

**Planning and Rights of Way Panel 21<sup>st</sup> February 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 22A Harcourt Road, Southampton.			
<b>Proposed development:</b> Redevelopment of the site. Erection of a 2-storey building containing 3 x 1-bed self-contained supported living flats at ground floor, mixed use (Class C2/C3) with communal staff facilities at first floor and car parking (amended description).			
<b>Application number:</b>	21/01680/FUL	<b>Application type:</b>	FULL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	08.03.2022	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr White Cllr Fuller Cllr Bunday
<b>Referred to Panel by:</b>	Cllr Fuller	<b>Reason:</b>	Parking, Traffic, Access, Overdevelopment, Privacy.
<b>Applicant:</b> Imperial Homes Southern Counties Ltd		<b>Agent:</b> Vivid Design Studio Ltd	

<b>Recommendation Summary</b>	Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report.
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the design, impact on neighbouring amenity, access suitability and on street car parking pressure 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 (2021).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History		

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment (HRA) 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 a habitat's mitigation contribution linked to the impacts identified in the HRA.
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 The site is located within a back land area accessed from a private track leading from Harcourt Road. The track is the only access to the back land plot. The track is also used by 22 Harcourt Road to access a rear parking area.
- 1.2 The plot is rectangular in shape and is surrounded by semi-detached pairs of dwellings fronting onto Harcourt Road and Bullar Road, along with comprehensively developed flatted blocks positioned to the north & west.
- 1.3 The existing vacant bungalow on site has previously been occupied for assisted living, accommodating up to 5 residents with additional support staff and a meeting hub managed by Autism Hampshire. The use began prior to September 2007 and continued up until approximately 2 years ago. The main building was used as a care home and the outbuilding used as a hub meeting room. The existing buildings have become difficult to use for care home purposes due to their age and condition and thus Autism Hampshire are looking to develop the site to provide supported living accommodation.

#### **2. Proposal**

- 2.1 The proposal seeks redevelopment of the site and erection of a two-storey building containing 3 x 1 bed self-contained supported living flats for adults with learning disabilities, referred by Southampton City Council, at ground floor with staff facilities at first floor. The upper floor accommodation will be formed within the roof space with the ridge measuring 6.2m in height. Parking for 2 vehicles along with cycle and refuse storage will also be provided.

2.2 The development comprises the following unit sizes:

Flat	Floor Size sqm & Garden size	National Standard & Minimum Garden	Compliance
1	48	39	Y
2	48	39	Y
3	48	39	Y
Communal garden	145 (110 located at the rear with only 7m maximum depth)	60 in total required	Y

2.3 Each of the flats would exceed nationally described space standards. The proposed rear garden depth for the development, is however, less than 10 metres which fails to comply with guidance. This under-provision is assessed as part of the planning balance in section 6 below. The staff accommodation within the roof will have a floor to ceiling height of at least 1.5m over an area of 42sq.m; for a floor to ceiling height of 2.1m the area reduces to 22sq.m. This accommodation, including office space, will not be the permanent residence for any staff members.

2.4 During the day, between 7am and 9.30pm, there will be 2 staff members on site and overnight, from 9.30pm-7am, staffing levels reduce to 1. A manager will also attend the site 3 days a week. The site would no longer contain a meeting hub.

### 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 2021. 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 bungalow was originally granted in 1972 and has been occupied by Autism Hampshire for care home use. A lawful development certificate was granted in 2007 for care home use for up to 5 people.

4.2 A schedule of the relevant planning history for the site is 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 **28.01.2022**. At the time of writing the report **5 representations** (including comments from ward Cllr Fuller) have been received from surrounding residents. The following is a summary of the points raised:

### ***5.2 Over development of the site.*** **Response**

The development would result in a density of 56 dwellings per hectare (dph) (based on a site area of 542sq.m & not taking account of the access), which is within the policy requirement for the area of 50 – 100 dph. The density is considered to be acceptable since it provides a good balance of open space/garden area versus buildings and hardstanding. The site is also capable of comfortably accommodating vehicle parking, cycle parking, bin storage and space reserved for landscaping. Whilst 59% of the site would be covered by building or hard surfacing, this alone is not indicative of an overdevelopment and must be considered in the round and, in particular, alongside local character and context.

