

**Planning and Rights of Way Panel 25<sup>th</sup> January 2022**  
**Planning Application Report of the Head of Planning & Economic Development**

**Application address:** 17A Brookvale Road Southampton SO17 1PW

**Proposed development:** Demolition of existing laundry building and provision of new two storey 3 bedroom dwelling including provision of a new access onto Brookvale Road associated parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL)

<b>Application number:</b>	21/01363/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	24.11.2021	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Mitchell Cllr Cooper Cllr Savage
<b>Applicant:</b> Mr Peter Loizou		<b>Agent:</b> Southern Planning Practice	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Planning &amp; Economic Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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 (2021). Policies – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Previous approved plans and report

**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 or S.111 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 a reasonable timescale

## **1 Background**

- 1.1 The site formerly comprised part of the garden space serving the 3-bed dwelling at 17 Brookvale Road, which was formed following the sub-division of nursing home approved under planning permission no. 18/01114/FUL. The conversion was undertaken without demolishing the former care home laundry building so the intended garden space of no. 17 wasn't provided in accordance with the approved plans.
- 1.2 Following a number of revised applications, officers approved a 1 bedroom dwelling on the site in December 2020 (ref no. 20/01296/FUL) as shown in **Appendix 4**, now known as Brookvale Cottage, 17b Brookvale Road. In building out Brookvale Cottage, the applicant seeks to regularise unauthorised changes to the approved dwelling which includes internal alterations and minor external changes to facilitate a 3 bedroom dwelling (with a 1 bed dwelling being the approved scheme).
- 1.3 The Council are aware of the unauthorised outbuilding which the applicant started building after the application had been submitted, however, this does not form part of the consideration of this application as it falls outside the red line of the site. Plans have since been submitted to the show the triangle tip of land that the unauthorised outbuilding is located on land outside the ordnance survey map boundary for 17a Brookvale Road. The planning team will continue to work with the applicant to resolve the breach separately with the enforcement process.

## **2. The site and its context**

- 2.1 The site comprises a plot of land with an area of 207sqm at Brookvale Road. The approved 2 storey detached dwelling, known as Brookvale Cottage, has been built out not in accordance with the approved 1 bedroom dwelling (ref no. 20/01296/FUL). The surrounding context is characterised by a mixed style of residential properties within a suburban area, with taller high density flatted developments to the south-west on Westwood Road, and large spacious plots containing 2 storey dwellings within the Portswood Residents Garden Conservation Area (CA) to the north-east. The application site is not within the CA but forms the 'setting'. There are a number of Traffic Regulation Orders parking controls, including permit only restrictions, on surrounding streets and Brookvale Road.

## **3. Proposal**

3.1 Retrospective planning permission is sought for the erection of the 2 storey detached dwelling with 3 bedrooms which includes re-positioning the southern boundary of the plot to extend the garden of no. 17. The Council is aware of the outbuilding structure being built by the applicant, however, this does not form part of this application as it falls outside the red line. The approved scheme for a 1 bed dwelling is a material consideration.

#### **4. Relevant Planning Policy**

4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.

4.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 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.

#### **5. Relevant Planning History**

5.1 A schedule of the relevant planning history for the site is set out in ***Appendix 2*** of this report.

#### **6. Consultation Responses and Notification Representations**

6.1 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 on 15.10.2021. At the time of writing the report **9 representations** have been received from surrounding residents. The following is a summary of the points raised:

6.2 ***The applicant has breached their existing planning permission by not building the approved 1 bedroom dwelling in accordance with the approved plans. Approval of the application without enforcement action would set undesirable precedent for other developers. Other breaches have also taken place including the garden of no. 17 not being provided. Furthermore the unauthorised outbuilding structure under construction in the garden could be a 2 bedroom bungalow.***

##### **Response**

In accordance with SCC Enforcement Policy, officers have held enforcement action in abeyance while determining the application to regularise the unauthorised works. The unauthorised outbuilding does not form part of this application as it falls outside of the red line of the application. The Council is separately discussing with the applicant the best option to address this breach. The applicant continues works at their own risk of refusal and subsequent enforcement action where expedient. A garden trade off was

accepted under the previous approval to overcome the planning breach of no. 17, so this requirement is reimposed under condition 5.

