# Planning and Rights of Way Panel 11<sup>th</sup> December 2018 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Rear of 90 Portsmouth Road, Southampton			
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	ment: Erection of 2x 3-be orage (Outline applicatio		
1	on following amended pla	<b>9</b>	Access and Layout)
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Application	18/01266/OUT	Application type:	Minor Dwellings
number:			_
Case officer:	Mat Pidgeon	Public speaking	5 minutes
		time:	
Last date for	30/11/2018	Ward:	Woolston
determination:			
Reason for Panel		Ward Councillors:	Cllr Blatchford
Referral:	objection have been		Cllr Hammond
	received		Cllr Warwick
Applicant: Mr David Mant		Agent: Luken Beck MDP Ltd	
T.P.			
		1	
Recommendation Summary		Delegate to Service Lead – Infrastructure	
		Planning & Development to grant	
		planning permission subject to criteria	
		listed in report	
		.,	
Community Infrastructure Levy Liable		Yes	

#### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the 'Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2018). Policies - CS3, CS4, CS5, CS13, CS14, CS15, 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, SDP8, SDP9, SDP10, SDP12, SDP13, SDP14, NE4, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Planning History		

#### Recommendation in Full

- 1. That the Panel confirm the Habitats Regulation Assessment in *Appendix 1* of this report.
- Delegate to the Service Lead Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and 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 Service Lead Infrastructure, Planning & Development be given delegated powers to add, vary conditions as necessary.
- 4. In the event that the contribution/agreement in regard to point 2. above is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to comply with the provisions of policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

#### 1. The site and its context

- 1.1 The application site lies on the southern side of Portsmouth Road, Woolston, about 100 metres west of the junction with Station Road. It comprises part of the rear garden of a substantial two storey family dwelling. The property has a large rear garden, some 36 metres in length, which includes a substantial widened section at the southern end that extends westwards across the rear of several neighbouring properties. It is this section of garden that provides the location for the proposed dwellings, with their associated gardens, parking and manoeuvring areas.
- The garden area is mainly laid to lawn but includes a large garage and associated hardstanding together with a small swimming pool. There are several trees within and around the edges of the garden, several of which are covered by Tree Preservation Orders.
- 1.3 An access track passes along the eastern side of 90 Portsmouth Road, running between Portsmouth Road and St Anne's Gardens to the south. The track connects to Portsmouth Road at the northern end but is closed to vehicles (by bollards) at its southern end close to St Anne's Gardens. Pedestrians and cyclists can access the track at its southern end.
- 1.4 The locality is predominantly residential. Properties in the locality comprise mainly substantial two storey family dwellings of traditional design. Along Portsmouth Road the properties are detached to the west of no. 90, semidetached to the east, all set well back from the Portsmouth Road frontage behind front gardens and/or landscaped areas and parking areas or access roads. The frontage from 82a heading west is within a designated conservation area and this site forms part of its setting.
- 1.5 The Portsmouth Road dwellings generally have render and/or brick-faced elevations under pitched tiled or slated roofs, with prominent front facing gables. To the south of the application site dwellings on Saint Anne's Gardens comprise detached houses of a more standardised design. The buildings have render and brick-faced elevations with tiled, fully hipped roofs. There are also two dwellings served directly off the access track that runs along the eastern side of 90

Portsmouth Road; a bungalow and a two storey house, both with access and parking towards the track and garden areas to the east.

