

Planning and Rights of Way Panel 2nd April 2019
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: Rear of 40 Atherley Road			
Proposed development: Erection of a 2-bed, detached bungalow with associated cycle/refuse storage			
Application number:	19/00116/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 mins
Last date for determination:	Extension of Time agreed – 08.04.19	Ward:	Freemantle
Reason for Panel Referral:	Request by Ward Member and Five or more letters contrary to the officer's recommendation	Ward Councillors:	Cllr Brian Parnell Cllr David Shields Cllr Stephen Leggett
Referred to Panel by:	Cllr Shields	Reason:	Pressure to street parking; nuisance from construction
Applicant: Mr B Kakiya		Agent: Concept Design & Planning	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to refuse planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	------------

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

Recommendation in Full

Refuse for the following reasons:

1. Out of Character/Poor Residential Environment

The proposal to form a separate dwelling represents an over-intensive use and physical overdevelopment of the site which would be harmful to the character of the area in terms of introducing residential development in a backland location which would be out of character with the layout and context of the established pattern of development in the area. In addition, the proposal would be harmful to the amenities of neighbouring and existing occupiers in terms of increasing the activity to the rear of the site. The proposal thereby proves contrary to saved policies SDP1(i), SDP7(iii)(v), SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015) as supported by the relevant guidance in section 3 of the approved Residential Design Guide Supplementary Planning Document (September 2006).

2. Insufficient parking

Based on the information submitted, it has not been adequately demonstrated that the parking demand of the development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. Furthermore the proposed pedestrian access route would result in the loss of a usable frontage parking space serving the existing flats which may compound existing on-street parking pressures. The development would, therefore, be contrary to the provisions of saved policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

Note to applicant - The guidance in the Parking Standards SPD (section 4.2.1 refers) expects the applicant to demonstrate that there is sufficient kerbside capacity to absorb the additional parking demand. This should be assessed by undertaking a parking survey using the preferred Lambeth model.

3. Lack of Section 106 or unilateral undertaking to secure planning obligations

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

1. The site and its context

- 1.1 The site is located on the eastern side of Atherley Road within the ward of Freemantle. The surrounding area is characterised as suburban residential comprising mainly of 2 storey Victorian era properties with uniform bay and gable features creating a distinctive and attractive appearance. The properties in Atherley Road typically have a linear building line and layout of the plots, with no examples of backland residential development on rear gardens. Where infill housing development has been allowed, it typically has a direct frontage with the street which reinforces the linear established character of the wider area. Where there are buildings in rear gardens, these tend to be smaller scale outbuildings which are ancillary in nature and appearance to the primary buildings fronting the street.
- 1.2 The site itself comprises a two storey detached property split on the ground and first floor into 2 flats contained within a plot area of 610sqm. The rear garden is split into separate amenity areas to serve the flats. The footprint of the proposed development will replace a group of existing outbuildings. The building is set back from the frontage by a gravelled parking area with side access to the rear garden.

2. Proposal

- 2.1 The proposal seeks to subdivide the rear garden of the flats to create a separate plot (250sqm) to erect a single storey dwelling with 2 bedrooms and its own amenity space (90sqm). The dwelling is accessed via foot to the side of the existing property. The existing flats will have 140sqm of communal amenity space remaining. No off-street parking provided for the new dwelling.

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 2.
- 3.2 The National Planning Policy Framework (NPPF) was revised in February 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 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. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) of the Local Plan Review support development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Core Strategy policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council’s vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.
- 3.4 Core Strategy Policy CS5 acknowledges that there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land. However, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.5 Core Strategy Policy CS19 indicates that parking for all development must have regard to the Council’s maximum car parking standards set out within the Parking Standards SPD. The maximum parking permitted for a 2-bed dwelling in this location is 1 space. The Parking Standards SPD advises that provision of less than the maximum parking standards is permissible, however, developers must demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount, or a lower quantity.

4. Relevant Planning History

- 4.1 The site itself does not have any relevant history, however, there are two recent applications for backland housing development refused in Atherley Road, including an appeal dismissal. This includes 38 Atherley Road (ref no. 10/00027/FUL) and 48 Atherley Road (ref no. 16/00112/FUL). The plans and notices are also attached in Appendix 3.
- 4.2 Where modern examples of new housing have been approved by subdividing existing plots within Atherley Road, these dwellings tend to have a physical frontage with the street. These examples include:-
43-43A Atherley Road
971207/W - Erection of 2 x 3 bed dwellings – Conditionally Approved (1997)

Land adjacent to 1 Atherley Road

16/00706/FUL - Erection of a two-storey two bedroom dwelling (Class C3) –
Conditionally Approved (2016)

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 12.02.2019. At the time of writing the report **19** representations (8 support and 11 objections) have been received from surrounding residents and an objection from a local ward Cllr. The following is a summary of the points raised:

Objection comments

- 5.1.1 **The incursion of development into the rear garden would affect the peace and quiet enjoyed by the residents of the adjoining properties.**

Response

The introduction of a dwelling in this backland location would intensify the use of the garden and would be at odds with the spatial character of the area.

