

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

Application address: 38 Copperfield Road, Southampton, SO16 3NX			
Proposed development: Erection of a part single storey, part first floor rear extension to facilitate conversion of existing house into 1x 3-bed and 1x 2-bed flats with new external staircase and associated parking and refuse storage			
Application number:	18/02060/FUL	Application type:	Full Application
Case officer:	Mark Taylor	Public speaking time:	5 Minutes
Last date for determination:	25 January 2019	Ward:	Bassett
Reason for Panel Referral:	Request by Ward Members Furthermore Five or more letters of objection have been received contrary to the recommendation to grant permission	Ward Councillors:	Councillor L Harris Councillor B Harris Councillor Hannides
Referred to Panel by:	Cllr B Harris	Reason:	Over development Over Intensification Out of character with existing family homes Loss of family dwelling Impact on existing residents amenities
Applicant: Mr Dukes		Agent: Marcus James Architecture	
Recommendation Summary		Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report	
Community Infrastructure Levy Liable		Yes	

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive

manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).

Policies – CS4 (Housing Delivery), CS5 (Housing Density), CS13 (Fundamentals of Design), CS16 (Housing Mix and Type), CS19 (Car and Cycle Parking), CS20 (Tackling and Adapting to Climate Change), CS22 (Promoting Biodiversity and Habitats) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Policies – SDP1 (Quality of Development), SDP4 Development Access, • SDP5 Parking, SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, H1 (Housing Supply), H7 (The Residential Environment) of the City of Southampton Local Plan Review (Amended 2015).

Polices BAS1 – New development, BAS4 – Character and design, BAS5 - Housing Density, BAS7 – Highways and Traffic, BAS9 – Trees of the Bassett Neighbourhood Plan (2016)

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.

2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- i. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

1. The site and its context

1.1 The properties on the southern side of Copperfield Road are built into a bank which backs onto Cantell School. The ground levels rise significantly from road level and continue to rise at the front of the site to the rear and therefore the dwellings have the appearance of a bungalow when viewed from the rear. From the front however the properties appear as two storey, pitched roof, family dwelling houses.

1.2 The properties in this part of Copperfield Road are semi-detached and many of the rear gardens have been terraced in order to enable them to form more suitable amenity areas. The properties are brick build with facing brick elevations and white UPVC fenestration.

2. Proposal

2.1 The application seeks to extend the existing property and covert it from a single dwelling into two separate flats . The proposed flats comprise a 1 x3 bedroom family dwelling at ground floor level a 2 x bedroom flat on the upper floor accessed from an enclosed staircase on the east elevation. The staircase contains an upper floor window on the east elevation.

- 2.2 Additional floor space is to be created through extensions to the roof space of the property and also a single storey rear extension. The extension to the roof space is in the form of a large, flat roof, dormer window. The dormer will meet but be no higher than the height of the existing roof ridge and extend to almost level with the outer wall with the existing rear elevation. The rear dormer will contain two windows on the rear elevation serving the habitable room that forms the open plan kitchen, lounge and dining area.
- 2.3 At ground floor a single storey extension will extend approximately 4 metres from the rear elevation and will extension the full width of the rear elevation. The extension has a flat roof containing one roof light. The extension will contain one window and french doors on its rear elevation, both serving habitable rooms.
- 2.4 At the front of the site it is proposed to demolish the existing flat roof garage that forms one half of a pair symmetrical garages. Adjacent to the west of this garage the banked front garden has been excavated to provide additional parking. The area that formed the garage and the excavated frontage will provide two off road parking spaces to serve the properties. It is proposed that this area will be landscaped to soften the impact of the retaining wall. To the west of the proposed parking bays it is proposed to provide a bin storage area inside the front boundary of the property.
- 2.5 At the rear of the property it is proposed to subdivide the rear garden into two. The subdivision will replicate the existing proportions of the two terraces at the rear of the property. These areas will also contain two cycle stores.

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 February 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 The relevant planning history for the site is set out in the table below.

Case Ref:	Proposal:	Decision:	Date:
18/01176/FUL	Erection of a single storey rear extension and first floor rear extension to facilitate conversion of existing house into 1x 3-bed and 1x 2-bed flats with new external staircase and associated parking and cycle/refuse storage.	Withdrawn	October 2018

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 11 December 2019. At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 The proposal results in the loss of a family home

Officer Response

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

5.3 The proposal is of a poor design that is detrimental to and not in keeping with the character of the area

Officer Response

The impact of the proposal on the character and appearance of the area forms part of the material considerations for the application below

5.4 Insufficient Parking

Officer Response

The Council has adopted maximum car parking standards and the Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standards is permissible subject to justification. There are parking restrictions in the surrounding area which limit the possibility for overspill car parking. A car parking survey and parking justification has been submitted by the applicant and concludes that the proposal would not result in an unacceptable competition for unrestricted on-street car parking spaces in the vicinity of the site. No objection has been raised in this regard from the Highways Development Management Team

5.5 The present sewer is overloaded

Officer Response

Southern water have raised no objection to the proposal but have stated that a formal application must be submitted to Southern water in order to connect to the foul drainage system.

