

Planning and Rights of Way Panel 15th October 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 35 Belmont Road, Southampton			
Proposed development: Erection of a part two storey part single storey rear extension for conversion of the building into 3 x flats (1 x 3 bed, 1 x 2 bed, 1 x 1 bed) with associated parking and bin and cycle storage			
Application number:	19/00227/FUL	Application type:	Full
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	29.05.2019	Ward:	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Councillor G Cooper Councillor L Mitchell Councillor J Savage
Applicant: Mr K Kang		Agent: Kingston Studio	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 (2019). CS4 (Housing Delivery), CS5 (Housing Density), CS13 (Fundamentals of Design), CS16 (Housing Mix and Type), CS19 (Car and Cycle Parking), CS20 (Tackling and Adapting to Climate Change), CS22 (Promoting Biodiversity and Habitats) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). SDP1 (Quality of Development), SDP4 Development Access, SDP5 Parking, SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, H1 (Housing Supply), H7 (The Residential Environment) of the City of Southampton Local Plan Review (Amended 2015) as supported by the NPPF (2019)

Appendix attached			
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 to secure 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/delete conditions as necessary and refuse the application in the event that 2. above is not completed within reasonable timescales.

1. The site and its context

- 1.1 The application site contains a two storey semi-detached dwelling. It forms one half of a matching pair of properties although the neighbouring property No.33 has been extended at the rear of the site and accommodation has been provided in the roofspace through the use of dormer windows.
- 1.2 The property is brick built with facing brick elevations and a concrete tiled hipped roof. To the site of the property is a driveway leading to an outbuilding to the rear of the site. There is an existing gated, vehicular access onto Belmont road on the north east corner of the site. The front boundary is formed of a low brick wall with and evergreen hedge behind in excess of 2 metres in height.
- 1.3 The site is located on the western side of Belmont Road. The area is mixed in character formed of a variety of property types including two storey houses and flats both conversions and purpose built. A number of properties in the vicinity have increased the level of accommodation through the provision of accommodation in the roofspace, as such loft conversions form part of the established character of the area. A number of the dwellings in the area are licensed houses of multiple occupation.
- 1.4 The site does contain trees to the rear of the site offered protection via tree preservation order T2-086 but the hedgerow frontage is not protected from removal.

2. Proposal

- 2.1 The application seeks to extend the property at the rear of the site via a single storey and two storey extension. Further extensions are proposed to the roofspace through dormer additions in each of the properties roof slopes.
- 2.2 The additional accommodation created seeks to convert the property into three flats. At ground floor it is proposed to provide a three bedroom flat with direct access to private amenity space at the rear of the site. The accommodation provided comprises a master bedroom served by an en-suite at the front of the property. An open plan kitchen dining and lounge area on the southern side of the property and two bedrooms and a bathroom on the north side of the property.

- 2.3 At first floor it is proposed to provide a two bedroom flat. Both bedrooms are located at the rear of the property, one located within the proposed two storey extension. A bathroom is located on the north side of the property and an open plan kitchen and lounge in located to the front of the property.
- 2.4 Within the enlarged roofspace a single bedroom flat is proposed. The accommodation includes a bedroom at the rear served by a dormer window looking towards the rear of the site. An open plan lounge and kitchenette with an outlook towards the front of the site, and a shower room located in the southern dormer window.
- 2.5 During the course of the application the on-site parking has been amended at the Highway Officers recommendation so as to improve visibility for drivers leaving the site. The number of off road parking spaces has been reduced from 3 to 2. The parking will require the removal of the existing front boundary treatment to allow direct access onto the highway. The hard surfacing is advised as permeable.
- 2.6 The proposal includes the provision of three separate bike stores (containing secure Sheffield stands) to serve each of the three flats. Details of bin storage have also been provided as part of the proposal. A pedestrian access is retained from the highway and two short sections of boundary wall no more that 60cm in height are located on the front boundary.
- 2.7 The external facing materials are advised as matching those already used on the host 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 1***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. 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 A schedule of the relevant planning history for the site is set out below

