

**Application Number: 21/11281** Outline Planning Permission

**Site:** 7-9 RUMBRIDGE STREET, TOTTON SO40 9DQ

**Development:** Construction of 6x dwellings; conversion of the existing office building to provide ground floor commercial use and cycle parking for dwellings; conversion of the upper floor to 1x dwelling; part demolition of existing building (Outline application with details only of access, layout and scale)

**Applicant:** D.P.P Limited

**Agent:** Vail Williams LLP

**Target Date:** 26/11/2021

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development and local and national policy
2. Impact on character and appearance of area
3. Highway safety, parking access and refuse storage
4. Local residential amenity considerations
5. Ecological impact and habitat mitigation
6. Flood risk

This application is to be considered by Committee due to the objection received from Totton Town Council.

## 2 SITE DESCRIPTION

The site is located within Totton town centre, fronting onto Rumbridge Street at the north and backing onto the Windsor Road car park at the rear. The site is used for office purposes in support of DPP Ltd plumbing operations. The frontage onto Rumbridge Street is a two storey pitched roof building which is to be retained. The remainder of the long and narrow site is covered by a single storey flat roof building, used for office purposes, and a small service yard to the rear (accessed from Winsor Road car park).

To the east of the site is number 5 Rumbridge Street which is a two storey flat roof building with a variety of commercial uses on the ground floor and residential flats above including informal rear balconies at first floor level.

To the west is 11 Rumbridge Street which constitutes a two storey low pitched building with commercial ground floor frontage and residential uses above and behind. Mayday Court to the west includes four west facing terraced houses whose rear building line is on the boundary of the site. There are no windows in the rear (east facing) elevations of the terraced houses apart from small roof lights.

### 3 PROPOSED DEVELOPMENT

The application is for outline planning consent concerning matters of Access, Layout and Scale of the proposed development only.

Therefore, the remaining matters of Appearance and Landscaping will constitute Reserved Matters, to be considered as part of a separate, subsequent Reserved Matters application.

The proposed development involves the demolition of the existing single storey office building to the rear of 9-7 Rumbridge Street, and the construction of a residential scheme consisting of six, two bedroom dwellings with associated amenity space, landscaping and bin store. The scheme includes the retention and conversion of the existing ground floor office building fronting onto Rumbridge Street to provide a ground floor commercial use (and inside cycle parking) and the conversion of the upper floor offices to create 1No. two bedroom flat.

The proposal therefore consists of 7 No. two bed dwellings and a commercial shop.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
05/83883 Retention of first-floor extension for additional office and a flat; detached two-storey terrace of 4 houses	06/09/2005	Granted Subject to Conditions	Decided
03/79535 First floor extension for additional offices and a flat; detached two-storey terrace of four houses	16/02/2004	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON6: Primary, secondary and local shopping frontages

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR4: The settlement hierarchy

#### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

#### **Supplementary Planning Guidance And Documents**

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

SPD - Parking Standards

### **Relevant Advice**

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

### **Constraints**

Flood Zone  
Plan Area

### **Plan Policy Designations**

Town Centre Boundary  
Built-up Area  
Rumbridge Street Secondary Shopping Frontage

## **6 TOWN COUNCIL COMMENTS**

The application was discussed and it was felt that as this has been designed as a 'car free? development, the Town Centre Planning Policy with reference to parking allocation is not appropriate to rural conurbations as they do not have an integrated transport system.

RECOMMENDATION REFUSAL for the reasons listed above

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environment Agency**

No objection (following the submission of additional information)

### **NFDC Building Control**

B1 Means of Escape

The access to the roof terrace is through the first floor open plan lounge which would be a concern for means of escape in the case of fire. Secondary means of escape from the roof terrace should be provided.

B5 Access and Facilities for the Fire Brigade

Fire brigade access is required to within 45 meters of all parts of the dwellings from the fire appliance. details to confirm this should be provided or suitable alternatives provided.