5.6 *The proposed cycle storage is inappropriately located at the rear of the garden*

Officer Response

The Highways Development Management Team have reviewed the cycle parking provision noting the distance of the storage from the front of the property. The change in levels is also noted stating that carrying of bicycles up to this level would be difficult. A ramp/gully to the side of the steps is a solution recommended by the Officer. The application now incorporates such a gully on the amended site plan.

5.7 Impact of noise and disturbance during construction

Officer Response

In order to protect the amenities of the occupiers of existing nearby properties a condition can be imposed that requires the submission of a construction environment management plan. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. This shall

also include details of the storage of construction materials and the parking of all vehicles relating to construction.

5.8 Overdevelopment of the Site

Officer Response

The site is considered to be sufficient in size to accommodate the proposed increase in footprint of the dwelling and still provide associated amenity space, refuse and cycle storage to the required standards without being harmful to neighbouring amenity

5.9 Loss of privacy

Officer Response

The proposed upper floor window serving the stair case can obscure glazed on the east elevation preventing any overlooking. Obscure glazing can be secured by condition. The upper floor windows on the rear elevation (east) will provide views toward the rear boundary of the site and neighbouring dwellings. Such a level of overlooking is not considered to be materially harmful to the amenities of the neighbouring dwellings particularly in light in the views available from the terraced rear amenity areas.

5.10 Loss of Light

Officer Response

Due to the orientation of the properties and the distance from the neighbouring dwelling to the east, there is sufficient mitigation to prevent any material harm to the light currently enjoyed by the occupiers of the neighbouring dwellings

5.11 Impact to trees

Officer Response

The proposed works to the dwelling would not be expected to be in direct conflict with the trees to the rear of the site. To ensure that the trees were not damaged during construction works the site plan has been amended to show a tree protection zone during construction.

5.12 The site is inappropriate for a HMO and the detrimental effect associated with them.

Officer Response

The application does not seek permission for an HMO. To convert the properties into a HMO in the future would require express planning consent.

5.13 Refuse inappropriately sited

Officer Response

The siting of the proposed refuse adjacent to the highway is in accordance with the policy guidance. It is similar in location to other bin siting in the area. Details of a contained area for bin storage can be secured by condition

5.14 The demolition of the garage serving No.39 will affect the garage at No.40

Officer Response

This does not form part of the material considerations for the application and is a civil matter subject to party wall legislation.

5.15 The proposal will result in subsidence

Officer Response

Issues with regard to subsidence have been raised with the Councils Building Control department. No concerns with regard to subsidence have been raised

5.16 **Limited detail is provided with regard to the external facing materials**

Officer Response

Details of external facing materials can be secured by condition

5.17 **The proposal is contrary to covenant on the property.**

Officer Response

These covenant and any legal agreements outside of the planning process do not form materials considerations for the application.

Consultation Responses

5.18 **SCC Highways** – No Objection subject to the imposition of conditions relating to cycle storage and bin collection/storage

5.19 **SCC Community Infrastructure Levy (CIL)** – The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the extension.

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

5.21 **SCC Environmental Health (Pollution & Safety)** - no objection subject to conditions regarding working hours and bonfires

5.22 **Southern Water** – A formal application for connection to the public sewerage system is required in order to service this development.

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
- Mitigation of direct local impacts; and
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing.

6.2.2 Policy CS16 of the Core Strategy defines a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 1 family units with acceptable private garden space and, as such, accords with this policy.

6.3 Design and effect on character

6.3.1 The application site is part of a wider residential development where dwellings have been designed to a particular style. Buildings on the southern side of Copperfield Road are predominantly two storeys in height and constructed using a range of materials including brick, render, concrete roof tiles and UPVC windows. Pairs of flat roof garages are a key feature of this development and tend to be located at front of the properties. However this character changes further east where steep driveways have been incorporated on the site frontages.

