

**Planning and Rights of Way Panel 10<sup>th</sup> December 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 49 - 51 Belmont Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of a 3-storey building containing 9 flats (2x 3-bed flexible C4/C3 use, 2x 2-bed and 5x 1-bed) with associated parking and cycle/refuse storage, following demolition of existing 2 dwellings (Outline application seeking approval for Access, Layout and Scale) (amended description).			
<b>Application number:</b>	23/00349/OUT	<b>Application type:</b>	Outline
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	22.09.2023	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Barbour Cllr Finn Cllr Savage
<b>Applicant:</b> Dr E Fogg		<b>Agent:</b> Kingston Studio	

<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>	Yes
<b>Biodiversity Net Gain Applicable</b>	No - the application was submitted prior to 02 April 2024.

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. Policies – CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

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

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act and/or undertakes a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site comprising cycle improvements on the St. Denys Rd/Belmont Road junction including cycle lane works, crossing improvements and traffic calming measures in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
  - ii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

### **1. The site and its context**

- 1.1 This site currently contains a semi-detached pair of dwellings, which are three storey in scale, formed by rooms in the roof space and rear dormer windows, with ground and first floor rear extensions. The buildings are currently occupied as housing in multiple occupation. The site is served by two existing vehicle access points from Belmont Road. A low boundary wall, hedgerow and protected copper beech tree are located on the frontage. Along the northern side of the plot runs a driveway leading to the rear that has been separated into 2 private gardens behind which is a separate area formed of gravel surfacing, overgrown landscaping, a large mature protected Scots pine tree and a detached garage/outbuilding in poor

state of repair.

- 1.2 The surrounding area is predominantly residential in character comprising 2 and 3-storey detached and semi-detached dwellings; and purpose-built flatted blocks of mixed appearance. The prevailing character comprises street-frontage buildings with rear gardens and short front gardens with low level boundary treatment. There are no on-street parking controls other than double yellow lines on junctions at each end of the street and typically dwellings are served by on-site car parking including frontage and rear parking areas. There is also a small change in levels down from south to north between plots.

## 2. **Proposal**

- 2.1 The scheme seeks outline permission to redevelop the site and construct a detached purpose-built flatted block containing 9 flats. The building would achieve a similar front building line to the existing whilst adding a further 8.5m at the rear. This outline application seeks approval of access, layout and scale matters only, with details of appearance and landscaping reserved for a follow up application.
- 2.2 Whilst appearance is a reserved matter, the indicative elevations present the proposed block with a simple appearance, constructed with brick elevations, cropped hipped roof, lintels and bay windows. The building layout proposes 2 x 3 bedroom units at ground floor with direct access to private gardens, and the remaining units will have access to a shared garden. The protected trees will be retained and refuse and cycle storage will be provided. To the rear there will also be parking for 9 vehicles. All units will be accessed, via a front landscaped garden, from a single main entrance on the front elevation.
- 2.3 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Described Space Standards (NDSS) (1 bed = 39 or (37sqm with shower), 2 bed = 61sqm & 3 bed = 74sq.m) and the minimum garden sizes of 20sqm per flat set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4). NDSS - [Title \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk)

Floor/Flat	Floor Size sqm	Garden Size sqm	Compliance
1 (studio)	37	215 shared	Y & Y
2 (studio)	37	215 shared	Y & Y
3 (3 bed)	74	71	Y & Y
4 (3 bed)	76	122	Y & Y
5 (2 bed)	67	215 shared	Y & Y
6 (2 bed)	85	215 shared	Y & Y
7 (2 bed)	67	215 shared	Y & Y
8 (2 bed)	61	215 shared	Y & Y
9 (2 bed)	61	215 shared	Y & Y

2.4 All flats are sufficient in size and the gardens are also large enough to meet the space requirements set out in the Nationally described Space Standards. The quality of accommodation is considered in greater detail as part of the 'Planning Considerations' in section 6 below.

### **3. Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.

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

3.3 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 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 compliant 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 There is no recent or relevant planning history relating to the existing semi-detached pair of properties, which has been in-situ for a number of years. Planning permission has twice been refused for the addition of 2 houses within the rear garden.