#### 2. Proposal

- 2.1 Outline planning permission is sought for the principle of development, its access and the proposed layout. Amended plans have been received to alter the indicative design/scale of the two dwellings proposed so that the impact on neighbouring residential amenity is reduced. This change replaces full 2 storey residential development with chalet bungalows.
- 2.2 The proposal, however, remains for the erection of two 2 storey dwelling-houses although they are now 3 rather than 4 bedroom houses. The location remains within the widened southern end of the existing garden to no. 90. The retained garden for no. 90 will be about 21.5 metres long by 12 metres wide (some 250sq.m). The proposed dwellings have and internal floorspace of 127sq.m and gardens in excess of 230sq.m; albeit not all of this is useable given the existing tree cover. The appearance/design of the dwellings has been altered so that the first floor accommodation would now be within the roof space which reduces the mass and bulk of the development. Windows to the bedrooms on the upper floors also would now only face west overlooking the proposed rear gardens of the dwellings. Although only indicative this demonstrates that a scheme is possible subject to further consideration of reserved matters (Scale, External Appearance and Landscaping).
- 2.3 Access will be via the existing gravel drive from Portsmouth Road running along the eastern side of the existing house towards St. Annes Gardens. The site access will lead directly to a parking area providing 5 parking spaces, 4 spaces in car ports, sited on the base of the existing garage. The layout includes adequate manoeuvring space to allow vehicles to turn on site and enter/exit in forward gear. The existing access and parking arrangements to the front of no. 90 will be retained.
- 2.5 Provision will be made for bin and cycle storage allocated to each house. Each house will have its garden area to the rear (west), adjoining the gardens of neighbouring properties.

#### 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**.
- The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### 4. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in *Appendix 2* of this report. Please however note that there is no specific planning history directly relating to the site.

#### 5. <u>Consultation Responses and Notification Representations</u>

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and erecting a site notice 14/08/2018. A re-consultation gave 14 days to comment on the amendments with a second site notice erected on 06/11/18. At the time of writing the report <u>6 representations</u> have been received from surrounding residents with one being a letter of support and the remaining five being objections. The following is a summary of the points raised in objection to the proposal with the points raised in support being covered in the planning considerations section below (section 6):

#### 5.2 Overlooking neighbouring properties.

RESPONSE: The appearance and scale are reserved matters however the indicative plans have been amended to illustrate that a development can be achieved that would not lead to overlooking by removing upper floor windows directly facing towards neighbouring residential gardens and properties.

### 5.3 Impact of construction and proposed residential use on highway safety and congestion.

RESPONSE: The access is currently used by the occupiers of two dwellings. The increased use by the occupiers of an additional two dwellings is not however anticipated to cause significant harm to highway safety. Two additional dwellings are also not anticipated to generate a significant impact to local congestion. An objection has <u>not</u> been received from the Highways Development Management Team on this basis. The widening of the access will improve access/egress arrangements.

#### 5.4 Insufficient parking on site.

RESPONSE: The proposal accords with the Council's adopted Parking Standards Supplementary Planning Document (SPD) with regard to the number of parking spaces proposed (2 spaces per dwelling with 1 visitor space).

#### 5.5 Inadequate access for emergency services.

RESPONSE: No objection has been raised in this regard from the Highways Development Management Team; furthermore there is no change in this regard as compared to the existing situation on the site as this access is already in use.

#### 5.6 Inadequate access for refuse collection.

RESPONSE: A refuse management plan, as suggested by the Highways Development Management Team, along with surfacing of the access can be incorporated to improve the development. It is however also noted that there are two other properties within the locality where refuse collection involves the use of the existing gravel track.

#### 5.7 Inadequate lighting of the access.

RESPONSE: Improvements to the access, including lighting, will be required by planning condition.

### 5.8 Concerns raised regarding the intensification of the access increasing the frequency of potential conflict of passing traffic.

RESPONSE: The scheme can facilitate a passing point for vehicles as will be required by planning condition recommended by the Highways Development Management Team.

#### 5.9 Overdevelopment of the site.

RESPONSE: The site is considered to be sufficient in size to accommodate the two dwellings proposed and associated amenity space, refuse and cycle storage; and car parking spaces without being significantly harmful to neighbouring amenity. There is also sufficient remaining space to ensure that the occupants of the existing dwelling enjoy a suitable living environment.

#### 5.10 Impact on protected trees.

RESPONSE: The proposal would result in one Maple and one Apple tree being removed along with 4 groups of smaller trees including Elm, Maple, Fig, and Apple, Bay, Camellia, Cherry, Magnolia, Lime, Lawson Cypress, Balsam poplar and a Beech hedge. The tree team have reviewed the information provided and do not object on the basis of the impact on protected trees.