- 5.1.2 **Out of character by developing on a residential garden. Will set a precedent for other properties to develop their back gardens which will detrimentally change the character of the area.**

Response

The proposal would be out of keeping with the spatial character of the area.

- 5.1.3 **The additional parking demand generated by the development would put pressure on the short availability of street parking can cause congestion. There would be a lack of access for emergency services to the backland dwelling and thus a possible fire risk.**

Response

Although the parking standards do not require a minimum number of off-street spaces to be provided, no parking survey has been carried out to assess the availability of kerbside capacity in the locality to absorb the parking demand generated by the development. The maximum number of spaces permissible for this development is 1 car parking spaces and insufficient evidence has been provided to support a level of parking which is less than the maximum standard, as required by the Parking Standards SPD. In the event of a fire, Building Regulations allows a fire hose for a maximum 45m distance to the entrance of the building, so fire appliance does not require direct access to the site in this case.

- 5.1.4 **Loss of garden space for existing residents. Overdevelopment in an overcrowded and overbuilt area, where tenants are poorly managed with regards to adhering to local rules for refuse and parking in front of dropped kerbs. The development will not help promote well-balanced communities, as this type of development and HMOs are gradually over saturating the entire neighbourhood with transient residents without a vested interest in maintaining the local neighbourhood and has the effect of driving out residents in normal residential family homes. Properties will become unsellable in the short to medium term.**

Response

The impact on property values is not a valid planning consideration. The provision of smaller housing will assist improving the balance of household mix in the

locality. The nature of the large plot will ensure that both the existing and future occupiers will have a sufficient amount of the private and usable amenity space to meet the Council's amenity space standards – a minimum of 40sqm communal space for the flats and 90sqm for the detached dwelling. The development itself represents a physical over-development of the large plot as the overall site coverage with buildings and hard surfacing exceeds 50% (57% - 347sqm out of 610sqm).

Support comments

- 5.1.5 **The area is a cohesive mixed community and the streets are always kept clean. Better use of the underutilised large garden space which will assist delivering family housing need. The well-designed dwelling at single storey level would have a minimal impact on the appearance of the area. The single storey nature of the building would not be harmful to the amenity of the neighbouring residents with regards to loss of privacy, outlook and light. Adequate amount of garden space will be provided for the residents. The current garden is infested with vermin so the redevelopment of the derelict land will be a benefit.**

Response

The development is designed in a manner so the living conditions of the existing occupiers are not harmed by the physical structure. The detailed design of the dwelling itself is not objectionable, however, within its context the building will appear out of character and would fail to reinforce the distinctiveness of the locality. Although the development would make better utilisation of under-utilised garden land, the backland location of the dwelling would be out of character with the linear pattern of development in Atherley Road by creating a second tier of development divorced from the street scene. Furthermore, this development would create an undesirable precedent for other properties to subdivide their land to build dwellings and would undermine recent refusals on neighbouring plots.

- 5.1.6 **The parking impact from one small dwelling will not have a noticeable impact in an area where there are already numerous house to flat conversions in the locality. Given the proximity to the city centre and local schools, the property is not likely to add more than one vehicle. The impact on street parking is not only from residents but also commuters working in the city centre. There are often many empty spaces at the weekend.**

Response

Although the parking standards do not require a minimum number of off-street spaces to be provided, no parking survey has been carried out to assess the availability of kerbside capacity in the locality to absorb the parking demand generated by the development.

Consultation Responses

- 5.2 **SCC Highways – No objection**
- 5.3 **SCC Sustainability Team – No objection**
- 5.4 **SCC Environmental Health (Pollution & Safety) – No objection**
- 5.5 **Southern Water – No objection**

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
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 Although private residential gardens are not identified by the NPPF as previously developed land, the Council does not have a Local Plan policy to preclude the development of residential gardens for further housing. When considering development that makes more efficient use of land such as this application, paragraph 122(d) of the NPPF expects planning decisions to take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens). Policy CS4 of the Core Strategy identifies an additional 16,300 homes will be delivered between 2006 and 2026 to meet the need of city's housing supply.

6.2.2 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in high accessibility locations such as this, density levels should generally accord with the range of 50-100 dwellings per ha (dph), although caveats this in terms of the need to test the density in terms of the character of the area. The proposal would achieve a residential density of 40 dph which, whilst in accordance with the range set out above, needs to be tested in terms of the merits of the scheme as a whole.

6.2.3 As such, whilst the principle of development to make better utilisation of under-used land to contribute towards the housing supply is welcomed, this benefit should be weighed up against other socio-economic and environmental priorities of the Development Plan to determine whether this is a sustainable development in accordance with the NPPF (the 'Planning Balance').

6.3 Design and effect on character

6.3.1 As it stands the locality is characterised by linear plots and building lines with no recent examples of backland development allowed by the Council in Atherley Road. The buildings in the rear gardens of Atherley Road tends to be ancillary sized domestic outbuildings. Where modern examples of new housing have been approved by subdividing existing plots within Atherley Road, these dwellings tend to have a physical frontage with the street (see section 4.2 of the report for examples). Indeed two applications for similar development have been refused in recent years, including a dismissal at appeal (**see Appendix 3** for details).

