

**Planning and Rights of Way Panel 12<sup>th</sup> December 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 65 & 67 Portsmouth Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of 4 x two-storey buildings to create 11 houses (8x 3-bed and 3x 2-bed) with associated amenities, following demolition of existing buildings.			
<b>Application number:</b>	23/01247/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	05.01.2024	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Five or more letters received contrary to officer recommendation.	<b>Ward Councillors:</b>	Cllr Houghton Cllr Keogh Cllr Letts
<b>Applicant:</b> Rivendale Developments Ltd		<b>Agent:</b> Wessex Planning Ltd	

<b>Recommendation Summary</b>	<b>Refuse</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Viability review by Strutt & Parker		

**Recommendation in Full – Refuse for the following reasons:**

**Reason for refusal: Site Overdevelopment.**

The proposed redevelopment comprising frontage and backland housing, by reason of its layout and level of site coverage with buildings and hardstanding (which exceeds 50% of the site) would be out of keeping with the character and appearance of the area. The siting of the development forward of the prevailing building line within Portsmouth Road combined with the chosen building design and proportions doesn't suitably reflect the neighbouring context that, when combined with the poor front boundary landscape treatment proposed, would be harmful to the Portsmouth Road street scene. Furthermore, the proposal would result in the loss of trees leading to potential harm to a group Tree Preservation Order. Whilst the promotion of high density residential schemes on previously developed land is encouraged it is considered that the proposed development represents poor design, which fails to respond to the visual characteristics and building to plot ratios of its context, is out of character for this location, and is symptomatic of a site overdevelopment contrary to "saved" policies SDP1 (i), SDP7 (i), (ii), (iii) & (iv), SDP9 (i) & (iv) and H2 (iii) of the

adopted City of Southampton Local Plan (March 2015) and policies CS5, CS13 (1, 2, 6, 7 & 11), CS19 and of the amended Local Development Framework Core Strategy Development Plan Document (2015) as supported by sections 2.3 3.2, 3.7, 3.9, 3.11, 4.4, 5.2 and 5.3. of the approved Residential Design Guide Supplementary Planning Document (2006); as supported by the National Design Guide (2021) and the relevant design sections of the National Planning Policy Framework (2023) that seeks to foster well designed, beautiful buildings and places (Chapter 12).

**Reason for refusal – Insufficient information; drainage strategy**

The application is not supported by a sufficient drainage strategy to clearly demonstrate how surface water will be disposed of, including an assessment of the existing (pre-developed) greenfield runoff rates and volumes compared to post development, and ground investigations supported by soakaway testing to demonstrate that use of infiltration is appropriate. As such the wider implications of the chosen drainage solutions and its impacts upon the existing site's tree coverage are currently unknown. The development proposal is thereby contrary to policy CS20 of the Amended Core Strategy Development Plan Document (2015) and paragraph 169 of the National Planning Policy Framework (2023).

**Reason for refusal – Mitigation; S.106 Legal Agreement**

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

- a) site-specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms – in accordance with policies CS18 & CS25 of the amended Core Strategy Development Plan Document (2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) – have not been secured;
- b) without a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway – caused during the construction phase – to the detriment of the visual appearance and usability of the local highway network;
- c) a financial contribution towards the Solent 'Bird Aware' Disturbance Mitigation Project (SDMP) and towards measures to reduce pressures from residents visiting the New Forest and Solent Waters SPAs - in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the Amended Local Plan Review (2015), CS22 of the Amended Core Strategy Development Plan Document (2015) and the Planning Obligations SPD (2013) as supported by the current Habitats Regulations – have not been secured;
- d) Affordable housing to meet an identified need in accordance with policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document and the adopted SPD relating to Developer

Contributions (April 2013) – including a review mechanism to ensure the scheme’s viability is properly accounted for – have not been secured; and

- e) 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.

