

**Planning and Rights of Way Panel 2<sup>nd</sup> February 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 26 Butterfield Road, Southampton			
<b>Proposed development:</b> Extensions and alterations to existing garage, including a front extension, raising the roof and the insertion of dormer windows to facilitate the formation of a 2-bedroom self-contained dwelling.			
<b>Application number:</b>	20/01460/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Coombes	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	EOT 10.02.2021	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Members & Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr John Hannides Cllr Beryl Harris Cllr Les Harris
<b>Referred to Panel by:</b>	Cllr John Hannides Cllr Beryl Harris	<b>Reason:</b>	Over-development & Out of character.
<b>Applicant:</b> Mr Patel		<b>Agent:</b> SC Architecture Ltd	

<b>Recommendation Summary</b>	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	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 – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies

## **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the 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 site comprises a two-storey, detached family dwelling on a large corner plot with an attached garage and a paved front driveway, providing parking for at least 2 cars.
- 1.2 The application site fronts onto Butterfield Road with Beaumont Close, a cul-de-sac of 5 detached houses, wrapping around the side and part of the rear boundaries of the property.
- 1.3 Butterfield Road lies within a medium accessibility area for access to public transport routes on Burgess Road, Bassett Avenue and Winchester Road, and is characterised as a residential area with predominantly detached dwellings of varying styles and sizes.

### **2. Proposal**

- 2.1 The proposal is to extend and convert the existing attached double garage to form a new dwelling with two bedrooms. The proposal involves the following elements:
- 2.2
  - A 2m front extension to the existing garage and 1.0m increase in height;
  - New front and rear dormer windows;
  - Alterations to the arrangement of existing ground floor doors and windows;
  - Construction of a bin store to the front of the garage;
  - Subdivision of the rear gardens to form two private gardens;
  - Cycle storage for both the existing and new dwellings;
  - Extension of the existing driveway parking area;
  - Tree and shrub planting to the front of the existing property.
- 2.3 The proposal will create a bedroom, bathroom and kitchen / living area at ground floor and a main bedroom with en-suite at first floor. The new dwelling will benefit from two off-road parking spaces and a private rear garden.
- 2.4 The proposed plans were amended during the application process as follows:
  - Rear bathroom window reduced in size in response to concerns from neighbouring residents.
  - Additional planting to the front garden to improve the streetscene.

- Introduction of a low-level planting bed between the parking spaces to create 2 pairs of 2 spaces with improved visibility and to break up the visual appearance the parking area.
- Addition of further cycle and bin storage details
- Inclusion of an outline of the existing garage added to the proposed elevations.

### **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

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
20/01090/FUL	Erection of a two-storey side extension, front and roof extension to garage to facilitate conversion of the property into 3 x 2 bed dwellings and associated parking	Withdrawn	07.10.2020
08/01515/FUL	Part 2-storey part single storey side and rear extensions and 2-storey front extension	Conditionally Approved	17.12.2008
08/00721/FUL	Erection of two storey front, side and rear extensions.	Application Refused	01.07.2008
1559/M30-3	The erection of 8 detached houses on site of former reservoir, Butterfield Road.	Conditionally Approved	01.10.1979
1553/M21(RD)-4	Erection of 10 dwellings	Application Refused	24.04.1979

4.2 A previous scheme for development on this site was withdrawn in October last year. The withdrawn scheme involved the extension of both the main house and the garage in order to form 2x 2-bed flats within the main house and a 2-bed self-contained dwelling within the converted garage. The current application now preserves the main house as a large family dwelling and proposes the conversion of the garage into a self-contained unit.

4.3 Most notably, a larger extension of the existing garage was conditionally approved in December 2008 (08/01515/FUL) as part of a scheme of extensions to the whole property, although that permission was never implemented and has since lapsed. This approved scheme involved larger increases in ridge height and a more significant forward extension of the garage, along with larger dormer windows to

the front and rear garage roof slopes to provide two new bedrooms within the enlarged roof space.

## **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 via letter. A site notice was later erected on **08.01.2021**, giving an extended period for neighbour comments until **29.01.2021**. At the time of writing the report, **2** Ward Cllr representations and **14** representations from surrounding residents have been received. The following is a summary of the points raised:

5.2 ***Out of character, scale and proportion with existing large detached family homes, characterised by large gardens & gaps between properties. Creates semi-detached dwellings & introduces dormer windows. The extensions will create a solid mass of building from No.26 – No.24. This should not be rental flats and there are no other such conversions on Butterfield Road.***

### **Response**

These issues are discussed in the Planning Considerations below.