### ***5.3 The development will overlook neighbouring occupiers and trees should be retained to maintain privacy. Level change between site and houses fronting Bullar Road exacerbates potential overlooking.***

#### **Response**

The layout provides sufficient separation distances which meet the standards within the Council's Residential Design Guide SPD:29 metres is achieved between the proposed building and the rear elevation of 3/5 Bullar Road which exceeds the minimum requirement of 21 metres for 2 storey buildings. In addition, the first-floor dormer window serving the staff accommodation/office space is pointed to the west, overlooking the garden space and towards the car park serving flats on Cobden Court, rather than Bullar Road private gardens. The first-floor window would be 8m from the western site boundary.

The evergreen trees on the eastern boundary are not protected but are proposed to be removed and retention can be considered as part of the reserved landscaping details if deemed necessary.

### ***5.4 Trees should be managed to maintain privacy and to limit potential for nuisance and reduced light to neighbouring plots.***

#### **Response**

The existing trees on site will be considered as part of the landscaping details to be reserved by condition.

### ***5.5 The increase in units will result in further noise and disturbance.***

#### **Response**

The Council's Environmental Health Team have reviewed the application and raise no objection. There is no evidence to suggest that this residential scheme will exhibit unusually harmful noise levels, and if it did there are other enforcement powers that can be called upon to deal with this unreasonable behaviour. In addition, the number of permanent occupants is proposed to reduce from 5 to 3 and there will be support staff onsite at all times to help manage noise generated from within the site.

- 5.6 ***Impact of staff and visitor parking.***  
***Highway capacity – impact during peak traffic hours.***  
***Highway safety - increased use of access.***  
***Narrow access - emergency vehicle access.***

**Response**

The existing use of the site as a dwelling that can accommodate up to 5 residents, support staff and meeting hub, must also be considered rather than the proposal for 3 flats and associated support staff being considered in isolation. As such the proposal would generate less trips than the existing lawful use of the site. No objection has been raised by Highways Officers based on parking pressure, highway capacity or safety. The Fire & Rescue Service have also been consulted and have not objected to the width and length of the access.

- 5.7 ***Narrow access; concerns raised regarding practicalities of construction.***

**Response**

The construction proposed is relatively modest in scale. There is an existing access which vehicles will be able to use to transport materials. Whilst there may be some minor inconvenience caused during construction this impact will be for a limited time only.

- 5.8 ***Noise during construction.***

**Response**

Whilst some construction noise is anticipated the impact will be for a limited duration only. Construction hours can also be controlled by planning condition to prevent noise at sensitive times of the day/night.

- 5.9 ***External lighting should be limited to prevent causing nuisance.***

**Response**

A condition is recommended to control external lighting design.

**Consultation Responses**

5.10	<b>Consultee</b>	<b>Comments</b>
	Cllr Fuller	<p>I would like to object to this planning application on the following grounds:</p> <ul style="list-style-type: none"> <li>- Parking - lack of parking on site will lead to parking on local roads which are already overcrowded. On street parking in this area is at a premium and narrow roads like Harcourt do not need further vehicles parked on them, if could lead to a lack of access for emergency vehicles.</li> </ul>

		<ul style="list-style-type: none"> <li>- Traffic - as above, Harcourt is a narrow residential road that will be negatively impacted by the significant extra vehicle movements this development will create.</li> <li>- Access - linked to the traffic issue, all vehicles entering the site will do so by a very narrow driveway in close proximity to the neighbouring properties, this will cause a noise nuisance to those properties. Will there be larger vehicles delivering to this development - not sure how they will fit down the access road.</li> <li>- Overdevelopment - this development is wrong for the location and is an overdevelopment.</li> <li>- Loss of privacy - the impact on the surrounding properties through a loss of privacy is significant.</li> </ul>
	<p>Hampshire Fire And Rescue</p>	<p>There are two components to this - the external fire service access arrangements and the internal fire safety arrangements.</p> <p>The dimensions of the access road will more than likely mean we cannot navigate a fire appliance within a reasonable distance of the property. We agree that a suitable sprinkler system may be a reasonable justification for this, though this will depend on the specific type of sprinkler system proposed.</p> <p>Based on the information available in BS 9991:2015, we believe the minimum provision in this case would be Category 2 system installed in accordance with BS 9251:2021.</p> <p>With regards to the internal fire safety arrangements, the proposals will require a full assessment under Part B of the Building Regulations. As part of this they will likely require protected internal escape routes and a suitable fire alarm system, though it is difficult to specify at this stage as there are various ways to achieve a compliant level of safety. In this case it may be better for all involved if specific internal arrangements are not specified as part of a planning condition, as this may restrict what the Building Control Body and Fire Authority are able to stipulate at a later stage.</p>
	<p>Trees &amp; Open Spaces</p>	<p>The applicant states that there are no trees on the site, but the aerial shots show something different. The plans also show that some trees will be removed, therefore there will need to be either a landscape plan showing the number removed and the new planting scheme on a 2 for 1 basis. There also appears to be off site trees that may be impacted by the proposal; therefore, they will need to consider these.</p> <ul style="list-style-type: none"> <li>• Offsite Trees [Pre-Commencement Condition]</li> <li>• Overhanging tree loss [Performance Condition]</li> <li>• Replacement trees [Performance Condition]</li> </ul>

