

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

Application address: 77 Ticonderoga Gardens, Southampton, SO19 9HD			
Proposed development: Erection of a two-storey two bedroom end of terrace dwelling.			
Application number:	19/00181/FUL	Application type:	Full Application
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	4 th April 2019	Ward:	Woolston
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors:	Councillor Hammond Councillor Payne Councillor Blatchford
Referred to Panel by:	Councillor Payne	Reason:	Overdevelopment Potential subsidence Proximity to boundary Difficulty of works vehicles accessing the site
Applicant: Farminer, Whitlock and Jones		Agent: CARO land & Planning Limited	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 – CS4 (Housing Delivery), CS5 (Housing Density), CS13 (Fundamentals of Design), CS16 (Housing Mix and Type), CS19 (Car and Cycle Parking), CS20 (Tackling and Adapting to Climate Change), CS22 (Promoting Biodiversity and Habitats) of the of

the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

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

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

1. The site and its context

- 1.1 Ticonderoga Gardens is a 1970's housing estate comprising a central spine road accessed off Archery Road. The spine road runs roughly west to east with a number of short culs-de-sac leading off to the north and south. The site is located towards eastern side of Ticonderoga Gardens. Number 77 Ticonderoga Gardens is located at the end of a terrace of 5 identical properties forming one of the culs-de-sac on the southern side of the spine road.
- 1.2 The properties are pale buff brick built, with brown tile hanging on the upper floor of the front and rear elevations. The properties have shallow pitched concrete roof tiles and the fenestration is predominately white UPVC windows and doors.
- 1.3 To the rear of the site are rows of single storey, flat roofed concrete garages and a parking area. The surfacing of this area is unmade. There is only pedestrian access to the front of application site with concrete bollards preventing vehicle access to what is an open, hard surfaced courtyard in front of the end terrace of houses.
- 1.4 There are no significant level changes across the application site and to the north, east and west. However, ground levels drop substantially from the southern (side) boundary of the application site to the bungalows of Weston Lane to the south.
- 1.5 As the application site forms part of a residential housing estate the dwellings of Ticonderoga Gardens are of a similar age, design, scale, and palette of materials creating a strong sense of character.
- 1.6 The application site does not contain protected trees. However, the wider site does contain a number of ornamental trees. The area of 77 Ticonderoga Gardens to be developed is a triangular shaped plot immediately to the south of the existing terrace and is already completely laid to hardstanding

2. Proposal

- 2.1 The application seeks to sub-divide the existing plot that forms 77 Ticonderoga gardens and extend the existing terrace with a semi-detached two storey, two bedroom dwelling.
- 2.2 The proposed dwelling will continue the lines of the existing terrace. The front and rear elevations will extend no further forwards or backward than the existing terrace.
- 2.3 The roof ridge height and pitch will also continue that of the existing terrace. The proposed materials are to be facing brick, hanging tiles to the upper floor and a tiled roof. All materials are advised as matching those used on the existing terrace.
- 2.4 To the south of the proposed dwelling are areas dedicated to bin and cycle storage. The rearmost part of the site is to provide a dedicated parking space for the host 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 1.
- 3.2 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in February 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 There isn't any planning history associated with the application site itself.
- 4.2 However, there is a relatively new property opposite (to the rear of the application site) at what is now known as 96a Ticonderoga Gardens which received planning consent in 2006 under planning application 05/01235/FUL. That application, which extended that terrace of houses in a very similar way to that now being proposed was approved under officers delegated powers.

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 19 February 2019. At the time of writing the report 9 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Lack of access for building work

Noise and disturbance during construction

Will hours of work be restricted?

Limited area for the storage and delivery of plant and materials

The garages at the rear of the property should not be blocked

Response

Access to the site to enable construction is limited, but this would be a logistical matter for the applicant to resolve. In order to protect the amenities of the occupiers of existing nearby properties a condition can be imposed that requires the submission of a construction environment management plan. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. This shall also include details of the storage of construction materials and the parking of all vehicles relating to construction. A further condition can be imposed restricting the hours of work

5.3 The proposal could result in subsidence

Response

Issues with regard to subsidence have been raised with the Council's Building Control department. No concerns with regard to subsidence have been raised.