- 6.3 ***Overdevelopment, out of character and poor living conditions for future residents – The increased size results in a cramped housing layout, out of character with the spatial character of the area. The increased width of the house across the front, at ground and first floor level, make it unduly dominant and it would adversely affect the street scene. Internally, two of the three bedrooms are extremely small, e.g. bedroom 2 is only about 5sqm, and would provide poor living conditions for the occupants. The increased footprint reduces the garden size by 10% which was already very small and the new outbuilding reduces the garden size even further. The applicant's statement that the garden is 60sqm appears to be incorrect, as this is the same size quoted in the previous application, before the footprint was increased.***

**Response**

The 30% development footprint of dwelling comfortably fits within the 50% limit of coverage to plot size ratio as specified by paragraph 3.9.2 of the Residential Design Guide. The external changes are not considered to significantly change the visual impact on the street scene. There is no change to the garden length/area shown on the plot of the approved 1 bed dwelling as the outbuilding is on tip of the triangle of land joining the current ordnance survey plan boundary for the site. A response to the garden size discrepancy is set out below. In terms of the internal and external residential layout, the quality and size of the garden and bedrooms will create an acceptable standard of living for future occupiers. The assessment is set out in section 7.3 and 7.4 of this report.

- 6.4 ***Only one car parking space is provided, as permitted for the 1-bed house. This would be inadequate for a 3-bed house and would result in an increase in on-street parking, which would be hazardous on this busy road which is also a bus route, so close to the road narrowings. Additional traffic, and parking, generated by the increased number of occupants would adversely affect the houses opposite, which are part of Portswood Residents Gardens Conservation Area. This would be contrary to the City Council's own adopted policies in the Adopted Local Plan Review and the Portswood Residents' Gardens Conservation Area Appraisal and Management Plan (CAAMP, adopted 2011).***

**Response**

The site falls outside the conservation area and the Council's Heritage officer raises no objection in terms of impact on the setting of the Conservation Area. The additional parking demand of 1 space is not considered to be adversely impact on the local road network and amenity of local residents in terms of parking and safety. The Highways Officer raised no objection to the impact on highways safety. The assessment is set out in section 7.3, 7.4 and 7.5 of this report.

- 6.5 ***Application contains an error in supposing that anyone who may live in the property would be entitled to use the Residents Gardens. People who are not residents in the area of the Gardens (Russell Place, Abbotts Way, even numbers of Brookvale Road from 10, and some houses in Highfield Lane) may pay to become friends of the gardens at our invitation.***

**Response**

This is noted. Despite the shortfall explained in paragraph 7.4.2, the adequacy of the

amenity space itself does not need to rely on access to off-site recreational space albeit public or private.

### **Consultation Responses**

6.6	<b>Consultee</b>	<b>Comments</b>
	SCC Highways	No objection
	SCC Heritage team	No objection
	Archaeology	No objection. No conditions required.
	CIL Officer	The amendment will only trigger CIL liability for any additional liability it introduces to the development i.e through additional floor area, a change of use of the floor area from a non-CIL liable use to a CIL liable use.
	Environmental Health	No objection
	Sustainability	No objection subject to conditions to improve energy and water use
	Southern Water	No objection

### **7.0 Planning Consideration Key Issues**

- 7.1 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 and;
  - Likely effect on designated habitats.

#### **7.2 Principle of Development**

7.2.1 The principle of development has already been agreed with the approval of a 1 bed dwelling. The site is not allocated for additional housing and the proposed dwelling would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. The city has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026.

7.2.2 The proposal, when having regard to the development plan taken as whole, would point to approval, the Council cannot currently demonstrate a deliverable five year supply of housing. Accordingly, regard must be had to paragraph 11(d) of the NPPF which states

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole”

7.2.3 There are no policies in the Framework protecting areas or assets of particular importance in this case such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i).

7.2.4 It is acknowledged that the proposal would make a contribution to the Council's five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling (s) and its subsequent occupation.

7.2.5 Taking into account the benefits of the proposed development and the limited conflict with the policies in the development plan, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval.

7.2.6 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 48 d.p.h. The impact of the proposal on the local character is further discussed in the report.

### 7.3 Design and effect on character

7.3.1 The main external changes to the appearance of the approved dwelling are very minimal and, therefore, the overall appearance of the building in the street scene will not significantly change in terms of its scale and massing. Despite being slightly wider, the proposed dwelling retains cottage like proportions and detailing. The external changes comprise

- i. widening the front gabled elevation by 1.2m keeping a similar 2 storey form;
- ii. squaring off the side recess up to first floor level;
- iii. moving the front door to the recessed side elevation and adding the first floor bathroom window (south-east elevation); and
- iv. extending forward the front catslide roof slope to create a covered canopy in front of the dining room area.