Archaeology	<p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. On current evidence and given the relatively small scale of the development, I do not require any archaeological conditions to be attached to the planning consent, if granted.</p>
CIL Officer	<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 currently £103.75 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>The proposal applicant has also indicated that the development will be eligible for Charitable Relief, a claim for such Relief must be applied for and granted before the commencement of the development. Further information can be found in the CIL section of the Planning Practice Guidance.</p>
Ecology	<p>The application site consists of an intensively managed garden with amenity grassland, hard standing, scattered trees and shrubs. The garden is of generally low ecological value however, the removal of trees and/or shrubs has the potential to impact upon nesting birds. All nesting birds, their nests, eggs and dependent young receive protection under the Wildlife and Countryside Act 1981 (as amended). It is important, therefore, that any vegetation clearance should either take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged.</p> <p>The house is in good condition with no obvious access points for bats. There is therefore a negligible risk of bat roosts.</p> <p>No objection; if planning permission is granted the following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Ecological Mitigation Statement</li> <li>• Landscape planting to include native and/or species of recognised value to wildlife.</li> <li>• Protection of nesting birds</li> </ul>

Contamination	No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.
Environmental Health	Environmental Health has no objection in principle to this application. However, there does not appear to be any detail regarding the method of demolition or construction and consideration for minimisation of potential nuisance. Demolition and construction should be carried out being mindful of residents and neighbours and minimise noise, dust, vibration and other potential nuisance. No fires and work during standard hours only. Lighting to the new building should not be directed at neighbouring properties. Detail of any extraction equipment to the premises is required
Highways Development Management	No objection subject to waste management plan and emergency vehicle access being achieved.
Sustainability	No objection; if the case officer is minded to approve the application, conditions are recommended in relation to energy and water performance.
Housing Commissioning	Fully endorse the application which will provide a valuable addition to the specialist housing stock within Southampton for which there remains is a high demand. Reasons for the high demand include lack of purpose-built accommodation, cost of housing residents outside of Southampton, social benefits for residents living within a shared block and potentially being closer to family and friends.
Southern Water	No objection subject to informative.

## **6 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
  - Residential amenity;
  - Design and effect on character;
  - Parking, highways and transport;
  - Impact on trees, ecology and landscaping;
  - Air quality and the green charter; and
  - Likely effect on designated habitats.

### 6.2 Principle of Development

- 6.2.1 The scheme would make more efficient use of the existing land, as is promoted by paragraphs 124 & 125 of the NPPF, to provide 3 homes (net gain of 2) for adults



with learning disabilities along with shared outside space, a staff office with overnight facilities, parking and landscaping.

