

Planning and Rights of Way Panel 21st May 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 291 Shirley Road, Southampton			
Proposed development: First floor extension to facilitate conversion of first floor from 1 x 3 bed flat to 2 x 1 bed flats. Change of use of part of the ground floor to 1 bed flat and retention of existing shop			
Application number:	20/00044/FUL	Application type:	Full
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	9 March 2020	Ward:	Freemantle
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Windle Cllr Shields Cllr Leggett
Referred to Panel by:	Cllr David Shields	Reason:	Lack of Parking
Applicant: H.J Holt Ltd		Agent: Hop Architects Ltd	

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). CS4 (Housing Delivery), CS13 (Fundamentals of Design), CS16 (Housing Mix and Type), CS19 (Car and Cycle Parking), CS20 (Tackling and Adapting to Climate Change), CS22 (Promoting Biodiversity and Habitats) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). SDP1 (Quality of Development), SDP4 Development Access, SDP5 Parking, SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, SDP10 (Safety & Security), SDP16 (Noise), H1 (Housing Supply), H7 (The Residential Environment), REI4 (Secondary Retail Frontages), REI5 (District Centres), REI8 (Shopfronts), of the City of Southampton Local Plan Review (Amended 2015) as supported by the NPPF (2019)

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

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 and its context

- 1.1 The application premises is located on a prominent corner between Shirley Road and Lumsden Avenue and comprises a vacant retail unit on the ground floor and residential accommodation (in the form of a 3 bed flat) above. The building is brick built with retail frontages facing both Shirley road and the junction of Lumsden Avenue, with a separate access to the residential accommodation (291a) from Lumsden Avenue. There is also a single storey flat roof building to the rear of the site.

2. Proposal

- 2.1 The application seeks to retain part of the existing retail use on the ground floor (approximately 46sq.m) and its associated frontages onto Shirley Road and Lumsden Avenue. In order to facilitate the severance of the commercial unit from the residential units, the internal access to the residential units would be removed.
- 2.2 The proposed conversion and first floor extension would provide additional residential accommodation in the form of 3 x 1 bedroom flats (a net gain of 2 flats with no additional bedrooms following the conversion of the existing 3 bed flat). Access to the flats would be separate to that of the retail unit and would use the existing access on the south east elevation onto Lumsden Avenue. Each residential unit would contain an open plan lounge/kitchen, a bath or shower room and a separate double bedroom.
- 2.4 The ground floor unit would have direct access to a private rear amenity space, measuring approximately 78sq.m. This would also provide covered and secure cycle parking spaces for the ground floor unit.
- 2.5 The proposal seeks to increase the level of accommodation available at first floor with a first floor extension on the south east elevation. The extension measures

approximately 2.2m x4.4m. Further cycle storage would be provided on the south east elevation for the first floor flats. This covered and secure cycle parking would provide 2 x secure cycle parking spaces each for the additional two dwellings.

- 2.6 Currently the Commercial waste is located on the forecourt of the property. In order to reduce this visual impact it is proposed to provide a dedicated bin storage facility. Bin storage for the residential uses would be located on the south east boundary with Lumsden Avenue adjacent to the proposed 1.2m high fence on that boundary.

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 A schedule of the relevant planning history for the site is set out in ***Appendix 3*** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (24 January 2020). At the time of writing the report no representations have been received from surrounding residents. A letter of representation has been received from Ward Councillor Shields requesting a Panel determination. The following is a summary of the points raised:

- 5.2 The proposal presents a lack of off-street parking in a busy area.

Officer Response

The existing 3 bedroom flat has nil parking. The proposal seeks to convert the building into 3 no.1 bed flats, again with no parking as the site physically cannot provide any. The Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standard may be permissible subject to justification. It suggests a maximum of 2 spaces for a 3 bed flat in this location, and a maximum of 3 spaces for 3 no.1 bed flats. The proposal has been reviewed by the Council’s Highway Officer and they have raised no objection to the proposal. The Highways Officer advises that the site is located within a very sustainable location where ample local amenities are within walking distance. The

location is also accessible by public transport and in in very close proximity to a regular bus network. The proposal also over provides cycle parking. As such, given the sustainable location of the proposed development and the availability of more sustainable forms of transport than the motor car, the shortfall in parking provision is considered to be justified in this instance. Whilst no parking survey has been provided to support the application this is not a mandatory requirement and officers suggest some flexibility given the current site constraints and lack of space available for parking, the provision of additional housing being provided and the highly sustainable location along Shirley Road.

5.3 **SCC Highways – No Objection**

The proposed development is situated within a very sustainable location and is bordering Shirley Road where ample local amenities are within walking distance. Bus service along here is also very good in terms of frequency and areas it serves. The proposal will reduce the size of the current 3 bedroom unit (and commercial floor space) but will generate an additional 2 residential units. In terms of traffic and highway impact, the change in units and floor space is not considered to be significant.

