

Planning and Rights of Way Panel 11th February 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: The Conifers, Wrights Hill, Southampton			
Proposed development: Redevelopment of the site. Erection of 6 x 3 bed dwellings with associated parking, bin and cycle storage following demolition of existing dwelling (resubmission of 19/00832/FUL)			
Application number:	19/01963/FUL	Application type:	FULL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	19.02.2020 (Extension of Time Agreement)	Ward:	Woolston
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors:	Cllr Blatchford Cllr Hammond Cllr Payne
Applicant: Rivendale Homes Ltd		Agent: Vivid Design Studio Ltd	

Recommendation Summary	Delegate to the Head of Planning & Economic 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 such as character of the area, residential amenities and highway safety 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). Policies – CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS23 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, NE4, NE7, H1, H2, H6, H7 and HE6 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant sections of 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 Head of Planning & Economic 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:
 - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - iv. 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 Head of Planning & Economic 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 Head of Planning & Economic 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 is currently a chalet bungalow in a large plot. The property lies immediately south of the ward boundary between Woolston and Sholing and is positioned at a highly prominent location, immediately adjacent to a junction. The bungalow is screened by a high evergreen hedge along its boundary.
- 1.2 The site area is 0.17 hectares and a substantial part of it is a garden with vegetation. This provides a pleasant break in development on this prominent corner site. The typical pattern of development in the area is detached and semi-detached houses – typically 2 storey - located in long plots with generous rear gardens. The site lies within an area of mixed character, due to the siting of Mayfield Park, a corner shop and flatted block opposite.

2. Proposal

- 2.1 Full planning permission is sought to redevelop the site to provide six, three-bed dwelling houses. The proposed dwellings are two-storey, to a height of approximately 9 metres, roughly one metre higher than the adjacent properties.

These properties will be on a higher level than due to the site lying at the top of the hill. The materials chosen for construction are brick with lintel and porch detailing. The dwellings have double-height bay features, pitched roofs and have chimneys to mimic neighbouring housing stock.

- 2.2 Each unit would have a lounge, kitchen/diner and toilet at ground floor and at first floor and bathroom, three bedrooms (one bedroom would have an en-suite). The properties all front the road with two tandem spaces bar unit six which has a space either side of the unit and informal visitor spaces adjacent to the proposed landscaped hedge.

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 previous scheme for eight units (19/00832/FUL) was refused on 10.07.2019 for over-development, impact on the character of the area and poor residential amenities. Further to this, highway safety was a reason for refusal, based on the stoppage time for the refuse vehicle on the public highway, and standard S106 reasons for refusal. This application seeks to address these objections.

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 (**20.12.2019**). At the time of writing the report, 7 representations have been received from surrounding residents and a ward Councillor. The following is a summary of the points raised:

- 5.2 ***Highway safety issues (pedestrian and vehicular) relating to the adjacent junction and bus stop and the increased traffic due to the development. Neighbours feel the junction needs highway improvements***

Response

The Council's Highway's Development Management team have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. No objection has been received on these grounds. It is noted that the number of trips will increase to the site but the single vehicular access remains, albeit extended in width to provide better pedestrian

sightlines. Highway improvements will be secured by this application (see recommendation 2(ii) above), albeit relevant to the development in terms of scale and impact to ensure the development itself is acceptable in planning terms.

5.3 ***Construction traffic may use neighbouring parking areas and so could future occupiers.***

Response

A construction management plan condition is suggested which requires details of where construction traffic will park and the storage of materials will be located therefore seeking limit the harm to the surrounding area. Two parking spaces are proposed per unit with the addition of informal visitor parking so parking exceeds the maximum parking standards in this location (i.e. 2 spaces per dwelling).

5.4 ***Concerned about overlooking into flat opposite and impact of noise on neighbouring occupiers***

Response

The Council's adopted Residential Design Guide (RDG) Supplementary Planning Document stipulates separation distances between properties but no standards exist across the street. Since the front elevations and curtilages of properties are visible from public vantage points, frontages are typically less private than the rear. On this basis, overlooking across the street is not considered to be harmful. With respect to noise, all residential properties have the potential to generate noise. However, the Council's Environmental Health team has not objected and the delivery of housing should not be held up due to concerns that some residents may be unneighbourly. The planning system should plan for reasonable behaviour. Planning conditions can be used to minimise disturbance during the construction phase.

5.5 ***Concerned about the loss of wildlife***

Response

No objection has been raised by the Council's Ecologist, The proposal will not result in the loss of any important or protected trees. The proposal seeks to retain as much of the hedging as possible along the frontage and proposes to replant where the existing access way is located. A landscaping condition is suggested to ensure the provision of replacement semi-mature trees.