- 6.2.2 Although the site is not allocated for additional housing the principle of additional housing is supported as the proposed dwellings would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. The city has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026, which includes need for specialist accommodation for persons with disabilities. Whilst the site is not identified for development purposes, the proposal would meet the Council's policies by promoting efficient use of the previously developed land to provide housing. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development.
- 6.2.3 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"]
- 6.2.4 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.
- 6.2.5 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range 50 - 100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 56 d.p.h (based on a site area of 542 sq.m [not including the access]) which is within the range set out above; and also needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.
- 6.2.6 In terms of the proposed housing type there is an identified deficiency of specialist accommodation for adults with learning disabilities in the city which is accessible, adaptable and purpose built; and which have open space for citizens who require

medium to high level of care. As a result, many of the residents must be housed outside of the city at greater cost and often in isolation or greater distance from family members. Lack of purpose-built accommodation also leads to poor quality housing being used and greater burden on the local authority through the economy that grouping residents together can bring. The proposal would allow residents to enjoy a more independent life at the same time as having support available close by. The purpose-built accommodation in this location has been deemed suitable for adults with learning disabilities by Autism Hampshire and Southampton City Council's Housing Department. Management arrangements would be put in place to ensure the living environment and location is safe for residents of this specialist accommodation. As such, the principle of redevelopment for this type of housing is acceptable.

### 6.3 Residential amenity

- 6.3.1 The property would have approximately 145sq.m of garden space with 110sq.m being located to the rear of the site. The garden quantum therefore complies with the guidance set out in the Residential Design Guide however, at 7m (maximum) the rear garden has a depth that does not meet the recommended standard. Despite the shorter than recommended garden depth, when considered together, the overall quality & usability of the rear garden is deemed acceptable especially given its aspect and access to afternoon/evening sunshine.
- 6.3.2 In terms of the quality of the accommodation proposed overall the development provides good outlook, dual aspect and access to daylight and sunlight for proposed residents and, as noted above, good access to external amenity space and sufficiently spacious dwellings.
- 6.3.3 As set out above in section 5.3, the separation distances between the proposed dwellings and existing neighbours meet and exceed the standards set out in the RDG. The introduction of an additional floor of accommodation may alter the view from some of the surrounding properties, due to the single storey nature of the existing building, however, given that the height if the roof does not exceed existing neighbouring buildings and the flank walls are limited to single storey the height increase will still result in an acceptable relationship with its neighbours. Furthermore, whilst there will potentially be indirect views into the rear gardens of neighbouring properties from the dormer window at first floor this relationship is not unusual in suburban areas and does not result in a harmful loss of privacy for existing residents; a degree of mutual overlooking already occurs from other buildings in the neighbourhood. The development is, therefore, considered to not cause harmful overlooking and would not be viewed as an overbearing or dominant structure from neighbouring private gardens or dwellings. The height, bulk and mass proposed will also not lead to harmful shading.
- 6.3.4 Overall, it is considered that the amended proposal has been designed to provide a high-quality environment for future residents whilst ensuring a harmonious relationship with adjacent residential properties. Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, loss of light and/or privacy and accords with Local Plan Review

Policy SDP1(i).

6.4 Design and effect on character

6.4.1 The design approach is similar to the existing building on site as both have a relatively traditional design appearance with hipped roofs which will complement the prevailing character of the area. The amended layout will now sit comfortably within its immediate context by providing a modest 2 storey building with comparatively small amount of accommodation in the roof space facilitated by a small dormer window. The building would be served by private garden of generous overall size along with front garden and soft landscaped areas. As a consequence approximately 59% of the site would be covered by the footprint of buildings and hard-surfacing, which is more than the 50% suggested by paragraph 3.9.2 of the RDG. This negative aspect of the proposal must be set against the positive, in particular, provision of supported independent housing for adults with learning disabilities. Moreover, it should also be recognised that the surrounding area includes development (for example Cobden Court) that also exceed 50% of site coverage for building and hard surface areas and as such the proposal, from a character perspective, is judged to be acceptable.

6.4.2 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. The proposal which would result in the addition of a single block can be supported in principle because the site has been developed in the past and as such redevelopment is further supported by paragraph 124 of the NPPF which states that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including *‘d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.’*

6.4.3 There are no landscape features of high value on the site that would be affected by the proposal.

6.5 Parking, highways and transport

6.5.1 The scheme proposes to use an existing private vehicular access, to enter and exit the site from Harcourt Road. Two car parking spaces are proposed on site to be used by staff & visitors, for deliveries/servicing and on moving in and out days.