*This final reason for refusal could be addressed following the submission of an acceptable scheme and the completion of an associated s.106 legal agreement*

### **Background (Procedural)**

*The total number of written letters of representation received that are contrary to the recommendation is 10, but only 4 have been received from addresses within Peartree Ward (as required by the Planning Panel trigger) meaning that this application could have been refused using existing delegated authority. The application has, however, been brought to Panel for determination because a further 4 letters of support have been received from addresses close to the ward boundary. This is because the boundary of Peartree and Woolston wards runs along the centre of Portsmouth Rd.*

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

- 1.1 The application site lies on the northern side of Portsmouth Road and comprises two vacant detached properties. Vehicular access is achieved from Portsmouth Road and informal parking is provided to the front. The buildings are in a poor state of repair and the site has been subject to antisocial behaviour and vandalism. The site has been secured with boundary hoardings, locked gates and has CCTV surveillance. A large private garden is located to the rear and the site is characterised by mature trees that are protected by the Southampton (Portsmouth Road) Tree Preservation Order 1975. There are currently, approximately, 31 protected trees on site covered by this group TPO.
- 1.2 The area is predominantly residential in character, however there are also a small number of commercial premises located on Portsmouth Road. To the west of the application site is a nursery, and to the east is a nursing home; both are former residential dwelling houses that have been extended. Opposite the site is a doctor’s surgery and pharmacy. The site is outside/adjacent to part of Old Woolston Conservation Area. Most residential buildings in the area are of two storey construction, front the streets they are accessed from and have generously sized private rear gardens.
- 1.3 The site is within a ‘low’ accessibility area for public transport. Traffic Regulation Orders and dropped kerbs limit on-street parking along Portsmouth Road.

#### **2. Proposal**

- 2.1 The proposal is seeking a redevelopment of the site with the erection of 4 x two-storey buildings to create 11 houses (8x 3-bed and 3x 2-bed) with private gardens and associated amenities, following demolition of existing buildings. Each dwelling would be allocated two parking spaces. The site arrangement includes housing and

parking to the front and an access drive serving car parking and housing within the rear of the site.

2.2 The style of the development is characterised by brick elevations, square bay windows and porch canopies under tiled pitched roofs. Two short terraces are proposed along with 2 pairs of semi-detached houses.

2.3 The scheme would involve the removal of 19 TPO trees and the indicative planting plans show 7 replacements. There remains a disagreement between the applicant and the Council's Tree Officer as to the quality of these trees as explained later in this report.

### **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 2023. 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. The most recent and relevant planning history for the site relates to use of the site as a rest home for elderly persons and a house of multiple occupation.

### **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 20/10/2023 and erecting a site notice 30/10/2023. At the time of writing the report **13 representations** (1 neutral, 2 objections, 10 support) have been received; 2 of the letters of support are from outside of the city; 4 are from Woolston Ward and include a deputation from Cllr Payne. Ward Cllrs Keogh & Letts have also made representations. The following is a summary of the points raised:

5.2 **Ward Cllr Letts**

Both myself, Cllr Payne and Cllr Keogh are supportive of development on this site. However, we accept that the officer view is that the current proposal represents over development with additional concerns about the trees on site.

5.3 **Ward Cllr Keogh**

I am supportive of this site being redeveloped for housing, but I am mindful of the potential impact on neighbouring properties in Portchester road and Portsmouth Road and it is reassuring to know that this will be given due consideration by planning officers in this decision making.

I would request that if an application is approved by Southampton City Council that any 106 contribution is given to support additional highway improvements in this area. There are a number of upgrades to the Portsmouth Road being considered by the transport team and any additional contributions would enable more to be done.

5.4 **Cllr Payne**

As a local councillor representing Woolston, significant concerns have been raised with me about antisocial behaviour at the site and the land being an eyesore. Police have been involved due to break-ins at the site and its redevelopment is a priority for the community. Whilst there have been some concerns raised about potential overdevelopment, on balance, finding a positive use for a site that has been plagued by problems in recent years is the most important thing and this scheme will hopefully address those issues.

5.5 **Response to Cllrs comments**

*The problems associated with the existing vacant buildings in terms of their deteriorating condition and anti-social behaviour are acknowledged. Officers are keen to work with the applicant to resolve this issue through sustainable development. However, the site's current state does not negate the development plan requirements in respect of density, responding to character and good design. It is recognised that there is opportunity for replacement housing on this site to assist our identified housing need. The applicant did not undertake pre-application dialogue with the Planning Department and has not offered sufficient compromises around development quantum to address officer concerns as part of negotiations on this application and, therefore, this current proposal is recommended for refusal.*

**OBJECTIONS summary**

5.6 ***Significant overdevelopment.***

5.7 ***Harmful to local character.***

5.8 ***The loss of 19 trees will have a significant adverse impact on the neighbourhood, and biodiversity.***

5.9 ***Impact on local overspill parking.***

**Response**

The proposal exceeds the maximum parking standards for 2 and 3 bedroom dwellings by providing 2 parking spaces for each dwelling and two visitor spaces.

