

Planning and Rights of Way Panel 21st November 2023
Planning Application Report of the Head of Transport and Planning

Application address: Rear of 92 Merryoak Road, Southampton			
Proposed development: Erection of 2x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Resubmission ref 22/01104/FUL)			
Application number:	23/01174/FUL	Application type:	FUL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	01.12.2023	Ward:	Peartree
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors:	Cllr Keogh Cllr Houghton Cllr Letts
Applicant: Mr & Mrs C Andrews		Agent: MDT Design	

Recommendation Summary	Delegate to the Head of Transport and Planning 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 (2023). Policies – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached

1	Habitats Regulation Assessment	2	Development Plan Policies
3	Planning History inc. details of previously refused scheme for 7 flats (22/01104/FUL)		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 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 Head of Transport and Planning 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 Transport and Planning 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 This site currently contains a detached dwellinghouse fronting Merryoak Road, which is currently vacant. The rear of the site is currently used for the open storage and distribution of coal with a number of associated single-storey buildings (including a site office). The site is laid out with hardstanding to the front and rear and a wide vehicular access to the rear is provided to the side of the dwelling. The site clearly appears commercial and based on aerial photos from 1999 the use has operated from the site (an historic use of land without planning permission) for at least 23 years.
- 1.2 The surrounding area is characterised as suburban residential with two-storey dwellings of mixed appearance. Although the prevailing character comprises street-frontage dwellings with rear gardens, back-land dwellings also form part of the established character of the area, including the cul-de-sac Pycroft Close to the north-east of the site. There are no local parking permit street controls.

2. Proposal and background

- 2.1 The current application follows an unsuccessful application from last year for the demolition of the existing dwelling and the erection of a two-storey building containing 4x1-bed flats and a 3-storey building containing 3x2-bed houses (reference 22/01104/FUL).

This application was refused under delegated powers, and the following is a summary of the main issues:

- Out of character/overdevelopment (plot to coverage in terms of footprint,

proximity of the rear gable ended 3-storey terraced block to boundaries and depth of the front flatted block represented a cramped development).

- Impact on Residential Amenity (the development would have an overbearing impact due to scale, bulk and height in terms of loss of light and outlook of 94a/b Merryoak Road and 29-31 Margam Avenue).
- Poor living conditions (insufficient external amenity space provision and lack of privacy separation between the housing and flatted blocks).
- Road Safety (inadequate/insufficient evidence to demonstrate on-site turning to enable vehicles to safely ingress and egress in a forward gear).
- Insufficient parking (insufficient evidence to demonstrate that the parking demand from this development would not cause parking overspill and harm to amenity).

The full reasons for refusal are set out in **Appendix 3** of the report.

2.2 The current application seeks to address the reasons for refusal set out above. The revised scheme retains the existing residential dwelling to the front of the site and provides a pair of semi-detached, two-storey houses to the rear of the site, where the coal-yard is currently located. The existing house will retain two car parking spaces, with the remaining frontage being soft landscaped. The scheme has been amended slightly since first submitted to ensure that the new houses will also be served by 2 car parking spaces each, accessed via the existing side vehicular access.

2.3 The proposed dwellings have a simple appearance, constructed with brick elevations, hipped roofs and front porches. The semi-detached houses provide a lounge, kitchen/diner and w.c on the ground floor and at first floor, 3 bedrooms (one with an en-suite) and a bathroom would be provided. Refuse and cycle storage is located to the rear of the existing unit. All the units have the main entrance on the front elevation and separate entrance to the rear is also provided.

2.4 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Prescribed Space Standards (NDSS) (3 bed with 4 people 84 sq.m) and the minimum garden sizes of 10 metre garden depth and 70sq.m area set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). A comparison with the standards is set out as follows:

Plot	Proposed Floor Size (sq.m)	Garden size(sq.m)	Compliance
1	85	57	Y & N
2	85	60	Y & N

2.5 The proposed gardens are 9.6 m metre deep and slightly smaller than the 70 sq.m guidance for garden standards set out in the Residential Design Guide Supplementary Planning Document. However, it is important to note that the properties have a similar garden provision to properties both within Pycroft Close and some properties along Merryoak Road. Maximising the use of

previously developed land for housing is also relevant here. This is assessed as part of the 'Planning Balance' in section 6 below.

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 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 219 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 The only relevant history, as set out in section 2 above, relates to a more intense scheme for the redevelopment of the site which was refused under delated powers (reference 22/01104/FUL). The reasons for refusal are set out in **Appendix 2** of this report.