Case Ref:	Proposal:	Decision:	Date:
998/25	Erection of house	Application Permitted	1952

- 4.2 In addition, the Council has recently resolved to grant permission (subject to completion of a s.106 legal agreement) for the following at 39-41 Belmont Road:

Redevelopment of the site. Erection of a part 3-storey, part 2-storey, part single storey building containing 12x 1-bed, self-contained, supported living flats, with communal lounge, WC, administration offices, plant and refuse area with communal garden and associated car parking. (resubmission 18/01285/FUL)
LPA ref: 19/00370/FUL

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 16 April 2019. At the time of writing the report **9 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 The changing mix of accommodation in Belmont Road and Westridge Road has resulted in a loss of family homes

Response

A family home is defined by the Core Strategy as a property that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. As such in policy terms the proposal retains a family unit.

5.3 The application result in over development of the plot. The mass and scale of the build is excessive

Response

The impact of the proposal on the character and appearance of the area forms part of the material considerations for the application below. The site is considered to be sufficient in size to accommodate the proposed increase in footprint of the dwelling and still provide associated amenity space, refuse and cycle storage to the required standards without being harmful to neighbouring amenity. The proposed residential density is 75 dwellings per hectare (dph) (0.04ha/3 flats). In areas of high accessibility accepted densities exceed 100 dph. The Core Strategy (Appendix 2) identifies this part of Belmont Road as having medium accessibility to public transport where accepted densities are between 50 and 100dph (Policy CS5 refers).

5.4 The proposal will be to the detriment of the amenities of the occupier of neighbouring dwellings.

Response

The impact of the proposal on the character and appearance of the area forms part of the material considerations for the application below. Officers have concluded that the proposed impacts are acceptable.

5.5 The proposed second floor flat is very small

Response

The agent has advised that the second floor flat has an area of 35sq.m. Officers have measured the top floor flat as 30sq.m, including the staircase, with some 23sq.m of 'useable' space given the extensive dormers proposed. The council hasn't adopted its own minimum floorspace standards. The national space standards for a one person flat served by a shower is 37 sqm (50sq.m for a 2 person occupancy). As such the proposal falls between 2 and 14sq.m short of the national guidance depending on which figures are taken. However this shortfall must be assessed against the wider merits of the scheme and the contribution that the

development would bring to the housing mix for the area. The amenities of the occupiers of the proposed flat forms part of the considerations of the application as does the need to provide housing. On balance a scheme for 3 flats of varying type and size is considered by officers to be acceptable.

5.6 The proposed level of parking is insufficient

Response

The Council has adopted maximum car parking standards. For a scheme of this mix in an area of high accessibility (as defined by the Parking Standards Supplementary Planning Document) the maximum provision required is 4 parking spaces (5 if the scheme were less accessible). The SPD also confirms that provision of less than the maximum parking standard is permissible subject to justification. There are parking restrictions in the surrounding area which limit the possibility for overspill car parking. The proposed parking has been reviewed by the Council's Highway Officer who have sought a reduction in the level of parking initially proposed (from 3 to 2) in order to safeguard highway safety when entering or exiting the site. The site is located some 400m from Portswood District Centre, including access to good local services, employment and public transport links meaning that not every occupant will choose to own a car. Indeed the 2011 Census for the wider Portswood ward confirms that 32% of households in the ward do not have access to a car. To support the scheme the applicant has provided parking survey work, which were conducted on Friday 27th September 2019 between 12:30 and 01.00, and Saturday 28th September 2019 between 11.00 and 11.30. The survey found that the average overall vacancy rate of the study area was around 8%, (equivalent to 6.5 cars) for unrestricted parking meaning that any overspill can be accommodated locally.