#### M1-4 Access and Use of the Buildings

A satisfactory access strategy should be provided for this scheme

#### **NFDC Ecologist**

No objections, with comments in respect of mitigation for impacts on designated sites, habitats (Biodiversity Net Gain) and species.

#### **NFDC Environmental Protection**

No objection, subject to the standard contaminated land planning condition

#### **Hampshire Swifts**

Support the proposal with a recommendation for the addition of additional Swift bricks incorporated into the development.

### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- Two representations from third parties, objecting to the proposal on grounds including excessive scale and overdevelopment, loss of light/overshadowing, overlooking, lack of parking provision, additional traffic generation and dangerous roof terraces.

For: 0

Against: 2

### **10 PLANNING ASSESSMENT**

#### Principle of Development

The application site is located within the built up area of Totton and forms part of the designated Rumbridge Street Secondary Shopping Frontage, whereby saved local plan policy TOT18 is relevant. TOT18 states:

*"Within the Rumbridge Street Secondary Shopping Frontage, as defined on the Policies Map, development proposals which enhance the commercial vitality of the area will be permitted. A minimum of 40% of the total street frontage should be retained in retail use.*

*No residential uses will be permitted within the ground floor street frontages."*

The site is not within or adjacent to a Conservation area, nor are there listed buildings or other structures of heritage significance within close proximity. There are no Tree Preservation Orders (TPOs) affecting the site (however, two TPOs exist within Mayday Court).

The site lies in a highly sustainable location, being situated centrally within the town centre of a 'tier one' town as defined within the Council's Settlement Hierarchy (Policy STR4 refers). Within Totton there are a very good range of services and facilities within easy walking distance of the site including a range of public transport options.

Both local and national policy point to a preference of accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the principal settlements.

## Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated this will be published in early 2022 and will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

The NPPF identifies (para.69) that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

In summary, provided the use of the ground floor Rumbridge Street frontage of the property remains a shopping/commercial use (with an appropriate retail frontage and access), the proposed residential development to the rear can be considered acceptable in principle.

## Impact on character and appearance of area

The impact of the new development on the street scene and surrounding area has been assessed and whilst the new building(s) would be taller than the existing single storey rear projecting building, the proposed development would be relatively well screened by the retained two storey element at the Rumbridge Street end and would otherwise harmonise/accord with the scale of other existing buildings to the north east and south west and would thereby not be considered inappropriate in terms of impact on the existing character of the surrounding area.

From the perspective of the impact of the proposal from properties adjoining the application site to the south west, the side elevation of the proposed new dwellings would be very well screened by the existing extended building at 11 Rumbridge Street and the recent linear two storey development at Mayday Court which would act to very significantly screen the proposed development in wider views.

From the perspective of the rear yards of other properties adjoining the application site to the east, there exists a mix of commercial and residential uses in this area and due consideration should be given to ensuring there are no undue amenity impacts, such as overlooking or overshadowing.

Officer note - this is an outline application and is only considering the access, layout and scale of the proposed development (with the further detailed matters relating to appearance and landscaping withheld to form the subject of a subsequent 'Reserved Matters' application). Officer's consider the current outline application is acceptable in terms of impact(s) on the character and appearance of the surrounding area, subject to the approval of an appropriate details in respect of materials and detailing, to form a subsequent Reserved Matters application.

## Highway safety, parking access and refuse storage

The access arrangements and provision for the application site are pedestrian only and remain as existing - no additional parking provision is proposed, and it is accepted that no additional parking provision is possible by reason of the limited amount of outside space available within the site.

As part of the Local Development Framework for its area, New Forest District Council adopted a revised Parking Standards Supplementary Planning Document (SPD) on 3 October 2012 (this document is currently being reviewed and out for consultation until mid-January 2022). The adopted SPD forms part of the Local Development Framework for New Forest District (outside the National Park) and outlines the recommended provision of cycle and vehicle parking for all new developments. For each new two bed dwelling the current adopted Parking Standards SPD recommends 1.5 shared or communal parking spaces, or 2 on-plot parking spaces, together with 2 cycle parking spaces per unit. However, within the draft revised Parking Standards SPD it is proposed that in the Main Town Centre locations of Fordingbridge, Hythe Village, Lymington, New Milton, Ringwood and Totton, a reduced car parking provision will be acceptable subject to the site being well served by existing public and active modes of travel.

