guidance. Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value. There may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.

This evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

In plan making, the landowner premium should be tested and balanced against emerging policies. In decision making, the cost implications of all relevant policy requirements, including planning obligations and, where relevant, any Community Infrastructure Levy (CIL) charge should be taken into account.

Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement).

7.2 Existing Use Value (EUV): Paragraph 015 of the NPPG for viability states that:

Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).

Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.

7.3 Alternative Use Value (AUV): Paragraph 017 of the NPPG for viability states that:

For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its existing use. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which would fully comply with up to date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the plan. Where it is assumed that an existing use will be refurbished or redeveloped this will be considered as an AUV when establishing BLV.

Plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with up-to-date development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued. Where AUV is used this should be supported by evidence of the costs and values of the alternative use to justify the land value. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.

7.4 Gross Development Value (GDV) is defined in the Glossary of the RICS GN 'Valuation of Development Property' (February 2020) as:

The aggregate Market Value of the proposed development on the special assumption that the development is complete on the date of valuation in the market conditions prevailing on the date. Where an income capitalisation approach is used to estimate the GDV, normal assumptions should be made within the market sector concerning the treatment of purchaser's costs. The GDV should represent the expected contract price.

7.5 Market Value (MV) is defined by RICS VPS 4, paragraph 4 as:

"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion."

7.6 Market Rent (MR) is defined by RICS VPS 4, paragraph 5 as:

"The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion."

8. Special Assumptions

On occasion, it may be agreed that a basis of value requires to be modified and a Special Assumption added, for example where there is the possibility of Special Value attaching to a property from its physical, functional, legal or economic association with some other property.

Any Special Assumptions agreed with you have been captured below under the heading Special Assumptions, in accordance with VPS 4, para 9 of the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement and will be restated in my report.

The following special assumptions have been agreed and will be applied:

- That the proposed development is complete on the date of assessment in the market conditions prevailing on the date of assessment.
- That your Council's Local Plan policies, or emerging policies, including for affordable housing are up to date.
- That the applicant's abnormal costs, where adequately supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report and/ or otherwise instructed by your Council and that are no abnormal development costs in addition to those which the applicant has identified.

9. Extent of Valuer's Investigations, Restrictions and Assumptions

An assumption in this context is a limitation on the extent of the investigations or enquiries that will be undertaken by the assessor.

The following agreed assumptions will apply to your instruction and be stated in my report, reflecting restrictions to the extent of our investigations.

- Such inspection of the property and investigations as the Valuer decides is professionally adequate and possible in the particular circumstance will be undertaken.
- No detailed site survey, building survey or inspection of covered, unexposed or inaccessible parts of the property will be undertaken. The Valuer will have regard to the apparent state of repair and condition and will assume that inspection of those parts that are not inspected would neither reveal defects nor cause material alteration to the valuation unless the valuer becomes aware of indication to the contrary. The building services will not be tested, and it will be assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection. If the Valuer decides further investigation to be necessary, separate instructions will be sought from you.
- It will be assumed that good title can be shown, and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoing.
- It will be assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.
- It will be assumed that all factual information provided by you or the applicant or their agent with regard to the purpose of this request and details of tenure, tenancies,

planning consents and all other relevant information is correct. The advice will therefore be dependent on the accuracy of this information and should it prove to be incorrect or inadequate the basis or the accuracy of any assessment may be affected.

- Valuations will include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations) but will exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.
- No access audit will be undertaken to ascertain compliance with the Equality Act 2010 and it will be assumed that the premises are compliant unless otherwise stated by the applicant
- No allowances have been made for any rights obligations or liabilities arising from the Defective Premises Act 1972 unless identified as pertinent by the applicant.

10. Nature and Source of Information to be relied upon by Valuer.

10.1 From the client

Information that will be provided to the VOA by the client comprises the following material, which will be relied upon by the viability assessor without further verification.

- a) The Planning application details. **Provided**
- b) Confirmation of Local plan policy requirement such as CIL / S106 / S278 planning obligations. In particular whether the applicant's assumptions on these matters are correct, if they are incorrect then please provide the correct details.

I understand the plan policy requirements to be:

- CIL of £315,608
- 35% on site Affordable Housing (Policy CS15) comprising tenures: 65% Socially Rented and 35% Intermediate.
- Highways £70,000
- Solent Disturbance mitigation £18,840
- Employment & Skills Plan £ 12,174
- Carbon Management Plan £9,126

It is understood that no other financial contributions towards plan policy are required. If incorrect provide the relevant sums, and details of likely trigger payments

- c) Details of any extant or elapsed consents relating to permitted Alternative Use.