5.7 Refuse Bins should not be stored on the forecourt

Response

The drawing 307.06 and 307.07 provide details for the proposed bin storage. The bin storage is located away from the highway. However the storage will be located more than 10 metres from the highway as such in order to allow an appropriate distance for collection of the waste bins will have to be placed closer to the highway on collection day. A condition can be imposed that prevents bins being located on the highway except on the day of collection. This would be characteristic of other residential bin collection in the vicinity.

5.8 The development will result in noise and disturbance during construction

Response

In order to protect the amenities of the occupiers of existing nearby properties a condition can be imposed that requires the submission of a construction environment management plan. 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. This shall also include details of the storage of construction materials, construction hours, and the parking of all vehicles relating to construction.

5.9 The proposal will result in the loss and disturbance of habitats

Response

The proposal site is not considered to be of high ecological value. The protection of sensitive habitats is also covered by separate legislation to the planning act should any protected species be discovered during the proposed works.

5.10 **The proposal will result in the loss of a front garden**

Response

Paragraph 2.4.4 of the Council's Residential Design Guide SPD advises that *'the replacement of traditional front gardens with open hard standing areas for parking often results in a poor visual appearance and in some cases localized flooding and will therefore be resisted'*. However, the application site is not located within a conservation area and is not a listed building. As such the proposed garden and boundary treatments could be removed without the need for express planning consent. As such the council must be mindful of this fall-back position and would not be able to refuse the application on such grounds.

Consultation Responses

5.11 **SCC Highways** – No objection

The revised plans address the previous concerns raised with regards to parking and sightlines. The submitted parking survey is appropriate and demonstrates some, although limited capacity in the vicinity. A condition to secure the submitted parking and visibility splays should be imposed

5.12 **SCC Sustainability Team** – No objection

In the case of this proposal each of the proposed dwellings will make either a total or substantial use of the existing building. Therefore, no sustainability conditions are requested.

5.13 **SCC Community Infrastructure Levy** – No objection

The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the residential building.

5.14 **SCC Tree Team** – No objection

There does not appear to be any significant trees within direct conflict with the proposal, however there is a TPO tree at the rear of the property. I would like to see a Tree survey and Tree protection plan detailing fencing towards the rear of the garden to create a construction exclusion zone (CEZ) under the canopy of the tree, this area would be closed off to all access during the development. If granted I would request a condition be placed to stop storage of building equipment and supplies under tree canopies and a plan be submitted showing the position and specification of the protective fencing, this would need to be agreed prior to commencement.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Likely effect on designated habitats.

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. A need for 16,300 homes is identified in the plan period to 2026.
- 6.2.2 Policy CS16 of the Core Strategy defines 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 1 family unit with acceptable private garden space and, as such, accords with this policy as no net loss is proposed. Instead, a good mix of accommodation within 400 metres of Portswood District Centre is on offer.

6.3 Design and effect on character

- 6.3.1 This proposal would convert and extend the existing two storey dwelling into a larger building containing three flats. The majority of the proposed works to the building will be located to the roof and the rear of the dwelling.
- 6.3.2 With regard to the proposed roof alterations the Residential Design Guide (2006) advises in paragraphs 2.5.2 to 2.5.4 how alterations to a properties roof form should be undertaken. The guidance advises on the importance of maintaining the properties roof ridge in order to preserve the character of the area. It also advises that dormers should not fundamentally change the overall shape of the roof.
- 6.3.3 The proposed dormer will be set in from the roof ridge. It will also be set in from both the front and rear roof slopes and the eaves of the dwelling. Furthermore the proposed alterations will largely mimic those made on the other half or the semi-detached pair 33 Belmont Road.
- 6.3.4 Any fall-back position is a material consideration in the decision making process, of which the rights given by General Permitted Development Order should be taken into consideration. It is sometimes argued that a proposed extension should be approved because a similar, often more harmful, addition could be built as permitted development. But in order for this argument to succeed it has to be shown that there is a reasonable likelihood of the fall back development being built if permission is denied. In this instance, as the proposed rear and side dormer windows will be no higher than the existing roof ridge, will be located on the side and rear elevations, and do not contain any upper floor side windows, a similar level of roof alteration may be achievable using the properties current permitted development rights. However the proposed front dormer window would require express planning consent.
- 6.3.5 The proposed additions at the rear of the property will be similar in scale design and proportion to the additions the neighbouring dwelling No.33. As such as the property would largely reflect the character scale and appearance the neighbouring property that forms the other half of the semi-detached pair the proposed external design of the property is considered to reflect the character of the area.
- 6.3.6 Limited details has been provided with regard to the proposed external facing materials however these details can be secured buy condition. As such, the proposed design solution can be supported.