Furthermore, the NPPF (July 2021) at Para.107 provides guidance that, if setting local parking standards for residential and non-residential development, policies should take into account matters including:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;

Consequently, whilst the proposal does not provide any additional off-street car parking, the application is considered acceptable on balance nonetheless by reason of its sustainable town centre location and the benefits it would bring through the provision of additional new small dwellings.

In respect of cycle parking, the proposal indicates provision for 15 x cycle parking spaces to be provided as per the requirements of the SPD.

#### Local residential amenity issues

The application site is within an existing mixed commercial residential use area of the town centre. The proposed development would introduce additional mass and bulk/height at first floor level and would introduce additional residential units, potentially (indicatively shown) with roof terraces.

Therefore great care should be taken in considering the final design of the proposal to ensure the development does not result in the undue overlooking of adjacent residential uses from windows, balconies or any outside amenity space areas.

In addition to sensitive design (to be considered as part of a subsequent Reserved Matters application), the use of obscure glazing and privacy screening to prevent undue overlooking is commonly successfully used in close-knit urban areas. Such considerations will be particularly relevant in respect of the existing first floor rear terraces relating to dwellings at 5 Rumbridge Street, in respect of which concerns have been raised in third party representations.

The Environmental Protection officer has previously commented on the proposed redevelopment of the site for residential purposes, as follows:

*"I have no objection in principle to the proposed development as submitted. However, we consider that the planning permission should only be granted to the proposed development as submitted if standard planning condition 14i is imposed. This is to ensure that any potential contamination that could pose risks to human health and/or the environment found during the proposed development on this site will be dealt with in accordance with the Environment Agency's technical guidance."*

In all other respects, it is considered the proposed development would not be likely to result in undue impacts (such as overlooking or overshadowing) on the amenity of adjoining neighbours or uses, subject to the approval of a suitable scheme in respect of the appearance and landscaping under a subsequent Reserved Matters application.

### Flood risk

The northern end of the application site falls within Environment Agency Flood Zone 2. This area of the site is also within the NFSFRA (Strategic Flood Risk Assessment) Fluvial flood zone 2.

To address flooding risks and to ensure that flood risk is taken into account the Sequential Test will be applied to direct new development to areas with the lowest probability of current and future flooding, and to control and avoid inappropriate development in areas at current or future risk from flooding.

The Exception Test will be applied to consider proposals that it is not possible to locate in areas of lower flood risk, taking into account any wider benefits of the development proposal, and safety consideration on- and off-site. Appropriate flood warning and evacuation plans are a SFRA requirement for any sites at risk of flooding where development is allocated or permitted in accordance with the flooding Exception Test.

In considering potential or proposed locations for development it is therefore important that, as far as reasonably possible, development is located where the risk of flooding (from all sources) is and will remain lowest, taking account of climate change and the vulnerability of future uses to flood risk. The Flood Risk Vulnerability Classification in National Planning Policy Guidance identifies 'Highly vulnerable' and 'more vulnerable' uses that are least appropriate to locate in flood risk areas. These include emergency service stations, mobile home parks, caravans, hospitals, residential institutions and housing.

The application is accompanied and supported by an appropriate (revised) Flood Risk Assessment specific to the proposed development. The Environment Agency has assessed the submitted FRA and (following revisions to include climate change levels) and raises no objection to the proposed development.

### **Ecological impact and habitat mitigation (including nitrates)**

#### On Site Biodiversity and protected species

The applicant has submitted a Phase 2 Bat Survey Report (EcoSupport Preliminary Ecological Appraisal (PEA) dated 16th August 2021) for the site, in which a scheme of ecological enhancements to provide a biodiversity net gain (BNG) for the development is set out.