6.3.2 The detailed design of the dwelling itself is not objectionable, however, within its context the building will appear out of character and would fail to reinforce the local distinctiveness of the locality. Although the development would make better utilisation of under-utilised garden land, the backland location of the dwelling would be out of character with the linear pattern of development in Atherley Road by creating a second tier of development divorced from the street scene. Furthermore, the introduction of a residential building in the rear garden would be appear out of character when viewed from the gardens of the adjoining properties. This development would create an undesirable precedent for other properties to subdivide their land. The development itself represents a physical over-

development of the large plot as the overall site coverage with buildings and hard surfacing exceeds 50% (57% - 347sqm out of 610sqm). This is contrary to the guidance for site coverage under paragraphs 3.9.1 to 3.9.2 of the Residential Design Guide. As such, the proposed dwelling would harm the character and appearance of the area.

6.4 **Residential amenity**

- 6.4.1 The single storey nature of the development and its distance from the neighbouring boundaries is designed in such a way so that the living conditions of the existing occupiers is not harmed by the physical structure with regards to loss of privacy, light and outlook. In particular, the mass and bulk of the building is adjacent to the rear end of the neighbour's gardens so the impact from its enclosure would not directly affect the neighbour's most usable and private areas with regards to overshadowing and enjoyment of outlook. The boundary treatment around the plot can be increased to 2m in height to prevent overlooking from the garden and side facing ground floor windows, whilst the windows in the north elevation can be made obscure glazed. The nature of the large plot will ensure that both the existing and future occupiers will have a sufficient amount of the private and usable amenity space to meet the Council's amenity space standards – a minimum of 40sqm communal space for the 2 flats and 90sqm for the detached dwelling.
- 6.4.2 The introduction of a dwelling in this backland location would intensify the use of the garden with regards to comings and goings and other incidental activities related to the dwelling. The increased activities would be significantly more noticeable from the gardens of the adjoining properties to the detriment of the peace and quiet enjoyed by the neighbouring residents. As such, I consider this impact to be harmful to the amenity of the neighbouring residents.

6.5 **Parking highways and transport**

- 6.5.1 The development will provide no vehicular access so this will not create a direct impact on highway's safety. A condition could be used to secure a bin collection point for the new dwelling. Suitable details of cycle and refuse storage for the development have been provided.
- 6.5.2 The maximum standards for a 2 bedroom dwelling is 1 parking space off street. Whilst it is accepted that a residential development can be served by less than the maximum standard, it is likely that the households will own a vehicle and, therefore, result in greater demand and pressure to street parking in the local area.
- 6.5.3 Provision of less than the maximum parking standard is permissible, however, the Parking Standards SPD states that developers must demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount or lower quantity. The Council expects the available capacity of street parking in the vicinity to be demonstrated in the form of a parking survey conducted in accordance with the Lambeth model.
- 6.5.4 The location is within walking distance to the city centre and local shopping area in Shirley Road. There are no parking permit controls prohibiting street parking in Atherley Road and the surrounding. Being a suburban location there is strong likelihood that the residents would rely on private transport to travel to work and carry out day to day errands. The parking demand generated by the development is therefore likely to overspill onto nearby streets resulting in competition for parking spaces outside the homes of existing residents.

6.5.5 A parking survey has not been submitted so it is not possible to assess whether there is sufficient kerbside capacity to absorb the parking demand generated by the development and, therefore, fully assess the loss of amenity to local residents inconvenienced by not being able to park in close walking distance to their property. As such, the proposal would be contrary to policy SDP1(i) as it fails to safeguard the amenity of the local citizens. Furthermore, the use of migratory surface, such as gravel is not acceptable.

6.6 **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. That said, the SRMP contribution has not been secured under the requisite S106 undertaking or S111 agreement and, therefore, fails to mitigate the impacts identified. There is no requirement for the Panel to agree the HRA in light of this recommendation to refuse. This would, of course, change should the Panel be minded to approve the application.

7. **Summary and Planning Balance**

In summary, officers consider that the socio-economic benefits of boosting the housing supply for the community is far outweighed by the negative socio-economic and environmental impacts on the community with regards to loss of residential amenity for nearby residents, the established character of the area, and the opportunities for residents to park in walking distance to their homes on Atherley Road and surrounding streets given the parking demand generated by the development. As such, I consider that the impacts of the development when assessed as whole should not be granted in presumption of favour as a sustainable development as the negative outcomes of the development does not achieve a favourable planning balance.

8. **Conclusion**

It is recommended that planning permission should not be granted for the reasons 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) 7. (a)

SB for 02/04/19 PROW Panel

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

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

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

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

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

Stage 2 - HRA screening assessment

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

Solent SPAs

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

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

The New Forest

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

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

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

Stage 3 - Appropriate Assessment

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

Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
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 (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

16/00112/FUL/11603



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Drawing By Design
Mr Paul Brotherton
280 Priory Road
St Denys
Southampton
SO17 2LS

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: Single storey extension to existing outbuilding and replacement of flat roof with pitched roof to facilitate conversion to 1x 1-bed dwelling.