These changes marginally increase the footprint of the dwelling from 46 to 51sqm, whilst the increases to the footprint maintains the majority of the original garden as 76sqm. Given the discrepancy in the applicant's title deeds and the actual plot area (see paragraph 7.3.3), the applicant has physically measured and confirmed the length of the garden as 12m insitu with the (unauthorised|) outbuilding.

7.3.2 The change from a 1 bedroom to 3 bedroom dwelling more effectively utilises the residential land available on the plot with the positive benefit of securing family housing (as defined in the development plan). This is achieved by reconfiguring the internal space without significantly adding more physical build to the site. In the context of the established street pattern and land available in the plot, the 55sqm footprint of the proposed dwelling comfortably sits within the 50% coverage limit of the 190 sqm plot and, therefore, is not considered to be over-development. Furthermore, there is no change to the characteristics of subdividing the garden intended for no. 17 to form the new plot of Brookvale Cottage, whilst the trade off through condition 5 is

reimposed to provide the additional garden to no. 17 to improve the amenity of the existing occupiers.

7.3.3 Whilst it may appear that the overall size of the plot would be reduced by the introduction of the outbuilding structure in the north west corner of the site, there is no incursion by the footprint of the outbuilding into the garden space approved for the 1 bed dwelling. This can be reasonably explained by an error made by the applicant under the previous and current application. Whereby, the former care home historically had fenced off land into the north west corner of their site. This land appears to have originally belonged to the entrance of Tennyson Court before it was walled off. The applicant is undertaking a land registry search to confirm this, and officers will give a verbal update at the panel meeting. Thus, the ordnance survey maps have not been updated to show this subtle difference and this boundary discrepancy is not readily obvious when viewed from the street behind the existing wall.

7.3.4 Furthermore, the site itself falls outside the boundary of the conservation area with a clear visual connection with the existing buildings on the opposite side of Brookvale Road and the backs/sides of the taller flats of Winn Road/Westwood Road to the south-west of the site. That said, the Conservation Officer has no objection from a conservation impact. As such, the proposal will not adversely affect the character and appearance of the local area.

#### 7.4 Residential amenity

7.4.1 The minor changes to the massing and width of the dwelling and window openings are not considered to adversely impact on the amenity of neighbouring occupiers in comparison to the fall back impact of the previously approved dwelling.

7.4.2 The table below sets out a comparison between the approved 1 bedroom and 3 bedroom dwellings in terms of the Nationally Described Floor Space Standards (March 2015) and minimum garden sizes in the Residential Design Guide:-

		Garden size sqm	Floor area sqm	NDSS/RDG garden standard
Approved bed	1	80	65	50/90
Proposed bed	3	76	77	84/90

The internal and external residential layout of the proposed dwelling is considered to create acceptable living conditions for the future occupiers. The slight shortfall under the national floor space standards is not considered to be materially harmful to the occupiers given the openness and uncramped internal space with good access to natural lighting, outlook and privacy from habitable spaces. Whilst there are no internal room size standards for new dwellings, the 6sqm (bedroom 1) and 5sqm (bedroom 2) are reasonable sized smaller bedrooms for family use, with a 41sqm spacious ground floor living area opening up onto the private garden (76sqm not including the footprint of the outbuilding). The garden has been well landscaped with planting. The Residential Design Guide sets out a minimum garden size of 90sqm and 10m length

for detached family dwellings. In this case, the 14sqm shortfall is not considered to be significantly harmful to the living conditions of the future occupiers given the good quality and usability of the private garden for family use, and the smaller garden is not out of character with the higher density flatted development in the vicinity of Winn Road/Westwood Road.

#### 7.5 Parking highways and transport

7.5.1 The net increase from 1-bed to 3-bed dwelling would not lead to a significant increase in on-street parking pressures and would not prejudice highway safety, as confirmed by the Council's Highways Officer.