### **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, placing a press advertisement 21.07.2023 and erecting a site notice 07.07.2023. At the time of writing the report **6 representations (5 objections and 1 neutral comment)** have been received from surrounding residents and City of Southampton Society. The following is a summary of the points raised:

#### ***5.2 Insufficient parking & additional traffic generation.***

##### **Response**

The Council has maximum parking standards and the scheme does not exceed the maximum standard of 11 spaces. The proposal seeks to provide 9 offroad parking spaces, which is a reasonable number for the proposed flats with a ratio of 1 space for each dwelling. A ratio of 1:1 parking is considered acceptable in this sustainable location, located near to Portswood District Centre and 0.3miles from St Denys Railway station. It should be noted that 2021 Census data shows

that only 70% of households in the Portswood ward owns 1 or more vehicles. Additionally, there is kerb side space in front of the property which can accommodate 2 vehicles. The overall proportional contribution to traffic within the local area caused by the development will also be low.

5.3 ***Highways safety compromised.***

**Response**

Highways safety will not be prejudiced by this development because there is an existing site access from Belmont Road which will be improved. Site specific highways contributions are also required to help fund pedestrian and cycle safety infrastructure on the Belmont Road/St Deny's Road junction. No objection received from the Council's Highways team.

5.4 ***Loss of outlook.***

**Response**

Neighbouring properties would still enjoy reasonable outlook from their homes as rear facing habitable room windows will not have their 45 degree outlook effected by the proposal.

5.5 ***Loss of light / overshadowing.***

**Response**

Separation distances between the proposed development and neighbouring buildings and gardens, along with the modest scale of the proposal (as amended), changes in levels and orientation, mean that the development is not considered to lead to a harmful loss of light to neighbouring properties.

5.6 ***Overlooking.***

**Response**

Amendments to the scheme have resulted in changes to the layout and orientation of habitable room windows leading to a significant reduction of windows overlooking neighbouring properties, with all main living spaces now looking either directly to the front or rear of the site. Only 1 upper floor bedroom window is in a side elevation that faces a neighbouring building (number 47), which includes a habitable room window (bedroom); and due to an oblique angle and distance of over 12m away, it is not considered to cause a harmful loss of privacy to neighbours. Additionally, boundary vegetation provides screening to mitigate against overlooking of the neighbouring garden. Furthermore, secondary windows to kitchen/lounge areas at first floor level can also be obscurely glazed/non-opening below 1.7m from floor level of the rooms to which they serve. To the rear the proposal exceeds the 28m separation distance required by the adopted Residential Design Guide (RDG) for 2 – 3 storey buildings; the mature trees positioned on the plot boundary will also not be affected by the proposal.

5.7 ***Overdevelopment.***

**Response**

The site is capable of accommodating parking, refuse and cycle storage. Residents of the flats would also not need to rely on the public highway to access parking and bin storage areas. A reasonable amount of soft landscaping will also be provided having regard to the site context. The development achieves an appropriate balance of building/hard surfacing to plot ratio with only slightly more

than 50% of the site being covered.

5.8 ***Loss of period house.***

**Response**

The existing building has no statutory protection because it is not listed and is not within a designated conservation area.

5.9 ***Loss of existing building which could be repurposed with less embedded carbon lost.***

**Response**

No objection received from Council's sustainability team. Conditions are recommended to deliver a replacement building which achieves higher energy and water efficiency standards.

5.10 ***Too tall.***

**Response**

The proposal is 0.3m taller than the existing building, and this height increase will have a negligible impact on the street scene. There are also other buildings of similar scale/height on the street, and which are close to the application site. Those buildings also include rooms in the roof.

5.11 ***Impact on views.***

**Response**

Whilst views across the site from neighbouring properties will change, the impact will not, in my opinion, be harmful to overall living conditions currently experienced and there are no rights to a particular view.

5.12 ***Red Hawthorn at front was protected but has been removed.***

**Response**

The proposal is in outline and does not include landscaping. That said the recommended landscaping condition seeks the replacement of a red hawthorn tree and tree replacement(s) will be secured also

5.13 ***Site plan doesn't show neighbouring ground floor annex (55A).***

**Response**

55A is not a direct neighbour. The impact caused by the proposal is not considered to be significantly harmful to occupiers of that property or it's annex.

