

**Planning and Rights of Way Panel 23<sup>rd</sup> April 2019**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> Land R/O 53 Thorold Road			
<b>Proposed development:</b> Erection of a two storey detached 4 x bed dwelling with rear terrace and associated car parking, refuse and cycle storage			
<b>Application number:</b>	18/01291/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	John Fanning	<b>Public speaking time:</b>	5
<b>Last date for determination:</b>	25.09.2018	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr White Cllr Fuller Cllr Harwood
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Mr Toby Atkinson		<b>Agent:</b> Paul Airey Planning Associates Ltd	

<b>Recommendation Summary</b>	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
-------------------------------	--

<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
---	------------

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2018). Policies – CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies

## **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement or payment to secure:
  - i. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

- 1.1 The application site occupies the rear portion of the plot currently occupied by 53 Thorold Road. The current lawful use of the plot is as residential garden land. The surrounding area is residential in nature with a mix of different dwelling types and designs.
- 1.2 Consent was granted for redevelopment to the west/south-west of the application site under applications 09/00686/FUL and 14/00257/FUL for additional housing in the adjacent culs-de-sac to the west of the site known as Parklands.
- 1.3 The site has substantial site level changes dropping down from the Thorold Road frontage (north) to rearmost part of the site to the south. There is a less substantially change in levels across the site from east to west. There are a number of protected trees on the site which backs onto an area of woodland

### **2. Proposal**

- 2.1 The application proposes the subdivision of the existing plot with separate access from Thorold Road running down the western side of the existing dwelling to lower ground in the rear garden. The proposed house would be set well within the boundaries of the site and is designed to take into account the change in levels with the rearmost section being set down from the front part of the house.
- 2.2 Improvements are proposed to the side access and land level changes will be required to facilitate the access, parking area and dwelling.

### **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 2.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 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 There is no relevant planning history for the proposal.

#### **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (17.08.18). At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:

##### **5.2 Impact on ecology from loss of garden space**

###### **Response**

The applicant has submitted an ecology statement with their submission. Notwithstanding that the survey did not find evidence of badger activity, the LPA does consider it likely that badgers use the site for foraging identified as a possibility in the report. Notwithstanding the above, the ecology report outlines a scheme of mitigating factors which are considered sufficient address the ecological impacts of the development. These can be imposed as conditions to safeguard protected species during construction.

##### **5.3 Loss of trees/cutting back of trees would be harmful**

###### **Response**

The Councils trees team have considered the submitted arboricultural report and have found the proposed scheme of works to be acceptable. It is noted that while the report has suggested removal of trees in neighbouring garden land the report does identify that these fall outside of the applicants control and are not required to be removed.

##### **5.4 The proposal relies on the existing access for 53 Thorold Road. Historically there has been no vehicular access down the side of the property.**

###### **Response**

Planning permission was not required for the demolition of the previous garage. While substantial site level changes may require permission in their own right, in principle no permission is required to access the rear of the site down the side of the dwelling. The totality of works being proposed to facilitate the new dwelling are considered to require permission however and will be considered in more detail in section 6 below.

##### **5.5 Potential impact on archaeology**

###### **Response**

The Councils Archaeologist has been consulted on the proposal and recommended a condition to secure recording of any archaeology on site. A condition has been recommended to this effect.

##### **5.6 Overlooking of neighbouring properties (with reference to dwelling and changes in site levels)**

###### **Response**

There are substantial level changes across the site which do mean that the relationship with neighbouring properties will be sensitive. Particular care is required when designing the western boundary due to the proximity of windows and rear patios of houses in Parklands to the new access along the western boundary of the site. A boundary screen that retains trees but offers privacy without being overbearing is achievable if costly, but this would be a matter for the applicant. Broadly speaking taking into account the set back of the house to the boundaries and screen proposed along the access it is not considered that this relationship will be harmful.

**5.7 There is a strip of Council land which runs down the side of the site which was retained to prevent additional development**

**Response**

There is a narrow strip of Council owned land which runs down the western edge of the site. This strip contains trees which are to be retained and which offer an element of screening between the proposed house and the existing houses in Parklands. The existence of this strip does not prevent development from taking place in the manner proposed as there is no need to infringe or cross this land. Had access to the site been sought from Parklands this would have potentially been an issue.