6.4 Residential amenity

- 6.4.1 Concern has been raised that the proposal will result in a loss of privacy to the occupiers of the neighbouring dwellings. However, the upper floor windows on the rear elevation will look towards the rear boundaries of the neighbouring dwellings and will provide no further overlooking that the existing upper floor windows.
- 6.4.2 On the side elevation it is proposed to insert one additional upper floor window. This window will serve a bathroom and as such can be expected to be obscure glazed to protect the privacy of the occupants, mitigating any harmful overlooking from this window. Furthermore provided the upper floor window to be inserted is obscure glazed, and has no openings below 1.7m above the internal floor level of the room that it serves, then the insertion of the window could be considered to be permitted development if it was inserted into the current property. Obscure glazing can be secured by condition.
- 6.4.3 The outlook from the upper floor windows on the front elevation will be onto areas already open to public view.
- 6.4.4 With regard to outlook and loss of light the immediate neighbour is No.33. The proposed two storey extension will be located away from the shared boundary with this property. Section 2.2.11 of the RDG advises that the works should not breach a line drawn at 45° from the quarter-point of the nearest windows lighting habitable rooms within neighbouring properties. When such a line is taken from the neighbouring upper floor window the proposed two storey extension falls outside of the line. As such the proposal is considered to comply with the guidance provided within the Residential Design Guide.
- 6.4.5 Due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of privacy, light or outlook. As such, the proposed design solution can be supported.

6.5 Occupier Amenity

- 6.5.1 Paragraph 2.3.14 of the Residential Design Guide advises that the minimum garden size for a flats is 20 square metres per flat. The proposed 3 bedroom flat will be directly served by a 49sqm individual garden area preventing the loss of a family dwelling. The remaining two flats will be served by a communal amenity area far in excess of the required 40sqm. This area is located at the rear of the site accessed via the side of the property.
- 6.5.2 It is noted that this access to the rear amenity area will pass a bedroom and bathroom window serving the ground floor unit. In order to prevent residents passing in close proximity to these windows a defensible space is suggested to provide a buffer between the window and those entering the amenity area protecting the amenity of the occupiers.
- 6.5.3 The provision and retention of the amenity areas can be secured by condition as can the provision of the defensible area protecting the ground floor bedroom and bathroom.

- 6.5.4 With regard to the level of accommodation provided in each unit the National Technical Housing Standards provide requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy. This is guidance and has not been adopted as yet by the Council.
- 6.5.5 The agent has advised the internal floor space of the proposal to be 88 sqm for the ground floor 3 bedroom flat. The first floor flat has a 55sqm floor area and the second floor flat 35sqm.
- 6.5.6 The Technical Housing Standards advise that a 3 bedroom single storey dwelling should provide between 74 and 95sqm of gross internal floor space, 2 bedroom single storey dwellings should provide between 61 and 70 sqm of accommodation and a single bedroom, single storey flats served by a shower should have a minimum floor area of 37 sqm.
- 6.5.6 However, the Written Ministerial Statement of 25 March 2015 that relates to the standards states that decision takers should only require compliance with the technical standards where there is a relevant current Local Plan policy. However Southampton City Council has not formally adopted the minimum living space standards. As such the Council cannot apply the standards on a mandatory basis, but could decide that the accommodation is nevertheless not fit for its intended purpose.
- 6.5.7 As such it noted that the upper floor units do not meet the indicative recommended standards. However, all habitable rooms in the property, with the exception of the bathrooms, are served by appropriately sized windows with a relatively open dual outlook. All rooms have access to sources of natural light, it is noted that the kitchen area for the ground floor flat is set away from the windows on the rear elevation, however the ground floor accommodation is also served by roof lights providing natural light to the ground floor reducing the reliance on artificial light.
- 6.5.8 It is noted that the proposed accommodation for two of the proposed units falls slightly short of the requirements of the Technical Housing Standards, however, the proposed flats provide a contribution to the housing mix of the area that includes two storey dwellings, flats and HMOs that can be expected to provide even lower level of private accommodation. As such officers have attached greater weight to the need for housing, the retention of a family dwelling and the provision of a mix of accommodation over unit size in this instance. The Panel are, of course, free to form a different opinion attaching more weight to the latter.