5.10 ***Effect on neighbouring residential amenity by reason of overlooking, loss of privacy and overshadowing.***

**Response**

Based on the scale of the development, distance to neighbouring residential properties and nature of boundary treatment significant harm to neighbouring amenity will not occur.

5.11 ***Odour nuisance from bins.***

**Response**

The proposed layout can accommodate adequate bin storage provision without giving rise to harmful odour nuisance.

5.12 ***Noise and light pollution.***

**Response**

Planning decisions have to plan for reasonable behaviour. The proposed housing layout will not give rise to demonstrably harmful noise nuisance and lighting design could be controlled to prevent disturbance.

**SUPPORT Summary**

5.13 ***Loss of trees; new ones proposed will grow over time.***

**Response**

The proposed tree loss will not adequately be compensated by the proposed replacements. Officers feel that a site redesign that works with the site's existing constraints is possible, and mitigation tree planting (if required), normally on a 2:1 basis as per the Residential Design Guide, would be part of that discussion.

5.14 ***Development will reduce/prevent crime & anti-social behaviour.***

**Response**

This potential benefit does not outweigh the harm caused by the development. Crime and antisocial behaviour are also managed by separate legislation and could also be minimised in other ways.

5.15 ***Design is acceptable.***

**Response**

Officers consider the scheme to be harmful to local character; and an objection has been raised by the Council's Urban Design Manager.

5.16 ***A lesser quantum of development is not viable.***

**Response**

This consideration should only be afforded limited weight, and viability arguments do not outweigh harm to local character. The affordable housing viability assessment (as independently reviewed) also shows the scheme to be capable of delivering affordable housing, which the applicants contest.

5.17 ***The scheme would deliver family housing.***

**Response**

Agreed and welcomed. This benefit does not outweigh the harm in the overall Planning balance. A revised family housing scheme that is compliant with the

Development Plan is in our opinion possible.

5.18 **Consultation Responses**

5.19

<b>Consultee</b>	<b>Comments</b>
SCC Urban Design Manager	<p><b>Objection.</b> The major positive elements of character along this street are the presence of large predominantly brick built semi-detached dwellings on a consistent building line, with many single or double height bay windows, combined with strongly landscaped boundaries often featuring large mature trees. The main negative impact on character is the loss of these well landscaped boundaries exposing large areas of private parking and hard-surfacing to the street.</p> <p>The current proposal doesn't address existing character by projecting forward of the building line, doesn't match the floor to ceiling heights of its neighbours and has a poor front boundary landscape treatment.</p> <p>The extent of hardstanding over the site is extensive and not a characteristic of development in the area, neither is the presence of separate housing to the rear of development to the main street frontage.</p> <p>When construction and haunching are taken into account the proposed trees shown won't be able to be delivered, and if they are they will be relatively short lived small species, whereas this site should be making an allowance for the delivery of at least one ultimately large broadleaf species. From the plan there appear to be in the region of 20 existing trees being removed to facilitate the development and clearly there is no ability to plant 40 replacement trees.</p>
SCC Tree Team	<p><b>Objection.</b> Many of the trees on this site are protected by The Southampton (Portsmouth Road) TPO 1975 and therefore are a material consideration.</p> <p>The proposal would see the loss of many of the trees within the site and will negatively impact the neighbouring trees. I am not in agreement with the consultant's view over the trees classification and would not place many of them as Grade C and unworthy for retention for the development.</p> <p>A suggested tree planting location has been given on the site layout. Even though the suggested location would return trees to the frontage, there is an overall loss of trees which negatively impact the local environment and street scene and therefore is not supported.</p>