Planning website search 22 July-2022 suggests there are no extant or elapsed permissions that would give way to an AUV. Please let me know if this is incorrect .

Screenshot below:

Address	Property History (68)	Constraints (9)
Planning Applications (63) <ul style="list-style-type: none"> • INSTALLATION OF ILLUMINATED FASCIA AND POLE SIGNS Ref No: 911355/WA Status: Conditionally Approved • 21-35 ST DENYS ROAD PORTSWOOD WARD PORTSWOOD SOUTHAMPTON SO17 2GJ INSTALLATION OF ILLUMINATED FASCIA SIGNS AND NON-ILLUMINATED GANTRY SIGN Ref No: 920157/WA Status: Conditionally Approved • 21-35 ST DENYS ROAD PORTSWOOD WARD PORTSWOOD SOUTHAMPTON SO17 2GJ INSTALLATION OF ILLUMINATED FASCIA AND POLE SIGNS Ref No: 941468/WA Status: Conditionally Approved • 21-35 ST DENYS ROAD PORTSWOOD WARD PORTSWOOD SOUTHAMPTON SO17 2GJ DISPLAY OF INTERNALLY ILLUMINATED FASCIA AND POLE SIGNS Ref No: 970557/WA Status: PER • Installation of an internally illuminated fascia sign and a 4.2M totem sign. Ref No: 03/01780/ADV Status: Conditionally Approved • Installation of 7 no. internally illuminated fascia signs. Ref No: 06/00220/ADV Status: Conditionally Approved • Replacement signage including 1 x set individual illuminated letters, 2 x fascia signs, 1 x totem pole sign and 1 x non-illuminated entrance sign. Ref No: 08/01380/ADV Status: Conditionally Approved • Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk, installation of 6 twin sided pumps with canopy and a car wash (after removal of existing building) Ref No: 09/01243/FUL Status: Application Withdrawn • Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 twin sided pumps with canopy. Ref No: 10/01213/FUL Status: Application Refused • Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 pumps with canopy. Ref No: 11/01896/FUL Status: Application Refused • Demolition of former car showroom and outbuildings and the erection of two blocks comprising 48 apartments, with associated parking, access and landscaping (Amended Description) Ref No: 21/00324/FUL Status: Application Refused • Demolition of former car showroom and outbuildings and the erection of two blocks comprising 35 apartments, with associated parking, access and landscaping (Resubmission 21/00324/FUL) Ref No: 22/00147/FUL Status: Deviation Consideration 		

d) If the applicant has relied on an alternative use that is not permitted, a statement as to whether this alternative would be an acceptable development.

Not applicable

e) If the applicant has applied vacant building credit, a statement as to whether this is agreed by your Council, if not the appropriate figure.

Not applicable

f) A copy of the applicant's financial viability appraisal.

Provided, prepared by S106 Affordable Housing March 2022.

10.2 Information from the applicant

Site access

If DVS deem an inspection is required, please can the applicant confirm if the is accessible or can be sufficiently viewed from the roadside) and no appointment to inspect is required. In particular it is understood there are no extraordinary health and safety issues to be aware of. Alternatively if an accompanied inspection is appropriate, please provide contact details for access arrangements and information about any PPE requirements.

Viability assessment

The applicant should provide sufficient detail to enable DVS to assess their contention that the scheme would not be viable if the Policy requirements in the Local Plan were met.

The applicant's Viability Assessment is expected to meet the authoritative requirements of the NPPF and NPPG for Viability. Where completed by a member the RICS, it is also expected that the applicant's report will comply with RICS Professional Standards PS 1 and PS 2 and the **RICS Professional Statement 'Financial Viability in planning: conduct and reporting'**. In all cases the applicant's viability report is expected to include:

a) A schedule of accommodation which accords with the planning application.

- b) A plan showing the respective boundaries and the site area
- c) An appraisal compliant with the policy requirements of the Local Plan.
- d) A report with text and evidence in support of the:
 - (i) Gross Development Value adopted
 - (ii) Benchmark Land Value, with reference to EUV and premium.
 - (iii) Gross Development Costs including any Abnormal Costs
 - (iv) Profit assumptions.
 - (v) Finance assumptions.
 - (vi) Cash flow assumptions.