5.14 ***Small flats.***

**Response**

The flats and bedrooms accord with the nationally described space standards.

5.15 **Noise including during construction effecting night shift workers.**

**Response**

The Council must plan for reasonable behaviour. Provided that residents behave reasonably significantly harmful noise will be avoided. Separate legislation can also be used to manage unreasonable behaviour. The disturbance caused during construction will be temporary. Where appropriate conditions can be used to control construction hours.

**Consultation Responses**

5.16

<b>Consultee</b>	<b>Comments</b>
City of Southampton Society (CoSS)	<p><b>Objection</b></p> <p>CoSS appreciates care taken in the application to propose height, massing, style and materials intended to fit with surrounding buildings. CoSS however objects to the proposed demolition. The neighbouring property (47) is flats but achieved by retention of the original house and extension at the rear. There are sound environmental arguments (carbon release) for resisting unnecessary demolition and new build. 49-51 have their own individual character which contributes to the overall character of the road. CoSS therefore objects to demolition in absence of any evidence of major structural defects.</p> <p>In any building work, whether replacement or conversion, strict conditions will be needed to protect canopy and root structure of the prominent beech tree (subject of a TPO) in the front garden. Belmont Road's special character derives in no small part from trees, shrubs and planting in front gardens, and is extremely vulnerable from loss of that planting, removal of boundary walls and paving-over of gardens.</p>
SCC Sustainability	<p><b>No objection subject to conditions.</b></p> <p>It is recommended that the following guidance is followed regarding energy: Southampton City Council Energy Guidance for New Developments 2021-2025 <a href="http://www.southampton.gov.uk/sustainability">www.southampton.gov.uk/sustainability</a>.</p> <p>There has been a space allocated for photovoltaic panels on the rear flat roof, however it is unclear what the overall energy strategy for the development is, this should avoid fossil fuel energy sources, and provide an efficient solution which does not result in high fuel bills for future occupiers.</p> <p>If air source heat pumps are to be provided, they should be integrated into the design, for example the position of the units considered and compatible heating appliances such as underfloor heating, or larger radiators specified. It is</p>

		<p>recommended that these points are addressed before any approval.</p> <p>However, If the case officer is minded to approve the application conditions are recommended in order to ensure compliance with core strategy policy CS20.</p>
SCC Highways		<p><b>No objection subject to conditions and S106 obligations to secure:</b></p> <ul style="list-style-type: none"> <li>- Vehicular passing point within the site access.</li> <li>- Limited front boundary height.</li> <li>- Car Parking layout</li> <li>- Cycle storage details.</li> <li>- Contributions towards pedestrian and cycle improvements on the St. Denys Rd/Belmont Road junction including cycle lane works, crossing improvements and traffic calming measures – contribution valued at £16,000.</li> </ul>
SCC Ecology		<p><b>No objection subject to ecological mitigation and enhancement condition.</b></p>
SCC Urban Design Manager		<p><b>No objection.</b></p>
SCC Environmental Health Contamination		<p><b>No objection subject to conditions.</b></p> <p>Land contamination investigation and remediation is required along with a condition to ensure that any imported soils/fill do not introduce additional contaminants to the site.</p>
SCC Environmental Health - Noise		<p><b>No objection subject to conditions.</b></p> <p>During construction and demolition any noise, dust and vibration should be minimised and working hours should be restricted to minimise the likelihood of nuisance to neighbours.</p>
SCC Sustainability (Flood Risk)		<p><b>No objection.</b></p> <p>As the site has now reduced to 9 dwellings, the threshold for formal consultation and assessment has technically not been triggered, therefore surface water management will be reviewed, approved and signed off by Building Control.</p>
SCC Housing Management		<p><b>No objection.</b></p> <p>The scheme falls below the affordable housing threshold (net gain of 10 units).</p>
SCC Officer	CIL	<p><b>No objection.</b></p> <p>As an outline application the development will become CIL liable at the reserved matters stage. With an index of inflation applied the residential CIL rate is £110.94 per sq. m (from</p>



	01/01/2023), to be measured on the Gross Internal Area floorspace of the building.
SCC Employment and Skills	<b>No objection.</b> An employment and skill obligation is not required
Natural England	<b>Objection.</b> Natural England objects to this proposal and considers it will have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers.  <b><u>Officer Response</u></b> <i>The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is 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.”</i>
Southern Water	<b>No objection subject to conditions</b> to secure foul sewerage and surface water disposal details.