		<p>The proposal has no scope for replacement trees on a 2 for 1 basis, and fails to give sufficient space to accommodate similar large tree species as those proposed to be removed.</p> <p>I am therefore not in support of this application based on overall loss of trees that will negatively impact the street scene and environment and the conclusions set out in the Sapling Arboricultural report, dated the 16<sup>th</sup> of August 2023, are not agreed.</p>
SCC Ecology		<p><b>Objection.</b> A bat emergence survey is mentioned in the Preliminary Ecological Appraisal, but no results have been provided. In addition, a Biodiversity Net Gain assessment has not been undertaken.</p> <p><b><u>Officer Response</u></b>  <i>A bat survey has now been received which, at the time of writing the report, the Ecologist has not commented on. A verbal update will be provided at Panel meeting. This may result in an additional reason for refusal being added.</i></p>
SCC Sustainability (Flood Risk)		<p><b>Objection.</b> In line with National Planning Policy Framework (2019 as updated), major developments (sites with 10 or more dwellings) should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Southampton Core Strategy Policy CS20 (Adapting to Climate Change) also requires the use of SuDS to manage surface water runoff.</p> <p>The application references the use of soakaways and permeable paving to manage surface water, however no Drainage Strategy has been included as part of this application submission to assess suitability of this method. At full planning, it is expected that a clear and detailed Drainage Strategy is submitted to clearly demonstrate how surface water will be disposed of, including an assessment of the existing (pre-developed) greenfield runoff rates and volumes compared to post development, and ground investigations supported by soakaway testing to demonstrate that use of infiltration is appropriate. A hand drawn sketch showing where soakaways will be located is not deemed sufficient.</p> <p>The Lead Local Flood Authority recommends that this application is refused on the grounds of insufficient information to assess how surface water is to be managed within the site, therefore not meeting key policy of the National Planning Policy Framework (revised September 2023).</p>

Natural England	<p><b>Objection.</b> As submitted, we consider it will have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers.</p> <p><b><u>Officer Response</u></b>  <i>The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). As the application is recommended for refusal officers have not carried out a full Appropriate Assessment and these and wider issues can be mitigated in the event that an acceptable design solution is found.</i></p>
Crime Prevention Design Advisor	<p><b>No objection.</b> As alluded to within the Design and Access Statement, this is a site from which we receive regular reports of crime and anti-social behaviour.</p> <p>Some acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear of the dwelling. Rear garden access for a number of the dwellings is via a communal rear access footpath or from a rear parking area, this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder we would recommend that all external rear garden access is in curtilage. However, if the Planning Authority are minded to consent to a scheme with the proposed rear garden access arrangements, we would ask that each rear garden access gate is fitted with a key operated lock that operates from both sides of the gate. The lock should be designed for exterior use.</p> <p>Lighting is known to reduce crime and disorder and reduce the fear of crime. To reduce the opportunities for crime and disorder and reduce the fear of crime lighting throughout the development should conform to the relevant sections of British Standard (BS) 5489-1:2020.</p>
SCC Housing Management	<p><b>No objection</b> provided affordable housing is delivered if viable. As the scheme comprises of 11 dwellings in total the affordable housing requirement from the proposed development is 20% (CS15 in conjunction with the NPPF). The affordable housing requirement is therefore 2 dwellings (2.2 rounded down).</p> <p>Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:</p> <ol style="list-style-type: none"> <li>1. On-site as part of the development and dispersed amongst the private element of the scheme.</li> </ol>

		<p>2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice</p> <p>3. Commuted financial payment to be utilised in providing affordable housing on an alternative site</p> <p>In this case on-site provision would be sought, due to levels of housing need in the city, but subject to the findings of an independent assessment of the proposed scheme's financial viability.</p> <p>As of May 2023 there were 7,666 applicants on the housing register seeking rented affordable accommodation. When average waiting times are taken into account it becomes apparent that the greatest need is for 3 bed affordable accommodation to rent, as families with priority can wait 9 years and those without priority 11+ years. (By comparison applicants for 1 and 2 bed accommodation with priority can wait 2+ years and without priority 4+ years.</p> <p>Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.</p> <p><b><u>Officer Response</u></b>  <i>The applicant submits that no affordable housing is viable for this scheme. This has been challenged by the Council's independent viability consultant and their findings are set out below and at <b>Appendix 3</b> to this report. The lack of affordable housing forms part of the recommended reasons for refusal.</i></p>
SCC Archaeology		<b>No objection</b> , subject to conditions to secure archaeological investigation
SCC Officer	CIL	<b>No objection.</b> The development is CIL liable as there is a net gain of residential units.
SCC Highways		<p><b>No objection.</b> It appears that the proposal is going to use an existing access which will be widened. Additional information or a condition are required to ensure design and sightlines are acceptable and that no street furniture such as utility cabinets are affected. The existing access for no.65 looks to be made redundant and therefore this would need to be reinstated to full height kerbs and associated footway works. Furthermore, the access road should be widened to be 4.5m for at least 6m from the front of the site to provide a passing point for 2 cars.</p> <p>The Council's waste team is open to collecting waste on site for</p>