The additional units may generate additional parking demand and will fall short of the parking standards. There are no parking restrictions on Lumsden Avenue and most of the nearby streets which means any overspill parking may impact the local residents. A parking survey would assist in assessing the current on-street parking capacity and whether it can accommodate any potential overspill parking. However, as this is more of an amenity issue rather than highway safety, this will hold limited weight on this recommendation. The bins and cycle arrangements are considered acceptable (cycle parking is overprovided as the residential units do not need to provide short stay spaces). In summary, there will be no highway objections subject to conditions securing the bins and cycle provisions.

5.4 **SCC Environmental Health (Pollution & Safety)**

No Objection subject to conditions relating to the hours of construction and demolition, and a scheme of sound insulation against internally generated noise (noise includes vibration) from the shop to be submitted to the local planning authority for approval.

5.5 **SCC Community Infrastructure Levy – The development is CIL liable**

If the floor area of the existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

6.0 **Planning Consideration Key Issues**

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

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

6.2 Principle of Development & retail impacts

- 6.2.1 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. A need for 16,300 homes is identified in the plan period to 2026.
- 6.2.2 Policy CS16 of the Core Strategy defines a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The current arrangement does not allow direct and private access to the yard and so is not a family dwelling. On this basis the principle of conversion and intensification is supported.
- 6.2.3 The application site is located within the Shirley Town Centre, as such Policies REI4 and REI5 apply. These policies seek to maintain and enhance the vitality and viability of these Centres. At ground floor the policy encourages A1, A2, A3, A5 and D2 uses. At first floor office and residential uses are considered appropriate. Active retail frontages must also be maintained on the ground floor.
- 6.2.4 The proposed development would not prevent the commercial use of the ground floor. It would maintain an active frontage on both Shirley Road and Lumsden Avenue. The smaller size of the retail unit may make the currently vacant unit more attractive to potential occupants. Policy REI 8 of the City of Southampton Local Plan relates to shopfronts and requires that proposals 'respect the proportions of the building and surrounding shopfronts. The shopfront proposed is slightly reduced in length on the south east elevation. This would not represent a harmful change to the building and would remain in keeping with the commercial nature of the area.

6.3 Design and the impact on the character and appearance of the area

- 6.3.1 This proposal would convert and extend the existing two storey property into a slightly larger building containing three one bedroom flats and a retail unit on the ground floor.
- 6.3.2 The proposed works would only be readily visible from Shirley Road when travelling north. The extensions and alterations are largely contained to the south east elevation in the Lumsden Avenue street scene. They would comprise of a first floor extension matching the footprint of the ground floor projection below. The design of the extension would also be of an appropriate size, scale and design that replicates the architectural features of the character of the existing building and would represent a sympathetic addition.
- 6.3.3 Currently the site is in an unkempt state and the building is in a state of decline. The proposal offers the opportunity to reverse this situation and enhance the appearance of this corner plot with an efficient use of land. To ensure the extension remains sympathetic to the existing building and the wider street scene, a condition will be imposed to ensure that external facing materials that match those used in the existing property.

- 6.3.4 It is also proposed to extend the existing 1.8m boundary treatment along Lumsden Avenue, and replace the boundary treatment that extends towards the junction with Shirley Road with a 1.2m high picket fence. This picket fence will also provide screening of the 1.1m high wheelie bins. This alteration would also represent a sympathetic addition to the existing building and is therefore considered to be an enhancement.
- 6.3.5 On this basis the size, scale and design of the proposed extensions and alterations are considered to be acceptable and appropriate.
- 6.4 Residential amenity
- 6.4.1 The proposed additions to the building would be located to the rear of the property, towards Lumsden Avenue side of the site which projects away from the neighbouring residential properties. The proposed extension would only contain upper floor windows to serve a lounge area, however these windows would overlook areas already within the public realm, and provide greater surveillance of the area and as such would not result in any loss of privacy or amenity to neighbouring properties.
- 6.4.2 As such due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of privacy, light or outlook.
- 6.5 Occupier amenity
- 6.5.1 Paragraph 2.3.14 of the Residential Design Guide advises that the minimum garden size for a flat is 20 square metres. The proposed ground floor flat would be directly served by a 78sq.m private garden area which is considered acceptable. The provision and retention of the amenity area can be secured by condition.
- 6.5.2 The flats at first floor would not benefit from any private amenity space. However, the guidance contained within the Residential Design Guidance allows for flexibility for flats if small gardens or no gardens are characteristic of the area. The application site is located off the busy High Street Shirley Road one of the Council's Town/District Centres. As such first floor residential accommodation without any amenity space is not unusual for the area. On this basis the lack of amenity space for the proposed first floor flats is considered to be acceptable in this instance.
- 6.5.3 With regard to the level of accommodation provided in each unit the National Technical Housing Standards provide requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy. This is guidance and has not been adopted as yet by the Council. As Southampton City Council has not formally adopted the minimum living space standards the Council cannot apply the standards on a mandatory basis, but could decide that the accommodation provides a poor standard of living accommodation for future residents.
- 6.5.4 The Technical Housing Standards advise that a single bedroom flat served by a shower should have a minimum floor area of 37m² to 50m². In this instance the proposed dwellings exceed this minimum requirement whereby Flat 1 (ground floor) would have floor area of 38sq.m; Flat 2 – 39sq.m; and Flat 3 – 46sq.m.