5.3 ***Loss of half the front garden and green character, is contrary to the spirit of SCC Green City Plan 2020/30. View of distant trees would be blocked by raising the garage roof height. Bins for 2 houses would clutter the frontage.***

### **Response**

The proposal has since been amended to improve the streetscene with additional tree and shrub planting to the front garden and with a new low planting bed to break up the parking area. The existing narrow gap between No's 26 and 24 Butterfield Road does not provide any significant view of trees behind the site. The new bin store is to serve only the new dwelling. Further details of a modest brick bin store have been added to the amended plans. The existing dwelling has space to store bins in their rear garden, along the northern side elevation. The existing frontage could be changed under permitted development allowances without the need for planning permission and so this is not a valid objection to the proposals.

5.4 ***Loss of privacy for the rear gardens of No.5 Belmont Close, and No's 26 and 24 Butterfield Road, and to the front windows of properties on the opposite side of Butterfield Road. Reduced light to the side windows of No.24.***

### **Response**

These issues are discussed in the Planning Considerations further below. The proposed first floor rear dormer window is an obscurely glazed bathroom window, offering no view over neighbouring properties. Nevertheless, the applicant has reduced the size of this rear window in response to concerns from neighbouring residents. Front windows of properties to the opposite side of Butterfield Road are already overlooked from the public road, and from the numerous front windows of No's 26 and 24. The addition of 2 front bedroom windows are not considered to significantly change this situation.

The development is to the North of the affected side windows of No.24 Butterfield Road, and these windows have been identified on site as small obscurely glazed bathroom windows at first floor and obscurely glazed secondary windows and door to a kitchen at ground floor, which also benefits from a rear window facing into the

garden. Whilst there will be some impact from the proposed development, these windows do not enjoy the same level of protection as the windows of habitable rooms (bedrooms, living rooms etc).

- 5.5 ***Reduced plot size of No.26 Butterfield Road. Reduces attractiveness of both No's 26 and 24 and future property values. Increased noise and vehicle movements from new dwelling. Construction noise, pollution, disruption, and heavy traffic.***

**Response**

The remaining garden serving No.26 Butterfield Road still exceeds our minimum standards. The future market value of a property is not a material planning consideration. Noise impacts are discussed in the Planning Considerations further below.

- 5.6 ***Cramped living space. No second reception room, only an open plan kitchen/diner/living room. Poor natural light, being sandwiched between 2 large properties and poor outlook onto parking area. No window to downstairs bathroom, so no natural light or ventilation. The garden is too small. The bin store area is too small to serve both properties.***

**Response**

The quality of living accommodation is discussed in the Planning Considerations further below. Whilst it is not an ideal arrangement, it is not uncommon to have a bathroom reliant on mechanical ventilation only. The new garden exceeds our minimum size standards, as given in the Residential Design Guide SPD (RDG). The bin store is only intended to serve the new dwelling.

- 5.7 ***The application form states 4 existing parking spaces and 4 proposed spaces. Plan 3939-P-02 shows space for 6 vehicles (2 in the garage and 4 double parked). Loss of 2 spaces overall. Concern that vehicles will encroach onto pavement due to extension of the garage. SCC should be promoting cycling, in line with SCC Green City plan, but no cycle storage provided.***

**Response**

The level of parking provision is discussed in the Planning Considerations further below. The remaining driveway parking spaces are longer than our minimum size standards, to ensure that cars do not overhang the pavement. The plans have since been amended to indicate cycle storage for both the new and existing dwellings.

- 5.8 ***Butterfield Road is already a 'rat run' between Burgess Road and Winchester Road. A new dwelling will exacerbate this and increase road traffic, noise and air pollution. Vehicles parking opposite No.33 already make access difficult and more parking could prevent safe access for disability transport service.***

**Response**

The Highways Development Management Team have no objections to the scheme in terms of highway safety. The highway and parking impact of this development is discussed in the Planning Considerations further below.

- 5.9 ***The Bassett Neighbourhood Plan and the Southampton Housing Needs Survey both highlight the need to preserve the character and number of the existing stock of family homes. Also "no net loss of family homes on sites capable of accommodating a mix of residential units"***

***The Annex to the Plan - Para 2.28 describes the character of Butterfield Road: "The houses either side of this road are all detached family houses".***

**Response**

The proposal retains the existing large family dwelling on site with a large garden that exceeds the minimum amenity standards outlined in the Residential Design Guide. The impact on character of the local area is discussed in the Planning Considerations further below.