6.5.2 To assess the acceptability of the use of the access, likely parking pressure on residential streets and wider highway impact, officers have requested more information regarding the lawful and proposed uses. The following amended information has been received following a reduction in proposed residential units on site from 6 to 3 based on the following analysis:

6.5.3 Existing/lawful use (Care Home for up to 5 residents):

5 x Permanent residents

2 x Staff on day shift 7am-9.30pm every day 365 days a year

1 x Staff on night shift 9.30pm-7am every night 365 nights a year  
1 x Manager attends the site 3 days a week 52 weeks a year  
3 x Managers attend the group hub up to 3 or 4 times a week 52 weeks a year

Proposed use:

3 x Permanent residents  
2 x Staff on day shift 7am-9.30pm every day 365 days a year  
1 x Staff on night shift 9.30pm-7am every night 365 nights a year  
1 x Manager would attend the site 3 days a week 52 weeks a year  
No Meeting hub

6.5.4 Because of the differences between the existing/lawful use of the site (a 5 bedroom care home), and notwithstanding that the site has not been occupied by Autism Hampshire for approximately 2 years, it is anticipated that the proposal will reduce visitor numbers, trips generated by the site and local on street parking pressure. As a consequence, the initial concerns raised by the Highways Department have been removed subject to conditions securing a refuse management plan.

6.5.5 It should also be noted that the site is within a medium accessibility area. The location is well served by public transport, and it is not considered that all the staff and visitors will require private vehicles to access the site. Residents would also have convenient access to potential employment as well as public goods and services which are necessary for day-to-day living.

6.5.6 Therefore, whilst the adopted maximum parking standards would allow up to two parking spaces per residential unit, those figures are absolute maximums and sites may not always be capable of delivering more parking. A suitable balance is needed, and SCC standards do allow for car free development; and in this particular case, in particular because residents would not be capable of driving private motor vehicles, zero parking for residents and two spaces for staff, deliveries, servicing, visitors etc is considered reasonable.

6.5.7 Cycle parking can be provided on site for both staff/residents and visitors. Details of the cycle parking facilities can be reserved by condition.

6.5.8 Having also discussed the application with Hampshire Fire and Rescue Service in tandem with the applicant it is also noted that, with the use of an appropriate sprinkler system, the building will likely achieve compliance with relevant building regulations.

6.5.9 Overall, it is therefore concluded that the current proposal represents an improvement in highway terms when compared to the lawful and previous use of the site, and so it would be unreasonable to resist the application on the basis of parking, highways and transport impacts.

6.6 Impact on trees, ecology and landscaping:

6.6.1 The proposal will not result in the loss of trees and shrubs that are protected or considered significant in terms of size and amenity, and no objection been raised by the Council's Tree Officer to the removal of 3 relatively small fruit trees. These trees can be replaced at a ratio of 2 for 1. An amended site plan has been provided in response to neighbour representations which confirms that the leylandii hedge will

be managed as part of a landscape scheme to reduce shade to neighbouring gardens at the same time as retaining privacy. 2 further trees, a birch, and a fir in the northwest corner, will also be retained as part of an improved landscaping plan and a condition can be added to ensure they are retained (or replaced if necessary) throughout the lifetime of the development.

6.6.2 The Council's Ecologist does not object however has recommended planning conditions to improve ecological mitigation of the development and due to vegetation that will need to be cleared from site.

6.6.3 The provision of strong landscaping to the front and at the boundary of the site (with high biodiversity value) is key for the development where parking is going to dominate the frontage. Therefore, subject to securing the replacement landscaping and safeguarding to prevent harm to the retained trees, the proposal is considered to be acceptable.

#### 6.7 Air Quality and the Green Charter

6.7.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

6.7.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

6.7.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive-up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

6.7.4 The application site is not within an Air Quality Management Area and, as such, an Assessment is not required as part of the planning application. However, the application has introduced measures to respond to the Green Charter and the air quality impact of the development including:

- Making better use of and bringing the site, which is sustainably positioned, back into use;

- Being designed to meet energy and water requirements;
- Securing a detailed landscaping scheme which results in the introduction of further soft landscaping, increases biodiversity, includes tree planting and retains a private garden; and
- Use of a construction management plan will be has been secured and as the scheme complies with the above requirement no objection to the scheme is raised on these grounds.

## 6.8 Likely effect on designated habitats

6.8.1 As with all new development, the application needs to address and mitigate the additional pressure on the environmental, social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013).

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

## 7. Summary

7.1 The principle of new specialist residential development is considered 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.