### 5.11 The development may set a precedent for additional potential development if the application is supported.

RESPONSE: Each application must be judged on its own merits.

#### 5.12 **Impact on wildlife.**

RESPONSE: No objection has been raised by the Council's Planning Ecologist. Planning conditions are recommended to mitigate impact.

#### 5.13 Impact on neighbouring outlook, loss of light and loss of privacy.

RESPONSE: Whilst appearance and scale are reserved matters, owing to initial concerns, the indicative plans showing the proposed layout/appearance and scale of the proposed buildings have been amended. The reduced bulk and mass proposed is now judged to be acceptable in terms of impact on neighbouring outlook. Habitable room windows will face down the rear garden only and there will no longer be side facing windows serving habitable rooms. Light to neighbouring habitable rooms and rear gardens is also not anticipated to be significantly harmed as a consequence of the development given separation distances and the position of large trees in-between neighbouring houses.

### 5.14 Location of garages and refuse collection will cause odour nuisance/harm to neighbouring residential amenity.

RESPONSE: The proposed relationship/juxtaposition of refuse stores and garages in relation to neighbouring properties is not uncommon in an urban location. Significant odour nuisance is not anticipated as a consequence of the proposal. It would be unreasonable to oppose the development on this basis.

#### **Consultation Responses**

#### **SCC Highways:**

The proposed development will generate 4 additional parking spaces and one visitor space. As such the frequency that the shared drive way will be used will increase. The application proposes improvements to the access by widening it by 4.8m for an initial stretch of a minimum of 6m which will allow vehicles to pass one another close to Portsmouth Road. Sightlines will also be improved by reducing the height of boundary treatment adjacent to Portsmouth Road all of

- which will allow safer access to the new and existing units which utilize this access.
- 5.15.1 Policy SPD4 of the Local Plan, requires new development to prioritise access for pedestrians/cyclists/wheelchair users. As the unadpoted access has a gravel surface it is arguably not suitable for wheelchair and pushchair users. Some resurfacing should be provided to comply with that policy.
- 5.15.2 The gravel surface will also make refuse collection difficult when compared to a level/non migratory surface. A waste management plan and surfacing improvements to the shared driveway will be required to manage and assist with refuse collection.
- 5.15.3 The application can be supported subject to relevant conditions.
- 5.16 SCC Archaeology:
- 5.16.1 No objection subject to planning conditions securing archaeological watching brief investigation & watching brief work programme.
- 5.17 SCC Sustainability Team:
- 5.17.1 No objection subject to the imposition of relevant conditions.
- 5.18 SCC Environmental Health (Pollution & Safety):
- 5.18.1 No objection subject to the imposition of a planning condition to secure a Construction Environment Management Plan.
- 5.19 **SCC Tree Team:**
- 5.19.1 The application site contains a number of trees, many of which are covered by Tree Preservation Orders. A tree survey has been carried out; this supports the submitted Tree Constraints Plan, Tree Protection Plan and Arboricultural Impact Assessment/Method Statement. The proposed dwellings lie entirely outside the Root Protection Areas of the TPO'd trees.
- 5.19.2 The proposed carports lie within the Root Protection Areas of two trees but will be constructed on the concrete base of the existing garage within the garden. Their construction will therefore avoid harm to the trees. No objection subject to the imposition of relevant conditions.
- 5.20 SCC Ecology
- 5.20.1 No objection subject to the imposition of relevant conditions:
  - Ecological mitigation and enhancement plan to include bat boxes on the proposed dwellings.
  - Light scatter diagram to prevent light spill from harming bats.
  - Protection of nesting birds condition.

#### 5.21.1 Southern Water:

No objection subject to relevant conditions and informatives.

#### 6 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:
  - Ecology and trees; and

Likely effect on designated habitats.