- 5.10 ***The additional surface area of the extended garage roof will collect more water. A soak-away would be inadequate. Loss of front garden drainage through enlarging the parking hardstanding placing further pressure on street drainage. Surface water drain in front of No.26 drain is sometimes inundated and is frequently blocked. This already causes a hazard. Increased demand on utilities, in particular water and sewers.***

***Air quality is monitored from the end of Butterfield Road to the junction of Burgess Road and The Avenue. The proposal will deteriorate air quality.***

**Response**

The increased surface area of the garage roof is not significantly greater than the existing situation. The increased parking hardstanding can be conditioned to be formed of permeable materials, to ensure that surface water run-off is minimised and is absorbed within the site. Drainage and air quality impacts are discussed in more detail in the Planning Considerations further below.

- 5.11 ***Restrictive Covenant states no more than 8 dwellings could be built on the site. New dwelling will be difficult to sell & mortgage.***

***The proposal is not an 'extension', nor is it a 'family home' as defined in Core Strategy policy CS16.***

***This would set a precedent for similar projects in Butterfield Road.***

***Number of neighbour objections should be an indicator of unacceptable development.***

***Old site notice still on display. No new site notice for this application, causing confusion and not enough time for neighbour comments.***

**Response**

A restrictive covenant is not a material Planning consideration, and should be taken up through the legal system.

The description of development is considered to accurately represent the proposed extensions and alterations to the existing garage. The existing family home, No.26, is being retained on site.

All applications are considered on their own merits and this would not set a precedent.

The number of neighbour objections are noted and all comments are taken into consideration. All applications must be assessed against the relevant policy framework.

A site notice has since been displayed on site and the period for comments has been extended to allow for further public comments.

- 5.12 ***The landlord lives elsewhere. A bathroom on both floors suggests intended use as a rented HMO. This is a resubmission of a previously withdrawn scheme, so there is a concern that the original scheme could be pursued.***

**Response**

The status of the applicant is not a material planning consideration. The proposed conversion of the garage does not provide sufficient facilities for two flats, nor does it have 3 bedrooms to qualify as an HMO use. If the converted garage is altered and used as two flats or as an HMO in future, then it would require planning permission and the Planning Enforcement team have powers to investigate this.

**Consultation Responses**

- 5.13 **SCC Environmental Health (Pollution & Safety)** – No objection. The following planning conditions are recommended: Working hours; Bonfires.

- 5.14 **SCC Environmental Health (Contaminated Land)** – The proposed land use is sensitive to the effects of land contamination. Records indicate historical land use: Clay Pit (on site). There is potential for these off-site hazards to migrate from source, so recommend that the site be assessed for land contamination risks and remediated where appropriate.

***Response:*** *The development site has already been developed and occupied for many years as a residential use. The proposal is not considered to present a significantly different intensity or form of occupation to justify a full ground survey. Instead, an ‘unsuspected contamination’ performance condition would be suitable.*

- 5.15 **Highways Development Management** – No objection. Although we do not usually support 3 or more consecutive spaces, in this instance the spaces are somewhat set back from the footway. This would allow for a buffer space where vehicles can reverse out onto before they encroach on the public footway. This gives both the driver and footway users time and space to be aware of one another.

***Response:*** *In response to these comments, the plans have been amended to include a low-level planting strip to break up the parking area into 2 bays of 2 spaces, to further improve visibility and the visual impact of the development.*

- 5.16 **CIL Officer** – The development is CIL liable as there is a net gain of residential units. The residential CIL rate is currently £104.38 per sq m, to be measured on the Gross Internal Area floorspace of the building.

- 5.17 **SCC Archaeology** – No objection. No conditions required.

- 5.18 **Southern Water** – No objection. A formal application is required for connection to the public sewer. The exact position of the sewer must be determined on site. Should any sewer be found during construction, an investigation will be required before any further works commence on site.

- No development or tree planting within 3 metres of the sewer.
- No soakaways etc. within 5 metres of the sewer.
- All existing infrastructure should be protected during construction.

**6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Air Quality and the Green Charter; 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. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026 and this scheme would assist the Council in meeting its targets. However it should also be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on windfall housing.
- 6.3 Policy CS16 of the Core Strategy resists the loss of family dwellings. This is supported by the Bassett Neighbourhood Plan. The proposal would comply with these policies by retaining the existing large family dwelling on site (No.26 Butterfield Road). The subdivision of the existing garden provides sufficient space and privacy to ensure the existing dwelling still qualifies as a family home. Due to the small scale of the development, there is no specific policy requirement for the new dwelling to also be a family dwelling, so the proposed 2 bedroom unit would comply with local policy.
- 6.4 As a result of this proposal, the application site would have a residential density of 40 dwellings per hectare (dph), which is in accordance with policy CS5 and the Bassett Neighbourhood Plan, which seek a residential density of 35 - 50 dph in this medium accessibility area, however the overall quality of development must still be assessed. This is discussed in more detail below.
- 6.5 The principle of development is supported as it optimises the use of the previously developed land to deliver a windfall site to contribute towards the City's housing need, and this scheme contributes to the mix and balance of households in the local community.