5.4 Potential damage to sewage/drainage system

Response

A formal application for connection to the public sewerage system is required in order to service this development. That said any damage to any third party property is a civil matter outside of the materials considerations of this application

5.5 Loss of trees

Response

None of the trees on site benefit from any formal protection and can be removed at any time. However, in order to protect any habitats on site a condition can be imposed requiring an ecological survey or restricting the commencement of work outside of the nesting season

5.6 The proposed parking is insufficient in size and quantity

Response

The application does not reduce the parking available for the host property. A single vehicle parking space is proposed at the rear of the proposed dwelling. Measuring 4.8m x 2.4m it meets the national dimension requirements for an off road parking space. However, there is also room around this space in order to facilitate a wider and longer area for the parking of a vehicle. It is acknowledge that permission from a third party may be required to use this access. However, such covenants fall outside of the material planning considerations for the application.

5.7 Who is responsible for repairing damage to the gravel car park at the rear of the site.

Parking at the rear is only for current residents and is designated within the property deeds.

The occupants of the new property will have no right of access over the private land to the rear of the site

Response

Planning permission does not convey the right for the development to encroach over, under or on land which is not within the applicant's ownership, without the consent of the landowner. Covenants and any legal agreements outside of the planning process do not form materials considerations for the application.

Consultation Responses

5.8 SCC Highways – No comments received

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

5.10 **SCC Ecology** – No objection subject to conditions

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

6.2 Principle of Development

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

6.3 Design and effect on character

6.3.1 The application site forms part of residential housing estate. The similarity between dwellings creates a strong sense of character due to the shared design and materials.

6.3.2 The proposal will reflect the design of the existing terrace both in design and scale. The proposed external facing materials will match those used in the host property. Such materials can be secured by condition.

6.3.3 The proposal will result in the development of one of Ticonderoga Gardens more spacious plots and other opportunities to develop in this area are extremely limited. The location of the site at the very southern end of the cul-de-sac means that it would not be particularly visible from Ticonderoga Gardens beyond immediate neighbours. In fact it will be more visible above the rear of the bungalows in Archery Road than from the public realm in Ticonderoga Gardens.

6.3.4 Whilst the proposed dwelling will be visible from the public realm of Weston Lane to the south, given the level of separation, the proposal would not be significantly more prominent than the existing end of terrace properties that are visible above the properties of Weston Lane.

6.3.5 The proposal is a continuation of an existing terrace, of proportion and design and materials that match the existing properties minimising its overall impact on the wider street scene.

6.4 Residential amenity

6.4.1 Given the orientation of the property and its separation from the neighbouring dwelling to the south, east and west the proposed dwelling would result in any significant additional shadowing.

6.4.2 The windows on the front elevation would look out onto areas already open to public view and could be considered to increase the surveillance of the public realm.

6.4.3 Due to the terraced nature of the properties there is already a character of reciprocal overlooking towards the neighbouring properties. The proposal will maintain this character with the host dwelling No.77

6.4.4 The proposal does contain windows on the southern elevation. These windows will face towards the rear of the bungalows of Weston Lane. However, both of these

windows will serve rooms where the occupant would wish to secure their privacy. As such it would not be unreasonable to impose a condition that required these windows to be obscure glazed with limited opening. A further condition could be imposed preventing further windows being inserted into the side elevation at a later date.

- 6.4.5 The proposal will be located on ground significantly higher than that of those of Weston Lane. Paragraph 2.2.7 of the residential design guide relates to the recommended separation distances from a window on a 2 storey house to a side wall of a 2 storey building. It advises that the minimum permitted distance should be 12.5 metres. Paragraph 2.2.9 goes on to add that this distance should be increased by 1m for every 1m rise in ground level.
- 6.4.6 The properties of Weston Lane are separate from the shared boundary of application site by a distance in excess of 20 metres. As such the proposal complies with the residential design guidance and whilst it will be visible from neighbouring dwellings it will not result in a level of overbearing that would be materially harmful to the occupiers of the neighbouring dwellings.