The submitted PEA and scheme of BNG has been considered by the Council's Ecologist who raises no objection. The scheme of ecological enhancements can be made a Condition of the planning approval.

#### **Habitats Mitigation**

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The

Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement (or unilateral undertaking) to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy.

In this case, the applicant would be required (prior to determination of this planning application) to enter into a Section 106 legal agreement or submit a unilateral undertaking, which secures the required habitat mitigation contributions as detailed in the 'Developer Contributions' section below.

### **Nitrate neutrality and impact on Solent SAC and SPAs**

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England has now raised this with the Council and other Councils bordering the Solent catchment area and has raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation.

An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC considers that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

### **Managing air quality**

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations.

A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

A financial contribution is required (to be secured via a Section 106 legal agreement or unilateral undertaking) towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.



## Developer Contributions

As part of the development, the following will be secured via a unilateral undertaking or Section 106 agreement:

- Air quality monitoring contribution of £595
- Bird Aware Solent contribution of £3,654
- Non-infrastructure contribution of £3,801
- Infrastructure contribution of £24,304

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

## **11 CONCLUSION**

The proposed development constitutes a sustainable form of new housing development within a town centre location, whilst retaining the existing ground floor commercial unit and is considered acceptable in principle.

Subject to the subsequent approval of an appropriate scheme for the appearance and landscaping of the development (as a Reserved Matters application), the proposed development would accord with local and national planning policy guidance and would not result in undue impacts in respect of the character of the surrounding area or amenity.

## **12 RECOMMENDATION**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate habitats mitigation (as detailed within the Committee report), and
- ii) the imposition of the conditions set out below.

### **Proposed Conditions:**

1. Approval of the details of the appearance and landscaping for the development ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development permitted shall be carried out in general accordance with the following approved plans:

- 02 A SITE PLAN - SECOND FLOOR
- 301 B SITE PLAN - FIRST FLOOR
- 300 B SITE PLAN - GROUND FLOOR
- 303 LOCATION & EXISTING BLOCK PLAN
- 308 UNITS 1-6 - PROPOSED - REAR ELEVATION
- 307 UNITS 1-6 - PROPOSED FRONT ELEVATION
- 313 A PROPOSED SITE PLAN (SECTIONS)
- 309 A PROPOSED UNIT 6 SIDE ELEVATION & SECTIONAL ELEVATIONS
- 310 PROPOSED SECTIONAL ELEVATIONS 2
- 312 PROPOSED SECTIONAL ELEVATIONS 4
- 311 PROPOSED SECTIONAL ELEVATIONS 3
- 304 A PROPOSED UNIT 1 - FLOOR PLAN
- 305 B PROPOSED UNITS 2-5 - FLOOR PLAN
- 306 B PROPOSED UNIT 6 - FLOOR PLAN
- 316 B RETAINED BUILDING - PROPOSED FLOOR PLANS
- 317 RETAINED BUILDING - PROPOSED ELEVATIONS

Reason: To ensure satisfactory provision of the development.

5. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. During any (site clearance, removal of floor slab and) foundation excavations a suitably qualified contaminated land consultant shall carry out a **watching brief** with regards to asbestos, hydrocarbons and any other ground contamination. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. The development hereby permitted shall not be occupied until:
  - (i) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and
  - (ii) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