Consultation Responses

5.6 ***SCC Highways – No objection***

The principle of development is acceptable, the introduction of Eurobins results in the same number of bins being collected and therefore the length of time the refuse vehicle would have to be obstructing the road during collection times would be the same. The concern raised is if there was a lengthier time, this may encourage drivers to overtake at a point where there is a slight bend in the road. The main conflict would be with vehicles travelling North East along Weston Lane turning left into Wrights Hill. There is a bit of a blind spot due to the bend and the left turn into Wrights Hill is fairly wide in terms of the junction radii. This could result in vehicles not having to slow their speeds as much. Although this scenario doesn't occur throughout every day and will be specific to when refuse is being collected (or deliveries), the possible severity of this risk is considered to be high.

The level of parking is above SCC policy due to the addition of visitor spaces and therefore it is recommended from highways point of view that this should be in compliance with Policy. However, as a planning balanced judgement, visitor spaces could be welcome here due to the various parking restrictions in the local roads.

Apart from the standard conditions listed below, a condition for pedestrian sightlines would be needed – due to site specifics, a 1.5mx1.5m area either side of the vehicular access is accepted.

The application is supported subject to the standard conditions regarding:

- 1) Bins storage and collection point
- 2) Cycle storage
- 3) Parking
- 4) Pedestrian Sightlines

5.7 **SCC Sustainability Team – No objection** subject to conditions to ensure energy and water targets are met.

5.8 **SCC Archaeology– No objection**

The application site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. LAAP 16 covers parts of the city defined as an area of archaeological potential about which little is known at present, due to a lack of formal archaeological fieldwork. Several prehistoric and Roman finds are recorded for the area; although of uncertain location, these may have come from the former gravel/clay pit and brickworks now the Miller's Pond/Sholing Valleys Study Centre to the northwest. The application site is on slightly higher ground overlooking the Sholing Valley streams. Some 160m to the northeast of the application site, in the same part of the landscape, a small pit containing Saxon pottery and Romano-British tile fragments was found. The application site therefore has some archaeological potential.

Archaeological remains, if present on the site, would be non-designated heritage assets under the National Planning Policy Framework. (Further information about the archaeological potential/heritage assets of the area is available on the Southampton Historic Environment Record.)

The proposed development involves the erection of six dwellings with associated parking, etc, following demolition of existing dwelling. Development here threatens to damage potential archaeological deposits, and an archaeological investigation will be needed to mitigate this. The archaeological investigation will take the form of a watching brief on the groundworks with provision to excavate if archaeological deposits are uncovered. Groundworks includes all level reductions, foundations, services/soakaways, etc. (This basic level of archaeological mitigation is proportionate to the size and archaeological potential of the site.) These are to be secured via condition.

5.9 **SCC Environmental Health (Pollution & Safety)- No objection**

The Environmental Health Team have no objections subject to a condition seeking a construction environment management plan.

5.10 **SCC Ecology – No objection**

The application site comprises a house and mature gardens with areas of lawn, trees, shrubs and boundary hedgerows. These habitats have the potential to support protected species including bats and nesting birds.

5.10.1 An ecology survey has been undertaken which establishes that the bat roost potential of the building and trees is negligible but that there is potential for nesting birds. Some of the boundary vegetation is being retained and a new native hedgerow is proposed along two sides which will maintain much of the biodiversity value of the site. Removal of the other vegetation poses a risk to breeding birds. Nesting birds receive protection under the Wildlife and Countryside Act 1981 (as amended) so mitigation measures will be required to prevent adverse impacts during vegetation clearance.

5.10.2 The vegetation running along the railway line adjacent to the northern boundary is likely to be used as a commuting corridor for bats. The orientation of the gardens adjacent to this vegetation is an improvement on the layout of the earlier planning application because it reduces the need for lighting and hence the risk of adverse impacts on bats. Should external lighting be required, I would like it to be LED using warm white (2700k to 3000K) luminaires with a peak higher than 550nm. Direct light spill onto vegetation should be avoided and lux levels around tree canopies should be no greater than 0.5lux.

5.10.3 The ecology report provided includes a number of mitigation and enhancement measures which are appropriate. However, bearing in mind the close proximity of bat foraging habitat I would like to see a bat box installed on plot 6. In addition, if the intention is to run the close boarded fencing on the western boundary up to the fencing along the railway line, a gap should be provided for hedgehogs. Conditions seeking an ecological mitigation statement, the protection of nesting birds and lighting is requested.

5.11 **SCC Community Infrastructure Levy**

The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is currently £104.38 per sq m, to be measured on the Gross Internal Area floorspace of the new dwellings. Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point. If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

5.12 **Southern Water – No objection**

Suggests a condition and an informative to secure details of the means of foul and surface water disposal.

5.13 **Network Rail - No objection in principle.**

Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts Network Rail prior to any works commencing on site.

