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## Appeal Decision

Site visit made on 13 October 2020

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

**An Inspector appointed by the Secretary of State**

**Decision date: 11 January 2021**

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**Appeal Ref: APP/D1780/W/20/3249408**

**2 Bridge Road, Southampton SO19 7GQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Homelife Properties Ltd against the decision of Southampton City Council.
  - The application Ref 20/00170/FUL, dated 6 February 2020, was refused by notice dated 18 March 2020.
  - The development proposed is redevelopment of the site to create a three-storey building consisting of 5 flats (3 x one bed and 2 x two bed) with associated bin and cycle storage following demolition of existing building.
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### Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to create a three-storey building consisting of 5 flats (3 x one bed and 2 x two bed) with associated bin and cycle storage following demolition of existing building at 2 Bridge Road, Southampton, SO19 7GQ in accordance with the terms of the application Ref 20/00170/FUL dated 6 February 2020 subject to the conditions set out in the attached schedule.

### Procedural Matters

2. A number of planning obligations have been submitted as part of the appeal under section 106 of the Town and Country Planning Act 1990 (s106). The contents are summarised below. The Council indicate that the obligations meet the concerns in their second reason for refusal.
3. The highway maintenance obligation relates to survey and other requirements to ensure that the condition of the highway is maintained throughout the works. The highway improvement contribution principally relates to traffic regulation order amendments to increase the size of the parking bays in the immediate vicinity of the development site. This seeks to meet the aims of Policy CS25 of the Southampton City Council Core Strategy (Core Strategy).
4. The parking permit obligation requires each new resident of the proposed development to be informed of the Councils policy not to issue new resident parking permits.
5. I consider that each of these obligations satisfies the tests set out in Paragraph 56 of the National Planning Policy Framework (the Framework). I have therefore taken account of them in reaching my decision.

## **Main Issues**

6. The main issues are:

- The effects of the proposed development on the local highway network, when particular regard is paid to demands for on street car parking.
- The effects on the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.

## **Reasons**

### *Car parking*

7. The proposal makes no provision for on site car parking to serve the 5 flats. This does not directly conflict with the Council's parking standards as they are expressed as a maximum. Further, as the standards are of some age I cannot assess whether they are consistent with the requirements of paragraphs 105 and 106 of the Framework.
8. Notwithstanding this, Policy CS19 of the Core Strategy provides criteria to be taken into account when assessing car parking provision. It is notable that the policy seeks to control car parking with the aim of reducing unnecessary car use and encouraging people to use other travel options. This aim is consistent with policy in the Framework on promoting sustainable transport.
9. The Appellant and the Council present contrasting views on the likely level of car ownership that would result from the proposed development. The sustainability of the location in terms of access to local services, public transport, and other day to day needs works in favour of the proposed development. Taking account of this, the other evidence on this matter, and the aims of Policy CS19, planning on the basis of maximum car reliance is not justified in this location.
10. This said, whilst the proposed development is relatively small in scale, it is fair to assume that it will make some demands on nearby off street parking resulting from occupants who choose to own a car and also visitors. I note the comments of interested parties that suggest that the area experiences a relatively high level of traffic movement and that on street car parking is at a premium at times. A mix of parking restrictions already operate around the site in an attempt to manage these issues.
11. The Appellant's car park survey seeks to identify the capacity to accommodate the demands of the proposal within a 200 metre radius. Having reviewed the survey I find nothing substantively wrong with the methodology used, including it being a snap shot survey on 2 weekday nights undertaken late in the evening. As such, the survey is a credible source of evidence for identifying the likely available car parking capacity in the area.
12. The overall conclusions indicate that the level of availability is above what is necessary in order to accommodate the proposed development. However, as identified by the Council, the numbers of free spaces identified in the survey appear to rely on areas where the parking is restricted.

13. Notwithstanding this, considering the proposal in the round, including the survey, the accessibility of the location, the scale and nature of the development, the wider parking opportunities identified by the Appellant, and the provision made for cycle storage, the evidence does not demonstrate that the effects on parking stress and traffic flows would be at a level of severity that would cause harm to the living conditions of those living nearby.
14. For the reasons set out I conclude that the proposed development would not have a harmful effect on the local highway network, when particular regard is paid to demands for on street car parking. Consequently, I do not find conflict with saved Policy SDP1(i) of the Local Plan Review and CS19 of the Core Strategy which seeks to manage the provision of car parking and permit development that does not unacceptably affect the amenity of residents.