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 **13.10.2023**. At the time of writing the report **5 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Not in keeping with the surrounding area due to the dwellings effectively being in rear garden area and two storeys in height.***

Response

As section set out in section 2 of this report, the character of the area includes two storey dwellings located to the rear of street-facing properties and, furthermore, the proposal is more sympathetic within a residential context than the previous commercial use.

5.3 ***Loss of light, privacy and a view for properties in Pycroft close and Merryoak Road. The development will overlook neighbouring occupiers and result in noise and disturbance.***

Response

Having regard to the separation distances proposed and the modest two-storey height of the dwelling, it is considered that the development would not result in a detrimental loss of light to neighbouring occupiers, nor loss of outlook or privacy.

The distance between the rear elevations of the properties in Pycroft Close and the side elevations of the proposed houses is between 18 - 19 metres. This is much greater than the 12.5 metres separation distance that the Residential Design Guide seeks for such situations.

With respect to the separation of the development to properties in Merryoak Road and Margam Avenue, the proposed distances are between 24-29 metres and 30-39 metres respectively. The Residential Design Guide seeks 21 metres separation for such back-to-back relationships, which the development comfortably exceeds.

There is no reason to suspect that two residential dwellings would generate greater noise and disturbance when compared with the existing commercial use of the site, particularly since that use is unfettered by any planning controls that would limit noise and disturbance (such as hours of operation). The main noise impact of the new development would result from vehicles using the access and parking and it is noted that there is existing vehicular access into the site associated with the commercial use. Construction noise and disturbance can be mitigated by the suggested planning conditions.

5.4 ***Intensification of site more trips and pollution***
Response

Whilst the activity of the existing coal yard is now being reduced, it is a historic storage and distribution use, unfettered by planning controls. As such, the use could intensify or an alternative storage and distribution use could operate from the site without requiring planning permission. Such commercial uses typically generate greater vehicular movements, including by HGVs, when compared with residential properties. As such, the proposal is considered to be betterment in this respect.

5.5 ***Create further hardstanding which would provide drainage issues***
Response

The proposal will reduce amount of hard standing, given the rear of the site is currently 100% developed, which will improve the permeability of the site, therefore reducing surface water run-off.

5.6 ***Over development of the site.***
Response

The development would result in a density of 38 dwellings per hectare (dph), which accords with the density range of 35-50 d.p.h that Policy CS5 of the Core Strategy sets out as being acceptable in this location. Furthermore, the introduction of genuine soft-landscaping at the rear of the site is welcome and it is considered that the development provides a good balance of open space/garden area versus buildings and hardstanding.

5.7 ***Impact on tree on adjacent site.***

Response

Whilst there are no protected trees on or immediately adjacent to the site, a condition is imposed to safeguard trees on adjacent sites during construction.

5.8 ***Concerned about the location of the collection point for the refuse containers***

Response

The use of the bin collection point will be restricted to collection days only by planning condition and, therefore, would not result in harm to neighbouring properties.

5.9 ***The application does not note the potential for contamination given the site history***

Response

Noted, but the Council's Contamination team have been consulted and have raised no objection subject to relevant conditions being addressed prior to commencement.

5.10 ***Discrepancy on plan with respect to the ground floor glazing showing a door opening element within the third part glazed section this is not shown on the elevation.***

Response

Noted and this will be clarified verbally at the Panel meeting.

5.11 ***Request the introduction of a landscaped buffer zone between no 90 Merryoak Road and the site.***

Response

A landscaped area is proposed and will be secured by condition.

5.12 ***Concerned about parking overspill due to lack of on-street parking and issues of highway safety due to the proximity to schools/college***

Response

No highways objection has been received, and tracking information has been provided to demonstrate that all vehicles can turn within the site. In addition, the proposed use is less intense in terms of trips than the existing use which reduces the impact on the highway. The scheme has been amended to ensure that the new dwellings are each served by two car parking spaces which is the maximum amount permitted in this location by the Council's Adopted Parking Standards Supplementary Planning Document.

5.13 ***Potential impact on public sewerage system***

Response

Southern Water have raised no objection to the introduction of these units, whilst surface water management would be assessed by building regulations.

5.14 ***No mention about the existing dwelling***

Response

No works are proposed to the existing property bar works to improve the frontage by providing reducing the level of hardstanding through the introduction of soft landscaping between the parking spaces and exiting house.

5.15 ***Surrounding properties will be less secure and at higher risk of intruders if this site is opened up***

Response

The insertion of dwelling to the rear would provide a more active use during the evening/night time hours than the existing commercial use so would provide a betterment in this regard.