6.0 Planning Consideration Key Issues

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

- Background;
- The principle of development;
- Design and character;
- Effect on residential amenity;
- Parking highways and transport and;
- Mitigation of direct local impacts.

6.2 Background

6.2.1 The earlier planning application on this site (reference 19/00832/FUL) was refused planning permission under delegated authority on 10.07.2019 for the following reasons:

6.2.2 **1. Overdevelopment, impact on character and poor residential amenities**

The proposed layout and excessive level of site coverage (with buildings and hard surfacing exceeding 50% of the site) is symptomatic of a proposal that results in both an overdevelopment of the site and a development that is out of character with the established pattern of development within the vicinity. Consequently, the development fails to provide sufficient garden sizes which are at odds with the pattern of development of the area and inadequate for the future occupiers of the proposed two/three bed units to enjoy, which could accommodate families with children. Furthermore the layout fails to respect the established building line and due to the proximity of the development to both the site and landscaped boundaries results in a poor outlook and reduced light level at the ground floor level of the units.

2. Highway Safety

The vehicular access location and the subsequent level of development would result in the refuse vehicle standing for a prolonged period whilst serving the additional residential units resulting in an obstruction for other road users. This impact when combined with the proximity of the site to the junction with Weston Lane and the existing road conditions could result in drivers overtaking close to a blind bend leading to issues of highway safety.

6.2.3 The proposal was also refused for failure to complete a section 106 agreement.

6.2.4 The revised scheme seeks to address these reasons. The main changes to the proposal are summarised as follows:

- The reduction in the number of units from 8 to 6 which has allowed the increase in garden space;
- Setting back the dwellings from the boundary with the roads to retain the front hedge;
- The improvement of the design detailing of the dwellings to reflect the established character of the area;
- Integrating the car parking with the housing, replacing a communal rear car park and;

- The provision of a screened communal refuse storage area adjacent to the access.

6.3 Principle of Development

6.3.1 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, and the use of previously developed land. The redevelopment of this site for residential use, and particularly genuine family housing, is acceptable in principle and accords with the policies within the development and central government's guidance (through the NPPF) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised.

6.3.2 The proposal does result in the development of garden land but the resultant plot sizes are comparable to those which already exist within the area. The proposed density (of 35 dwelling per hectare - dph) is in line with the guide of 35-50 dph for the site having regard to criteria 1 of policy CS5 of the LDF Core Strategy and, as set out in section 6.4 below, has regard to the character and appearance of the existing neighbourhood. The principle of development is, therefore, considered to be acceptable.

6.4 Design and Character

6.4.1 The proposed layout, due to the decrease in the number of dwellings from eight to six, will sit comfortably within its immediate context by providing semi-detached dwellings, similar to the adjacent neighbouring development; each with gardens similar to neighbouring gardens depth adjacent. Each dwelling would be served by private gardens in excess of the 70sq.m in area, which the Residential Design Guide Supplementary Planning Document recommends for dwellings of this nature.

6.4.1 Parking for two cars is provided to the side of each dwelling, better integrating into the development and ensuring that hard-surfacing does not dominate the layout. The footprint of buildings and hard-surfacing now equates to less than 50% of the site area, as required by paragraph 3.9.2 of the Residential Design Guide.

6.4.3 The revised proposal is set back from in terms of the building line than the adjacent properties at 12-36 Wrights Hill which allows the majority of the front hedge to be retained, whilst ensuring sufficient space between the front boundary and the dwellings to secure good quality outlook. Furthermore, the set-back reduces the impact of the development on the streetscene. The current hedging surrounding the site is key to the character of the area. This will be retained, where possible, or replaced with mature hedging to retain the attractive corner feature. A landscaping condition has been suggested to secure the retention of the landscaping to front and provide replacement trees to the rear.

6.4.4 In terms of the elevation design of the dwellings, the amended proposal has been designed to be in keeping with neighbouring units in terms of the insertion of a double height bay and the side entrances which is positive and complies with policy and guidance. Infill development on corner plots need careful consideration to ensure that the local character and privacy of adjoining

dwelling is not harmed and the development makes a positive contribution to the enhancing the streetscene as set out in section 3.7.11 of the adopted RDG.

6.4.5 As such, it is considered that the proposal has fully addressed the previous reason for refusal in relation to character and amenity.