Site Address: 48 Atherley Road, Southampton, SO15 5DS

Application No: 16/00112/FUL

For the following reason(s):

01.Out of Character/Poor Residential Environment

The proposal to form a separate dwelling represents an over-intensive use of the site which would be harmful to the character of the area in terms of introducing residential development in a back-land location which would be out of character with the layout, density and context of the established pattern of development in the area. In addition, the proposal would be harmful to the amenities of existing and proposed neighbouring occupants in terms of not providing adequate privacy for the occupiers of the proposed unit and the amenities of neighbouring occupiers in terms of increasing the activity to the rear of the site. Furthermore, a poor residential environment would be created for prospective occupants of the dwelling due to the poor access arrangements via a narrow, enclosed path which does not benefit from good natural surveillance. The proposal thereby proves contrary to SDP1(i), SDP7(iii)(iv)(v), SDP9(v) SDP10 (i) and H7 of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015).

02.Impact on Neighbouring Amenity

The proposal, by means of its increase in height in immediate proximity with the common boundary, relates poorly to the neighbouring property (number 50 Atherley Road) and would adversely affect the residential amenities currently enjoyed by neighbouring occupiers, in terms of the creation of an overbearing form of development and an increased sense of enclosure. Therefore, the scheme is contrary to Policies SDP1 (i), SDP7 (iv) and SDP9 (i) & (v) of the adopted City of Southampton Local Plan Review (2006), policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Council's approved Residential Design Guide (September 2006) in particular paragraphs 2.2.1 and 2.2.19-21.

03.Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.



Samuel Fox
Planning & Development Manager

12 October 2016

For any further enquiries please contact:
John Fanning

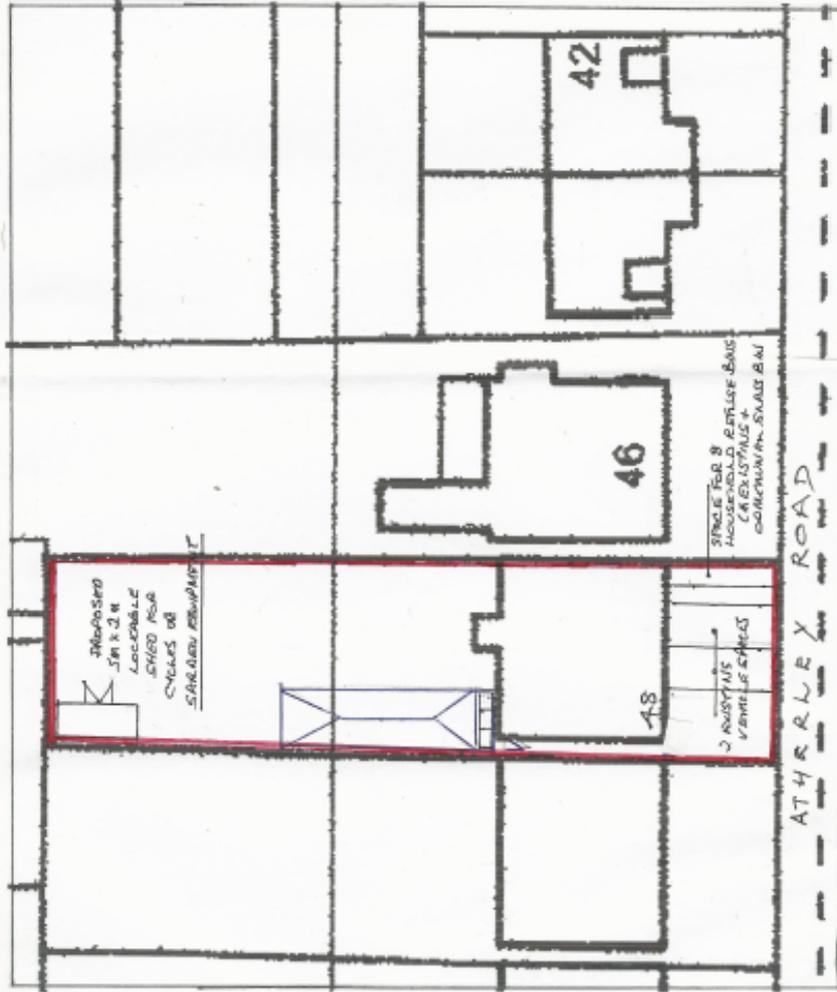
IMPORTANT NOTE TO APPLICANT

Community Infrastructure Liability (Refusal)

You are advised that, had the development been acceptable, it could be liable to pay the Community Infrastructure Levy (CIL). Please ensure that, should you chose to reapply or appeal, you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

Drawing No:	Description:	Date Received:	Status:
1	Location Plan	14.06.2016	Refused
2	Site Plan	01.09.2016	Refused
3	Floor Plan	01.09.2016	Refused
4	Elevational Plan	01.09.2016	Refused



Drawing by Design
Paul Brotherton



Planning Consultancy and Design Services for all
Home Extension and Alteration Requirements

HAMPSHIRE • SURREY • SUSSEX • EAST KENT

Telephone: 02380 348555
Mobile: 07780 377655
Email: paul@drawingbydesign.co.uk
Website: www.drawingbydesign.co.uk