7.5.2 There are a maximum 2 parking spaces required for a 3 bedroom dwelling in this area of high accessibility to public transport as set out in the SCC Parking Standards SPD. There is a 1 parking space increase demand compared to the approved 1 bedroom dwelling. The street and other nearby streets are controlled by a daytime parking permit scheme (08.00 to 18.00 hours Monday to Friday), and the site is within close, level, walking distance of Portswood shopping area which is a frequent bus corridor into the city centre.

7.5.3 The provision of less off-street parking than the maximum standards is permissible. No parking survey submitted, however, the street parking controls would minimise the overspill of the increased parking demand as the new house is not entitled to a parking permit and, therefore, would not harm the amenity of local residents from competition with local street parking.

7.5.4 The cycle storage approved for the 1 dwelling will be reprovided in the rear garden.

7.5.5 As such, the proposed dwelling will not adversely impact on safety and parking in the local area.

#### 7.6 Likely effect on designated habitats

7.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 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. The requisite SDMP contributions will be secured prior to granting planning permission through officer delegation.

### 8. Summary

8.1 In summary, the proposed 3 bedroom dwelling in context with the minor external changes to the approved 1 bedroom dwelling to accommodate the family dwelling is



not considered to adversely affect the local area in terms of the impact on residential amenity, character, and traffic and parking. There are positive benefits from securing a family home to support housing supply and more effective utilisation of previously developed land with a trade off to provide more amenity space for the existing occupiers.

**9. Conclusion**

9.1 It is recommended that planning permission be granted subject to securing solent Bird Aware contributions and the conditions set out below.

**Local Government (Access to Information) Act 1985**

**Documents used in the preparation of this report Background Papers**

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

**Stuart Brooks for 25.01.22 PROW Panel**

## **PLANNING CONDITIONS**

### **01. 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.

### **02. Use of uncontaminated soils and fill (Performance)**

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

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

### **03. Energy & Water [Performance]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use 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).

### **04. Landscaping (Pre-Occupation)**

The approved hard and soft landscaping scheme under application no. 21/01125/DIS (including means of enclosure/boundary treatment) 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 (in the case of the planting scheme). The approved planting scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, whilst the other works shall be retained for the duration of the development.

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 improve the appearance of the site and enhance the character of the development in the interests of visual amenity and residential 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. In the interests of highways safety.

**05. Amenity Space Access (Pre-Occupation)**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it for the existing dwelling at 17a Brookvale Road and the approved dwelling, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

**06. Parking (Pre-Occupation)**

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

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

**07. 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. With the exception to collection days, no refuse shall be stored outside the approved storage areas.

Reason: In the interest of highways safety, visual and residential amenity.

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

**08. Cycle parking (Performance Condition)**

Before the development hereby approved first comes into occupation, details of the storage for bicycles shall be submitted to and agreed in writing by the Local Planning Authority and shall thereafter be made available for use and retained in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

**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 F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the residential and visual amenities of the area.

**10. Obscure Glazing (Performance Condition)**

All windows in the rear elevation and the side facing windows serving the stairway and hall 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.

**11. 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.

**Note to Applicant**

01. The residents of the approved development are not eligible for parking permits.

**Application 21/01363/FUL****Appendix 1**

Habitat Regulation Assessment (HRA)

Screening Matrix and Appropriate Assessment Statement

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

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

**Stage 1 - details of the plan or project**

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

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<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.</p>
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## Stage 2 - HRA screening assessment

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

### Solent SPAs

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

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

### The New Forest

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

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

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

### Stage 3 - Appropriate Assessment

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

#### **Solent SPAs**

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

*Within Southampton the Council will promote biodiversity through:*

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

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

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

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

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

Therefore, in order to deliver the 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 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 2021.

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.

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**APPENDIX 2**

**POLICY CONTEXT**

Core Strategy (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS7	Employment
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
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	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