6.5 Effect on Residential Amenity

6.5.1 The relationship of the proposal with nearby residential occupiers did not form part of the previous reason refusal as was considered to be acceptable. Due to the corner position of the site and the railway line to the rear, the nearest properties other than 12-36 Wrights Hill are Mayfield View, 2 Newtown Road and 238 Weston Lane. These neighbouring properties are over 21 metres away – the minimum RDG standard. There are no privacy standards for the separation of buildings across a street since it is typical and expected for frontages of buildings to address the public realm. With respect to the properties at Wrights Hill, as the proposal would effectively continue the streetscene with the proposal broadly respecting the front and rear building line in the street, no harmful loss of outlook would occur as a result of the development. The only side facing windows proposed are to the ground floor, and therefore would be screened by boundary treatment. There will be indirect views potentially into the rear gardens of the neighbouring properties but this relationship is usual in suburban areas and does not result in a harmful loss of privacy for existing residents. The development is, therefore, considered to be acceptable in this respect.

6.6 Parking highways and transport

6.6.1 The previous highway safety reason for refusal related to the refuse collection arrangements, specifically the amount of time a refuse collection vehicle would have to wait on Wrights Hill whilst 8 individual bin containers were collected. The application now proposes a communal Euro-Bin store, adjacent to the vehicular access to the site which will reduce the time the collection vehicle waits on the highway. This store would be screened by vegetation. Subject to details of the elevational design of the store, this arrangement is considered to be acceptable and has addressed the previous reason for refusal.

6.6.2 The level of parking provision proposed is in accordance with the adopted Parking Standards SPD, as two spaces per unit are provided. On this basis, the level of parking would meet the demands of the development. There is provision for informal visitor parking on site that results in the development exceeding the maximum standards, but since there is a mixture of restricted and unrestricted on-street car parking in the area, this is considered to be acceptable. Overall, it is considered that the level of parking provision is entirely appropriate for the development and location. Furthermore, the site benefits from a corner shop opposite to meet the day-to-day needs of residents.

6.6.3 The Council's Highways Officer has raised no objection to the proposal with respect to parking or highway safety. There will be an increase in traffic from the development however, on balance, the scheme will not result in detrimental harm to the other users of the highway network or neighbouring occupiers. Therefore, subject to securing the mitigation measures set out in section 6.7 below, the proposal is acceptable in highway terms.

6.7 Mitigation of direct local impacts

- 6.7.1 Given the scale and impact of the development, the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). The main area of contribution for this development is for highway works and these works are to be secured via a Section 106 legal agreement with the applicant. These works will be improvements to pedestrian and cycle facilities within the vicinity. In addition the scheme triggers the Community Infrastructure Levy (CIL).
- 6.7.2 Furthermore, to address its impact on European designated sites for nature conservation, the application is delegated for approval subject to the payment of a contribution towards the Bird Aware Solent scheme. 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

The provision of a small development of genuine family housing would address an identified need in the city and is designed to reflect the character of the area and minimise its impact on existing residents. The proposal addresses the previous reasons for refusal and provides a layout, density and acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

8. Conclusion

It is recommended that planning permission be granted subject to a Section 106 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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

ARL for 11/02/2020 PROW Panel

PLANNING CONDITIONS

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. 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.

3. Residential - Permitted Development Restriction (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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof), or

Class E (curtilage structures), including a garage, shed, greenhouse, etc...

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

4. 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 side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

5. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of the external appearance of the storage to house Eurobins for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage, that will solely house Euro bins and not individual bins, shall be provided in accordance with the agreed details and 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 at least 8 weeks prior to occupation of the development to discuss requirements.

6. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport

7. Parking and sightlines(Pre-Occupation)

The parking spaces and sightlines hereby approved shall be provided prior to the development first coming into occupation and the parking spaces shall be 2.4m wide by 5m width. In addition the access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

8. Energy & Water (Pre-Commencement Condition)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the 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 (Amended 2015).

9. 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 Adopted Core Strategy (Amended 2015).

10. Landscaping & means of enclosure detailed plan (Pre-Commencement Condition)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. hard surfacing materials;
- ii. planting plans, to include the retention of the existing boundary hedge where possible, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate - to be agreed;
- iii. a replacement of trees of a ratio of two for one;
- iv. boundary treatment and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of the boundary treatment along Wright's Hill which shall be retained for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site, screen the development, and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

11. Ecological Mitigation Statement (Pre-Commencement Condition)

Prior to development commencing, including site clearance, a programme of habitat and species mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as agreed unless otherwise agreed in writing by 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.

12. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

13. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

14. Unsuspected Contamination (Performance Condition)

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.

15. Archaeological watching brief investigation (Pre-Commencement Condition)

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.

16. Archaeological watching brief work programme (Performance Condition)

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.

17. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

18. Hours of work for Demolition / Clearance / Construction (performance condition)

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

19. Construction Management Plan (Pre-Commencement Condition)

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.

20. Approved Plans (Performance)

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.

NOTES TO APPLICANT

1. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. Network Rail

Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to

any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

3. Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

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.

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>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.

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
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
NE7	Rail Corridor
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
HE6	Archaeological Remains

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)