#### Principle of Development

- The proposal is for two detached dwellings within the extended rear garden to no. 90 Portsmouth Road. The application site is an area of land additional to the original garden to the property; according to the applicant it was originally used as a builder's yard in association with the development of properties in the locality. It forms an area running to the rear of neighbouring gardens off Portsmouth Road, St. Anne's Gardens and Canada Road.
- 6.2.1 The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Whilst the site is not identified for development purposes on the adopted proposals map, the Council's policies also promote the efficient use of previously developed land to provide housing. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy sets a density range of between 50 and 100 dwellings per hectare for new residential development in medium accessibility areas however it also states that density should be assessed with regard to a set number of criteria that include the need to protect and enhance the character of existing neighbourhoods. Whilst the proposed density is 18 dwellings per hectare the scheme is judged to be compliant with policy CS5 given the spatial character of the local area; any more development proposed on the site is likely to fail to reflect the spatial characteristics of nearby development.
- 6.2.2 It is also noted that the City has a housing need; as detailed in Policy CS4, whereby an additional 16,300 homes need to be provided within the City between 2006 and 2026 and the proposal will help to achieve this target.
- 6.2.3 In principle the scheme is therefore considered to be acceptable in this location as it would result in making efficient and effective use of land in a sustainable location as required by the NPPF and local planning policies.

#### Design and effect on character

- As can be seen from the site location plan, there are other existing dwellings located in similar positions accessed off the Portsmouth Road to St. Anne's Gardens access track and lying between properties on Portsmouth Road and St. Anne's Gardens. No. 92 Portsmouth Road is a large bungalow with a wide frontage towards the track and garden to the rear. No. 27a St. Anne's Gardens is a two storey house with a narrow frontage to the track and garden to the rear.
- 6.3.1 The proposed dwellings would have a similar relationship to the existing properties 92 Portsmouth Road and 27A St. Anne's Gardens to the pattern of development in the locality; whilst not fronting onto an adopted highway, all are reached along the access track from Portsmouth Road and front onto the track. The amount of garden proposed and setting to each dwelling is also similar to nearby dwellings. The proposed layout also takes careful account of trees on and around the site and the dwellings avoid the Root Protection Areas of the TPO'd trees and thus the general character of the area, as contributed by large mature trees, will be retained.
- 6.3.2 Whilst appearance is a reserved matter the indicative plans were amended to address concerns raised by neighbours and officers. The revised indicative plans demonstrate that the proposed appearance of the dwellings could reflect local design characteristics in terms of footprint, building to plot ratio and pitched roof

- design (and the Council will have the opportunity to comment further at the reserved matters stage).
- 6.3.3 The proposed dwellings are therefore judged to not appear out of character within the plot or look out of place nor squeezed into an inadequate or inappropriate location.

#### Residential amenity

- Both dwellings will have substantial garden areas that lie outside the canopies of the trees on and around the site; there will be areas of each garden that will be usable and it is considered that the degree of shadowing by surrounding trees will be acceptable. The proposed gardens will also achieve the minimum recommended garden sizes set out in the Residential Design Guide (10m depth with 90sg.m).
- 6.4.1 The development will leave an appropriately sized garden for the existing dwelling which is at least equivalent to the gardens of the immediate neighbours. The garden size remaining will also comply with the recommended garden sizes set out in the Residential Design Guide. The garden areas proposed for both the proposed dwellings and the existing dwelling, 90 Portsmouth Road, are judged to be fit for their intended purpose.
- 6.4.2 The privacy experienced by residents will be acceptable and habitable rooms within the proposed buildings will all have access to outlook, daylight and will achieve appropriate ventilation.
- 6.4.3 In summary the occupants of the proposed dwellings and the existing dwelling will all experience a high quality living environment typical of family dwellings in suburban settings.
- 6.4.4 Access to the dwellings will need to be improved as part of the development, it is reasonable to apply conditions to improve the surface of the track for wheelchair and pushchair users and also to improve lighting for security purposes.
- 6.4.5 The proposed development will also not adversely affect neighbouring properties, being set sufficiently away from the site boundaries. Separation distances to neighbouring dwellings also exceed those required by the City Council's Residential Design Guide (min 12.5m window to gable and 21m back to back) and habitable room windows at first floor level will not face the closest neighbours to the north and south. Whilst only indicative plans have been provided the two storey form of development, whereby there would be rooms in the roof space within a chalet bungalow, means that visual impact experienced from neighbouring gardens and habitable rooms would be acceptable given the suburban location. It is also not anticipated that the neighbours would be harmed as a result of shadowing caused by the proposed dwellings given that there are large mature trees on the boundaries of the site already and owing to the height of the proposed dwellings.
- 6.4.6 Therefore all respects the proposed development is anticipated as having an acceptable relationship with neighbouring properties/owners. Harm has been avoided by designing the scheme to reflect the dominant pattern of development in the local area. In addition the quality of the proposed residential environment is considered to be acceptable and the scheme has, therefore, been assessed as compliant with LPR Policy SDP1(i).