**5.8 Unclear what site level changes are proposed as part of development**

**Response**

Amended plans were requested to provide additional clarity on land level changes. Officers are satisfied that the sectional drawing reflect the layout and topography of the site.

**5.9 Changes in land levels has potential to impact on stability of site and cause subsidence of neighbouring properties**

**Response**

The applicant will be required to undertake any construction works in accordance with appropriate Building Regulations. There has been no indication from Building Control that ground conditions would give rise to concerns for subsidence.

**5.10 Impact on neighbouring occupiers from additional noise and activity associated with new dwelling**

**Response**

There will be an increase in intensity of residential use of the site. Reasonable behaviour by people using a residential property or garden would not be out of character or give rise to concerns in what is a residential area. Unreasonable behaviour would be for other agencies to deal with. Generally speaking it is considered that the site would remain in relatively low intensity and the set back from neighbouring properties would mitigate the immediate impact.

**5.11 Overdevelopment of plot/out of character with back land nature of plot**

**Response**

Whilst the property would represent the introduction of significant additional built form into the rear of the plot the proposal does not exhibit any features normally associated with overdevelopment. The footprint of the proposed building within the proposed plot shows a similar plot ratio and site coverage to those in the surrounding area. The backland context of the site is somewhat mitigated by the previous development on Parklands with other built development situated to the rear of the main building line on Thorold Road. Broadly it is considered that the

mixed context offers some opportunity for infill development and this is part of the character rather than being out of character with the immediate area.

5.12 **Run off/drainage issues associated with changes in site levels and additional hard surfacing**

**Response**

A condition has been sought to secure details of a sustainable drainage solution on the site.

5.13 **Applicant has previously left rubbish on plot**

**Response**

The planning department does have limited powers to control poor maintenance of a site. Other departments such as Environmental Health do also have powers if a site represents a wider health concern. On the most recent site visit the site had been cleared of debris.

**Consultation Responses**

5.14 **Ecology**

5.14.1 The garden area provides a range of habitats that are of value to local wildlife. The ecology report makes a number of recommendations for mitigation measures but no further information has been provided regarding how these measures have been incorporated into the development.

5.14.2 I am surprised that the ecology report did not find any evidence of badger activity as there was a high level of badger foraging occurring when the adjacent site, 49 Thorold Road, was developed. In addition, a badger sett is believed to be present in the local area. I would like further work undertaken to investigate badger activity.

5.15 **Archaeology**

5.15.1 The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 16 (The Rest of Southampton). Prehistoric flint finds (Mesolithic through to Iron Age) have been found at 39 Thorold Road. Although this is some 100m to the west of the application site, it is within the same natural valley. The finds suggests prehistoric activity in the area, although the focus of this activity is currently unknown. Such remains, if present on the site, would be undesignated heritage assets under the National Planning Policy Framework.

5.15.2 The proposed development involves the erection of a detached dwelling with rear terrace and associated parking, etc following demolition of an existing garage. (A drawing shows terracing into the slope for the parking area). Development here threatens to damage potential archaeological deposits, and an archaeological investigation in the form of a watching brief on all groundworks will be needed to mitigate this.

5.16 **Environmental Health** – No objection subject to suitable conditions to minimise impacts of construction works.

5.17 **CIL** – The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the new development.

5.18 **Highways**

5.18.1 The application in principle is fine. The only concerns would be the level difference and whether this is suitable for residents to carry their bins up and down and also whether it is suitable for wheelchair users.

5.18.2 The other comment to make is that the vehicular access and driveway should be 4.5m wide at the initial point (adjoining the highway) and should be this width for a minimum of 6m into the site before it can be reduced back down

5.18.3 The parking area is fine but the hard standing furthest south is assumed to be a turning head which will need to be conditioned so that it is to be kept clear at all times.

5.19 **Sustainability** – If the case officer is minded to approve the application, suitable conditions are recommended in order to ensure compliance with core strategy policy CS20 as updated by government guidance.

