

Planning and Rights of Way Panel 14^h January 2020
Planning Application Report of the Head of Planning & Economic Development

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| Application address: 7A Browning Avenue, Southampton. | | | |
| Proposed development: Redevelopment of the site for 6 dwellings in total comprising erection of a single storey rear extension and alterations to roof including side dormers to facilitate conversion of existing building into 4 x 1 bed flats and erection of 2 x 2-bed semi-detached single storey houses with associated parking, cycle and refuse storage (Resubmission of 19/00818/FUL) (amended description). | | | |
| Application number: | 19/01457/FUL | Application type: | FUL |
| Case officer: | Mat Pidgeon | Public speaking time: | 5 minutes |
| Last date for determination: | 22/10/2019 | Ward: | Bitterne |
| Reason for Panel Referral: | Five or more letters of objection have been received | Ward Councillors: | Cllr Murphy Cllr Prior Cllr Streets |
| Applicant: Osman Homes | | Agent: Wildern Architecture Ltd | |

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| Recommendation Summary | Delegate to Head of Planning and Economic 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 including impact on neighbouring amenity and on street car parking pressure have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019).

Policies of the City of Southampton Local Plan Review (Amended 2015) and of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Policies – CS4, CS5, CS13, CS16, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

| Appendix attached | | | |
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| 1 | Habitats Regulation Assessment | 2 | Development Plan Policies |

Recommendation in Full

Delegate to Head of Planning and Economic Development to grant planning permission subject to criteria listed in report.

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.

2. Delegate to the Head of Planning & Economic 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. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. The site and its context

- 1.1 The 0.09 hectare site is located on Browning Avenue close to Thornhill Park Road and Thornhill Avenue. The section of Browning Avenue is a cul-de-sac, the western end of which allows pedestrian access to Thornhill Park. Thornhill Park Local Centre is located to the north on Thornill Park Road and is approximately 150m walking distance from the site (via Thornhill Avenue).
- 1.2 The site is previously developed land and comprises of individual buildings including offices, a workshop and 3 stores. There is car parking to the front of the site directly off of Browning Avenue, with access for vehicles also leading to a yard and buildings to the rear.

- 1.3 The office building is located to the front of the site facing onto Browning Avenue and is single storey with an appearance similar to the bungalows in the surrounding area. It comprises of facing brickwork, uPVC windows and doors and a hipped tiled roof. The building was extended as the roof has been altered and now includes an area of flat roof and a gable end facing the rear. The single storey workshop also has facing brickwork with white painted metal windows and a metal corrugated roof. The store buildings are a mixture of facing brickwork and timber cladding, together with flat felt roofs and low-pitched metal corrugated roofs.
- 1.4 The site is located within a mainly residential area which includes detached bungalows and two storey houses. The properties include facing brickwork and render with hipped tiled roofs built in a traditional 1930s style.
- 1.5 Directly north of the site is a small road leading off of Thornhill Avenue which allows vehicular access into the rear of the site, via a set of timber gates. The road also allows access to the rear of the commercial premises that are located along Thornhill Park Road.
- 1.6 The site was last occupied by Nolan Davis Contracting Limited who vacated on the 29th August 2018.

2. Proposal

- 2.1 Full planning permission is sought for the redevelopment of the site with 6 dwellings at a density of 63 dwellings per hectare.
- 2.2 Since the original submission amended plans have been received which reduce the amount of development being proposed on the site. The houses to the rear were originally detached two storey dwellings and the flatted block to the front previously contained an additional two bed flat and included a two storey rear extension.
- 2.3 The amended proposal is to re-configure the existing office and alter the roof to create four x one bedroom flats with an open plan kitchen/living area, a bedroom and WC/shower room. The main roof will also include a front facing dormer window and side facing roof lights. The workshop and store buildings to the rear will be removed and it is proposed to erect two x two bed single storey dwellings to the rear of the site.
- 2.4 The two new dwellings to the rear of the site are designed to be contemporary in appearance at the same time as having minimal impact on the visual amenity of neighbouring residents. They include a separate living room, kitchen/dining room with two bedrooms and a bathroom. They will include facing brickwork, uPVC windows and doors and pitched tiled roofs. Roof lights have been added to bring light to the central areas.
- 2.5 Each of the dwellings will have a dedicated car parking space (6 spaces in total). Private gardens are provided for each dwelling with an area of 100sq.m and 70sq.m respectively. A shared garden has also been provided for the occupants of the flats with an area of 110sq.m and both refuse and cycle storage can be accommodated on the site. The floor areas proposed for the flats and houses are listed below:

| Proposed unit. | Floor Area (sq.m) |
|----------------|-------------------|
| Flat 1 | 41 |
| Flat 2 | 34 |
| Flat 3 | 30 |
| Flat 4 | 53 |
| House 1 | 59 |
| House 2 | 59 |