## 6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport; and
- Trees, ecology & likely effect on designated habitats.

### 6.2 Principle of Development

6.2.1 The principle of additional housing is supported. The site is not allocated for additional housing, but 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. As

detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our saved policies, seeks to maximise previously developed land potential in accessible locations.

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

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

[the so-called “tilted balance”]

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

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

6.2.5 Policy CS16 of the Core Strategy requires no net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council’s standards. The proposal incorporates 2 units capable of accommodating families, currently occupied as Houses in Multiple Occupation (HMO), with acceptable private garden space and, as such, accords with this policy as this would replace the 2 existing units that could be occupied by families. Flexibility is sought that could result in the 2 x potential family units being occupied as either family units or HMOs. This would there not result in any additional HMOs and there is no requirement to reassess the 10% threshold.

6.2.6 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 of 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 66 d.p.h (site measured as 1350 square metres) which, whilst accords with the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.

### 6.3 Design and effect on character

- 6.3.1 The NPPF states in paragraph 128 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 and beautiful, attractive and healthy places.*'
- 6.3.2 Furthermore, paragraph 135 seeks to ensure that developments function well and add to the overall quality of an area and ensure a high-standard of amenity for existing and future users. It leads onto say that development should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting'. It is understood that the proposed dwelling would add to the Council's housing need but as stated above development must respect the character of the area.
- 6.3.3 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'. Saved Local Plan Policies SDP1 (i), 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. Moreover, the RDG in paragraph 3.7.7 states that new development 'should complement the pattern of development in the rest of the street.'
- 6.3.4 Whilst the application is in outline only seeking approval of access, layout and scale, the submission also includes details which enable officers to also understand the intended appearance and landscaping potential of the scheme.
- 6.3.5 The proposed layout is not considered harmful to the character and appearance of the area. The re-provision of a parking to the rear is considered acceptable as it is clear, from visiting the site, that this arrangement had happened at some point in the past. Additionally rear parking areas are not uncharacteristic within Belmont Road and the building to plot ratio is not significantly more than 50%, again this proposed site coverage is reflective of other developments found locally.
- 6.3.6 The proposed building will be 3 storey in scale, including rooms in the roof space, and incorporates a cropped gable roof to broadly match the existing building. The proposed development will also have a ridge height, roof pitch and eaves height similar to adjoining properties. The submitted scheme will maintain the existing building line of Belmont Road and to the rear there would be a 2-storey element projecting 8.5m past the original rear building line. Overall, the footprint of the building would increase by 40%.
- 6.3.7 Whilst appearance is not a formal consideration, the submitted plans indicate that

the proposal will incorporate external facing materials that match those found locally. These materials can be secured via a planning condition.

6.3.8 The conversion to flats has also been sympathetically achieved by ensuring that a single shared entrance is provided within the front elevation and a single vehicle access from Belmont Road is provided to retain frontage landscaping and boundary wall. The proposal also includes traditional windows details in the form of bays, headers and sills.

6.3.9 The building design is considered acceptable with no objection from the Council's Urban Design Manager. Access, layout and scale are considered acceptable from a design and character perspective, as are the indicative appearance and landscaping details.

#### 6.4 Residential amenity

6.4.1 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. There are also standards set out in section 2.2 of the Residential Design Guide to protect the living conditions of the existing and future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas. Section 4.4 of the Residential Design Guide requires all developments to provide an appropriate amount of the private amenity which should be fit for the purpose intended. The access to outlook, light and privacy are considerations under paragraph 2.2.1 of the Residential Design Guide.