## 5.20 **Trees**

5.20.1 Details of trees, on and off site and those being retained and removed have been provided via a tree survey and measures to protect the trees during the construction via An Arboricultural Impact Assessment (AIA) Ref:D1811AIA. Details laid out in in this document are considered to be satisfactory for this proposal.

5.20.1 I would like to request a performance condition would be applied to ensure the recommendations within the AIA were followed throughout the development. As well as no storage under the trees canopies.

5.21 **Southern Water** – In order to protect drainage apparatus, Southern Water requests that if consent is granted a condition is attached to secure details of how works will be undertaken to ensure existing sewers are protected during construction.

## 6.0 **Planning Consideration Key Issues**

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

- Principle of Development
- Character
- Residential amenity
- Highways
- Facilities
- Trees and ecology
- SDMP

### 6.2 **Principle of Development**

6.2.1 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. The site is not allocated for a specific use within the Local Plan, however the city does have a defined housing need and broadly speaking taking into account the residential nature of the surrounding area it is considered that the site is potentially acceptable for residential use.

6.2.2 Policy CS16 of the Core Strategy supports the provision of family homes within new developments. 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 a

family unit with acceptable private garden space and, as such, accords with this policy.

6.2.3 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in low accessibility locations such as this, density levels should generally accord with the range of 35-50 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 15 d.p.h when considering just the new site and 19 d.p.h when considering the full original plot of 53 Thorold Road. While this accords with the range set out above, this needs to be tested in terms of the merits of the scheme as a whole.

### 6.3 Design and effect on character

6.3.1 The application proposes a two storey dwelling, stepping down to the rear of the site as the site levels drop. There's a mix of different dwelling types and designs in the surrounding area and it is broadly considered that the proposed dwelling is relatively typical of the scale and appearance of dwellings in the surrounding area.

6.3.2 The main impact of the development in terms of character is considered to be the introduction of a new dwelling into the previous garden of the property at 53. The site is considered in the context of the neighbouring development at Parklands. The development would be well screen from the main Thorold Road street scene but would be visible from the rear of nearby properties and from Parklands.

6.3.3 Overall it is considered that the development would introduce substantial new built form into the rear of the plot but, in the context of the neighbouring development at Parklands it is not considered that this would, in itself, represent such substantial harm as to justify refusing the application solely on these grounds. As such the key consideration becomes the specific impacts of the development and if it can provide a good quality living environment for the proposed occupiers.

### 6.4 Residential amenity

6.4.1 There are a number of key issues to consider in terms of the impacts of the development with reference to the amenity of existing and proposed occupiers. In terms of the occupiers of the proposed dwelling, it is considered that the layout provides a reasonable quality living environment for the proposed occupiers. There is some concern that the ground floor room identified as 'study' would have to rely on a side facing window with relatively poor outlook. Notwithstanding this it is considered that there are other habitable rooms available to the occupants and the use of this room would fall within the control of the occupants to manage so it is not considered that this relationship would be so harmful as to justify a reason for refusal. The site retains ample amenity space to meet the requirements outlined in the Council's RDG.

6.4.2 One of the major constraints of the site is the significant change in land levels, which potentially present an issue for inter-looking and overlooking of neighbouring properties. While the Council does not have any defined front to back window distances, section 2.2.4 of the Council's RDG outlines suitable back to back distances as being 21m (increasing by 2m for every 1m change in site levels). There is a 19.5m set back from the original dwelling at 53, a 21m set back from the neighbouring property at 51 and a 23m set back to 7 Parklands.

6.4.3 Taking into account the orientation of the properties at 51 and Parklands and relationship between the dwellings it is considered that while there will be change in the circumstances compared to the existing garden, it is not considered that the potential for overlooking would be so substantial. The immediate impact between existing house at 53 and the new site in its rear garden is considered the most problematic. The key issue would be the inter-looking and overlooking to the front of the dwelling. The back to back distances are design to protect perception of privacy in more private rear garden spaces so it is considered that a reduction could be acceptable in the context of the less private frontage to the development (utilised for parking). Taking into account the site levels dropping to the rear meaning that the impact on the property at 53 will be comparatively lessened while the impact is reduced on the new dwelling due to the layout of the frontage it is not considered that this relationship would be substantially harmful.