A3

Scale: 1:250

Page No: 2

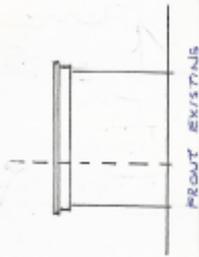
Address: A8: ATHRLEY ROAD : SHIRLEY : SOUTHAMPTON : SO15 5DS



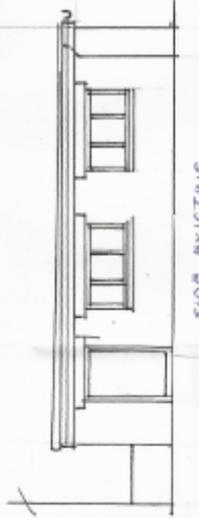
SITR / BLOCK PLAN

Title

Drawing by Design



FRONT EXISTING



SIDE EXISTING



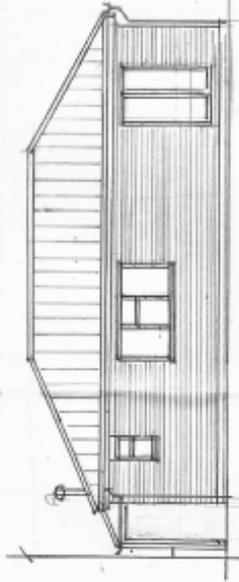
REAR EXISTING

SIDE ELEVATION OF AS
PARTLY OCCURS THESE
ELEVATIONS



FRONT PROPOSED

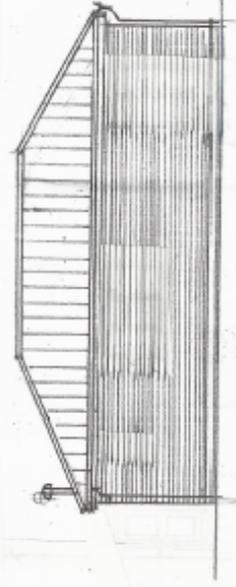
POLYCARBONATE
CLEAR ROOF
OVER PORCH



SIDE PROPOSED



REAR PROPOSED



REVERSE SIDE ELEVATION

Drawing by Design

Paul Erolherton

Planning Consultancy and Design Services for all
Home Extension and Alteration Requirements