- 6.3.2 This proposal would convert the existing two storey dwelling into a larger building containing two flats.
- 6.3.3 POLICY BAS 1 of the Bassett Neighbourhood Plan (2016) advises that development proposals should be in keeping with the scale, massing and height of neighbouring buildings and with the density and landscape features of the surrounding area.
- 6.3.4 POLICY BAS 4 of the Bassett Neighbourhood Plan (2016) requires new development must to take account of existing character of the surrounding area. The design of new buildings should complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties.
- 6.3.5 The semi-detached houses of Copperfield Road are designed as a matching pairs. To preserve the balance of the buildings, the Residential Design Guide recommends that extensions to semi-detached dwelling should be subservient to the host property.
- 6.3.6 The majority of the proposed works to the building will be located at the rear of the dwelling. Single storey flat roof extensions are very much part of the character of the area. The application property is currently one of the exceptions in not already having such an extension.
- 6.3.7 Glimpses of the eastern cheek of the dormer windows will be available from the public realm. The proposed external staircase will also be visible in the street scene when approaching from the east. That said the proposed dormer window is comparable in scale and design to that on the neighbouring property No.36. Furthermore the proposals are set well back from the public realm reducing their prominence in the street scene.
- 6.3.8 With regard to the proposed roof alterations the Residential Design Guide (2006) provides advises in paragraphs 2.5.2 to 2.5.4 how alterations to a properties roof form should be undertaken. The guidance advises on the importance of maintaining the properties roof ridge in order to preserve the character of the area. It also advises that dormers should not fundamentally change the overall shape of the roof. The proposed dormer will be set in from the roof ridge. It will also be set in from both the front and rear roof slopes and the eaves of the dwelling.
- 6.3.9 However, any fall back position is a material consideration in the decision making process, of which the rights given by General Permitted Development Order should be taken into consideration.
- 6.3.10 It is sometimes argued that a proposed extension should be approved because a similar, often more harmful, addition could be built as permitted development. But in order for this argument to succeed it has to be shown that there is a reasonable likelihood of the fall back development being built if permission is denied
- 6.3.11 In this instance as the proposed dormer window will be no higher than the existing roof ridge, it will be located on the rear elevation, it does not contain any upper floor side windows, the volume of the proposed dormer window will be less than 50 cubic metres. As such it may be considered to be permitted development if it was added to the existing single dwelling house and the dormer was set 20cm from the outer most edge of the roof eaves
- 6.3.12 Furthermore a single storey rear extension could be constructed up to 3 meters in length from the existing rear elevation of up to 4 meters in height.

- 6.3.13 The current proposal is 4 meters in length but under the permitted height. As such if the depth of the extension was reduced to 3m the works may be considered to be permitted development.
- 6.3.14 Given that such addition would achieve a significant amount of the floor space the current proposal seeks to secure, with limited alteration to the existing design. This fallback position should be awarded significant weight.
- 6.3.15 Concern has been raised that not all of the proposed facing materials are declared as part of the application. However, a condition can be imposed that requires the external materials to be submitted and approved by the Local Planning Authority
- 6.3.16 Paragraph 2.4.4 of the residential design guide advises that 'the replacement of traditional front gardens with open hard standing areas for parking often results in a poor visual appearance and in some cases localized flooding and will therefore be resisted.
- 6.3.17 At present engineering works have been undertaken to excavate a substantial area of the properties frontage. It is currently an unfinished unattractive addition to the street scene. It has been advised by the agent that the west elevation of the garage to be retained is 'to be finished with brick veneer to match existing'. The agent also advises that the retaining wall is to be finished with timber sleepers and a raised flower bed. In order to ensure these features are satisfactory a condition can be imposed requiring full landscaping details.
- 6.3.18 It is noted that the parking area to the front of the property is partially created. The National Planning Policy Framework says that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application' (para 6). Furthermore, an application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan.

6.4 Residential amenity

- 6.4.1 Whilst the proposal will be visible from neighbouring dwellings it is important to note that the views from a dwelling are not a material consideration.
- 6.4.2 Due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of privacy, light or outlook.
- 6.4.3 It is acknowledged that the dormer window will be located adjacent to a window on the eastern side of the dormer window of the neighbouring dwelling No36. At ground floor the single storey extension will be located in front of the eastern side elevation of the single storey extension of No.36 that contains glass bricks. However as mentioned above works can be readily undertaken using the properties permitted development rights that would have a similar effect.
- 6.4.4 Concern has been raised that the upper floor window serving the enclosed staircase would overlook the neighbouring properties to the east. A condition can be imposed that requires this window to be obscure glazed and hung in such a way so as not to mitigate the effect of that obscure glazing.