5.16 ***Concerned about the impact on neighbouring boundaries***

Response

This is a civil matter between the applicant and adjoining landowners.

Consultation Responses

5.17

Consultee	Comments
<p>SCC Highways Development Management</p>	<p>The proposed development is considered acceptable in principle. However, an amended plan reorienting the parking spaces is suggested to enable better access to the properties and given them some defensible space.</p> <p>In terms of trip impact, it is noted that there is a historic industrial/storage unit towards the rear. It is not clear what exact permitted land use it has but the current/previous operator would likely generate LGV/small HGV movements to the site. Therefore the change of use to residential is considered to be acceptable as it removes these types of vehicles which would have had a larger impact on the access and highway.</p> <p>It is noted that four spaces would be the maximum required for the proposal and three are provided. Although this does not lead to a highway safety issue it could be amenity issue as one on street space may be required.</p> <p>No objection subject to conditions relating to;</p> <ul style="list-style-type: none"> • A refuse management plan; • Securing refuse and cycle storage; • Parking management plan; and • Restricting the height of the front boundary to 600mm in height <p><i>Officer comment:</i> An amended plan has been received to address the comments raised above.</p>

<p>SCC Community Infrastructure Levy (CIL)</p>	<p>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 £110.94 per sq. m to be measured on the Gross Internal Area floorspace of the building.</p> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>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.</p>
<p>SCC Environmental Health</p>	<p>No objection raised No objection subject to conditions relating to hours of work and measures to suppress dust and measures to control noise on site, in order to protect the local neighbourhood.</p>
<p>SCC Environmental Health (Contaminated Land)</p>	<p>No objection raised No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.</p>
<p>Southern Water</p>	<p>No objection raised Mo objection raised subject to the inclusion of an informative on the decision notice advising that a formal connection to the public sewer is required.</p>

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; and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 Saved Policy H1 of the Local Plan is supportive of residential development on sites occupied by an unneighbourly commercial uses within residential areas and the proposal to develop two houses on an existing, historic coal yard, which abuts residential gardens, is welcome as a more complementary use.

Furthermore, the proposal would assist the Council in meeting its targets for housing delivery. Moreover, the use of previously developed land to provide genuine family housing is supported by both local and national planning policies.

6.2.2 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

[the so-called “tilted balance”]

6.2.3 There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council’s five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.

6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in low accessibility locations such as this, density levels should generally accord with the range of 35-50 d.p.h, although caveats the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 38 d.p.h which accords with the range set out (unlike the scheme for 7 flats previously refused).

6.3 Design and effect on character

6.3.1 Core Strategy Policy CS13 requires development to ‘*respond positively and integrate with its local surroundings*’ and ‘*impact positively on health, safety and amenity of the city and its citizens*’. Local Plan Policies SDP1, SDP7 (iii) (iv) and SDP9 (ii) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness.

6.3.2 The previous application was refused for its effect on the character of the area in terms of the effect of a 3-storey terrace of houses at the back of the site, the depth of a new proposed block of flats at the front of the site and the amount of building and hard-surfacing proposed on the site. As noted, the current application seeks to retain the existing dwelling at the front of the site, removing the harmful effects that the previously planned block of flats would have had on

the character of the area. In addition to that, replacing the 3x3-storey terraced houses to the rear of the site with a pair of semi-detached properties results in a development which is more sympathetic with the surrounding properties and has enabled the amount of building and hard-surfacing to be reduced. The proposal would result in a site coverage of approximately 55% which although is in excess of the guidance of 50% (paragraph 3.9.1-3.9.2 of the Residential Design Guide refers), is a significant betterment when compared with the existing and the refused scheme, which would have resulted in 65% being developed by building or hardsurfacing. Furthermore, the building-to-plot relationship is now more reflective of the layout of plots that are found within the vicinity of the site and the amount of building and hard-surfacing is not considered to be out-of-character.

6.3.3 The proposal is now much more sympathetic with the established character of the area with the reduction of height of the dwellings and the provision of a hipped roof form is more typical of the area and which reduces the massing and results in a more diminutive roof form. Furthermore, a semi-detached pattern of development is more typical within this location than the provision of a short terrace of dwellings.

6.3.4 Overall, the provision of two family dwellings on a hitherto intensively developed commercial site is considered to be a betterment to the character of the area.