HAMPSHIRE • SURREY • SUSSEX • EAST KENT

Address

A8; ATRERLEY ROAD; SHIRLEY; SOUTHAMPTON; SO15 5DS

Scale : 1:100

Page No: 4

Telephone: 02380 948556

Mobile: 07799 377595

Email: paul@drawingbydesign.co.uk

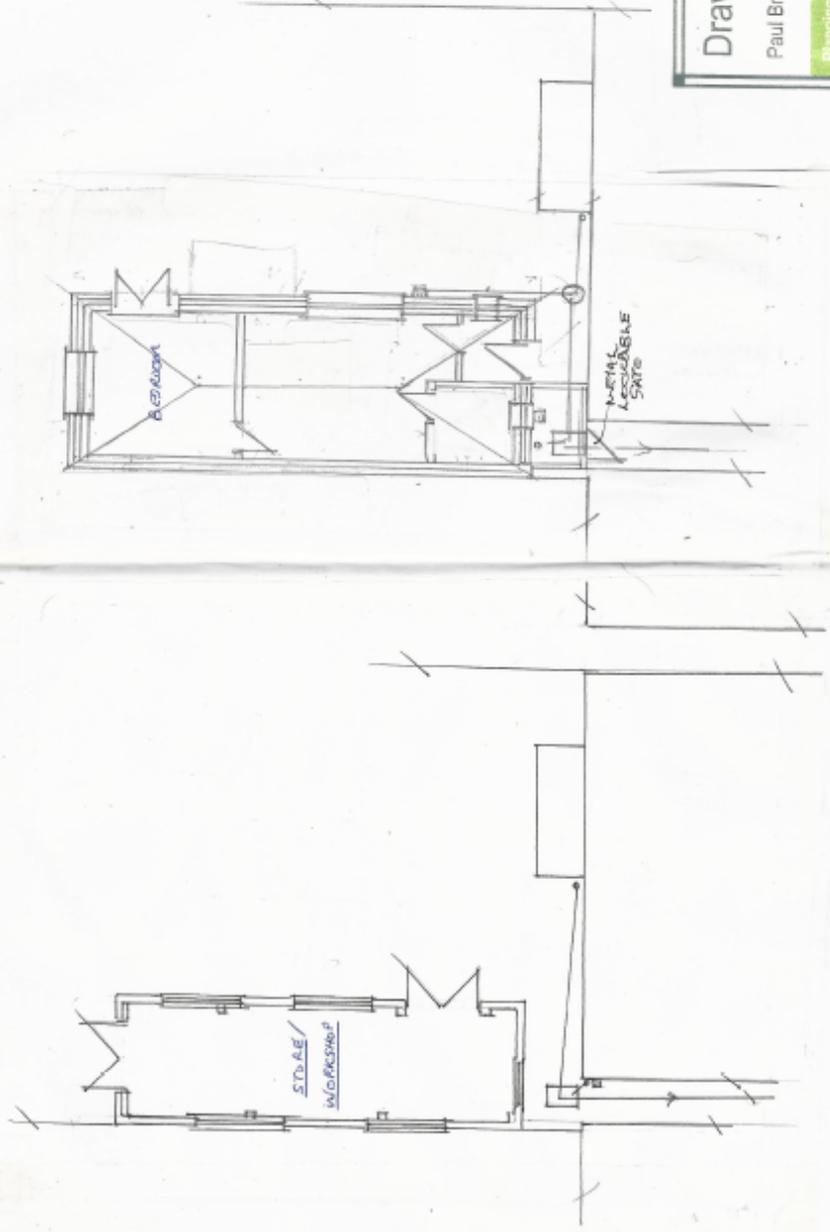
Website: www.drawingbydesign.co.uk

Title

ELEVATIONS NOW BE PROPOSED

A3

Drawing by Design



Drawing by Design

Paul Brotherton

Planning Consultancy and Design Services for all Home Extension and Alteration Requirements

HAMPSHIRE • SURREY • SUSSEX • EAST KENT

Telephone: 02392 949556

Mobile: 07733 577051

Email: paul@drawingbydesign.co.uk

Website: www.faa.org.uk

Scale: 1:100

Page No: 3

Address: A8: ATHERLEY ROAD: SHIRLEY: SOUTHAMPTON: SO15 5DS

Title: FLOOR PLAN EXISTING & PROPOSED

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title

Scale

Page No

Address

Title



Appeal Decision

Site visit made on 16 September 2010

by **G M Hollington MA, BPhil, MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
29 September 2010

Appeal Ref: APP/D1780/A/10/2124597 38 Atherley Road, Southampton, SO15 5DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Baldin Kenth against the decision of Southampton City Council.
- The application Ref. 10/00027/FUL, dated 11 January 2010, was refused by notice dated 9 March 2010.
- The development proposed is change of use of rear garage; insertion of three additional windows; raising of roof by 0.5 metres; and enlargement of existing cycle and bin storage.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues in this appeal to be the effects of the proposed development on:
 - (a) the character and appearance of the surrounding area; and
 - (b) the living conditions of occupiers of the proposed dwelling, with particular reference to access and private amenity space.

Reasons

- (a) Character & Appearance
3. The appeal site is in an area of dwellings mostly arranged conventionally along road frontages, with small front gardens and longer back gardens. The appeal building is described as a garage but it has no vehicular access and has the appearance more of an outbuilding, situated at the far end of the back garden from the house (which has been converted into flats).
 4. It is proposed to alter and convert the outbuilding to a studio flat. Its position and use as a separate dwelling (rather than any effect on densities) would be out of keeping with the layout of development in the area. Use of what would continue to resemble an outbuilding would be out of character with its surroundings.
 5. My conclusion on this issue is that the proposed development would unacceptably harm the character and appearance of the surrounding area. It

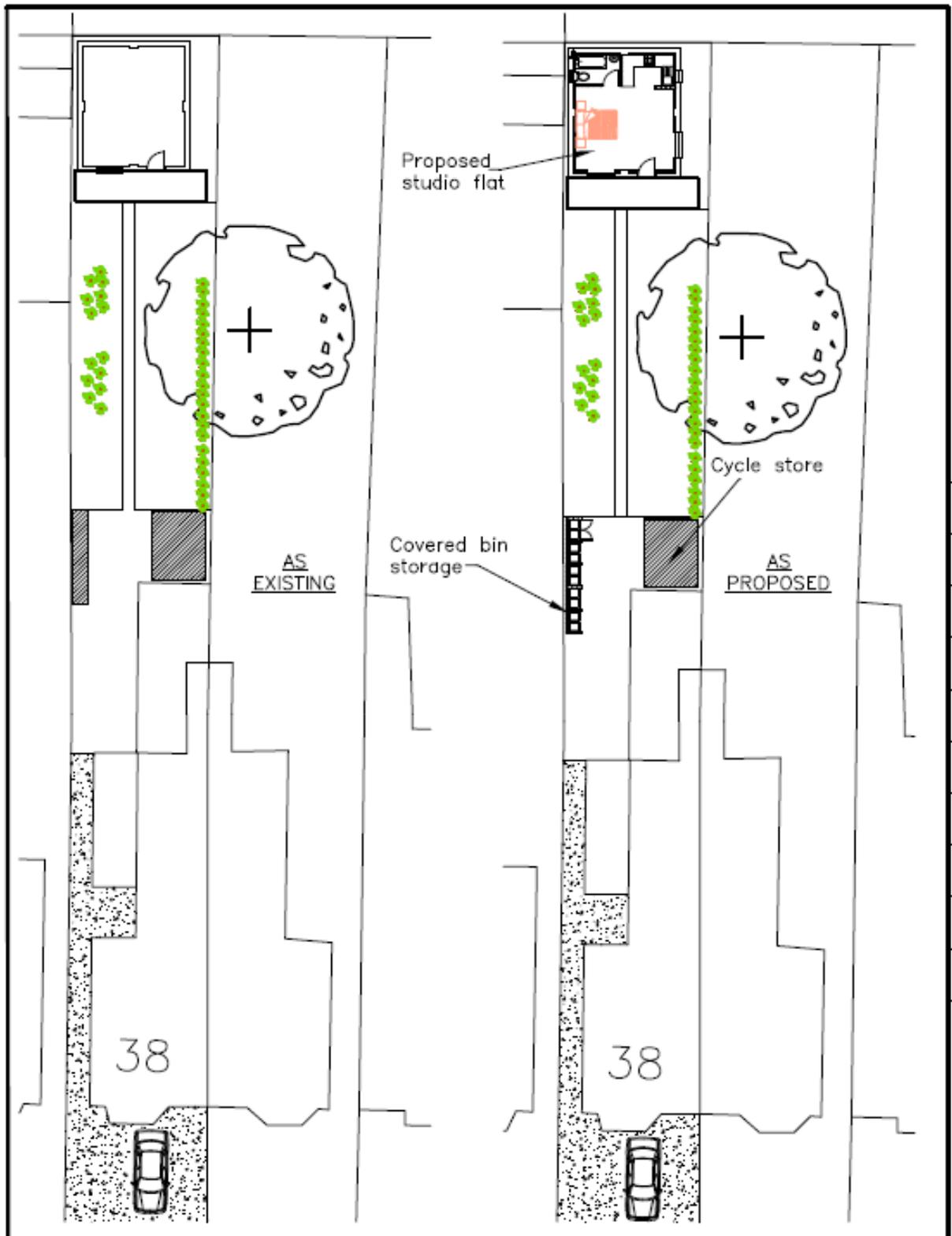
would not accord with the aims of policy CS13 of the adopted Core Strategy Development Plan Document (January 2010).