	<p>the units at the rear but tracking diagrams would be needed to demonstrate that a Council's waste vehicle (minimum of 11m in length) can turn on site.</p> <p>Cycle parking and bin storage is acceptable, but a waste management plan will be needed to ensure bins are brought to the collection points and returned to the bin store outside of collection days.</p> <p>The level of trips generated by the development is considered acceptable, but contribution will be requested to promote sustainable travel and to reduce to the need for private car trips especially as Portsmouth road is a busy 'A Class' road.</p> <p>Overall, the proposed development is considered acceptable subject to conditions and legal obligations to secure site specific highway works.</p>
SCC Employment and Skills	<b>No objection.</b> There will be no employment and skills requirement for this development as it is currently presented.
SCC Contamination	<b>No objection,</b> subject to a condition to secure a full land contamination assessment and any necessary remediation measures.
SCC Environmental Health	<b>No objection,</b> subject to conditions including mitigation for road traffic and construction noise; and dust suppression.
SCC Sustainability	<b>No objection.</b> If the case officer is minded to approve the application conditions could be added to secure sustainability improvements
Southern Water	<b>No objection,</b> subject to conditions and informative associated with connection to the public foul sewer and water supply.
Hampshire Swifts	In the interests of promoting the conservation of the Common Swift in Hampshire request at least 1 integral Swift brick per dwelling is included as part of any ecological mitigation measures.

## 6. Planning Consideration Key Issues

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

- Principle of development;
- Crime and antisocial behaviour;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Air Quality and the Green Charter;

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

### Principle of Development

- 6.2 The principle of additional housing is fully supported. The site can accommodate a more intensive form of residential development (in principle). The site is not allocated for additional housing but the proposed dwellings would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our saved policies, seeks to maximise previously developed land potential in accessible locations.
- 6.3 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- [the so-called "tilted balance"]
- 6.4 It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new 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.
- 6.5 Whilst the site is not identified for development purposes the NPPF requires planning decisions to promote an effective use of available land, and the Council's policies promote the efficient use of previously developed land to provide housing.
- 6.6 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 8 family homes with acceptable private garden space and, as such, accords with this policy.
- 6.7 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 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 41 d.p.h (based on an estimated site area of 2680sq.m) which, whilst accords with the range set out above, needs to be tested in terms of the merits of the scheme as a whole and the wider character of the area. This is discussed in more detail below.

#### Crime and antisocial behaviour

- 6.8 The National Planning Policy Framework identifies that planning has a role in preventing crime and fear of crime and it is acknowledged that the site has been subject to crime and anti-social behaviour in the recent past. Therefore, as the development would potentially help to alleviate this existing problem, this potentially positive outcome will need to be considered in the Planning balance against all material considerations and the Development Plan as a whole.

#### Design and effect on character

- 6.9 The NPPF states in paragraph 130 that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including, but not limited to: functioning well for the lifetime of the development, being visually attractive, being sympathetic to local character and landscape setting, maintain a strong sense of place, using the arrangement of streets, spaces, building types to create, welcoming and distinctive places, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green space); and create spaces that are safe and which have a high standard of amenity. The National Design Guide provides further detail on how to achieve this. Both national documents ultimately seek to maintain an area's prevailing character and setting (including residential gardens) and emphasize the importance of securing well-designed, attractive places which include space for landscape features and biodiversity.
- 6.10 The run of plots on the northern side of Portsmouth Road comprises detached and semi-detached buildings in residential use. It is, however, noted that there is a nursery at number 63 which has been converted from a former residential property. These dwellings are attractive period properties which are likely to date from the turn of the century and have fairly generous proportions. There is also a strong continuous building line and frontages are characterised by mature planting including protected TPO'd trees. The properties also enjoy large rear gardens with mature landscaping, again including protected trees. Some of the properties have large extensions to the rear along with small ancillary outbuildings.
- 6.11 The proposal does not respect the positive characteristics of the area and this identified character due to the layout and quantum of development. The Council's Residential Design Guide recommends that no more than 50% of any site is hard surfaced. The proposal is however, for approximately 64% of the site to be hard surfaced which is both a significant increase over the existing hard surfaced area (50%) and the recommendation set out in the RDG. Consequently, a large area of the existing garden would be built upon and 19 trees, out of a total of 31, would be removed. This is another significant problem with the scheme as trees are proposed to be removed from all parts of the site meaning that there would be a significant

loss to local visual amenity when viewed from the public realm and nearby private gardens and buildings. Replacement planting, which is limited by the proposal to the street frontage, would not successfully mitigate the harmful impact caused.