6.5 Occupier Amenity

- 6.5.1 All habitable rooms in the property, with the exception of the bathrooms, are served by appropriately sized windows with a relatively open outlook
- 6.5.2 Paragraph 2.3.14 of the residential design guide advises that the minimum garden size for a detached dwelling is 20 square metres per flat with a communal area. The proposed dwellings will be served by individual garden areas in excess of 65sqm. This would be a figure in line with a terraced/semi-detached dwelling.
- 6.5.3 Not details of means of enclosure have been provided in support of the proposal. Due to the raised ground levels at the rear of the site, a high boundary treatment sub-dividing the garden would be considered to have a far greater detrimental impact to the character of the area than some low level planting. As such details of the means of enclosure for these rear amenity areas shall be secured by condition.

6.6 Parking highways and transport

The highways engineer has advised that the development is acceptable in principle.

- 6.6.1 The site is situated within a residents parking zone and therefore the on-street parking are restricted to permit holders. The new dwelling by default would not be eligible for parking permits, however, there could be a scenario whereby the new parking spaces could be allocated to the new dwelling and the existing dwelling could then park on the permit bays. Therefore it could be argued that there could potentially be 2 vehicles over spilling onto the local roads.
- 6.6.2 POLICY BAS 7 of the Bassett Neighbourhood Plan (2016) seeks to mitigate the impact of traffic within residential areas and advises that the 2011 Parking Standards SPD will be relevant for all new development proposals in respect of meeting the maximum parking standards.
- 6.6.3 A parking survey has been conducted which shows there to be capacity of around 11 spaces. This suggests that the 2 spaces can be accommodated within the surveyed area (125m length of parking bays).

6.7 Housing Density

- 6.7.1 Appeal APP/D1780/A/11/2157899 (Appeal decision 27 May 2014, 7 Greenbank Crescent, Southampton SO16 7FR) demonstrates that an independent Inspector has highlighted the existing density of the area to be more important to the character of the area than an increase in housing numbers
- 6.7.2 POLICY BAS 1 and BAS 4 of the Bassett Neighbourhood Plan (2016) requires new development to take account of the character of the areas housing density
- 6.7.3 POLICY BAS 5 advises that proposals for new residential development must show that they have had regard to the densities for new Residential Development as outlined in the Bassett Neighbourhood Plan (2016). Proposals which depart from these densities will only be permitted where it can be shown that there is good reason to make an exception and that the character will not be adversely affected.
- 6.7.4 The Bassett Neighbourhood Plan (2016) shows that the recommend housing density for the are the site will be located in as being between 35 -50 dwellings per hectare.
- 6.7.5 The proposal results in 49.5 dwellings per hectare. As such, although close to the maximum permitted the proposal complies with the requirements of the neighbourhood plan.

6.8 Likely effect on designated habitats

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

7. Summary

The proposed alterations to the dwelling will be predominately located to the rear of the property and will not be a prominent feature in the street scene for the reasons provided above. Similar works could be undertaken to the rear of the property without the need for express planning consent. The conversion of the existing dwelling into 2 flats retains a family dwelling and is shown to be able to be undertaken whilst providing all the necessary facilities needed to serve the two flats in accordance with the Councils adopted standards. The amenities of the neighbouring properties can be protected via planning condition and the increased in activity associated with two flats rather than a single dwelling is not considered to be likely to generate a significantly greater level of activity or disturbance. The increase in residential density still fall below the maximum identified for this area. A parking survey has been provided and Highways officers have raised no objection to the proposal. The scheme is compliant with the relevant policies and delivers an additional dwelling.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

MT for 23/04/19 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. Approved Plans

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

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

3. Materials

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.

4. Cycle storage facilities

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

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

5. Refuse Storage

Prior to the first occupation of the development hereby approved details (and amended plans) of facilities to be provided for the storage of refuse and recyclable materials at the new dwelling shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall be permanently maintained and retained for that purpose.

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

6. Window specification limitations

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, the upper floor window serving the stairs well within the east elevation of the new dwelling hereby permitted shall be obscure glazed only with a limited opening top hung window. This window shall be retained in this manner for the duration of the use of this building for residential occupation.

Reason: To protect the amenity and privacy of the adjoining property.

7. Construction Environment Management Plan

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

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

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

8. Hours of work for Demolition / Clearance / Construction

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

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

9. Boundary Treatment

Before occupation of the development hereby approved, details boundary treatment of the rear amenity areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

10. Landscaping

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. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; 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;
- iii. details of any proposed boundary treatment, including retaining walls and;
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) 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.