(b) Living Conditions

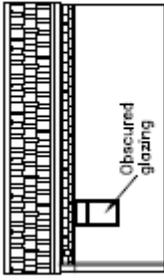
6. Access to the proposed dwelling would be via a mostly narrow path along the side of the existing house. There are already external lights on the side wall of the house and the front wall of the appeal building but, as the Residential Design Guide (RDG) supplementary planning document points out, natural surveillance should be a key element of design, to prevent crime and fear of crime. The long and mostly narrow passageway would lack adequate surveillance and be conducive to crime. I am doubtful any planning condition could effectively overcome this.
7. Occupiers of the proposed dwelling would share the use of an area of amenity space with occupiers of the flats in the house. The amount of space is acceptable to the local planning authority and, while residents of a conventional detached dwelling would expect to have their own private garden and facilities, the resulting dwelling would be only a studio flat. For such a small property, it would not be unreasonable for the amenity space to be shared, as is usually acceptable for flats.
8. I conclude on this issue that, although the private amenity space would be acceptable, the proposed development would result in unacceptably poor living conditions for occupiers of the proposed dwelling, with particular reference to access. This would conflict with the aims of policy CS13, policies SDP1, SDP4, SDP10 and H7 of the adopted City of Southampton Local Plan Review (March 2006), and the RDG.
9. I have also taken into account all the other matters raised in the written representations, but none is of such significance as to outweigh the considerations which have led to my conclusions on the main issues.

G M Hollington

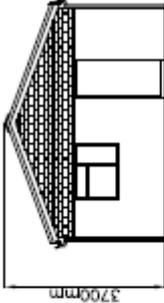
INSPECTOR



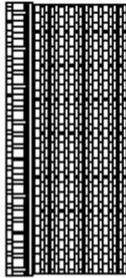
	WildCry Technical Services 1 Bealing Close Southampton SO16 3AW	SCHEME TITLE 38 Atherley Road S015 5DQ		CREATED MAH
	DRAWING TITLE Site Layout Plan	PROJECT NO. Ath004	SCALE 1:250	DATE Dec 2009 CHECKED APPROVED REVISION REV



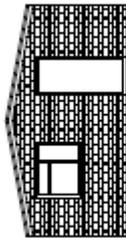
Left Side Elevation
As Proposed



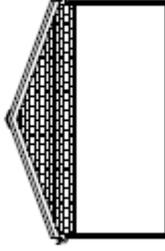
Front Elevation As
Proposed



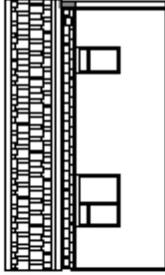
Left Side Elevation As
Existing



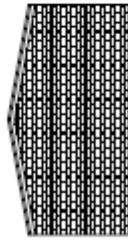
Front Elevation As
Existing



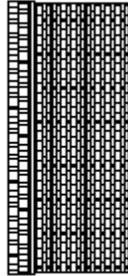
Rear Elevation As
Proposed (1:100)