### Design and effect on character

- 6.6 The proposed extensions to the existing garage building are modest in scale and the design would ensure that the new converted dwelling would remain subservient and would not dominate the existing dwellings to either side. The modest 1m ridge height increase of the garage building would ensure that the appearance of the converted garage would remain subservient and sympathetic to the existing dwelling and would not compete with the roof lines of No's 26 and 24.
- 6.7 Butterfield Road does contain a number large detached dwellings, however the use of the existing garage building to provide a new dwelling, and it's position, set back from the main elevation of No.26, would ensure the development remains subservient to the more dominant detached dwellings surrounding the site. As such, the proposal is not considered to visually detract from the character and appearance of the properties lining Butterfield Road.
- 6.8 The parking area to the front of the site has been amended to provide a central, low-level planting bed to break up the visual dominance of four car wide driveway.



The scheme has also been amended to improve the green landscaping offering with additional tree and shrub planting to the front garden of No.26, in order to help offset the increased parking within the streetscene. The use of landscaping is considered to mitigate the visual appearance of the enlarged driveway.

- 6.9 The proposed bin store is a modest brick-built structure, tucked into the flank wall of No.26. As such, it is not considered to result in visual clutter of the street frontage.
- 6.10 Furthermore, the proposed residential density complies with policy guidelines and has the positive benefit of making effective use of land to contribute towards the City's housing delivery targets. Given the details discussed above, the proposal is not considered to present significant harm to the character and appearance of Butterfield Road, or the wider local area.

#### Residential amenity

- 6.11 New dormer windows are proposed in the front and rear of the converted garage. The proposal would not overlook neighbouring properties to the rear, as the first floor rear dormer window is an obscurely glazed bathroom window. Notwithstanding this, the applicant has amended the plans to reduce the size of this window in response to neighbour concerns. The front dormer window serves a bedroom and would comprise of clear glass, however this is not considered to present a significantly more harmful level of overlooking to No's 35 and 37 Butterfield Road than the existing situation of overlooking from the public road and from the existing dwellings No's 26 and 24 Butterfield Road. As such, the proposal is not considered to result in harmful loss of privacy to neighbouring residents.
- 6.12 The proposed new dwelling is small in scale with only 2 bedrooms. The comings and goings associated with this small size of dwelling are not considered to present a significantly harmful impact on neighbouring residents in terms of noise and disturbance.
- 6.13 The increased ridge height and forward extension of the existing garage building will have an impact on the north-facing side windows of No.24 Butterfield Road, however the development is to the North of this neighbouring property and the increases are relatively modest in scale. In addition, these neighbouring windows have been identified on site, and from the original 1979 approved plans, as being obscurely glazed and serving non-habitable rooms (two small bathroom windows at first floor and 2 small secondary windows and a door serving a kitchen at ground floor, which also benefits from a rear window looking out into the garden). Given the above, the proposal is not considered to present overbearing or overshadowing impacts to neighbouring residents.
- 6.14 The retained rear garden of existing dwelling No.26 measures approximately 145sqm, which is more than doubles the minimum size standard of 70sqm for an attached dwelling, as given in the Residential Design Guide SPD (RDG). The new garden provided for the new dwelling measures approximately 75sqm which again exceeds the minimum size standard of 70sqm.
- 6.15 The proposed new dwelling will benefit from a dual aspect to the front and rear, and has an acceptable level of privacy, outlook and light. In addition, the proposed internal floorspace for the new dwelling will comply with the minimum floor space sizes given in the National Described Space Standards. It is worth noting that the

Council have not formally adopted these space standards; however they are used as a general indicator of the suitability of living accommodation.

- 6.16 Whilst the front bedroom window in the proposed new dwelling would look out over the parking area, there is ample space to ensure that cars would not be parked right in front of the window, allowing for an acceptable level of outlook.
- 6.17 Given the above, the proposal is not considered to have a significantly harmful impact on the amenity of neighbouring residents, and it would provide a suitable quality of living environment for future occupants of the new dwelling.