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 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 In 1961 planning permission was granted for a builder’s office to be constructed on the site. In 1966 permission for a garage to the rear was granted. In 1969 permission was granted for a store/workshop and in 1972 permission was granted for the extension of the workshop. In 1991 permission was granted for the extension of the office. Another extension, along with permission for a car park, was granted in 1999. This site has, however, been vacant since 2018.

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 (4 in total), and erecting a site notice (**06/09/2019**). At the time of writing the report **10** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Loss of Privacy. Response

A development can be achieved on site that would not lead to overlooking of neighbouring gardens. This has been achieved by negotiating amendments to the scheme which remove the rear facing dormer window proposed for the flatted block to the front; and by removing the first floor elements of the two dwellings to the rear.

5.3 **Noise.**

Response

The Council must plan with reasonable behaviour in mind. Provided that residents behave reasonably significantly harmful noise will be avoided. Separate legislation can also be used to manage unreasonable behaviour. The application removes a potential nuisance neighbour with an unrestricted employment use.

5.4 **Highways safety.**

Response

No objection has been received from the Highways Officers. The Council must plan for reasonable behaviour and provided that car drivers behave reasonably and drive in accordance with highway law significant highways danger will not arise as a consequence of the development.

5.5 **Parking pressure.**

Response

The Council has maximum parking standards. Each dwelling proposed would have its own dedicated parking space. The parking survey also demonstrates that there is the capacity to accommodate overspill parking if needed from the site without negatively impacting local residential amenity. The parking survey was taken on Tuesday 19th November and Thursday 21st November and identified a total of 103 potential parking spaces within the assessment area (250m radius of the site). The result of the survey shows that on the 19th 40 spaces were available and on the 21st there were 46 spaces available.

5.6 **Drainage and sewerage system cannot/will not be able to cope.**

Response

No objection has been received from Southern Water.

5.7 **Existing brick wall boundaries should remain rather than fences.**

Response

Agreed; a planning condition will be added accordingly.

5.8 **Disruption to neighbours during construction.**

Response

It is unreasonable to oppose development on this basis. Construction noise would be temporary and it is not uncommon for construction related noise to occur during daylight hours within residential areas of the city. Conditions are suggested to limit impacts.

5.9 **Flats are out of keeping with the character of the road.**

Response

The proposed amended design of the development has taken account of the surrounding context. The building to the front shares common design related characteristics with neighbouring buildings and the buildings to the rear have been designed to have minimal visual impact on neighbours thus not effecting character. Inclusion of flats to the area alone is not sufficient reason to oppose the scheme on character grounds.

5.10 ***Excessive footprint/out of character building to plot ratio.***

Response

The proposal represents an improvement over the existing situation on the site whereby 100% of the site is currently covered by hard surfacing and non-residential buildings.

5.11 ***Shadowing.***

Response

Significant shadowing of neighbouring properties will not result as a consequence of the extended roof proposed for the flatted block. The amended plans removed the first floor element of the dwellings to the rear deliberately to reduce impact on neighbours.

5.12 ***Overdevelopment.***

Response

The site is capable of accommodating the proposed level of development; each dwelling would provide an acceptable living environment and amenity space required will be fit for purpose. Adequate provision on site has also been achieved for refuse & cycle storage and vehicle parking/manoeuvrings. The proposed density (63 dph) is also acceptable in this location.

Consultation Responses

5.13 **SCC Highways** - The parking survey is acceptable and no objection is raised subject to the imposition of standard conditions on parking, construction management, bin and cycle storage.

5.14 **SCC Sustainability Team** – No objection subject to requested conditions (energy and water efficiency).

5.15 **SCC Environmental Health (Pollution & Safety)** - No objection subject to requested conditions (Construction Environment Management Plan).

5.16 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. No objection is raised subject to requested conditions.

5.17 **SCC Ecology** – The application site consists of hard-standing and a number of buildings. The buildings appear to be in good condition and have negligible biodiversity value. No objection subject to requested conditions (Ecological enhancement of the site).