7.2 Overall, the scheme is acceptable and despite the rear garden depth not being 10m and building/hard surfacing covering approximately 59% of the site (exceeding the recommended 50%) the development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers nor the character and appearance of the area. The proposed layout and density provide an acceptable residential environment for future occupiers and the development will make valuable contribution to the City's specialist housing stock for adults with learning disabilities

of which there is an identified deficiency. The proposal is therefore consistent with adopted local planning policies and the National Planning Policy Framework.

- 7.3 A suitable balance has been achieved between securing additional specialist housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking having regard to the Council's maximum car parking standards. Furthermore, significant weight is given to the merits of specialist housing delivery on this site.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to the applicant satisfying the Habitat Regulation requirements set out in the attached HRA and the conditions set out below.

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

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

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

**Case Officer Mathew Pidgeon for 21/02/2023 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 (Performance Condition)**

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. Accommodation Management Plan [Pre-Occupation Condition]**

Prior to the occupation of the development hereby approved a Residential Accommodation Management Plan, to include details of safety and security measures, practices and procedures that serve the hereby approved residential accommodation in specialist use [class C2/C3] and which includes details of the following shall be submitted to and approved in writing. Once approved the development shall be implemented in accordance with the approved details throughout the lifetime of the development:

- o Security measures preventing residents from leaving the building without supervision (if their care packages/risk assessments deem it unsafe to do so) including at night;
- o Confirmation of on-site staffing by registered care providers on a 24 hour/7 days a week basis; and,

o Emergency procedures.

Reason: To safeguard the residential amenities of neighbouring properties, in the interests of highways safety and in the interest of the safety and security of all residents within the development hereby approved.

4. Ancillary Use Only (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking, re-enacting or modifying that Order) the staff facilities, office and communal areas of the development hereby approved shall at no time become separate additional residential unit(s) for permanent residency or reconfigured/amalgamated into one of the approved residential units and at all times shall be maintained for staff use only.

Reason: To ensure that facilities are provided on site to enable the development to be managed as specialist supported housing accommodation with mixed C2/C3 use.

5. Restricted Use (Performance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting those Orders, the development hereby approved shall only be used as specialist supported accommodation for adults where care is provided and managed by Southampton City Council Adult Social Care Team (mixed use C2/C3) and for no other purpose whatsoever.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

6. 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.

7. 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](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

#### 8. 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.

#### 9. Cycle storage facilities (Pre-Occupation)

Before the development hereby approved first comes into occupation/use, secure and covered bicycle storage, including at least 1 x long stay space and at least 1 x short stay/visitor space 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 for the lifetime of the development.

Reason: To encourage cycling as an alternative form of transport and to comply with the Council's Parking Standards Supplementary Planning Document, September 2011.

#### 10. Parking and access (Pre-Occupation Condition)

The parking spaces 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.

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

#### 11. Land Contamination [Pre-Commencement Condition]

No development shall take place until the developer has carried out adequate assessment from investigations to determine the likely presence and degree of contamination on the site (desk study) and assessed the risks to human health and the wider environment. If any unacceptable risk or significant hazards are identified a scheme of further investigation will be required in order to assess the risk/s. If significant risk/s are identified a detailed remediation scheme must be devised and implemented to ensure the long term safety of the site.

Documentary evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination identified, the remediation works agreed and prior to occupation of any of the properties on the development, the developer and/or his approved agent shall submit

written confirmation that the works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented shall be submitted to and agreed by the Local Planning Authority

Reason: To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard

12. Use of uncontaminated soils and fill [Performance Condition]

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

Reason: To ensure no ground contamination risks to human health and the environment are introduced onto the development

13. Contamination Remedial Action [Performance Condition]

If during development, any significant evidence of contamination is observed then no further development (unless otherwise agreed in writing by the Local Planning Authority shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, an assessment of the risks and a Method Statement detailing how this contamination shall be dealt with.

Reason: To identify unacceptable risks human health and the environment and ensure remediation of the site is to an appropriate standard.

14. Tree Retention and Protection (Pre-Commencement)

Prior to the commencement of any development, including site clearance and demolition, protective fencing to protect existing trees to be retained shall be erected in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority and thereafter retained for the duration of the construction works.

Reason: To ensure the retention vegetation which is an important feature of the area.