6.5 Occupier Amenity

- 6.5.1 All habitable rooms in the property, with the exception of the bathrooms, are served by appropriately sized windows with a relatively open outlook
- 6.5.2 The rear amenity areas for both the application property and the host dwelling will remain larger than those of many of the other properties within the terrace. The living areas within the dwelling will also be similar to the existing properties.

6.6 Parking highways and transport

- 6.6.1 The Council has adopted maximum car parking standards and the Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standards is permissible.
- 6.6.2 The proposal does not result in the loss of a designated parking areas for the host property. The application property will be served by a single parking space to the rear of the site
- 6.6.3 It is noted that in order to access the parking at the rear the applicant may have to obtain permission from third parties. However any covenants do not form part of the consideration of the application below
- 6.6.4 In accordance with the Council's requirements for development to encourage more sustainable forms of transport other than the motorcar, an area to the side of the property has been designated for cycle storage. Specific details of this secure storage can be secured by condition to ensure that is appropriate.
- 6.6.5 A further condition can be imposed requiring the proposed parking to be implemented and retained for such purposes.

6.7 Ecology

- 6.7.1 Concern has been raised that the proposal would be to the detriment to a number of natural habitats.
- 6.7.2 The site has limited ecology value although it is noted that the front of the site contains a number of trees and shrubs. The removal of these trees and shrubs could have a detrimental impact on nesting birds.
- 6.7.3 Nesting birds, their nests, eggs and any dependant young receive protection under the Wildlife and Countryside Act 1981 (as amended). As such a condition can be imposed that requires the works to take place outside of the nesting season (March to August) or after the site has been checked by a suitably qualified ecologist

6.7.4 The Council's ecologist has advised that that the host property is in good condition and there is a negligible risk of bat roosts

6.8 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 proposed two storey dwelling would be flush with the existing front and rear building lines of the host dwelling. It would add up to 4 metres to the width of the terrace and the existing simple pitch roof would be elongated. Given the terraced context within the vicinity it would not appear overly dominant or cause an imbalance respecting the existing linear layout of buildings as well as the scale density and proportion of building in the locality.

7.2 Subject to condition the proposal will not be to the detriment to the amenities of the neighbouring properties, ecology or highway safety. The scheme is compliant with the relevant policies and delivers an additional dwelling

8. **Conclusion**

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

MT for 23/04/19 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

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

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

3. Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour and texture those used on the adjoining buildings.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

4. Cycle storage facilities

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

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

5. Refuse Storage

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

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

6. Window specification limitations

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, The windows on the southern (side) elevation shall be obscure glazed to Pilkingtons level 3 or equivalent. The windows shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.

Once installed the windows shall be permanently maintained in that condition.
Reason: To protect the amenity and privacy of the adjoining residential properties

7. No Further Windows

No additional or altered windows shall be constructed in the side elevation of the development hereby approved.

Reason: To protect the amenity and privacy of the adjoining residential properties.

8. Construction Environment Management Plan

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

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

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

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

9. Hours of work for Demolition / Clearance / Construction

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

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

10. Ecological Mitigation Statement

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.

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

11. Protection of nesting birds

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

12. Amenity Space Access

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

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

13. Parking

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

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

14. Surface / foul water drainage

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

15. Energy & Water

Before the development commences, written documentary evidence demonstrating that the new build 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 Adopted Core Strategy (Amended 2015).

16. Energy & Water

Within 6 months of any part of the new build development first becoming occupied, written documentary evidence proving that the new build 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).

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

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

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

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

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

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

Solent SPAs

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

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

The New Forest

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

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

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

Stage 3 - Appropriate Assessment

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

Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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 (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