6.4.2 The privacy experienced by residents will be acceptable and natural surveillance of the street is achieved from habitable room windows. All habitable rooms will also enjoy suitable outlook, daylight and ventilation. The ground floor entrance to the flats is also located so that it will be visible from the street.

6.4.3 The scheme has been designed to meet nationally described minimum floorspace standards, and residents of the 3 bedroom units will have access to private gardens whilst the occupants of the other units will be able to use a communal garden. The gardens provided are acceptable in terms of size and quality, being sufficient for uses such as leisure, play and practical functions such as the drying of clothes.

6.4.4 Sufficient space is provided for bin and cycle storage which can be accessed without leaving the site.

6.4.5 The proposal is not considered to have an adverse impact on the nearest residential properties. The proposal is not considered to lead to unreasonable overlooking based on the careful position of windows, position and size of boundary vegetation, and use of obscure glazing where relevant and as controlled by condition. The scale proposed is not considered to have an overbearing or dominant impact on the neighbours, nor result in significant harmful shadowing. The position of the access and layout of the flats will also not create a significantly unneighbourly impact.

6.4.6 The proposed dwellings will result in a suitable living environment for future

occupiers and neighbouring residents, and the scheme therefore accords with saved Local Plan Policy SDP1(i).

## 6.5 Parking highways and transport

6.5.1 The site is within a high accessibility area where 1 space for each 1 and 2 bed unit and 2 for each 3-bed unit is the maximum standard. The application seeks 9 spaces in total which is less than the maximum (11). This is considered reasonable given that the location is well served by public transport, including buses, trains, taxis, e-scooters and bikes. It is also not considered that the occupiers of the residential units will require cars to access employment as well as public goods and services necessary for day to day living.

6.5.2 The impact on highway network capacity arising from the development will also be proportionally low based on the number of units proposed and the location is also highly accessible by sustainable modes of transport, reducing the need for car ownership. Site specific highways contributions are also being sort to secure pedestrian and cycle infrastructure improvements at the nearby Belmont Road/St Denys Road junction.

6.5.3 Conditions can be used to secure the retention of sufficiently sized parking spaces and cycle storage. Bin storage can also be secured and improved by condition.

6.5.4 As such the proposal is not to the detriment of highway safety and complies with the requirements of policy SDP5 of the City of Southampton Local Plan Review (as amended 2015) and policy CS19 of the adopted Local Development Framework Core Strategy Development Plan Document (As amended 2015) and the guidance contained within the Residential Design Guide, and Parking Standards SPD (2011).

## 6.6 Trees, ecology & likely effect on designated habitats

6.6.1 The Council's Tree Officer has not objected to the proposal subject to conditions to ensure that the 2 protected trees are protected during construction, as set out in the Arboricultural Impact Assessment. Additionally, a further construction detail condition is recommended for the vehicle access in case the subbase needs to be altered. Additional tree planting will also re-provide a Red Hawthorn.

6.6.2 Although landscaping is a reserved matter the Council's Ecologist has not objected and considers that appropriate ecological enhancement and, other than nitrates, mitigation can be achieved on site through the use of a condition.

6.6.3 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.

- 6.6.4 To comply with the provisions of the Habitat Regulations to ensure that development does not adversely affects the integrity of a European designation, new development which leads to a net increase in residential must be subject to an appropriate assessment to demonstrate how mitigation measures will be implemented to achieve nitrogen neutrality.
- 6.6.5 For the Council to conduct an appropriate assessment, the applicant has submitted a nitrogen budget (25.25 KgTN/yr) and will secure migration through the purchase of sufficient nitrates credits from Eastleigh Borough Council Nutrient Offset Scheme. Condition 3 (below) applies.