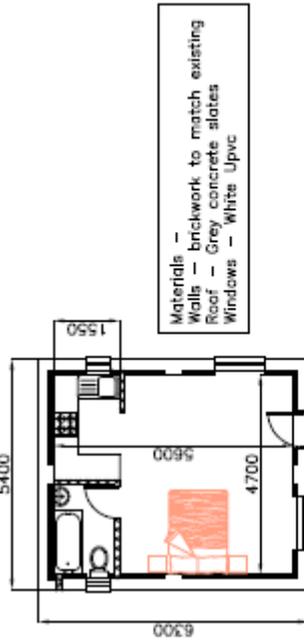
Right Side Elevation As
Proposed



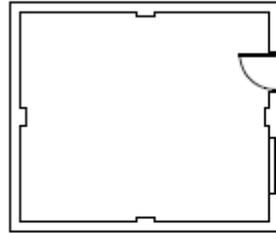
Rear Elevation As
Existing (1:100)



Right Side Elevation As
Existing



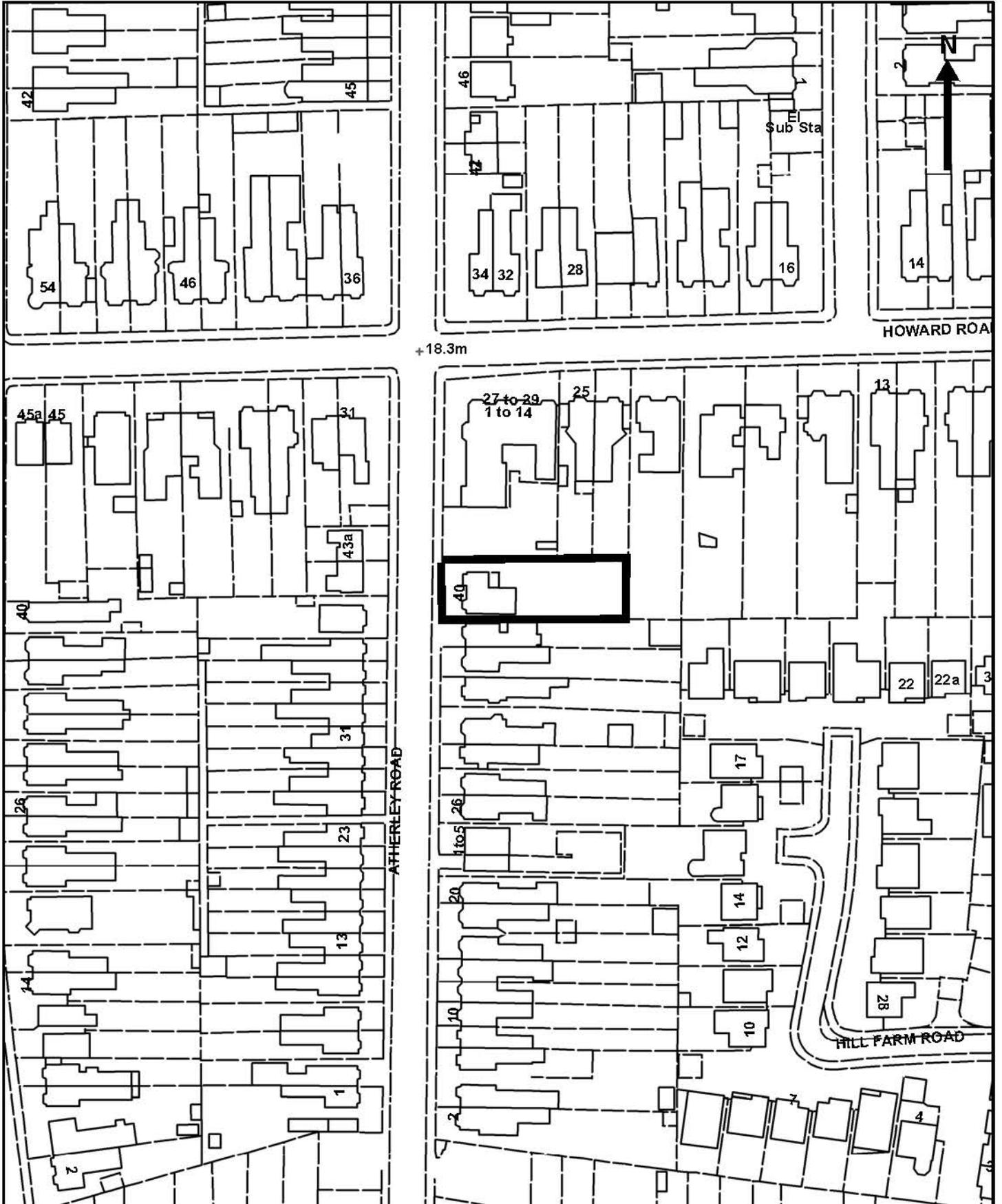
Ground Floor Plan
As Proposed
(1:100)



Ground Floor Plan
As Existing

	WILDCITY Technical Services 11000 Oldfield Suite 100 5031 SAN JOSE, CA	PROJECT NO. SCALE S015 5DQ N/A	DRAWING NUMBER Ath001	APPROVED REVISION REV
	38 Atherley Road S015 5DQ	DRAWING TITLE Proposed Studio Flat	CREATED MASH DATE Dec 2 009 CHECKED	REV

19/00116/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

