

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

Application address: 12 Melchet Road, Southampton			
Proposed development: Erection of a two-storey end of terrace two-bedroom dwelling (Resubmission of 19/00321/FUL).			
Application number:	19/01729/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	31.12.2019	Ward:	Harefield
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Daniel Fitzhenry Cllr Valerie Laurent Cllr Peter Baillie
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr Paul Vernon		Agent: Mr David Windsor	

Recommendation Summary	Delegate to the Head of Planning & 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 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 – CS4, CS5, CS13, CS16, CS19, CS20 and CS22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached			
1.	Habitats Regulation Assessment	2.	Parking Survey results table
3.	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 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 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 conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

1. The site, its context and background to the scheme

- 1.1 The application site comprises a small two-storey, end-of-terrace family dwelling on a corner plot with a modest enclosed rear garden and a larger open garden area to the side, with front/side driveway parking for 1 car.
- 1.2 The property is set at a slightly lower level than Melchet Road, with a small bank of vegetation running along the back edge of the footpath, dropping down into the front gardens of this terrace. Ground levels even out at the corner of the plot to give level access to the driveway from the road.
- 1.3 Along the rear boundary of the plot there is a single track access road which leads to communal residential garages to the rear of these surrounding properties.
- 1.4 Properties on the Northern side of Melchet Road are approximately 1.5m-2m higher than the application site. Ground levels then slope down towards the South, along Denmead Road, meaning the application site is approximately 1.5m-2m higher than neighbouring properties to the rear.

2. Proposal

- 2.1 The proposal comprises an extension to the end of this existing terrace to provide a similar small 2 bedroom dwelling with off road parking to the rear. The off-road parking area at the rear will provide 1 replacement car parking space for the existing dwelling, No.12, and 1 space for the new dwelling, accessed from the existing rear access road.
- 2.2 The site plan shows that sufficient private garden areas will be provided for both the existing and new dwellings, including bin storage and cycle storage areas.
- 2.3 This application seeks to address the earlier reasons for refusal as set out in the Planning History section of this report.

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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies are set out at **Appendix 1**.
- 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 Applications for a very similar new dwelling proposal have previously been submitted for this site under application refs: 18/02163/FUL (withdrawn January 2019) and more recently 19/00321/FUL (refused May 2019). These proposals were not considered to sufficiently address concerns for parking provision.
- 4.2 The reasons for refusal for 19/00321/FUL, refused under officer’s delegated authority in May 2019, are as follows:

Reason for refusal - Parking Layout

The development fails to provide an acceptable parking layout in terms of highway safety, due to the lack of turning area for either parking space, preventing vehicle users from either entering or leaving the carriageway in a forward gear at access points with restricted visibility. The development also fails to provide convenient access arrangements for either proposed parking space, as the access for the parking space to the front of the site would rely on access over a neighbouring property, and the space to the rear would involve vehicle manoeuvres that would cause the user to cross the public footpath and grass verge at the narrow entrance to the rear access road. The proposal would therefore be detrimental to highway safety and contrary to saved policies SDP1(i), SDP5, SDP7 and SDP9 of the Local Plan Review and CS13 and CS19 of the Core Strategy, as supported by section 4.2 of the Parking Standards SPD (2011) and is, therefore, recommended for refusal.

Reason for refusal - Impact on Character.

The introduction of additional hardstanding and parking within the front boundary would be harmful to the character of the local area by creating a car dominated frontage to the detriment of the otherwise green character of these front gardens. As such, the proposal is contrary to saved policies SDP1(i), SDP7 and SDP9 of the Local Plan Review and CS13 of the Core Strategy, as supported by sections 2.4.1 and 2.4.4 of the Residential Design Guide SPD (2016).

- 4.3 Prior to this, proposals for a large two-storey side extension to the property were initially refused in 2007 (07/01360/FUL) and later approved under an amended scheme in 2008 (08/00881/FUL), however this scheme was never built.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **7 representations** have been received from surrounding residents: 6 objections from local residents and 1 comment in support of the application from the applicant themselves. The following is a summary of the points raised:

5.1.1 The applicant does not live at the property. They are only interested in private profit, not community benefits. They have inaccurately commented regarding enforcement action on a neighbouring property.

Response:

The proposal is to be assessed on the merits of the design itself and how it complies with local planning policies. Issues of ownership, intentions of the applicant, or comments regarding enforcement on unrelated sites are not material considerations for this assessment.