#### Parking highways and transport

- 6.5 90 Portsmouth Road is within a medium accessibility area with residents' day-today needs capable of being reached by foot and cycle. Access to Woolston District Centre and Southampton City Centre is also available by public transport.
- 6.5.1 Access to the proposed development for pedestrians and vehicles is to be via the existing access drive along the eastern side of no. 90 Portsmouth Road. The access track is currently used by the two dwellings fronting onto it 92 Portsmouth Road and 27a St. Anne's Gardens plus vehicles using the rear triple garage and hardstanding to the rear of 90 Portsmouth Road, but is closed to through traffic by bollards at the St. Anne's Gardens end.
- 6.5.2 The access track is in the ownership of the applicant. Lowering of the wall and pillar adjoining the front of number 90 will improve visibility to the west for vehicles exiting the shared driveway and widening the northern end will enable vehicles and pedestrians to pass each other safely. Improvements, as noted above, will be required to improve pedestrian access and to ensure that bin movement is easily achieved on collection day.
- 6.5.3 Parking will be provided for 4 cars to the front of the proposed houses with one additional visitor space. The main car parking spaces will be within two separate car ports. Secure cycle parking will also be provided. This provision meets the requirements of the Southampton Parking Standards SPD.
- 6.5.4 No objection has been raised to the proposal from the highways development management team. Refuse and cycle storage, as well as parking on site, can be achieved.

#### **Ecology and trees**

- The Councils Tree Team have reviewed the submitted information and have visited the site with the case officer. They support the proposal on the basis of the submitted information relating to trees and have recommended conditions accordingly.
- 6.6.1 The Councils Ecologist does not oppose the development. An ecological mitigation and enhancement plan, to include bat boxes on the proposed dwellings and a light scatter diagram to prevent light spill from harming bats will be needed. A condition to protect nesting birds is also required.

#### Likely effect on designated habitats

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

#### 7. Summary

7.1 The Council is committed to providing high quality residential environments for the citizens of the city and aim to work with developers to make efficient use of available land. The scheme manages to achieve this and the loss of part of the

rear garden serving 90 Portsmouth Road is not opposed in principle. The provision of two genuine family homes is supported.

#### 8. Conclusion

8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for approval. It is recommended that planning permission be granted subject to conditions as set out below.

### Local Government (Access to Information) Act 1985 Documents used in the preparation of this report Background Papers

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

#### MP3 for 11/12/2018 PROW Panel

#### PLANNING CONDITIONS to include:

#### 1. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas and the means of access (vehicular and pedestrian) into the site and the buildings of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
  - the appearance and architectural design specifying the external materials to be used:
  - the scale of the buildings indicating massing and building bulk and;
  - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun 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 91 and Section 92 of the Town and Country Planning Act 1990 (as

### 2.Approved Plans

amended).

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

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

#### 3. Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

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

#### 4. Archaeological watching brief investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

#### 5.Archaeological watching brief work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

#### 6.Foul and surface water sewerage disposal [Pre-Commencement Condition]

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

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

#### 7. Energy & Water [Pre Above Ground Work Condition]

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

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

#### 8. Energy & Water [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum

19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and

105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

#### 9. Sustainable Drainage [Pre-Commencement Condition].

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme

is to be provided, the submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

#### 10. Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

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

Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

#### 11. No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted in the side elevations at first floor level/within the roof slope of the buildings hereby permitted without the prior written consent of the Local Planning Authority.