- 6.12 As a result of the quantum of development and need to meet internal space standards and garden sizes, the two buildings proposed to the front of the plot would project past the established front building line of Portsmouth Road by more than 4m. The scheme, therefore, fails to recognise the regularity of building positions on the northern side of Portsmouth Road. This lack of parity is further exacerbated by the failure of the proposed development to reflect the proportions of other plots and buildings fronting Portsmouth Road. The standardised house type proposed also fails to reflect local architectural quality and interest. The addition of the vehicular access route between the two buildings leading to the rear would also be a visual anomaly when viewed from Portsmouth Road. For these reasons the proposed design has been assessed as

Residential amenity (Existing & Proposed)

- 6.13 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) (2 bed, 4 bedspaces = 79sqm & 3 bedrooms, 5 bedspaces = 93sqm) and the minimum garden sizes of 50sqm per terraced house and 70sqm for each semi-detached house, set out in the Council's Residential Design Guide (RDG) (para 2.3.14 and section 4.4). N-SS - [Title \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

Plot	House type	Bedrooms	Bedspaces	Floor area sqm & compliance*	Garden area sqm and compliance *
1	3B, end of terrace, double gable/bay window	3	5	95 Yes	66 Yes
2	2B, mid terrace	2	4	79 Yes	48 <b>No</b>
3	3B, end of terrace, double gable/bay window	3	5	95 Yes	55 Yes
4	3B, semi detached double gable/bay window	3	5	95 Yes	67 <b>No</b>
5	3B, semi detached double gable/bay window	3	5	95 Yes	85 Yes
6	3B, end of terrace	3	5	93 Yes	72 Yes
7	2B, mid terrace	2	4	81 Yes	50 Yes
8	3B, end of terrace	3	5	93 Yes	52 Yes
9	3B, end of terrace	3	5	93 Yes	76 Yes
10	2B, mid terrace	2	4	81 Yes	80 Yes
11	3B, end of terrace	3	5	93 Yes	105 Yes

\*Compliance with national space standards and RDG.

- 6.14 Of the proposed 11 dwellings 2 do not achieve the minimum recommended garden sizes set out in the RDG; this deficiency is however only marginal and overall the quantum of garden area proposed is not judged to be significantly at odds with the standards. The RDG also recommends a rear garden depth of 10m and this is achieved for all but 4 of the gardens. Notwithstanding the minor discretions discussed above, all of the proposed gardens are deemed to be fit for their intended purpose and are thus considered to be acceptable.
- 6.15 Direct access to all private rear gardens would also be achieved and all units will have access to two parking spaces along with suitable refuse and cycle parking facilities.
- 6.16 All houses achieve the minimum floor space required by the nationally described space standards and occupiers of all habitable rooms would enjoy good outlook, ventilation and access to both daylight and sunlight.
- 6.17 At approximately 30m the separation distance to neighbouring houses meets the 21m separation distance required by the RDG. If minded to approve side facing first floor windows, serving bathrooms, can be obscurely glazed to prevent overlooking. The scale of the buildings and juxtaposition with neighbouring gardens and buildings also means that significant overshadowing will not occur.

#### Parking highways and transport

- 6.18 The scheme proposes to alter an existing access, which is not been opposed by the Council's highways team provided that site specific highways works are secured to deliver the works at the correct specification. If minded to approve sightlines would also need to be secured by planning condition.
- 6.19 Two parking spaces have been provided for each dwelling, which meets the council's maximum parking standards. As such there is no need for a parking survey to support this application. Two visitor spaces have also been provided resulting in the scheme exceeding the maximum parking standards; if minded to approve this would be easily resolved by removing the visitor spaces (if deemed necessary).
- 6.20 The plans show suitable locations for refuse storage and collection. Refuse collection can be achieved and a waste management plan condition could be added if necessary. Similarly cycle parking could be secured by a planning condition had officers been ready to recommend an approval.

#### Air Quality and the Green Charter

- 6.21 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.