5.1.2 The area is already overpopulated and the proposal will exacerbate existing parking issues. The proposed front parking space for No.12 would result in vehicles driving past the new property. No space to turn / manoeuvre cars.

Response:

The impact on local parking availability is discussed further below. The site plan has since been amended to remove the front parking space in question. The existing and proposed dwelling each have a private off road parking space.

5.1.3 Loss of light and view / outlook to No's 6, 5, 7 and 9 Melchet Road.

Response:

The application continues the terrace. Due to the distance separating these properties from the application site, and the ground level changes involved, the proposal is not considered to cause significant harm to the light and outlook enjoyed by neighbouring properties. This is discussed in more detail further below. Loss of a view across a neighbouring property is not a material planning consideration.

5.1.4 Noise, dust, nuisance and obstruction caused by construction traffic.

Response:

A condition is recommended to secure hours of construction and a construction method statement to manage these impacts.

5.1.5 The proposal will obstruct visibility for cars exiting the rear garage access road and for cars negotiating the junction of Melchet Road and Denmead Road.

Response:

An unobstructed visibility splay for the entrance to the rear access road has been shown on the plans and the proposal retains space on the corner junction, to avoid obstructing visibility here. The Highways Officer has no objection in terms of highway safety.

- 5.1.6 The parking survey is not a true representation of local situation, as it was taken after 5:00am. A 200m walking distance is not a reasonable expectation for people to walk to their cars. The site is not on a major bus route.

Response:

An updated parking survey has since been submitted with results from 4:00am. The survey times and the 200m walking distance comply with the requirements of the standard Lambeth Model for parking surveys and the Highways Officer has no objection to the survey. The maximum number of spaces for the scheme is 4 spaces and 2 are shown with on-street capacity available for any overspill.

- 5.1.7 Loss of green space for wildlife.

Response:

Only a very small amount of open grassed garden area will be lost as a result of the new building, as the rest of the building footprint will sit on the existing paved driveway area. The proposal retains the majority of the existing green space, simply enclosing this with a fence.

- 5.1.8 Inadequate living space.

Response:

The proposed internal layout is compact, however all habitable rooms have good access to light and outlook, and sufficient amenity space has been provided. This is discussed in more detail below.

5.2 Consultation Responses

- 5.3 **Highways Development Management:** No objection in terms of highway safety, now that the parking space to the front of No.12 has been removed. The existing driveway appears capable of hosting only 1 parking space, as a second car would overhang the footpath. The issue of parking is one of amenity, rather than safety. The parking survey is acceptable and indicates some remaining parking capacity on surrounding roads.

- 5.4 **CIL:** The development is CIL liable as there is a net gain of residential units. The current indexed residential CIL rate is £100.63 per sq m, which would be measured on the Gross Internal Area of the building. This figure will change in January 2020.

- 5.5 **Contamination:** The proposed land use is sensitive to the effects of land contamination, however records do not indicate any potentially contaminating land uses have existed on or, in the vicinity of the subject site. Recommend conditions: L001 Land Contamination investigation & remediation (Pre-Commencement)
L010 Use of uncontaminated soils and fill (Performance)
L015 Unsuspected Contamination (Performance)

Response:

Since there are no recorded instances of contaminated land on, or near the site, condition L001 is considered onerous and is unlikely to meet the test of reasonableness. L015 Unsuspected Contamination would provide measures to secure remediation of any contamination found on site during construction.

5.6 **Environmental Health:** No objection. Recommend conditions:

Construction working hours

No Bonfires

Response:

Restrictions on working hours are recommended further below as part of a wider condition requiring a construction method statement. Nuisance from bonfires is controlled under separate legislation, so is not considered reasonable.

5.7 **Southern Water:** No objection in principle, but note an existing public foul and surface water sewers within the site. The exact location should be identified by the applicant prior to finalising the site layout. Any sewer diversion proposals shall be agreed and carried out under Section 185 of the Water Industry Act before construction. The proposed development layout is acceptable only on condition of these sewers being diverted. No development or new tree planting should be located within 3 metres on each side of the external edge of the public sewer. No new soakaways should be located within 5 meters of a public sewer. All existing infrastructure should be protected during the course of construction works.

Request condition: "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development."