6.6 Parking, Highways and Transport

- 6.6.1 The Council's Highways Officer has advised that the development is acceptable in principle.
- 6.6.2 Initially the application contained three parking space on the forecourt. However, three consecutive spaces in a row fronting directly onto the public footway is generally not accepted in the interest of highway safety. When all spaces are occupied, the middle car which can potentially be reversing out would have sightlines obscured on both sides. Therefore, at the Highway Officer's request, two spaces are now provided on the forecourt. A front boundary treatment is included to enforce this restriction. This front boundary wall will have height restriction of

600mm in order to secure pedestrian sightlines. Such facilities can be secured by condition.

- 6.6.3 It is noted that parking overspill is a concern of local residents. The site is located on the edge of the high accessibility area of the Parking SPD, but whether it is high or not, the parking provision is lower than the maximum standards. Parking overspill is therefore considered an amenity issue rather than a highway safety issue.
- 6.6.4 Included as part of the supporting information for the proposal is a parking survey. The survey has been conducted in accordance with the Council's Requirement of Parking Surveys' document dated January 2016. The surveys were conducted on Friday 27th September 2019 between 12:30 and 01.00, and Saturday 28th September 2019 between 11.00 and 11.30. There were no Public Holidays or School Holidays.
- 6.6.5 Belmont Road does not have any parking restrictions other than drop kerbs to properties or a single solid white line denoting a no parking area to the front of a fire hydrant in the road outside of No.39 Belmont Road. There are double yellow lines at either end of the road. Many properties within Belmont Road are served by off road parking. The 2011 Census for the wider Portwood ward confirms that 32% of households in the ward do not have access to a car.
- 6.6.6 The survey found that the average overall vacancy rate of the Study area was around 8%, (equivalent to 6.5 cars) for unrestricted parking. It was noted at the time of both surveys, that the areas of Osbourne Road South and lawn road, situated under 300m from the application site, there were very high degrees of available on street parking.
- 6.6.7 The survey advises that there are currently 59 property frontages onto Belmont Road within the 200m Radius. Of these only 7 frontages do not have off street parking. Therefore 88% of sites along the survey area have access to off street parking as well as on street parking. The number of actual dwellings having access to off street parking will be higher than 88% as there are a large number of flat developments within the study area providing multiple dwellings to one frontage, with off street parking.
- 6.6.8 The highways officer has reviewed the submitted survey and advised '*The survey results do indicate that on-street parking is around 91% capacity – about 6 or 7 spaces along this stretch of Belmont Road. The proposed development would need to consider only one parking space potentially over spilling in accordance with SCC's maximum parking standards. Therefore the survey does indicate that one more car could be accommodated albeit the capacity will be reaching nearer to full.*'
- 6.6.9 With regard to public transport the closest bus stop to the application site is St Denys Road, approximately 250m away. Buses between 05:30 and 00:30 weekdays and 06:30 and 00:30 on the weekend. Local Supermarkets are within 500m and St Denys train station is located approximately 400m away.
- 6.6.10 The proposal also provides 3 dedicated cycle stores to serve the three flats. Each cycle store includes a Sheffield stand to provide a secure and sheltered facility. On this basis the provision of 3 dwellings served by 2 car parking spaces can be supported.