6.5.5 All habitable rooms in the property, (with the obvious exception) of the bathrooms, are served by appropriately sized windows. All habitable rooms have access to sources of natural light, reducing the reliance on artificial light.

6.5.6 It is noted that the proposed accommodation is close (but fully compliant) to the minimum requirements of the Technical Housing Standards, and the upper floor flats do not benefit from a private amenity area. However, the proposed flats provide a contribution to the housing of the area that includes two storey dwellings, flats and HMOs. Therefore the proposed flats would provide an appropriate level standards of living accommodation for future occupiers.

6.6 Parking highways and transport

6.6.1 The site has limited external space to provide any on-site parking and currently supports a 3 bedroom flat. The proposal seeks to convert and extend the existing building into 3 no.1 bed flats. No net gain in bedrooms is proposed, although our maximum standards would seek an additional parking space to support this change. The standards also support developments without any private parking in sustainable locations such as this. The Council's Highways Officer has advised that the development is acceptable in principle and raises no highway safety concerns.

6.6.2 The site is located within the high accessibility area of the Parking SPD, however as no parking provision would be provided, the provision would fall below the maximum standards. The potential for parking to overspill onto neighbouring streets is an amenity issue rather than a highway safety issue in this regard

6.6.3 The proposal is located in a highly sustainable location, within a Twon Centre. As such the proposal is located in close proximity to a number of local shops and supermarkets. There is a sheltered bus stop with links to all main routes located directly opposite the site on Shirley Road. The site is approximately 1.3km (0.8miles) from Southampton Central Railway Station. As such the location of the site would encourage the use of public transport and mitigates the need for future occupiers to use car.

6.6.4 Furthermore the proposal would provide 2 dedicated cycle stores, providing 6 cycle parking spaces to serve the three flats which is in excess of the SPD requirements. On this basis the provision of 3 one bedroom dwellings can be supported.

6.7 Likely Effect on Designated Habitats

6.7.1 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 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 conversion and extension of the existing building to reduce the size of the retail unit and form 3 flats (inc. 2 additional) would comply with the Council's adopted standards and relevant Local Plan Policies. The proposal would not result in harm to the amenities of the neighbouring properties. The increase in activity associated with 3 no.1 bed flats rather than a single dwelling is not considered to be likely to generate a significantly greater level of activity, parking overspill or disturbance to neighbours.
- 7.2 Whilst the proposal would not any provide any off road parking provision, the site is located within a highly sustainable, high accessibility area with strong links to local public transport. Furthermore the proposal incorporates an over provision of cycle storage promoting more sustainable forms of transport than the motor car.
- 7.3 The scheme is compliant with the relevant policies and delivers an additional two dwellings thereby assisting the Council in meeting its housing need.

8. Conclusion

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

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

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

Case Officer MT for 21/05/20 PROW Panel

PLANNING CONDITIONS

1.Full Permission Timing Condition (Performance)

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

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

2. Approved Plans

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

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

3. Materials

The materials 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.

4. Cycle storage facilities

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

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

5. Refuse Storage

Before the development hereby approved first comes into occupation, details of storage for refuse and recycling, together with the access to it and boundary screening, shall be submitted to and approved in writing by the Local Planning Authority. The storage and screening 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 outside of these storage facilities 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.

6. Sound Insulation

The uses hereby approved shall not commence until sound insulation measures against internally generated noise and vibration have been provided in accordance with a scheme

to be first submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter retained as approved.

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

7. Hours of Work

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

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

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

and at no time on Sundays and recognised public holidays.

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

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

9. Provision of Amenity Space

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

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

10. Energy & Water

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

11. 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).

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

Stage 2 - HRA screening assessment

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

Solent SPAs

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

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

The New Forest

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

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

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

Stage 3 - Appropriate Assessment

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

Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
H1	Housing Supply
H7	The Residential Environment
REI4	Secondary Retail Frontages
REI5	District Centres
REI8	Shopfronts

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)
National Technical Housing Standards

Relevant Planning History

A schedule of the relevant planning history for the site is set out below

Case Ref:	Proposal:	Decision:	Date:
06/01450/FUL	Alterations to building at the rear of the property involving replacement single storey extension to form office and addition of first floor extension to form additional storage area	Approve with Conditions	2006
06/01197/FUL	Retrospective application for roller shutters to be retained untreated (resubmission of 05/00976/FUL).	Application Refused	2006
05/00976/FUL	Installation of roller security shutter to shopfront. (Retrospective)	Appeal Allowed	2006
1604/W12	Installation of shopfronts.	Approve with Conditions	1981
1365/P17	Change of use from retail to distribution store (temporary until 31-03-72)	Temporary Consent	1969
1312/P12	Ground floor side extension	Conditionally Approved	1966
1259/P12	use of 1st floor and part ground floor for storage, single storey rear extension	Application Refused	1964
1153/36	Erection of a refrigeration unit building.	Approve with Conditions	1959
967/5	Sausage making room	Conditionally Approved	1951