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 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. Protective Fencing

All trees to be 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. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

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

12. Amenity Space Access

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

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

13. Parking

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

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

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

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

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

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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Stage 2 - HRA screening assessment

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

Solent SPAs

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

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

The New Forest

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

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

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

Stage 3 - Appropriate Assessment

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

Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£337.00
2 Bedroom	£487.00
3 Bedroom	£637.00
4 Bedroom	£749.00
5 Bedroom	£880.00

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

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H7	The Residential Environment

Bassett Neighbourhood Plan (July 2016)

BAS1	New development,
BAS4	Character and design,
BAS5	Housing Density,
BAS7	Highways and Traffic,
BAS9	Trees

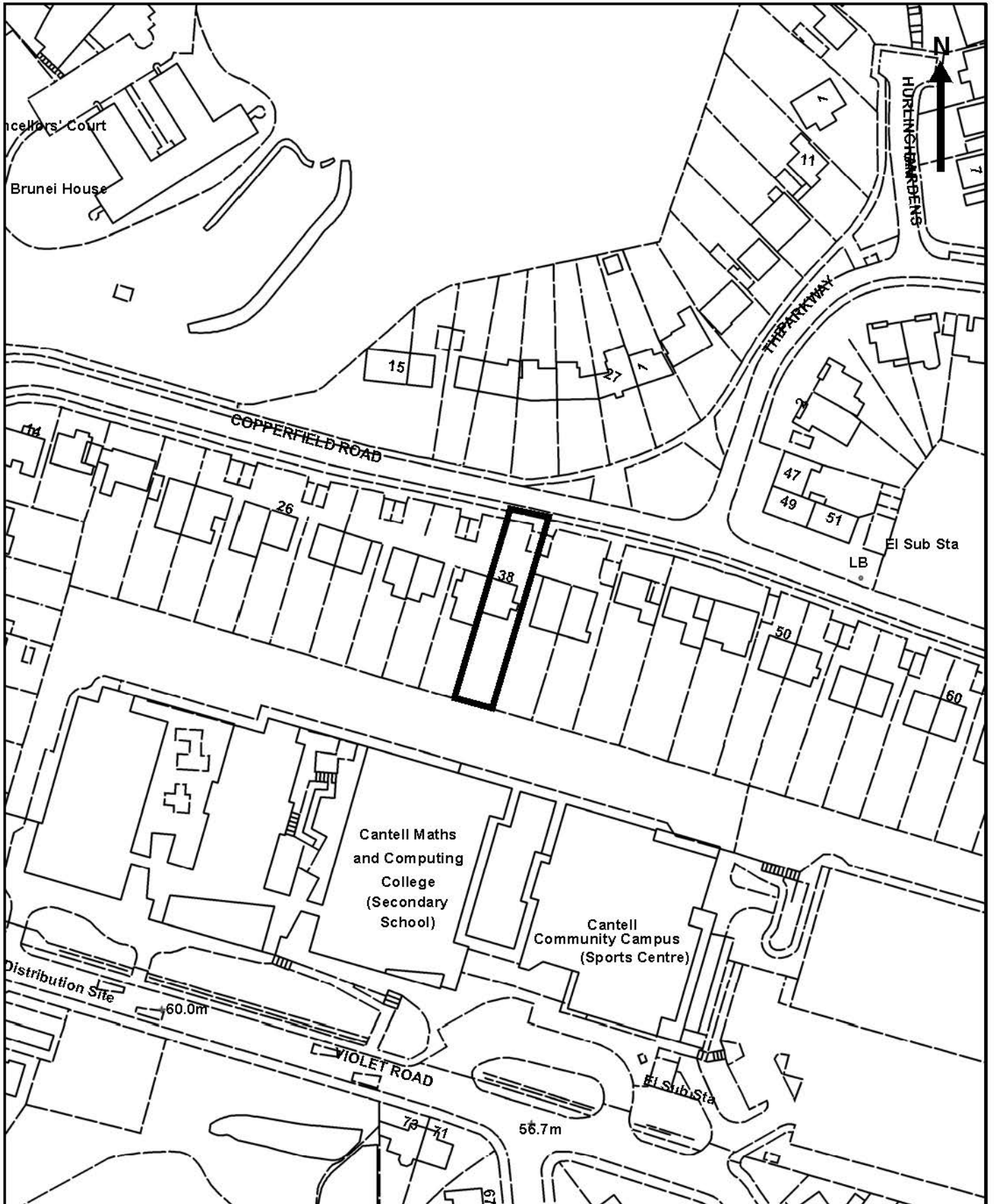
Supplementary Planning Guidance

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)

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Scale: 1:1,250

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