Whilst the author of the viability assessment and their qualifications are not clearly identified, it appears that much of the expected information is provided. Save for; a schedule of accommodation and a site plan; both are available from the application documents. I consider this to be sufficient for my reviewing purposes.

I may contact S 106 directly for an electronic copy of the non-compliant appraisal and cashflow.

10.3 DVS Information

DVS will make use of VOA held records and information. The sources of any other information used that is not taken from our records will be identified in the review report.

10.4 Information Outstanding

I confirm I have in my possession a copy of the applicant's viability report / appraisal and the information provided is sufficient for my review assessment.

DVS will contact the applicant's viability advisor directly for the appraisal.

Please could you confirm by email matters raised herein, such as the schedule of accommodation and the policy assumptions listed above are correct, and that these terms are agreed.

The report delivery date will be dependent upon timely receipt of this information/ conformation.

11. Identity of Responsible Valuer and their Status

It is confirmed that the valuation will be carried out by a RICS Registered Valuer, acting as an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the assessment competently.

The valuer responsible will be myself [REDACTED] and my contact details are as stated above in the letterhead.

Any graduate involvement will be detailed in the report.

12. Disclosure of any Material Involvement or Conflict of Interest

In accordance with the requirements of the RICS standards, the VOA has checked that no conflict of interest arises before accepting this instruction.

It is confirmed that DVS are unaware of any previous conflicting material involvement and am satisfied that no conflict of interest exists. Should any such difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

It is confirmed that the valuer appointed has no personal conflict undertaking this instruction.

13. Resignation of Independent Expert

In the rare event of the independent expert becoming ill or otherwise incapable of conducting the determination, or where for any reason it would be improper to continue, then they may have no alternative but to resign. In these circumstances, DVS would seek agreement with the parties as to the best way forward, such as through the appointment of another suitably qualified DVS surveyor. It is agreed that permission for this would not be unreasonably withheld by the parties in such special circumstances.

14. Description of Report

A side headed written report as approved by you for this purpose will be supplied and any differences of opinion will be clearly set out with supporting justification, where inputs are agreed this will be stated also. The DVS report will be referred to as a *viability review assessment*.

Further to the requirements of the RICS a non-technical summary will be included in the review assessment, together with sensitivity tests to support the viability conclusion.

Further to the requirements of the PPG a redacted version of the DVS viability review assessment detailing the final or agreed position will be supplied for transparency purposes.

15. Report Date

It is my intention to submit my review assessment by 31st August 2022.

If unforeseen problems arise that may delay my report, you will be contacted before this date with an explanation and to discuss the position.

In order to meet the above reporting date, it is essential that the information requested with section 10 of these terms is supplied by 29 July 2022

16. Validity Period

The report will remain valid for 4 (Four) months unless circumstances change, or further material information becomes available. Reliance should not be placed on the viability conclusion beyond this period without reference back to the VOA for an updated valuation.

17. Restrictions on Disclosure and Publication

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

18. Limits or Exclusions of Liability

Our viability advice is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our advice may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report.

If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

19. Fee Basis

- 19.1 You have asked for a fixed fee quote for the viability appraisal. Having considered the initial details of this application, we have agreed a fixed fee basis of [REDACTED] plus VAT in order to complete the work set out above.

The personnel involved in this assessment will be as follows:

Personnel:	Role	Task
[REDACTED]	Development Consultant	Viability review assessment report and appraisal.
[REDACTED]	Residential and commercial Valuer	Residential and commercial research and Valuation

- 19.2 This fixed fee proposal is for the provision of a report stating my findings on the development viability appraisal as initially provided by the planning applicant / developer. It will include a meeting with you to deal with initial issues. It may require revision if the information supplied by you or the applicant is not quickly forthcoming at our request or if the initial task is varied by you and in both cases, we would revert to you for advice on the way forward. Abortive fees would be based on work already carried out.
- 19.3 If there is a subsequent need following the delivery of my report to discuss issues with the planning applicant / developer or you, including the consideration of potential revised proposals, or to attend meetings, this will constitute a second stage requiring a Stage 2 report and we would need to charge on a time spent basis as an additional cost at hourly rates as shown in the table above for this Stage 2 work.

Where I am able to reduce the amount of time I need to spend upon your work by delegating some functions to colleagues who have a lower cost, and this will be reflected in the invoice for this work.