Request informative note: Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

5.8 **Sustainability:** No objection. Request conditions in respect of Energy & Water (Pre-commencement - *"With the exception of site clearance, demolition and preparation works"*)
Energy & Water (Performance)

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in determining this planning application are:

- Principle of development
- Design and effect on character;
- Residential amenity;
- Parking; 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 land to provide housing. Policies H1, H2 and CS4 acknowledge that new homes will generally need to be built at higher densities, and that new dwellings will contribute towards delivering the Council's strategic target for housing supply, however policy CS5 highlights that the development should be an appropriate density for its context, and should protect and enhance existing neighbourhoods.

- 6.2.2 As a result of this proposal, the application site would have a residential density of 62 dwellings per hectare, Whilst this slightly exceeds the levels set by policy CS5, which seeks a density of 35 - 50 dwellings per hectare in this low accessibility area, this is only one indicator of the acceptability of a scheme and the overall quality of development must still be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.
- 6.2.3 Policy CS16 of the Core Strategy resists the loss of 3 bed family homes, however it is noted that the existing property No.12 has only 2 bedrooms and would retain its existing garden, so policy CS16 isn't directly triggered by the application.
- 6.2.4 The application site lies within an urban area where the basic principle of development is considered to be acceptable. The planning assessment must now consider whether the nature, design and impact of the proposal are appropriate and in accordance with the relevant Local Plan policies and supplementary planning documents and guidance:
- 6.3 Design and effect on character
- 6.3.1 In general, despite different proportions and fenestration details, the proposal appears to sit well as a continuation of the existing terrace and the minor changes to porch and window positions are not considered significantly harmful in terms of their impact on the character of the host dwelling or local area. Further details of proposed materials can be secured by condition.
- 6.3.2 The proposed front porch is modest in scale and the pitched roof design would reflect those visible on nearby properties, No.14 Melchet Road on the opposite corner plot, and No.5 Melchet Road on the northern side of Melchet Road.
- 6.3.3 Whilst there would be some loss of the existing open space on this corner plot, the proposed site layout would retain a side garden area / access, similar to that of No.14 on the opposite corner plot, ensuring that the proposal does not breach the building line along Denmead Road to the side elevation, and would not appear as an overdevelopment of the plot.
- 6.3.4 The amended site plan and parking layout has now removed the proposed parking area to the front of the site, in order to address the previous reason for refusal relating to the visual impact of increased hardstanding and car dominated frontage.
- 6.3.5 Given the details discussed above, the proposal is not considered to cause harm to the character of the host dwelling or local area and has addressed earlier concerns.
- 6.4 Residential amenity
- 6.4.1 The proposal introduces a new dwelling to this corner plot, however given the ground level changes involved, and the separation distances from neighbouring dwellings, the proposal would not overshadow neighbouring properties and it is not considered to present an overbearing impact for neighbouring residents.
- 6.4.2 The proposal would not result in significant concerns for overlooking of neighbouring properties, as the relationship to No.2 Denmead Road to the rear

will be the same as that of the existing dwellings in this terrace, and would not overlook their private rear garden. In addition, the separation distance of 16m would far exceed our minimum requirement of 12.5m between the rear habitable room windows of the new dwelling and the side gable wall of No.2 Denmead Road. It is also noted that there are no habitable room windows within the north-western elevation of this dwelling.

- 6.4.3 The potential impact of construction noise and disturbance on neighbouring residents can be mitigated by way of a condition restricting the permitted working hours and requiring a construction management plan.
- 6.4.4 On the above basis, the proposals would not result in harm to the occupiers of neighbouring properties, subject to compliance with recommended conditions.
- 6.4.5 The existing dwelling, No.12 Melchet Road retains approximately 59sq.m of garden amenity space, which exceeds our minimum standard of 50sq.m for a terraced dwelling, and is provided with a replacement parking space and sufficient bin and cycle storage on site. In addition, the proposal does not result in overlooking, overshadowing or overbearing impacts for this existing dwelling, so the proposal is not considered to cause harm to the amenity of existing occupiers.
- 6.4.6 The proposal provides good levels of light, outlook and privacy to all habitable rooms within the new dwelling, with a large private rear garden area of 88sq.m, which exceeds our minimum standard of 50sq.m. There is sufficient bin and cycle storage and 1 car parking space to the rear. As such, the proposal is not considered to cause harm to future occupiers of the new dwelling and has addressed earlier concerns.