15. 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.

16. Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be

agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary, replacement, of trees which make an important contribution to the character of the area.

#### 17. Replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land 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.

#### 18. Landscaping & 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;
- (ii) hard surfacing materials including permeable surfacing where appropriate;
- (iii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iv) 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); and
- (v) a landscape management scheme to include the leylandii trees/hedge.

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 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, with the exception of boundary treatment, external lighting and tree planting which shall be retained as approved for the lifetime of the development.

Trees will need to be replaced in the next planting season with others of a similar size and species if they die, fail to establish, are removed or become damaged or diseased; unless the Local Planning Authority gives written consent to any variation.

Should any shrubs, seeded or turfed areas die, fail to establish, are removed or become damaged or diseased, within a period of 5 years they 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.

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.

#### 19. Ecological Mitigation Statement (Pre-commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The agreed mitigation measures shall be thereafter retained as approved.

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

#### 20. Protection of nesting birds (Performance)

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

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

#### 21. Energy & Water [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 minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. SCC Energy Guidance for New Developments should be followed. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

#### 22. Energy & Water [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval. 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).

#### 23. Hours of Work for Demolition / Clearance / Construction (Performance)

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.

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

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) measures to be used for the suppression of dust
- (e) wheel cleaning measures to ensure dirt / mud is not transported onto the highway throughout the course of demolition and construction;

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.

#### 25. External Lighting Scheme (Pre-Occupation)

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

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

26. Sprinkler System (Performance)

Prior to the occupation of the development hereby approved a sprinkler system will be installed to meet, at least, Category 2 in accordance with BS 9251:2021 and thereafter retained throughout the lifetime of the development.

Reason: To ensure improved fire safety standards based on the distance of the building from the public highway and owing to the width of the access path.

27. Car Ownership (Performance)

At no time shall permanent residents of the hereby approved flats be vehicle owners.

Reason: In the interests of highway safety & on street parking pressure.

28. Amenity Space/Garden Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved and pedestrian access to it shall be carried out in accordance with the approved plans and shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the occupants.

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

Habitats Regulations Assessment (HRA)	
<b>Application reference:</b>	21/01680/FUL
<b>Application address:</b>	22A Harcourt Road Southampton SO18 1GP
<b>Application description:</b>	Redevelopment of the site. Erection of a 2-storey building containing 3 x 1-bed self-contained supported living flats at ground floor, mixed use (Class C2/C3) with communal staff facilities at first floor and car parking (amended description).
<b>HRA completion date:</b>	7th February 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 <b>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.</b></p>

## Section 1 - details of the plan or project

<p><b>European sites potentially impacted by plan or project: 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</b></p>	<ul style="list-style-type: none"> <li>▪ Solent and Dorset Coast Special Protection Area (SPA)</li> <li>▪ Solent and Southampton Water SPA</li> <li>▪ Solent and Southampton Water Ramsar Site</li> <li>▪ Solent Maritime Special Area of Conservation (SAC)</li> <li>▪ River Itchen SAC</li> <li>▪ New Forest SAC</li> <li>▪ New Forest SPA</li> <li>▪ New Forest Ramsar site</li> </ul>
<p><b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b></p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p><b>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b></p>	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a>)</li> </ul> <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  
CS13 Fundamentals of Design  
CS14 Historic environment  
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)  
SDP6 (Urban Design Principles)  
SDP7 (Context)  
SDP8 (Urban Form and Public Space)  
SDP9 (Scale, Massing and Appearance)  
SDP10 (Safety and Security)  
SDP11 (Accessibility and Movement)  
SDP12 (Landscape and Biodiversity)  
SDP13 (Resource Conservation)  
SDP14 (Renewable Energy)  
SDP16 Noise  
SDP22 Contaminated land  
NE1 (International Sites)  
H1 (Housing Supply)  
H2 (Previously Developed Land)  
H3 (Special Housing Need)  
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 (2021)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1436/65	ERECTION OF A BUNGALOW	Conditionally Approved	25.04.1972
870684/E	CONSTRUCTION OF A GRANNY ANNEXE	Application Refused	05.08.1987
07/01169/L DCP	Application for a Lawful Development Certificate for a proposed use as a residential care home (Class C3 (b))	Conditionally Approved	14.09.2007