Role	Task	Hourly Fee Excluding VAT
██████ RICS Principal Valuer	Report, valuation and viability assessment, advice, discussions, appeal work, (inspection if applicable),	██████
RICS Senior Valuer	Valuation and viability	██████
RICS Graduate Surveyor	Research, valuation, inspection	██████
Quantity Surveyor	Cost estimates, advice	██████
RICS Principal Valuers	Formal case review / Quality Assurance	██████
Administration	Typing/ Research	██████

- 19.4 **Payer of fees:** With regard to the payment of fees, Homes and Communities Agency has issued a Good Practice Note: “Investment and Planning obligations - Responding to the downturn”. In this GPN is a comment that it is common practice for developers to fund the cost of independent validation. The reasoning for this is that you have a planning policy which the applicant is seeking to vary. In order to assess the applicant appraisal, you need advice which it is reasonable for the applicant to bear in these circumstances. I understand that the planning applicant / developer has agreed to reimburse your reasonable costs incurred in this review.

Please note that you will be our named Client. As such, our contractual obligation is to you and not to the applicant and your authority will be responsible for payment of our fees. Any arrangement between your authority and the Applicant relating to payment of the fees would be a matter between yourselves.

20. Currency

All prices and values are stated in pounds sterling.

21. Fee Payment and Interim Billing

Our fees are payable by our client within 30 days from the receipt of our invoice whether or not the amount is disputed or is being passed on to a third party for reimbursement.

The VOA reserves the right, subject to prior notification of details of time spent, to invoice at suitable points during the financial year for work in progress undertaken but not yet formally reported. In order to ensure timely cash flows within the public sector, such interim bills may be issued at either monthly or two monthly intervals. You will be advised beforehand that any such bill is imminent.

Where a case is cancelled before completion, our fees will be calculated on a ‘work done’ basis with added reasonable disbursements unless alternative arrangements have been prior agreed.

***Please note** under HM Treasury Managing Public Money we are required to review our charging on a regular basis. The VOA reserves the right to undertake an annual review of our rates going forward.

22. Purchase Order Numbers

Thank you for PON [REDACTED] which will be quoted on correspondence regarding the invoice.

23. Complaints

The VOA operates a rigorous QA/QC system. This includes the inspection by Team Leaders of a sample of work carried out during the life of the instruction together with an audit process carried out by experienced Chartered Surveyors upon completion of casework. It also includes a feedback cycle to ensure continuous improvement.

The VOA has a comprehensive complaint handling procedure if you are not getting the service you expect. If you have a query or complaint it may be best to speak first to the person you have been dealing with or their manager. If you remain dissatisfied, you should be offered a copy of our brochure "Our Code of Practice on Complaints". If it is not offered to you, please request a copy or access it on our website www.voa.gov.uk.

24. Freedom of Information

We take our duty of confidentiality very seriously and will keep any information gathered or produced during this instruction confidential unless you tell us otherwise.

Also, we will advise you of any Freedom of Information Act (FOIA) and / or Environmental Information Regulation (EIR) requests we receive in regard to information we 'hold' relating to this instruction.

The VOA, as part of HM Revenue and Customs, is subject to the Freedom of Information Act 2000. The VOA undertakes to make reasonable endeavours to discuss the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, with you prior to responding to any FOIA request. However, the VOA reserves the right to comply with its statutory obligations under the Act in such manner as it deems appropriate. If we receive a FOIA request that relates to you or a named member of your staff (legal or actual person) or they can be deduced from the disclosure of the information sought, we must have regard to section 18 (1) of the Commissioners for Revenue and Customs Act (CRCA) 2005 and apply the exemption at section 44 of the FOIA due to section 23 of the CRCA (as amended).

However, outside of FOIA we will seek your views about whether you wish to put the information sought in the public domain or authorise us to disclose it on your behalf.

In turn, the VOA requires you to make all reasonable endeavours to discuss with us the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, prior to your responding to any third-party requests which you receive for information provided to you by the VOA.

The VOA is subject to the Environmental Information Regulations (EIR) 2004. We will apply the same legal thought process as FOIA but will also need to seek your views on where the

greater public interest lies and it may necessitate, upon request, the disclosure of information provided by you unless an exemption can be sustained.

25. Monitoring Compliance by RICS

It is possible that the RICS may at some stage ask to see the valuation for the purposes of their monitoring of professional standards under their conduct and disciplinary regulations.

26. Revisions to these Terms

Where, after investigation, there is in my judgement a need to propose a variation in these Terms of Engagement, you will be contacted without delay prior to the issue of the report.