5.18 **SCC Archaeology** – Owing to the low potential for archaeological remains to be found on the site no objections are raised and no conditions are requested.

5.19 **SCC CIL** – The development is CIL Liable; apply requested informative.

5.20 **Southern Water** – No objection subject to requested conditions and informatives.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;
 - Neighbouring residential amenity;
 - Quality of the living environment;
 - Parking highways and transport;
 - Mitigation of direct local impacts; and
 - Likely effect on designated habitats.

Principle of Development

- 6.2 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy sets an advised density range of between 35 and 50 dwellings per hectare in low accessibility areas. As the site is located within a low accessibility area and the proposed density is 63 dwellings per hectare (based on a site area of 0.09ha) the scheme does not comply with this recommended density range.
- 6.3 However, whilst the development is within a low accessibility area the site is close to the boundary with a medium accessibility area where density levels (according to CS5) are advised to be generally between 50 and 100 dwellings per hectare. On this basis and because the density proposed is low in the range recommended for medium accessibility areas; and given the proximity to Thornhill Park Local Centre, it is considered reasonable to not oppose the development solely on this basis. The policy also confirms that density should also be assessed against a number of different criteria including local character, quality of open space, accessibility to public transport and the efficient and effective use of land.
- 6.4 The NPPF also encourages release of previously developed land for housing in sustainable locations. The sites location is considered to be sustainable given it's distance from Thornhill Park Local Centre and nearby bus stops. Other aspects of the scheme, required to determine how sustainable toe proposal is, are discussed below.
- 6.5 The scheme provides both one and two bedroom units resulting in an acceptable mix of housing units which is compliant with policy CS16 (housing mix and type). Family housing (with 3 or more bedrooms) are not triggered by this scheme.
- 6.6 In principle the scheme is considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended in NPPF and local planning policies. The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Therefore the principle of a medium density development is generally supported if the Panel agree that it meets design and environmental policies as discussed further in this report.

Design and effect on character

- 6.7 Overall, the style and character of the front building will be in keeping with the surrounding area. The building will include facing brickwork and uPVC windows and doors. The pitch of the roof will remain the same as the existing building which shares a similar roof pitch to neighbouring and nearby residential properties. When viewed from Browning Avenue the building will retain its proportions as it is only the roof of the building that is being altered to accommodate the additional accommodation at first floor level.
- 6.8 The dwellings to the rear of the site will replace existing non-residential buildings which do not reflect local context or character. The replacement with residential buildings of lesser visual impact is considered to be an improvement in general character terms. The design of the dwellings is contemporary and include flat roofs with the aim of having little visual impact on neighbouring residents.
- 6.9 Hardsurfacing materials which exist on site will be replaced by block paving and landscaping. The removal of large amounts of tarmac will also help to harmonise the development with other nearby residential development.
- 6.10 The materials and design chosen are acceptable given the character of nearby properties. This residential scheme is also an improvement over the existing commercial character and appearance of the site.

Neighbouring residential amenity

- 6.11 The development is unlikely to cause direct significant harm in terms of overshadowing, privacy or visual impact to neighbouring amenity due to the distance between the proposed building & extension and the closest neighbouring residential properties.
- 6.12 The proposed building to the rear is lower in height than the existing buildings. It would also be set off the shared boundary with neighbouring properties and would have a smaller footprint than existing buildings meaning that the new building would have less visual impact, cause less shadowing and be less overbearing. Separation distances between the proposed dwellings and properties on Thornhill Avenue would be in excess of 35m.
- 6.13 The extended pitched roof of the building to the front would not cause significant harm to neighbouring residential amenity given the scale, mass and bulk proposed and distance from neighbouring properties and gardens.
- 6.14 Obscure glazing can be used to prevent overlooking of the neighbour to the west (7 Browning Avenue). It is also acceptable to introduce a new dormer window at first floor level overlooking the street as this is a common relationship found across the city.
- 6.15 Impact will also be acceptable to the residential units at upper floor level within the adjoining parade of shops fronting onto Thornhill Park Road.
- 6.16 To ensure that the amenity of nearby residents is not significantly harmed during construction a demolition and construction management plan is recommended by planning condition. A standard condition restricting construction hours to Monday

to Friday 08:00 to 18:00 hours, Saturdays 09:00 to 13:00 hours and at no time on Sundays and recognised public holidays will also be applied.