6.4 Residential amenity

6.4.1 The previous application on this site was refused in terms of the impact of the 3-storey scale and massing of the back block and the size frontage block of flats on the residential neighbours in terms of loss of light and outlook.

6.4.2 As set out above in section 5.3, the separation distances between the proposed dwellings and existing neighbours meet and, in some cases, exceed the standards set out in the Council's Residential Design Guide Supplementary Planning Document. The impact is not detrimentally harmful to the gardens of Pycroft Close given the open break between site and the edge of their gardens. Likewise, the separation distance between the backs of the Merryoak properties to the north-west will have an acceptable relationship. There will potentially be indirect views 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. A degree of mutual overlooking already occurs. The development is, therefore, considered to be acceptable in this respect.

6.4.3 The residential use of the site will result in noise disturbance along the back and side gardens of the adjoining properties from driveway vehicle movements. However, in comparison to the existing commercial activities taking place this is therefore not considered to have a significantly worse harmful impact to the neighbour's amenity. The use bin collection point is temporary on collection days and, therefore, will have a minimal impact from noise and odour nuisance subject to implementing a management plan for collection day.

6.4.4 In terms of the quality of the accommodation proposed, overall, the development provides good outlook and access to daylight and sunlight for proposed

residents together with good access to external amenity space and sufficiently spacious dwellings. It is noted that one dwelling would be served than less than the RDG recommended minimum standard of 70sq.m of external space. However, this deficit is marginal (5 - 10 sq.m) and overall, the garden provides a useable area that would have good access to sunlight throughout the day. Furthermore, as noted in section 5 of the report smaller gardens can be found in the local area (e.g. nos. 82 – 90 Merryoak Road and all the properties in Pycroft Close). As such, a pleasant residential environment will be achieved without compromising local context or proposed residential amenity.

6.4.5 The previous application also included a reason for refusal in relation to the poor separation between the front and the rear block and the inter-looking that would occur within the development. This has been overcome by retaining the existing dwelling, which has a shallower rearward projection than the previous scheme proposed for the front, and by reducing the height of the rear block to two-storey. The relationship between the existing dwelling and proposed houses is, therefore considered to be acceptable.

6.4.6 Overall, it is considered that the development is designed to provide a high-quality environment for future residents whilst ensuring a harmonious relationship with adjacent residential properties. The revised scheme addresses the previous second and third reason for refusal. Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, noise, loss of light and/or privacy and accords with Local Plan Review saved Policy SDP1(i).

6.5 Parking highways and transport

6.5.1 The previous scheme was refused for highway safety issues due to the failure to demonstrate vehicles could leave the site in a forward gear. The revised scheme provides turning for both the two spaces at the frontage and the four spaces to the rear. Therefore, addressing the previous reason for refusal. The scheme was also refused for failure to demonstrate that the proposed development would not cause unacceptable parking overspill onto adjacent roads to the detriment of neighbouring amenity due to potential for competition for spaces. The revised scheme provides two car parking spaces for each dwelling which is the maximum number permitted in this location. As such, this aspect of the previous reason for refusal has also been addressed.

6.5.2 A scheme for 2 dwellings doesn't attract a s.106 legal agreement (unlike the previous) and so the final reason for refusal has also been met.

6.6 Likely effect on designated habitats

6.6.1 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**. Furthermore, all overnight

accommodation has been found to have an impact on the water quality being discharged into our local watercourses that are of protected status. The 'harm' caused can be mitigated by ensuring that the development complies with the principles of 'nitrate neutrality', and a planning condition is recommended to deal with this as explained further in the attached Habitats Regulations Assessment. 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 principle of new residential development is acceptable and the replacement of a commercial use with family dwellings is more conducive to the residential character of the neighbourhood. The proposal has successfully addressed the Council's previous reasons for refusal. Whilst the coverage of the site by building and hard-surfacing is slightly more than the Council's guidance encourages, when considered in the round with the other benefits of the proposal, this is considered to be acceptable. It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising from the conflict with the policies in the development plan, as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the completion of a S.106 or S.111 Legal 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)

Case Officer Anna Lee for 21st November 2023 PROW Panel

PLANNING CONDITIONS to include:

1. Full Permission Timing (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)

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)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended 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),

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

Class F (hard surface area)

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 with regard to the amenities of the surrounding 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 (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

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. Refuse Management Plan (Pre-occupation)

Before the development hereby approved first comes into occupation, a Refuse Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Refuse Management Plan shall provide details of a collection point for refuse and recycling and the movement of containers to and from the collection point on collection days. With the exception of collection days, the refuse and recycling containers shall be kept only within the approved storage areas.