- (iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

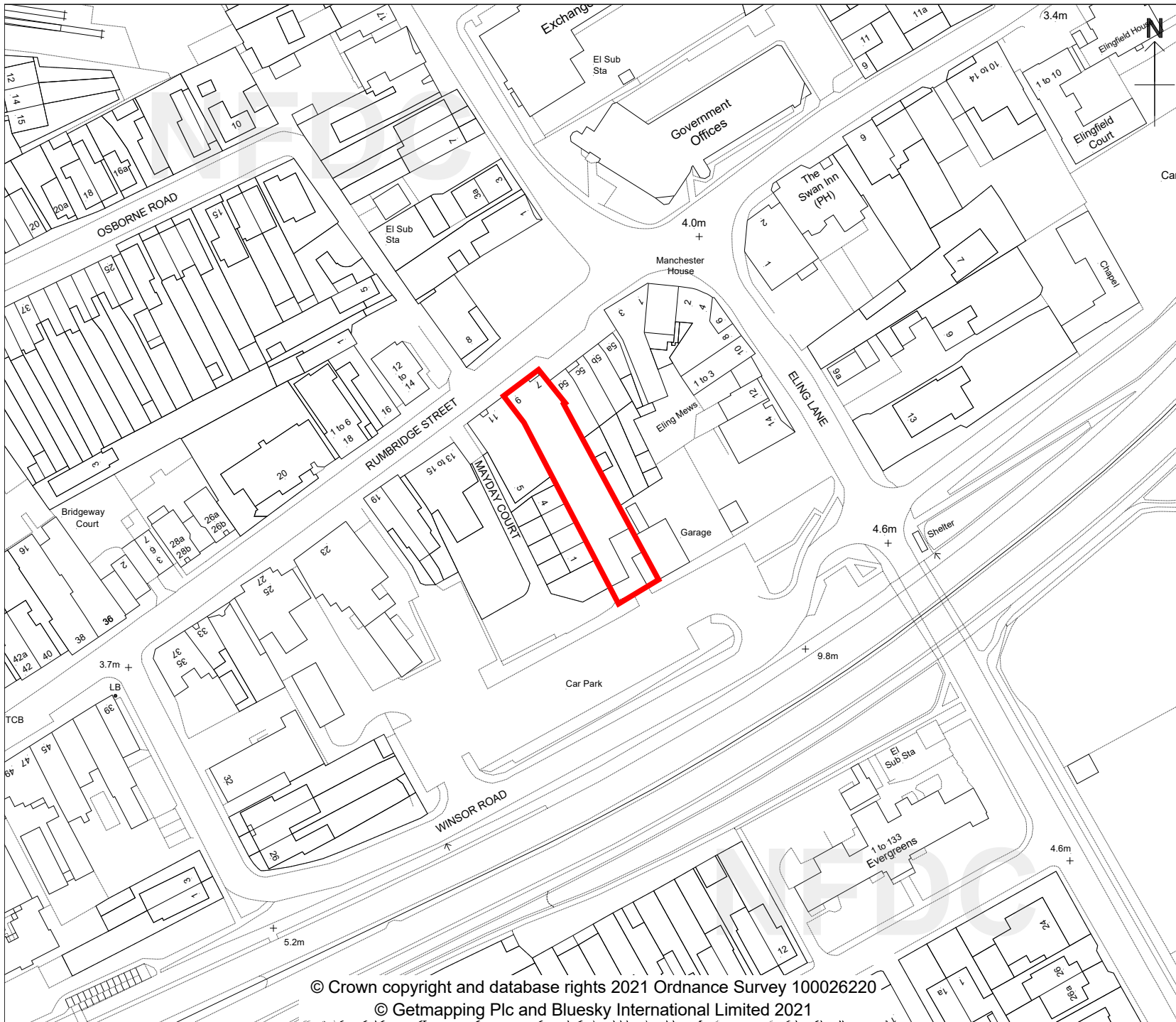
- 9. Development shall be carried out in accordance with the enhancement measures (Mitigation and Enhancements) for biodiversity as set out in Section 5 of the submitted EcoSupport Preliminary Ecological Appraisal (PEA) dated 16th August 2021.

Reason: To provide an appropriate level of biodiversity net gain for the development.

**Further Information:**

Warren Simmonds

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# New Forest

DISTRICT COUNCIL

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## PLANNING COMMITTEE

January 2022

7-9 RUMBRIDGE STREET  
 TOTTON  
 SO40 9DQ  
 21/11281

Scale 1:1250

N.B. If printing this plan from  
 the internet, it will not be to  
 scale.