- 6.22 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.23 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive-up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
  - Minimise the impact of climate change
  - Reduce health inequalities and;
  - Create a more sustainable approach to economic growth.
- 6.24 The application has failed to address the effect of the development on air quality and the requirements of the Green Charter due to the significant number of trees that are proposed to be felled without adequate compensation.

#### Mitigation of direct local impacts

- 6.25 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Developer Contributions Supplementary Planning Document. Given the impacts associated with a development of this scale, the package of contributions and obligations required would be limited to the following:
- i. financial contributions towards site specific transport improvements in the vicinity of the site.
  - ii. a highways condition survey to make good any possible damage to the public highway in the course of construction.
  - iii. Solent Disturbance Mitigation Project (SDMP) and New Forest Mitigation.
  - iv. contributions towards affordable housing
  - v. A carbon management plan.
- Had the proposed design be acceptable further negotiation on these matters to inform a s.106 legal agreement would have taken place. The development also triggers the Community Infrastructure Levy (CIL).

#### Affordable Housing and Viability

- 6.26 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, in the opinion of the applicant, the development would not be viable or able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the applicant's 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. A copy of their report is appended to this report at **Appendix 3**.

- 6.27 The Strutt & Parker report did not find the applicants viability assessment to be fundamentally wrong in terms of Gross Development Value, Benchmark Land Value and the general methodology utilised. However, Strutt & Parker consider that the build costs provided by the applicants appear excessive.
- 6.28 Strutt & Parker have appraised the scheme with a policy level of affordable housing (2 on site units) which shows a Residual Land Value of some £472,000 which is in excess of the Benchmark Land Value at £140,000 and suggests, therefore, that the proposed development could support either 2 onsite affordable dwellings or an offsite contribution. Officers have no reason to reach a different conclusion, and the lack of affordable housing proposed also forms a reason for refusal in this case.

## **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, including the potential to alleviate crime and anti-social behaviour, 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 for the reasons given above.

## **8. Conclusion**

- 8.1 The positive aspects of the scheme, including housing delivery & potential to help alleviate crime and anti-social behaviour are judged to be outweighed by the

negative impacts, namely harm to local character by a design that doesn't respond positively to its context and results in significant tree loss, failure to demonstrate how surface water will be disposed of, and failure to secure planning obligations; and as such the scheme is recommended for refusal.

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

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

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

**Mathew Pidgeon** for 12/12/2023 PROW Panel

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
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 (revised 2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

The National Design Guide (2021)

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1105/CC	USE AS GUEST HOUSE	Conditionally Approved	19.03.1957
1459/P10	SIX FLATS AND GARAGES NO DATE OF DECISION NOTICE - ON CONDITIONS	Conditionally Approved	31.07.1973
E05/1652	CHANGE OF USE TO REST HOME	Conditionally Approved	06.11.1984
861386/E	PART SINGLE STOREY AND PART TWO STOREY REAR EXTENSION TO REST HOME FOR 16 ELDERLY PERSONS	Conditionally Approved	01.04.1987
901148/E	SINGLE STOREY SIDE/REAR EXTENSION TO PROVIDE OWNERS ACCOMMODATION	Conditionally Approved	03.01.1991
911535/E	RELIEF FROM CONDITION 5 OF PLANNING CONSENT 861386/5275/E (TO INCREASE NUMBER OF RESIDENTS FROM 16 TO 17)	Conditionally Approved	30.01.1992
920166/E	RELIEF FROM CONDITION 4 OF PLANNING CONSENT 911535/5275/E (1ST FLOOR BEDROOM WINDOW ON WESTERN ELEVATION NOT TO BE OBSCURE GLASS).	Conditionally Approved	11.03.1992
921230/E	RELIEF FROM CONDITION 3 OF PLANNING CONSENT 911535/5275/E - TO INCREASE NUMBER OF ELDERLY PERSONS FROM 17 TO 18.	Conditionally Approved	25.11.1992
941247/E	ERECTION OF A SINGLE STOREY REAR EXTENSION TO LOUNGE.	Conditionally Approved	16.02.1995
980968/E	CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION TO PROVIDE LIFT AND ELEVATIONAL ALTERATIONS.	Conditionally Approved	20.11.1998
03/01186/VC	Variation of condition 3 of planning consent no. 921230/5275/E to increase number of elderly persons from 18-20.	Conditionally Approved	07.10.2003
04/00480/VC	Variation of condition 2 of planning permission 03/01186/VC to increase the number of residents from 20 to 21	Conditionally Approved	14.05.2004