Reason: To ensure the development functions well and in the interests of visual and residential amenity.

7. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, 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 for the lifetime of the development.

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

8. Vehicular Sightlines specification (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600 mm above carriageway level within the sight line splays as shown on the plans hereby approved.

Reason: To provide safe access to the development and to prevent congestion on the highway.

9. Parking and access (Pre-Occupation Condition)

The parking spaces (at a ratio of 2 spaces per dwelling including the retained

dwelling) and access hereby approved shall be provided prior to the development first coming into occupation. The parking spaces shall be 2.4m wide by 5m deep. The access shall be constructed to the dimensions shown within the approved site plan and thereafter retained as approved, unless agreed in writing by the Local Planning Authority. Parking shall not take place outside of the designated parking bays nor within the turning area at any time.

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

10. Parking Management Plan (Pre-Commencement)

Prior to commencement of the development hereby approved, a parking management plan shall be submitted to and be agreed in writing by the Local Planning Authority that sets out details of how the scheme is to be set out to prevent informal parking (parking other than the designated bays) across the entire site including the site access. The approved parking management plan/layout shall be implemented and adhered to at all times.

Reason: In the interests of highway safety.

11. Nitrogen Neutrality Mitigation Scheme

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council Nutrient Offset Scheme for the development has been submitted to the council.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

12. Water & Energy (Pre-Construction)

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 a maximum 100 Litres/Person/Day internal water use. 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. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

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).

13. Water & Energy (Performance)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 Litres/Person/Day internal water use in the form of a final 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. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

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).

14. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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) means of enclosure/boundary treatment; car parking layout; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate and external lighting;
- (ii) planting plans; written specifications; schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (iv) a landscape management scheme.

Note: Until the sustainability credentials of artificial grass have been proven it is unlikely that the Local Planning Authority will be able to support its use as part of the sign off of this planning condition.

The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of boundary treatment and external lighting which shall be retained as approved 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, shall be replaced by the Developer/owner in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To improve the appearance of the site 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.

15. Tree Retention and Safeguarding (Pre-Commencement)

Prior to the commencement of the development hereby approved, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

16. No storage under tree canopy (Performance Condition)

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.

17. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how

they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

18. Use of Uncontaminated Soils and Fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the development hereby approved first coming into use or occupation.

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

19. Unsuspected Contamination (Performance)

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

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

20. 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.

21. Construction Management Plan (Pre-Commencement)

Before any development works are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- a. parking of vehicles of site personnel, operatives and visitors;
- b. loading and unloading of plant and materials;
- c. details of cranes and other tall construction equipment (including the details of obstacle lighting)
- d. details of temporary lighting
- e. storage of plant and materials, including cement mixing and washings, used in constructing the development;
- f. treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- g. measures to be used for the suppression of dust and dirt throughout the course of construction;
- h. details of construction vehicles wheel cleaning; and,
- i. 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, and the character of the area and highway safety.

22. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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

NOTE TO APPLICANT

Southern Water - Sewerage Connection

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water for further information.

Habitats Regulations Assessment (HRA)	
Application reference:	23/01174/FUL
Application address:	Rear of 92 Merryoak Road Southampton SO19 7QN
Application description:	Erection of 2x 3-bed semi-detached houses with associated parking and cycle/refuse storage (Resubmission ref 22/01104/FUL).
HRA completion date:	1st November 2023

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</p>

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project:	<ul style="list-style-type: none"> ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA

<p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website</p>	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Ramsar Site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ River Itchen SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- **This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and Ramsar site.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- Deterioration in water quality caused by nitrates from wastewater

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 63(1)(a) of the Habitats Regulations.

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives
The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for

the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152>.

The conservation objective for Special Areas of Conservation is to, *“Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.”*

The conservation objective for Special Protection Areas is to, *“Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.”*

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as ‘moderate’ while its chemical status classified as ‘fail’. In addition, demolition and construction works would result in the emission of coarse and fine dust and exhaust emissions – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

Disturbance

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

Collision risk

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

New Forest SPA/Ramsar site/New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

Woodlark

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

Dartford warbler

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

Mitigation

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this

development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

Solent and Southampton Water SPA/Ramsar site

The Council has adopted the Solent Recreation Mitigation Partnership's Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city's population and there is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. A contribution to the Solent Recreation Mitigation Partnership's mitigation scheme will enable the recreational impacts to be addressed. The developer has committed to make a payment prior to the commencement of development in line with current Bird Aware requirements and these will be secured ahead of occupation – and most likely ahead of planning permission being implemented.