6.5 Parking

- 6.5.1 The current proposal replaces the 1 existing car parking space on the driveway of No.12 with a parking space to the rear of the site, and provides 1 additional parking space for the proposed new dwelling. There is un-restricted on-street parking on Melchet Road and surrounding roads.
- 6.5.2 The maximum standard provision of car parking spaces for a new 2 bed dwelling in a low accessibility area such as this is 2x parking spaces. The proposal indicates 1x parking space each for the existing and new dwellings. The existing property has only 1 existing parking space on the front driveway, which would be relocated to the rear. It is also noted that surrounding houses on this terrace have no off-road parking directly on site, relying on on-street parking and the residential garages to the rear. As such, a parking survey has been submitted to address the shortfall of 1 parking space for the new dwelling.
- 6.5.3 The submitted parking survey has been completed in line with the recommended Lambeth Model and the results, attached as **Appendix 2**, indicate that there is remaining capacity on surrounding roads to accommodate the shortfall of 1 parking space for the new dwelling. The survey found 20 available spaces on Friday 20th December (05:00am – 05:20am) and 17 available spaces on Monday 23rd December (04:34am – 05:00am). Even allowing for the time of year that the survey was completed it is considered likely that any overspill from this small development can be accommodated locally and officer's would not recommend a

refusal based upon limited parking given the circumstances of this case and the 1:1 offer.

6.5.4 The Highways Officer has no objection to the revised site layout showing an open parallel parking bay which spans the rear boundaries of No.12 and the new dwelling, providing 2 parking spaces. In addition, they have no concerns regarding the safety of highway users at the junction of Melchet Road and Denmead Road, nor to the entrance to the rear access road. The amended parking layout removes intervening fences between the parking for No.12 and the new dwelling, to create a single, open parallel parking bay. The proposal also improves the visibility from the rear access road onto Denmead Road. This amended site layout is an improvement on previous schemes and is considered to address the previous reasons for refusal.

6.6 Likely effect on designated habitats

6.6.1 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 10% 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 development is not considered to cause harm to the amenity of neighbouring residents, or the occupiers of the existing or new dwellings, and the design of the proposal would not appear out of character with the host dwelling or local area. Moreover, the site is large enough to accommodate the proposal, mitigation can be secured to ensure protection of European designated sites, and the proposal is not considered to cause harm to highway safety or local parking amenity. As the previous reasons for refusal have been addressed by this application officers now recommend an approval.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions .

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) (f) 4.(f) (g) (vv) 6. (a) (b)

AC for 14/01/2020 PROW Panel

PLANNING CONDITIONS

01. 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).

02. 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.

03. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

04. 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) 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.

05. Public Sewer protection (Pre-commencement)

Prior to the commencement of development, details of the measures to divert and protect the public sewer(s) from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

06. Energy & Water (Pre-commencement)

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 (January 2010).

07. Energy & Water (Performance)

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).

08. Refuse & Recycling (Pre-Commencement)

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

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

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

09. Cycle storage facilities (Pre-Commencement)

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.

10. Car Parking (Pre-Occupation)

The car parking spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. The existing and proposed dwelling shall each be allocated 1 parking space

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

11. Boundary Treatment (Pre-Occupation)

Before first occupation of the development hereby approved, details of the proposed boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

12. 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.

13. 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.

14. 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.

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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<p>Stage 2 - HRA screening assessment</p>	
<p>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.</p>	
<p>Solent SPAs</p> <p>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.</p> <p>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.</p> <p>The New Forest</p> <p>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.</p>	

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

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

Stage 3 - Appropriate Assessment

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

Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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;

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 10% 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 10% 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 10% 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.

PARKING SURVEY RESULTS TABLE

Parking Survey for 12 Melchet Road, Southampton, SO18 5GU

2. Two surveys were conducted on different days.
3. The survey was not conducted in a week that included Public Holidays or school holidays
4. All areas of unrestricted parking were counted either as unallocated designated parking spaces, unrestricted parking bays or unrestricted kerbside parking measured in accordance with the guidelines stated above.

Survey Results

Parking Location		Marked Parking Bays	Kerb Space (m)	Max Spaces	Survey 1	Survey 2
					Friday 20/12/2019 05:00-05:20	Monday 23/12/2019 04:34-05:00
A	Selborne Avenue	-	111.6	18	3	4
B	Melchet Road	-	68	11	6	8
TOTAL				29	9	12
Parking Stress					31%	41%

*It should be noted that at the time of the surveys **Area D containing 24 Garages**, were unused.*

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	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 Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
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)