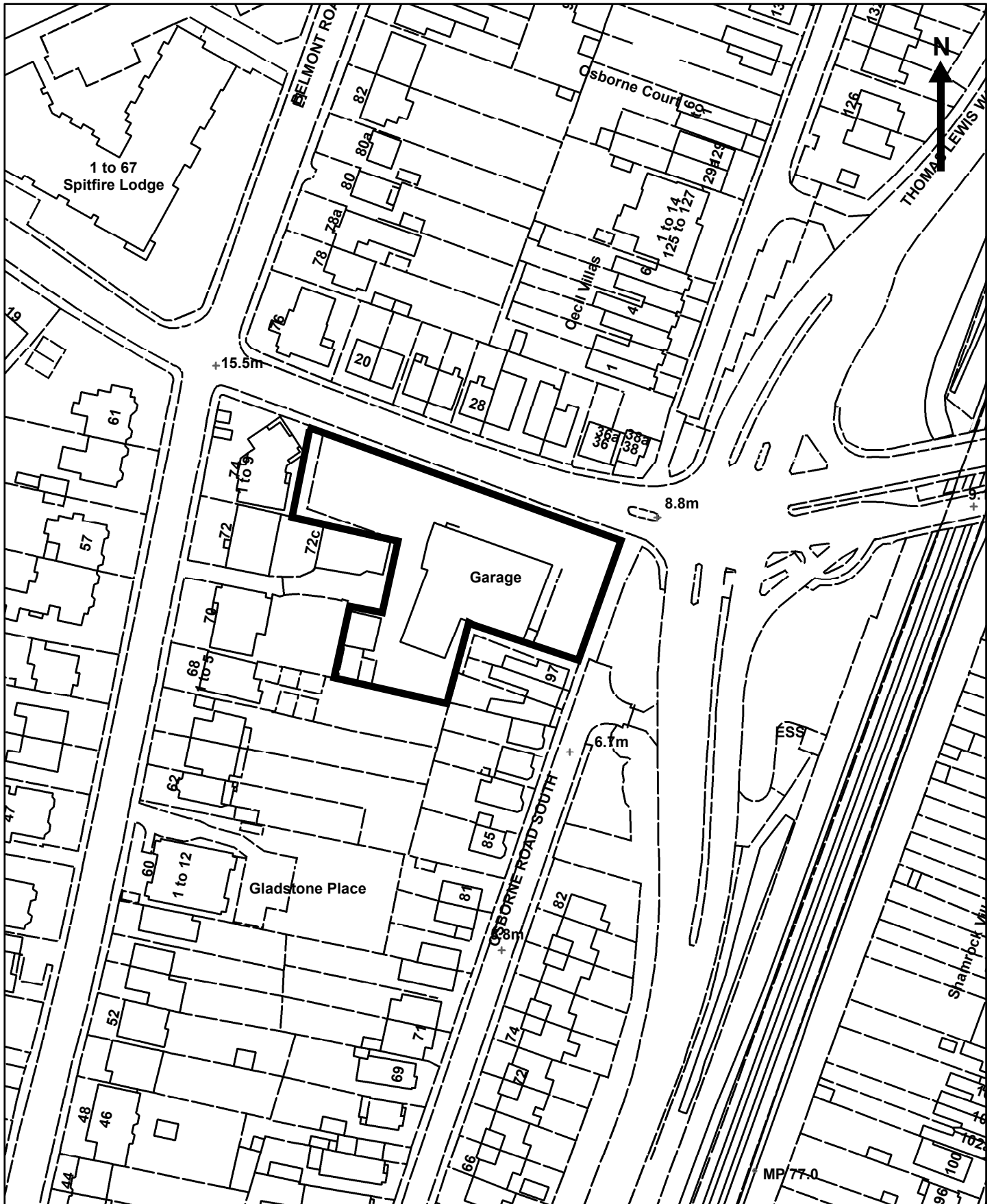
For example, should it become apparent that the involvement of specialist colleagues would be beneficial, your consent will be sought before their involvement and we shall, if not included in the original fee estimate, provide an estimate of their costs.

The valuer will be grateful to receive at your earliest convenience brief written confirmation by email or letter that these terms and conditions are accepted and approved by you. If you have any queries, please do not hesitate to contact the valuer listed above.

Yours Sincerely

██████████ BSc (Hons) MRICS
Principal Surveyor
RICS Registered Valuer
DVS
22 July 2022

END OF REPORT



Scale: 1:1,250

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