Water quality

Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site

Natural England highlighted concerns regarding, *“high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”*

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, wastewater treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to wastewater treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings have been provided by the applicant as part of the planning application submission. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development. This is based on the additional population from the residential units using 110litres of wastewater per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount of nitrogen is made.

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the evidence provided:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.
- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

The following mitigation measures have been proposed as part of the development:

Demolition and Construction phase

- Provision of a Construction Environmental Management Plan, where appropriate.
- Use of quiet construction methods where feasible;
- Further site investigations and a remediation strategy for any soil and groundwater contamination present on the site.

Operational

- Contribution towards the Solent Recreation Mitigation Partnership scheme. The precise contribution level will be determined based on the known mix of development;

- 4% of the CIL contribution will be ring fenced for footpath improvements in Southampton's Greenways network. The precise contribution level will be determined based on the known mix of development;
- Provision of a welcome pack to new residents highlighting local greenspaces and including walking and cycling maps illustrating local routes and public transport information.
- 1% of the CIL contribution will be allocated to the New Forest National Park Authority (NFNPA) Habitat Mitigation Scheme. A Memorandum of Understanding (MoU), setting out proposals to develop a Service Level Agreement (SLA) between SCC and the NFNPA, has been agreed. The precise contribution level will be determined based on the known mix of development with payments made to ensure targeted mitigation can be delivered by NFNPA ahead of occupation of this development.
- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

As a result of the mitigation measures detailed above, when secured through planning obligations and conditions, officers are able to conclude that there will be no adverse impacts upon the integrity of European and other protected sites in the Solent and New Forest arising from this development.

References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum/Footprint Ecology.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology/Solent Forum.

Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS7	Safeguarding Employment Sites
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
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2023)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
22/01104/FUL	Erection of a 2-storey building containing 4x 1-bed flats and a 3-storey building containing 3x 2-bed houses with associated parking and cycle/refuse storage, following demolition of existing dwelling	Application Refused	30.11.2022

Reasons for refusal:

1. Out of character

The proposed development by reason of its layout and level of plot coverage with buildings and hardstanding which exceeds the maximum 50% plot to coverage ratio as recommended in the Council's design guidance, would be out of keeping with the spatial character of the surrounding residential area. Moreover the proximity of the rear gable ended 3-storey terraced block to the site margins and deep footprint of the front flatted block and resultant small building to plot size ratio represents an overly cramped form of residential development and is symptomatic of a site over development As such, the proposal will be out of keeping with the character and context of the local area and therefore will be contrary to saved policies SDP7 and SDP9 of the Local Plan Review (March 2015 amended) and policy CS13 of the Core Strategy (March 2015 amended) as supported by the relevant guidance in section 3 of the Residential Design Guide (September 2006).

2. Impact on Residential Amenity

The proposed 3-storey rear block and 2-storey frontage block by reason of their scale, bulk, massing and proximity to the site margins would have an overbearing impact of the proposed two storey flatted block by reason of the height and position of the massing in close proximity to gardens and habitable spaces of nos. 94a/b Merryoak Road and 29-31 Margham Avenue will result in an undue loss of light and outlook enjoyed by the neighbouring occupiers. As such, the proposal would adversely affect the residential amenity of neighbouring occupiers, contrary to saved policies SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance in section 2 and 4 of the Residential Design Guide (September 2006).

3. Poor living conditions

The proposed development by reason of its layout and density provides a poor cramped living environment with insufficient external amenity space provision and lack of privacy separation between the housing and flatted blocks. This is contrary to saved policy SDP1(i) of the Local Plan Review (March 2015) as supported by relevant guidance set out in section 2 and 4 of the Residential Design Guide SPD (September 2006).

4. Road Safety

The application fails to demonstrate adequate on site turning to enable vehicles to safely ingress and egress in a forward gear based on the submitted parking space

and aisle width dimensions and lack of vehicle tracking diagrams. As such, the proposal will adversely affect highways safety and therefore would prove contrary to saved policy SDP1(i) of the Local Plan Review (March 2015 amended).

5. Insufficient parking

Based on the information submitted, it has not been adequately demonstrated that the parking demand from this development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

6. Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site including provision of a scheme of works to provide footway resurfacing and reinstatement of redundant dropped kerbs along the development site's front boundary and footway works to be carried out to adoptable highway standards. These works are in line with Policy SDP1, SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18, CS19 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 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. In the absence of an alternative arrangement the lack of a financial contribution towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.