- 6.17 As such the proposal is considered to be acceptable in terms of its impact on nearby residential amenity and accordingly is deemed compliant with policy SDP1(i).

Quality of the living environment

- 6.18 All habitable rooms within the proposed buildings would have access to natural light, outlook and would benefit from sufficient levels of privacy. Ground floor units would have windows with defensible space formed by planting and boundary treatment.
- 6.19 In Southampton, a minimum of 20 sq.m of amenity space is required for new flats. With flatted development the amenity space can be provided in the form of a communal garden. All amenity space should be usable and fit for purpose. In the case of the proposed scheme, all flats would have access to the communal garden to the rear which measures 110sq.m. In addition there would be a private garden space provided for the occupiers of the two dwellings to the rear. Those gardens at 100sq.m and 70sq.m of useable garden space each achieve the minimum recommended garden sizes for semi-detached dwellings in Southampton. Each garden would include a patio area and all would receive direct sunlight; and be fit for their intended purpose.
- 6.20 The amount of amenity space provided does, therefore, accord with the total space requirements recommended in the residential design guide.
- 6.21 All dwellings would have easily accessible bin and bike stores along with a dedicated car parking space.
- 6.22 The site benefits from being positioned within 150m walking distance from Thornhill Local Centre which provides access to local shops and services. Public open space (Thornhill Park) is also within 50m walking distance.
- 6.23 The pedestrian entrance to the flats is visible from Browning Avenue and the entrances to the houses at the rear are visible from the shared space located centrally within the site. All entrances to dwellings therefore achieve the benefit of natural surveillance which will assist to ensure that the site is suitably safe.
- 6.24 Overall the quality of the residential environment is considered acceptable.

Parking highways and transport

- 6.25 Objectors have raised highways safety, congestion and existing on street parking pressure; and the associated potential overspill parking impact caused by the proposal as a concern. In terms of highways safety provided that vehicle drivers behave responsibly and drive in accordance with the highway law the safety of other highway users will not be directly impacted upon as a consequence of the proposal.

- 6.26 The site is located outside of a high accessibility area and therefore the Council's maximum parking standards would allow up to two car parking spaces for the two bed units and one for each of the one bed units (i.e. 8 in total). The proposal does not however provide the maximum as only one space is provided for the occupants of each unit. As the site would not accommodate the maximum number of parking spaces permitted a car parking survey has been undertaken to identify if there is capacity offsite to accommodate potential overspill parking. The results of the car parking survey identifies that out of a total of 103 potential car parking spaces that were identified within the assessment area on Tuesday 19th November there were 40 available/free spaces and on Thursday 21st November there were 46 available/free. This means that there is sufficient space within the local area to cope with the potential overspill of 2 cars caused by the development.
- 6.27 Adequate cycle storage is proposed and would be hidden from view of the public realm. Spaces would be provided at a ratio of 1:1 for the proposed residential units.
- 6.28 Sufficient bin storage can also be provided. Conditions can be used to ensure that the refuse store doors and site access is sufficient to allow easy movement of bins to and from the highway for collection. A condition will also be needed to secure a refuse management plan to ensure refuse is moved to the highway on collection day. Another condition will need to be added to ensure that bins are not stored on the public highways other than on collection day.
- 6.29 In coming to the conclusion not to oppose the scheme in highway terms officers have also taken into account the location of the development which is close to the Local Centre and, thus, is within walking distance of many public facilities as well as bus stops.
- 6.30 Where appropriate the Council will seek site specific highways contributions to facilitate the direct impact of the development through the Section 106 process.

Mitigation of direct local impacts

- 6.31 The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the relatively small scale nature of the proposal a narrow package of contributions and obligations is proposed as part of the application. The scheme triggers the Community Infrastructure Levy (CIL), Solent Disturbance Mitigation, highways condition survey and the need for site specific highways works.

Likely effect on designated habitats

- 6.32 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 previously developed site is located within a mainly residential area and is conveniently located close to local shops and amenities, as well as local transport links. The design is acceptable, and the removal of the existing buildings; and a non-confirming use, is also considered beneficial to local character and amenity. An appropriate residential environment would be formed and the proposed site layout provides the appropriate car parking, refuse and cycle storage; and amenity requirements for occupants. The scheme is sensitive to the surrounding residents and would not significantly harm neighbouring residential amenity. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

MP for 14/01/2020 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.Demolition & Construction Management Plan (Pre-Commencement)

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

(a) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; and

(b) 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.