6.7 Trees

6.7.1 The application site contains trees to the rear of the site offered protection via tree preservation order T2-086. These trees are not considered to be in conflict with the proposal. However they will require protection during the on-site works. As such a condition can be imposed requiring the submission and approval of a tree protection plan detailing fencing towards the rear of the garden to create a construction exclusion zone, preventing works and storage of plant and materials in close proximity to the protected trees during construction.

6.8 Likely effect on designated habitats

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

7. Summary

7.1 The conversion and extension of the existing dwelling into 3 flats retains a family dwelling and can be undertaken whilst providing all the necessary facilities needed to serve the 3 flats in accordance with the Council's adopted standards. The amenities of the neighbouring properties can be protected via planning condition and the increase in activity associated with 3 flats rather than a single dwelling is not considered to be likely to generate a significantly greater level of activity or disturbance. A parking survey has been provided and Highways Officers have raised no objection to the proposal whereby 1 dwelling would not have access to a parking space. This report sets out further details regarding the size of the accommodation on offer and explains why, on balance, some flexibility has been afforded in this case (particularly in respect of the 1 bedroom flat proposed in the roof space. The scheme is compliant with the relevant policies and delivers an additional two dwellings thereby assisting the Council in meeting its housing need.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to Habitats Mitigation Contribution Agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer MT for 15/10/19 PROW Panel

PLANNING CONDITIONS to include:

1.Full Permission Timing Condition (Performance)

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

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

2. 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.

3. Materials

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

4. Cycle storage facilities

Before the development hereby approved first comes into occupation, the secure and covered storage for bicycles shall be implemented in accordance with submitted details. The storage shall be thereafter retained as approved.

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

5. Refuse Storage

Prior to the first occupation of the development hereby approved the proposed bin storage shall be implemented in accordance with submitted details. Such facilities as approved shall be permanently maintained and retained for that purpose. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the building.

Reason: In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

6. Details of Boundary Treatment & Landscaping Buffer

No development shall take place before details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development and the landscaped buffer to the side of the development (as shown on the approved plans) have been submitted to, and approved in writing by, the Local Planning Authority. Prior to first occupation or use of the development the walls (including retaining walls), fences, gates or other means of enclosure and the landscaped buffer to the side of the development shall be erected as approved and shall thereafter be permanently retained and maintained during the lifetime of the development.

Reason: In the interests of visual and residential amenity

7. Hours of Work

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.

Reason: To protect the amenities of the occupiers of existing nearby residential properties

8. Construction Method Plan

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.

9.No storage under tree canopy

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.

10. Provision of Amenity Space

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

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

11. Parking and Access

The marked out parking for a maximum of 2 vehicles, their access, and the front boundary wall shall be provided in accordance with the plans hereby approved before the development first comes into occupation and shall thereafter retained as approved. The hardstanding to the front of the property shall be of a porous material. A parking space shall be provided for both the 2 and 3 bedroom dwelling hereby approved.

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

12. Visibility splays

Visibility splays of 1.7m x 1.7m shall be provided and permanently maintained on both sides of the access to the development. There shall be no obstruction to visibility 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

13. Obscure Glazing

The first floor window on the side elevation serving the bathroom shall be obscure glazed to Pilkingtons level 3 or equivalent. The window shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. Once installed the windows shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the occupiers and adjoining residential properties.

14. Retention of Family Dwelling

The development shall include a 3 bedroom flat in accordance with the plans hereby approved for the lifetime of the development, which shall be ready for occupation prior to the first occupation of the development hereby approved.

Reason: To ensure compliance is maintained with saved LDF Core Strategy Policy CS16

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 (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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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.

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

endorsed by Natural England.

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

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
CS5	Housing Density
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
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 (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:1,250

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