6.4.4 There are some other issues associated with the general increase in intensification of use of the site (and alterations to land levels required to secure the access). The increase in land levels and intensity of use of the side access will have a potential impact on the amenities of the immediately adjoining occupiers to the west. The applicant has proposed a fence along this boundary to provide screening. Taking into account the set back and existing changes in land levels it is not considered that the introduction of this fence would be significantly harmful to the occupiers of the neighbouring premises in terms of the creation of an overbearing form of development and would provide screening sufficient to mitigate the impacts of the additional comings and goings on neighbouring properties.

## 6.5 Highways

6.5.1 The Councils Highways team have identified that they are broadly happy with the proposed changes to the site in terms of the side access and parking arrangement subject to a number of conditions to secure appropriate turning and passing points.

## 6.6 Facilities

6.6.1 The site has ample space to secure appropriate cycle and refuse storage. Conditions are recommended to secure suitable details to secure these matters.

## 6.7 Trees and Ecology

6.7.1 There are a number of protected trees on site. The applicant has submitted an arboricultural report with the proposal which outlines a scheme of works. The Councils trees team have identified that they are happy that the proposals are reasonable in the context of the trees on the site and recommended a number of conditions to secure the works being undertaken in accordance with these details.

6.7.2 An ecological statement has been submitted with the application which outlines a number of recommendations to mitigate the potential ecological impacts associated with the development. The Councils Ecologist has advised she believes it is likely that badgers do make use of the site. A condition has been recommended to secure the recommendations outlined in the ecologists report.

## 6.7 Likely effect on designated habitats

6.7.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat

Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see Appendix 1. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

## **7. Summary**

7.1 There are a number of constraints on the development of the site, with particular reference to the presence of protected trees and the changes in site levels. Furthermore the site previously formed part of the garden of another dwelling. However, part of the character of this section of Thorold Road is development in depth beyond the houses fronting Thorold Road.

7.2 Therefore, notwithstanding the above, it is considered that the proposal, as amended, will have an acceptable impact on the wider character and appearance of the plot within the surrounding area and the other impacts of the development could be mitigated through the use of conditions.

## **8. Conclusion**

It is recommended that planning permission be granted subject to the conditions set out below.

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

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

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

**Case Officer Initials for 23/04/19 PROW Panel**

## **PLANNING CONDITIONS**

### 01. Full Permission Timing Condition (Performance)

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

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

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

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

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

### 03. Energy & Water (Pre-Commencement)

Before the development commences, 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 LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

### 04. Energy & Water (performance condition)

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.

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

#### 05. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

Reason

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

#### 06. Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

#### 07. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site

within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

#### 08. Archaeological evaluation/watching brief investigation (Pre-Commencement)

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.

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

#### 09. Archaeological evaluation/watching brief work programme (Performance)

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

Reason: To ensure that the archaeological investigation is completed

#### 10. Use of uncontaminated soils and fill (Performance)

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

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

#### 11. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

#### 12. No other windows or doors other than approved (Performance Condition)

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

Reason: To protect the amenities of the adjoining residential properties given the changes in land levels and the potential for overlooking of neighbouring properties.

#### 13. Ecology (Performance)

The development shall be implemented in accordance with the recommendations outlined in the submitted ecological statement and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

#### 14. Refuse & Recycling (Pre-Occupation)

Prior to the occupation of development, details of storage for refuse and recycling, together with the access to it and including a collection point within 10m of the highway, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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

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

#### 15. Cycle storage facilities (Pre-Occupation Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

## 16. Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. The turning area shall be kept clear for the use of vehicular manoeuvres unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

## 17. Construction Management Plan (Pre-Commencement)

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

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

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

## 18. Drains (Pre-Commencement Condition)

Prior to the commencement of development details will be submitted of measures to protect the public sewers during construction and implementation of the development. The development will therefore be implemented in accordance with the agreed details.

Reason: At the request of Southern Water taking into account the engineering works proposed by the development.