## **7. Summary**

- 7.1 The principle of new residential development is considered acceptable.
- 7.2 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 dwelling(s), and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising from the conflict with the policies in the development plan as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

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

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

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

**Case Officer Mathew Pidgeon PROW Panel – 10/12/24**

**PLANNING CONDITIONS to include:**

#### 01. Outline Permission Timing (Pre-Commencement)

Before any development is commenced, approval of the details of the appearance and landscaping of the development (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing. An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this Outline Permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

#### 2. Approved Plans (Performance)

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

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

#### 3. Nitrates Emissions Offset (Pre-occupation)

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

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

#### 4. 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.

#### 5. Obscure Glazing (Performance)

The first-floor windows in the side elevations of the hereby approved development, serving flats 5 and 7, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

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

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

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

#### 7. Refuse & Recycling (Pre-Occupation)

Notwithstanding the approved plans, prior to the occupation of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development, on the public highway, hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note: 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. Use of parking spaces - domestic ancillary use [Performance Condition]

The parking spaces hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling units only with at least 1 space being allocated to the residents of each three-bed unit and no more than 2 spaces being allocated to any one single unit at any time.

Reason: To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

#### 9. 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 (including bird nesting boxes), 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.

#### 10. Updated Arboricultural Method Statement for Access Subbase Works (Pre-subbase works)

Prior to any work being carried out to the existing driveway subbase, within the root protection areas of trees 1 & 6 (Copper Beech and Scots Pine), an updated Arboricultural Method Statement will be submitted to and approved in writing by the



Local Planning Authority to detail the specification of a no dig construction for the driveway/subbase. Once approved the development shall be carried out in accordance with agreed details.

Reason: To ensure that protected trees are retained and protected.

#### 11. Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement (ref JFA0305), including the tree protection measures, throughout the duration of the site clearance, demolition and development works on site.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

#### 12. Amenity Space Access (Pre-Occupation)

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

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

#### 13. Land Contamination investigation & remediation (Pre-Commencement & Occupation)

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

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for

contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

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

#### 14. Use of Uncontaminated Soils and Fill (Performance)

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

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

#### 15. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

#### 16. 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.

#### 17. Water & Energy [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum 100 Litres/Person/Day internal water use. A water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in

writing by the LPA. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

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

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

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 Litres/Person/Day internal water use in the form of a final water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

Reason:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

#### 19. Foul sewerage and surface water disposal (Pre-commencement)

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with agreed works.

Reason: To ensure satisfactory drainage provision and foul water management.

#### 20. Driveway access (Performance)

In accordance with the approved plans the driveway access will include a manoeuvring space on the site frontage, measuring at least 4.5m wide for a length of at least 6m, when measured from the back edge of the footpath. Driveway/access will at no time be used for any other purposes, including parking.

Reason: To allow vehicles to pass on site and in the interests of highways safety.

#### 21. Ground floor 3 bed flats with dual C3/C4 use for 10 years (Performance)

The dual Use Class C3 (dwelling house) and/or Use Class C4 (House in Multiple Occupation) use hereby permitted for the 3 bed ground floor units shall be for a limited period of 10 years only from the date of this Decision Notice. The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of each property.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

Note: Before the building can be occupied as a single dwelling any HMO license may need to be revoked.

#### 22. Site Levels (Pre-Commencement)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and

building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

## INFORMATIVES

### Southern Water - Sewerage Connection

A formal application for connection to the public sewerage system is required in order to service this development. Please read our Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

### Southern Water – Water Supply

A formal application for connection to the water supply is required in order to service this development. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

### Southern Water – Public Sewer Protection

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

### CIL

As an outline application the development will become CIL liable at the reserved matters stage. With an index of inflation applied the residential CIL rate is £110.94 per sq. m (from 01/01/2023), to be measured on the Gross Internal Area floorspace of the building. 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 (the approval of the last reserved matter).

Reserved matters: Landscaping, lighting & means of enclosure detailed plan.

Notwithstanding the submitted details, the reserved landscaping will need to include the following:

- (i) means of enclosure. Note: Front boundary treatments should have a height restriction of 600mm within a sight line splay from the vehicular access;
- (ii) car parking layouts. Note: Notwithstanding the approved plans, all parking spaces must measure 2.4m x 5m with a 6m turning aisle width.
- (iii) vehicle, pedestrian access and circulations areas,
- (iv) hard surfacing materials,
- (v) a replacement red hawthorn tree,

- (vi) planting plans & written specifications (including cultivation and other operations associated with plant and grass establishment);
- (vii) schedules plants, noting species, plant sizes and proposed numbers/planting densities;
- (viii) 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;
- (ix) a landscape management scheme.
- (x) implementation timetable

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 the approved boundary treatment and approved tree planting which shall be retained as approved for the lifetime of the development. Any approved trees which die, fail to establish, are removed or become damaged or diseased following their planting shall be replaced by the Developer (or their successor) in the next planting season with others of a similar size and species.