#### *SPA/Ramsar sites*

15. The appeal site is located within the proximity of the New Forest SAC, SPA, and Ramsar site<sup>1</sup>. These sites are protected and subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 and the RAMSAR convention.
16. As the competent authority in this instance it is necessary for me to carry out an appropriate assessment as part of my decision. The Council draw my attention to the Solent Recreation Mitigation Strategy and other research which sets out the effects that recreational disturbance could have on the sites. Increases in residential development therefore could have potential adverse effects which, in combination with other plans or projects in the area, may impact the sites significantly.
17. My attention is drawn to standing advice from Natural England which confirms that development of this scale would not be considered to have adverse effects provided measures are put in place that are in line with the agreed strategic approach to mitigation.
18. In this case the proposed mitigation measure is a financial contribution in accordance with the Solent Recreation Mitigation Strategy and Policy CS22 of the Core Strategy. The submitted s106 indicates that provision has been made for the contribution, which the Council confirms satisfies their second reason for refusal. The sum of the contribution is undisputed by the Council and is considered to be appropriate as a method of managing the recreational pressures associated with the proposed development.
19. In carrying out this assessment I have had regard to the Council's own assessment included at Appendix 1 of their officer report and correspondence from Natural England confirming that they do not consider it necessary to be consulted further on an individual appropriate assessment provided the mitigation measures discussed above are secured.
20. For the above reasons, I am satisfied that specific measures would be in place to address the potential adverse effects on the New Forest SAC, SPA, and Ramsar site. Consequently, I find no conflict with Policy CS22 of the Core Strategy which seeks to ensure that detrimental effects on the integrity of the sites are avoided.

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<sup>1</sup> The common collective name for the Solent and Southampton SPA and Ramsar Site and the Solent Maritime SAC

## **Other Matters**

21. Other interested party representations are noted. Those relating to the Council's reasons for refusal are discussed above. Other matters raised do not affect my conclusions.
22. In relation to overdevelopment of the site and effects on the character and appearance of the surroundings. It is noted that the proposed development accords with local plan policies relating to the location of development and is otherwise of a density and detailed design that appears compatible with the surroundings. The level of development proposed is also consistent with aspirations in the Framework to make the best use of suitable sites for housing.
23. Regarding effects on living conditions resulting from overlooking. It is noted that the proposal was amended to remove balconies. This leaves views from windows towards neighbouring properties that appear consistent with the level of mutual overlooking that already exists in the area.
24. Removal of the site notice is a matter relating to the planning application process and is better addressed by the Council.

## **Conditions**

25. I will consider conditions by reference to the numbering in the attached schedule.
26. Condition (2) is necessary in the interests of certainty.
27. Conditions (3) and (4) are necessary in order to ensure a satisfactory standard of external appearance and landscaping. Condition (4) needs to be a pre commencement condition as upfront confirmation is required as to ground levels.
28. Conditions (5) and (6) are necessary to ensure provision is made for archaeological recording and investigation. They need to be pre commencement conditions to ensure that measures are in place before the site is substantially disturbed.
29. Conditions (7) and (8) are necessary in the interests of minimising the demands of the development on resources.
30. Conditions (9), (10), (11), (12), and (13) are necessary in order to manage the development during construction in the interests of ensuring the safe operation of the highway and protecting the living conditions of those living nearby. Conditions (11), (12) and (13) need to be pre commencement conditions as some of the measures need to be in place before works start on site.
31. Conditions (14), (15), and (16) are necessary in order to make provision for addressing and managing any land contamination issues. Condition (14) needs to be a pre commencement condition as remediation measures need to be identified upfront.
32. Conditions (17), (18), and (19) are necessary in order to protect the living conditions of future occupants and those living nearby.

33. I have not included a condition relating to the installation of a green roof due to the lack of substantive evidence around whether such a requirement would be reasonable or necessary for a development of this scale.

**Conclusion**

34. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

*D.R. McCreery*

INSPECTOR

### **Schedule of conditions**

1. The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.
2. The development hereby permitted shall be carried out in accordance with the approved plans (2018/04, 2018/05C, 2018/06C, 2018/07A ), unless otherwise agreed in writing with the Local Planning Authority.
3. No development work above slab level shall be carried out unless and until a detailed schedule of materials and finishes including samples to be used for external walls, windows, doors, bin storage areas and boundary treatment of the proposed building has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, bricks and tiles, drainage goods, soffit and fascias and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.
4. Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:
  - i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
  - ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
  - iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
  - iv. details of any proposed boundary treatment, including retaining walls; and
  - v. a landscape management scheme.

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 in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. Any planting that dies or becomes diseased within a period of 5 years from the date of planting shall be replaced on a like for like basis.

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

5. No development shall take place within the site until the implementation of a programme of archaeological recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
6. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.
7. With the exception of site clearance, demolition and preparation works, no development works above slab level shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the Local Planning Authority.
8. Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.
9. 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 13:00 hours (9.00am to 1.00pm)  
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 Local Planning Authority.
10. During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

11. No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.
12. Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.
13. Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the Local Planning Authority. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.
14. 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.

15. 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 development.
16. The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.
17. The windows on the flank side wall elevations at upper (1st) floor level (facing east and west) serving the flats hereby approved shall be glazed in obscure glass and shall be non-opening or shall be top hung opening only above a level of 1.7m from the floor area of the room to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.
18. Notwithstanding the approved plans before the works starts above slab level details of facilities to be provided for the storage, removal and recycling of refuse from the premises and for the secure storage of at least 5 bicycles, shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall be permanently maintained and retained for that purpose.
19. The approved private amenity space shall be laid out and separated as approved in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.