#### Parking highways and transport

- 6.18 The Highways Officer has raised no objection to the new parking arrangements and access in terms of the impact on highways safety. Given the length of the new driveway parking areas, and the intervening low-level planting bed, the arrangement will provide good visibility for vehicles entering and leaving the site.
- 6.19 Butterfield Road lies within a medium accessibility area for access to public transport routes on Burgess Road, Bassett Avenue and Winchester Road. The site lies approximately 500m from local facilities within the Winchester Road designated local centre. Street parking on Butterfield Road and surrounding roads is controlled via a residential permit scheme, operating 11am - 3pm, Monday - Friday.
- 6.20 The Council's Parking Standards SPD sets maximum parking standards, rather than minimum standards and states that parking provision below the maximum standards may be acceptable in certain circumstances. The proposal provides 4 parking spaces. The maximum standard for a 4 bed dwelling is 3 spaces and 2 spaces for a 2 bed dwelling, giving a total maximum standard of 5 spaces.
- 6.21 Cycle storage facilities are indicated for both the existing and new dwellings, further details of which could be secured by condition. The amended plans show an appropriate brick-built bin store to the front of the new dwelling. The plans also indicate the existing bin storage area for the existing dwelling, No.26.
- 6.22 Given the sustainable location of the application site with public transport routes and local facilities nearby, the controlled parking on surrounding roads, and given the provision of cycle storage on site to encourage sustainable modes of transport in accordance with policies SDP5 and CS19 and the City's Green Charter, the shortfall of 1 parking space is not considered to present significant harm to local parking amenity in terms of potential overspill parking.

#### Surface water drainage

- 6.23 Concern has been raised by neighbouring properties regarding surface water drainage. The use of permeable / porous materials can be secured by condition for use in the proposed extension to the parking hardstanding, therefore ensuring that there is no increase on the existing level of surface water run-off to the road or public sewers. In addition, the modest increase to the roof area of the existing garage building is not considered to represent a significantly greater impact on surface water run-off than existing, indeed the current situation will be improved with the provision of a new soakaway.

### Likely effect on designated habitats

- 6.24 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 In summary, the proposed scheme has been designed in such a way to make effective use of land to deliver new housing, whilst the development is designed to maintain the residential amenity of neighbouring residents and future occupiers. The scale and design respond to that of the host building and would not be considered to cause harm to the character of the local area. Furthermore, the development is considered to maintain an acceptable level of highways safety and local parking amenity and the scheme is, therefore, recommended for approval.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to appropriate mitigation contribution 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) (g) 4.(f) (g) (vv) 6. (a) (b)

**AC for 02/02/2021 PROW Panel**

## **PLANNING CONDITIONS to include:**

### **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. Landscaping detailed plan (Pre-Commencement)**

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

- i. proposed hard surfacing materials;
- ii. 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. This shall include native and/or ornamental species of recognised value for wildlife;

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.

Reason: To enhance the biodiversity of the site and 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.

**05. Water efficiency**

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 a maximum of 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of 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. The appliances/ fittings to be installed as specified.

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)

**06. Cycle storage facilities (Pre-Occupation)**

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 for the lifetime of the development.

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

**07. 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.

**08. Obscure Glazing (Performance)**

The proposed first floor bathroom window within the rear dormer of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

**09. Residential - Permitted Development Restriction (Performance Condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, 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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class F (hard surface area)

Reason: To protect residential amenity and visual amenities of the area.

**10. Parking (Performance)**

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

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

**11. Driveway material (Performance)**

The proposed driveway/access shall be constructed of non-migratory material and incorporate surface water disposal on site. No surface water from the site shall be permitted to run onto the public highway.

Reason: In the interests of Highway Safety

*Note: Any works on the public highway will require consent and licence from our Highway Partners Balfour Beatty.*

**12. Refuse & Recycling (Performance)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

*Note: 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](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.*

**13. 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.

**14. Amenity Space**

The garden spaces and associated access shown on the approved plans shall be provided prior to the first occupation of the development. These spaces shall be retained thereafter.

Reason: In the interests of residential amenity

## 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)?	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.  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.  The PUSH Spatial Position Statement ( <a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a> ) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.

### 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	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

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

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

### **New Forest**

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

*Within Southampton the Council will promote biodiversity through:*

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

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

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

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

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

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

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

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

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

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

Summary of Natural England's comments:

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Bassett Neighbourhood Plan (Adopted 2016)

BAS1	New Development
BAS4	Character and Design
BAS5	Housing Density
BAS14	Drainage

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)