4. Construction related materials, equipment and vehicular storage/parking (Performance Condition)

No work shall be carried out on site unless and until provision is available within the site for all temporary contractors buildings, plant and stacks of materials and equipment; and contractors parking associated with the development; and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason: To avoid undue congestion on the site and consequent obstruction to access.

5. Hours of work for Demolition / Clearance / Construction (Performance)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

6. Wheel Cleaning Facilities (Performance Condition)

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

Reason: In the interests of highway safety.

7. Green Roof implementation [Pre-Commencement Condition]

Prior to the commencement of any above ground works full details of the proposed green roof to be incorporated within the development shall be submitted to and agreed in writing by the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason: To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

8. Restricted use of flat roof area (Performance Condition)

The roof area of the development hereby approved, which incorporates a flat roof surface, shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining occupiers.

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

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

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

10.Public Sewer protection (Pre-Commencement Condition).

Prior to the commencement of development, details of the measures which will be undertaken to divert the public sewers shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved Reason: In order to safeguard the public sewer.

11.Energy & Water [Pre Above Ground Work Condition]

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

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

12.Energy & Water [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

13.Residential - Permitted Development Restriction [Performance Condition]

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

Part 1:

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

Class B (roof alteration),

Class D (porches),

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

Class F (hard surface area); and

Part 2:

Class A (gates, fences, walls).

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

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

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

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

15. Glazing panel specification [Pre-Occupation Condition]

All first floor windows positioned in the side elevation (west facing) serving the first floor accommodation (F4) of the proposed development shall be glazed in obscure glass and shall be non-opening/shall only have a top light opening at least 1.7m above the floor level of the room to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

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

16.Refuse & Recycling [Pre-Occupation Condition]

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

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

17.Waste Management Plan [Pre-Occupation Condition]

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

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

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

The residential units hereby approved shall not be occupied until the car parking spaces and cycle storage facilities have been provided as shown on the approved drawings. These facilities shall be permanently retained thereafter for those purposes and no more than one car parking space shall be allocated to a single dwelling at any time.

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

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

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and

render) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments (permeable paving) formed. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

20.Sustainable Drainage Systems (Pre-Above Ground Works)

Prior to the commencement of any above ground works a specification for the proposed sustainable drainage system for the site including hardsurfacing to include permeable paving shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

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

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

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

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

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

22.Use of uncontaminated soils and fill (Performance)

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

be submitted to the Local Planning Authority for approval prior to the occupancy of the site. Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

23.Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

24.Ecological Mitigation Plan [Pre-Above Ground Work]

Prior to any above ground work, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The landscape plan shall include native species and/or ornamental species of recognised value for wildlife.

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

25.Landscaping, lighting & means of enclosure detailed plan (Pre-Above Ground Works)

Notwithstanding the submitted details, before any above ground works commence on site a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials,
- ii. means of lighting the car parking/communal areas;
- iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iv. details of boundary treatments, including retaining walls (all brick boundary walls must be retained and repaired as necessary and at no time shall be replaced by any other boundary treatment unless otherwise agreed in writing by the local planning authority); and
- v. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless

the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The landscape plan shall include native species and/or ornamental species of recognised value for wildlife.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

26.Retention of Boundary Treatment. [Performance Condition]

Notwithstanding the approved plans all existing masonry built walls that form the boundary of the site shall be retained and repaired where necessary with material to match and at a height to match the existing height unless otherwise agreed in writing by the Local Planning Authority.

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

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.

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|--|-----------------|
| 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

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| 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. |

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|--|---|
| <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:

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;*

| Size of Unit | Scale of Mitigation per Unit |
|--------------|------------------------------|
| 1 Bedroom | £346.00 |
| 2 Bedroom | £500.00 |
| 3 Bedroom | £653.00 |
| 4 Bedroom | £768.00 |
| 5 Bedroom | £902.00 |

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)

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|------|--|
| CS4 | Housing Delivery |
| CS5 | 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 |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

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

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|-------|-----------------------------|
| 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 |
| SDP16 | Housing Mix and Type. |
| SDP17 | Lighting |
| H1 | Housing Supply |
| H2 | Previously Developed Land |
| H7 | The Residential Environment |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)