## 19. Approved Plans

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

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

## Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

**PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.**

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the ‘Habitats Regulations’ refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
--	---

## Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

### Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

### The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

### Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

#### Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

#### New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

#### **Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England**

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
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
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP23	Land stability
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

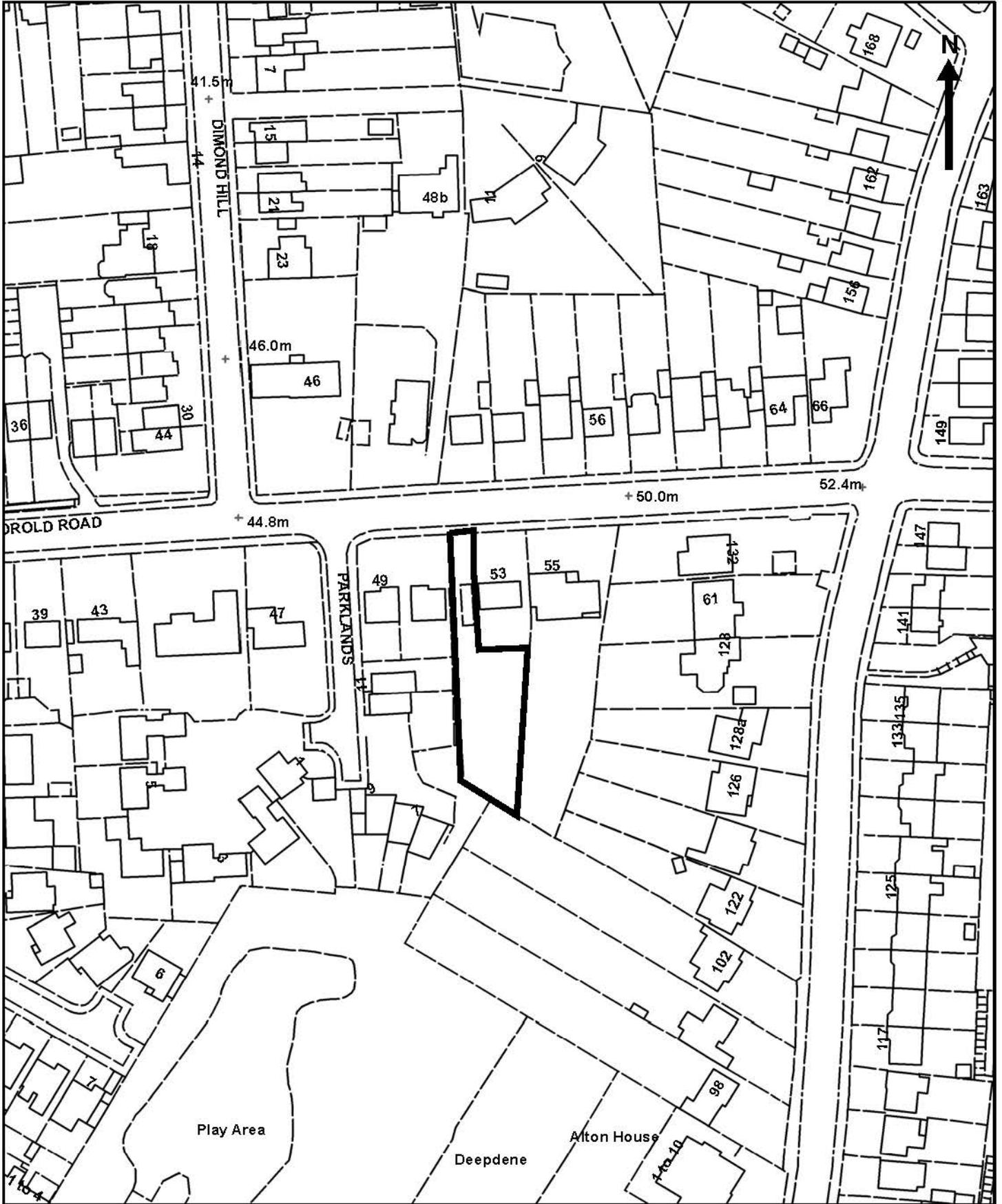
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

# 18/01291/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