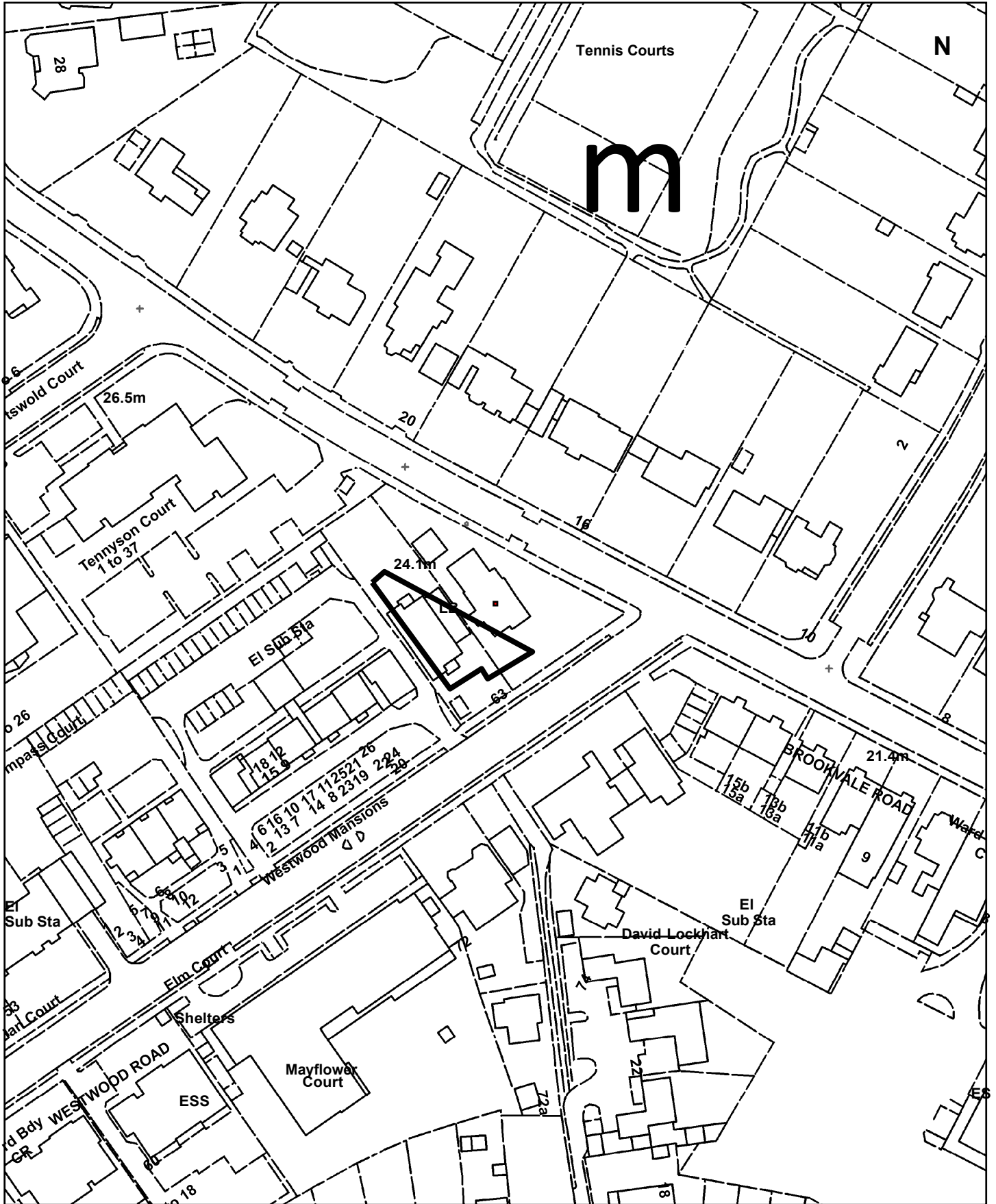
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**APPENDIX 3**

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
20/00037/FUL	Change of use to a 1 bedroom dwelling including replacement of flat roof with pitched roof.	Application Refused	18.03.2020
20/00581/FUL	Change of use to a 1 bedroom dwelling including replacement of flat roof with pitched roof and retention of existing fencing to boundary wall (Re-submission of 20/00037/FUL).	Application Refused	01.07.2020
20/01296/FUL	Demolition of existing laundry building and provision of new two storey 1 bedroom dwelling including provision of a new access onto Brookvale Road and associated parking, storage and amenity space (Revisions to LPA ref: 20/00581/FUL)	Conditionally Approved	23.12.2020
21/00486/DIS	Application for approval of details reserved by condition 2(Details of building materials to be used) and 4(Construction Management Plan) of permission 20/01296/FUL for new two storey 1 bedroom dwelling	No Objection	14.06.2021
21/01125/DIS	Application for approval of details reserved by condition 7(Landscaping) of permission 20/01296/FUL for dwelling	No Objection	02.09.2021

# 21/01363/FUL



56 to 58  
1 to 18

West Park Lodge

Scale: 1:1,250