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

As far as possible all frontage boundary treatment (walls and hedges) should be retained.

## Appendix 1

### Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	23/00349/OUT
<b>Application address:</b>	49 - 51 Belmont Road Southampton SO17 2GD
<b>Application description:</b>	Redevelopment of the site. Erection of a 3-storey building containing 9 flats (2x 3-bed flexible C4/C3 use, 2x 2-bed and 5x 1-bed) with associated parking and cycle/refuse storage, following demolition of existing 2 dwellings (Outline application seeking approval for Access, Layout and Scale) (amended description).
<b>HRA completion date:</b>	30 June 2023

#### HRA completed by:

**Lindsay McCulloch**  
**Planning Ecologist**  
**Southampton City Council**  
**Lindsay.mcculloch@southampton.gov.uk**

#### Summary

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 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.

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.

The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.

Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.

#### Section 1 - details of the plan or project

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

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar Site
- Solent Maritime Special Area of Conservation (SAC)
- River Itchen SAC
- New Forest SAC
- New Forest SPA
- New Forest Ramsar site

Is the project or plan directly connected with or necessary to the management of the site (provide details)?

No – the development is not connected to, nor necessary for, the management of any European site.

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?

- Southampton Core Strategy (amended 2015) (<http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf>)
- City Centre Action Plan (<http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx>)
- South Hampshire Strategy ([http://www.push.gov.uk/work/housing-and-planning/south\\_hampshire\\_strategy.htm](http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm))

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.

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.

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.

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 calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant's submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (provided by Natural England) and the Council's own bespoke occupancy predictions and can be found using Public Access: <https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);
- The key aspects of Southampton's specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council's Cabinet in June 2022;

- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton's administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

**Outline PP where phased and/or unit quantum or mix unknown:**

***Not to commence the development of each phase unless the nitrogen budget for that phase has been submitted to and approved by the council. The development of each phase hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council Nutrient Offset Scheme for that phase has been submitted to the council.***

***Reason:***

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

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

***Reason:***

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

With these measures in place nitrate neutrality will be secured from this development and as a consequence there will be no adverse effect on the integrity of the protected sites.

**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.
- A Grampian condition, requiring evidence of purchase of credits from the Eastleigh B C mitigation scheme prior to first occupation, will be attached to the planning permission. The mitigation measures will be consistent with the requirements of the Southampton Nitrogen Mitigation Position Statement to ensure nitrate neutrality.
- 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.

## Protected Site Qualifying Features

### The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer
- (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*,
- *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

### The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

### New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

### **Solent Maritime SAC**

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- Spartina swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

### **Solent and Southampton Water SPA**

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*

- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

#### **Solent and Southampton Water Ramsar Site**

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5-year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

## **Application 23/00349/OUT**

### **APPENDIX 2**

#### **POLICY CONTEXT**

##### Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

##### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

##### Other Relevant Guidance

The National Planning Policy Framework (revised 2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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**APPENDIX 3**

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1415/52	CONVERT INTO TWO S/C FLATS	Conditionally Approved	11.05.1971
1519/M16	ERECTION OF GARAGE AND PORCH	Conditionally Approved	01.02.1977
11/02006/ FUL	Erection of 2 x 4 bedroom houses for use as dwellings (Class C3) or Houses in Multiple Occupation (Class C4) with associated refuse, cycle stores and parking served from existing access points from Belmont Road following demolition of existing detached garages.	Application Refused	16.11.2012
13/01825/ FUL	Erection of 2 x 3-bedroom houses for use as dwellings (Class C3) or HMO's (Class C4) with associated refuse, cycle stores and parking served from existing access points from Belmont Road following demolition of existing detached garages [Resubmission of 11/02006/FUL]	Application Refused	15.01.2014