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

#### 12. Glazing panel specification [Pre-Occupation Condition]

All first floor windows positioned in the side elevations (north and south facing) of the buildings hereby approved, shall be glazed in obscure glass and shall be non-opening/shall only have a top light opening at least 1.7m above the floor level of the room to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason: To protect the privacy enjoyed by the occupiers of the adjoining properties.

#### 13.Refuse & Recycling [Pre-Occupation Condition]

The hereby approved refuse storage area shall be laid out in accordance with the approved plans prior to the occupation of the hereby approved scheme. Thereafter refuse bins shall be stored within the refuse storage area and shall not be stored on the public highway other than on collection day. Such facilities as approved shall be permanently retained for that purpose.

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

#### 14. Waste Management Plan [Pre-Occupation Condition]

A waste management plan containing full details and measures to ensure that bins are moved to and from the kerbside collection point from the dwellings hereby approved site shall be submitted to and agreed in writing with the Local Planning Authority prior to the first occupation of the development hereby granted consent. The plan will contain measures to promote the reuse, segregation and recycling of wastes produced on site.

Reason: In the interests of neighbour amenity and waste collection/recycling.

#### 15.Car Parking and Cycle Storage Facilities [Pre-Occupation Condition]

The houses hereby approved shall not be occupied until the car parking spaces and cycle storage facilities have been provided as shown on the approved drawings. These facilities shall be permanently retained thereafter.

Reason: To ensure provisions are made for car parking, to avoid congestion of the adjoining highway; and to encourage cycling as an alternative form of transport.

#### 16. Access route improvements [Pre-Occupation)

Before the development is occupied, details of proposed improvements to the access route into the site, to include the following listed details shall be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed details shall be implemented prior to first occupation and retained thereafter in perpetuity.

- Access: The main vehicular access of the unadopted road with Portsmouth Road shall be widened to 4.8m for a minimum of 6m (measuring from the adopted highway to the south) in order to provide a passing point for vehicles.
- Sightlines: Notwithstanding the submitted plan DMMason Engineering Consultants drawing M.097/2 revB works to secure sightlines including demolition of existing garden walls and erection of new garden walls and piers to be provided in order to secure sightlines of 2.4m x 90m.
- Resurfacing: A plan to show a resurfaced path along the unadopted road to be submitted and agreed upon. This path should be practical and usable for wheelchair and pushchair users; and for refuse collection purposes.
- Lighting: The safety and security of the users of the access path shall be improved by addition lighting, details of which shall need to be submitted and approved.

Reason: To ensure the development improves the access route to the site in the interests of safety, security and convenience of access.

Note the landscaping plans should include the following:

- Driveways shall be constructed of non-migratory materials,
- Identify that no surface water from the site shall run onto the public highway.
- A paved route of adequate width shall be provided to the bin and cycle stores from the front of the houses to the stores in the back gardens.

### 17. Details & samples of building materials to be used [Pre-Above Ground Work Condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and render) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments formed. 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.

#### 18. 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.

#### 19. Wheel Cleaning Facilities (Performance Condition)

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no vehicle shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

#### 20. Ecological Mitigation Plan [Pre-Commencement]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The plan shall include details of lighting and a light scatter diagram to prevent light spill into the canopy of nearby trees to prevent harm to foraging bats; and shall also include bat boxes within the roofs of the approved buildings.

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

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

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

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

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

The development hereby approved shall be carried out in accordance with the submitted and approved Aboricultural Method Statement (listed below) including the tree protection measures throughout the duration of the demolition and development works on site.

 Arboricultureal Impact Assessment & Arboricultural method statement at 90 Portsmouth Road, Woolston, Southampton, SO19 9AN for Mr D Mant, Ref: GH1835.1 04/07/2018. Gwydion's Tree Consultancy.

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

#### 23. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

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

#### 24.No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

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

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

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

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

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

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

#### **27.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.

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

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

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report

Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.

Stage 1 - deta	ails of the plan or project
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs.  New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	

Are there any other projects or plans that together with the planning application being assessed affect could the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?

Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.

Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.

The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.

#### Stage 2 - HRA screening assessment

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

#### Solent SPAs

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

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

#### The New Forest

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

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

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

#### **Stage 3 - Appropriate Assessment**

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

#### Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

#### **New Forest**

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

#### **POLICY CONTEXT**

Core Strategy - (as amended 2015)	
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions
City of Southampton Local Plan Review – (as amended 2015)	

#### <u>City of Southampton Local Plan Review – (as amended 2015)</u>

SDP1	Quality of Development
SDP4	Development Access
	<b>–</b> ·

**Parking** SDP5

SDP6 **Urban Design Principles Urban Design Context** SDP7

Urban Form and Public Space SDP8 SDP9 Scale, Massing & Appearance

SDP10 Safety & Security

SDP11 Accessibility & Movement SDP12 Landscape & Biodiversity SDP13 Resource Conservation SDP14

Renewable Energy

CLT5 Open Space in New Residential Developments

Provision of Children's Play Areas CLT6 CLT7 Provision of New Public Open Space

**Housing Supply** H1

**Previously Developed Land** H2 Houses in Multiple Occupation H4 H7 The Residential Environment

#### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011) Bassett Neighbourhood Plan (July 2016)

#### Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

#### Application 18/01266/OUT

**APPENDIX 3** 

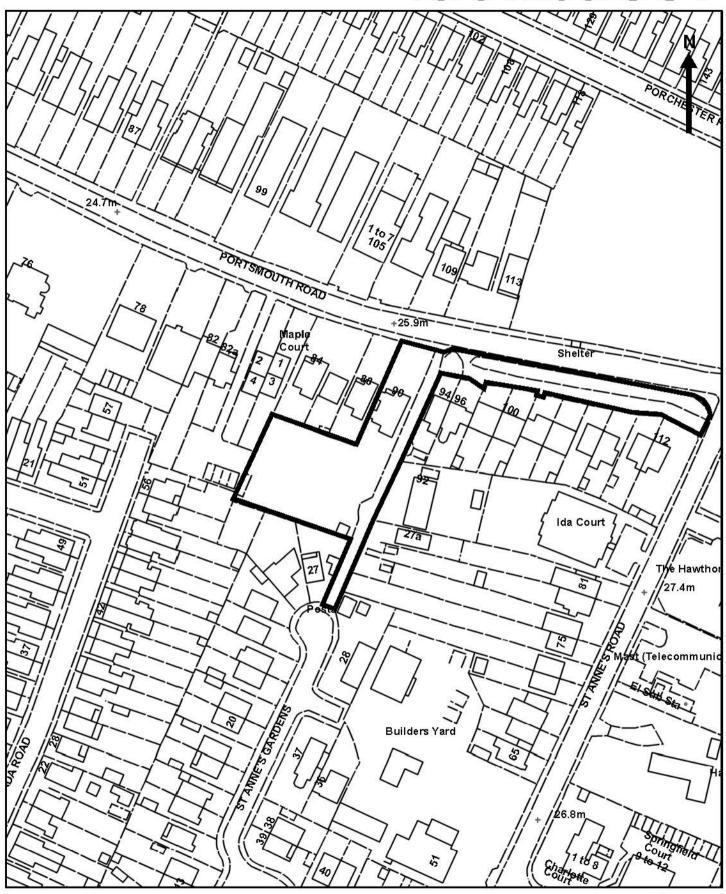
#### **Relevant Planning History**

84 Portsmouth Road (to west of application site)

Erection of two storey detached 3 bedroom dwelling (located between nos. 84 and 88 Portsmouth Road). Approved November 2006 (now built)

26 St. Anne's Road (immediately south of application site) Replacement rear conservatory, Approved June 2006

## 18/01266/OUT



Scale: 1:1,250



