

Planning and Rights of Way Panel 31st October 2023
Planning Application Report of the Head of Transport and Planning

Application address: Rear of 174 Manor Road North, Southampton			
Proposed development: Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing garage			
Application number:	23/01111/FUL	Application type:	Full
Case officer:	Craig Morrison	Public speaking time:	5 minutes
Last date for determination:	20.10.2023	Ward:	Peartree
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Alex Houghton Cllr Eamonn Keogh Cllr Simon Letts
Applicant: Mr Gurdeep Singh		Agent: David Windsor	

Recommendation Summary:	Delegate to the Head of Transport and Planning to conditionally approve subject to securing a contribution towards The Solent Disturbance Mitigation Partnership
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2023).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, H1, H2, and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached

1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	16/00132/FUL Decision Notice
5	16/00132/FUL PROW Minutes	6	15/01111/FUL Appeal Decision

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended and:
 - i. 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 Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of conditions as necessary.

1. Background

1.1 This application follows a previous refusal for the same scheme under application ref.15/00111/FUL. An appeal against this decision was dismissed on a technicality regarding the Solent Disturbance Mitigation Project (SDMP) and the Inspector found the proposed built development and use to be acceptable in all regards.

1.2 A further application for an identical scheme was submitted in 2016 and was conditionally approved by the Planning and Rights of Way panel on the 7th June 2016 having addressed the SDMP concerns. This permission lapsed so the applicant has reapplied for the same scheme again. The planning history is a significant material consideration in this case and the Panel need to reflect on the previous Inspector's appeal decision, especially as there hasn't been any significant change to the Development Plan or material planning considerations since the previous approvals, rather than seeking to start afresh with these proposals.

2. The site and its context

2.1 The application site comprises land to the rear of 174 Manor Road North which is occupied by a single-storey workshop building and forecourt fronting Wodehouse Road. The building is of masonry construction with a flat roof. The site is situated adjacent to a service road running between properties fronting Manor Road North and Ludlow Road. The site abuts the gardens of 174 and 176 Manor Road North. A narrow access footpath is located to the side of the site, providing access to the rear gardens of several properties along Manor Road North.

2.2 The surrounding area is predominantly residential in character primarily consisting

of 2 storey Victorian dwellings and some more modern infill developments in similar plots to that subject to this application.

3. Proposal

- 3.1 Full planning permission is again sought for the construction of a 2 storey building on land to the rear of no.174 Manor Road North. At present, there is a single storey garage on this site positioned adjacent to a rear access (unadopted highway) serving the properties along Manor Road North and Ludlow Road and, at present, the site is fenced off from view from the public and adjacent unadopted highway. The proposed two storey building, albeit with the first floor accommodation located in the roofspace, would have a total height of approximately 6.6m with an eaves height of approximately 4m. The proposed block would have a dual pitched dormer window at roof level within the front elevation in addition to a porch canopy at ground floor level.
- 3.2 The first proposed flat would be located at ground floor level and would comprise a lounge / kitchen / dining area, bedroom and bathroom. It would have a floorspace of approximately 45 sq m. This unit would have access to its own private amenity space of approximately 15 sq m.
- 3.3 The second proposed flat would be located at first floor level and would comprise a lounge / kitchen / dining area, bedroom and bathroom. It would have a floorspace of approximately 55 sq m. This unit would have access to its own private amenity space of approximately 16 sq m.
- 3.4 Two parking spaces would be provided to the front of the property along Wodehouse Road (one for each flat). Each of these would measure approximately 5m x 2.4m. A bin storage area and bike store would also be provided to the front of the property in addition to a private bin store within the amenity area for the first floor unit only and a bike store on the ground floor for the first floor unit.

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 2023. 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.
- 5.2 This scheme is identical to the previously refused scheme under application ref.15/00111/FUL and this scheme was supported at appeal. A copy of the Planning Inspector's decision is attached at **Appendix 6**.
- 5.3 The proposal also matches that approved by application 16/00230/FUL which was approved by the Planning and Rights of Way Panel.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on the 1st September 2023. At the time of writing the report **5 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Detrimental Impact on Neighbouring Amenity

Response

Residential amenity did form a reason for refusal for the identical 2015 scheme. However, at the appeal stage, the Inspector concluded that the scheme would not be detrimental to the residential amenities of the occupiers of these neighbouring properties (paragraph 4, 5, 6 and 7 of the PINS decision attached at Appendix 1). As this appeal decision forms a significant material consideration in the determination of this scheme, residential amenity should not form a reason for refusal in this instance and the impacts have been found to be acceptable by an independent body.

5.3 Impact on Parking in the Surrounding Area

Response

1 off-street car parking space is provided for each 1 bedroom property thereby meeting the maximum parking standard as set out within the Parking Standards SPD. This was deemed to be acceptable previously and circumstances and the use of maximum parking standards haven't changed.

5.4 Impact on Property values

Response:

This is not a material planning consideration and cannot be taken into account in making a decision on this planning application.

5.5 The visibility splay for vehicles would require the removal of the neighbours fence

Response

The walkway between the application site would be retained leaving a gap of approximately 1.3 metres, at the required angle of 45 degrees from the highway

the fence of 174 Manor Road North would remain outside of the visibility splay and therefore not require neighbouring fences to be removed. This was deemed to be acceptable previously and circumstances haven't changed.

5.6 Out of Character with the local area

Response

The design of the proposed development was deemed to be appropriate during the previous planning application. None of the reasons for refusal related to 'inappropriate design'. As the scheme being considered under this application is identical to this previous scheme, it is considered that the design is still appropriate and adding a fresh reason for refusal now would be regarded as unreasonable behaviour on the part of the Local Planning Authority.

5.7 Neighbouring Outbuildings attached to walls that need to be demolished

Response

This is a civil matter and the developer would need to separately agree with any affected land and property owners if any walls attached to neighbouring buildings is required.

Consultation Responses

5.4

Consultee	Comments
Cllr Eamonn Keogh	The development in my opinion will have an overbearing impact on neighbouring properties on Manor Road North and in particular numbers 176 to 180. The height of the property at nearly 7 metres is likely to be oppressive especially when viewed from properties 176 to 180a. I would also suggest the amenity space for the two one bed properties is too small and does I believe fall below what is consider a national minimum. The amenity spaces provided are adjacent to the neighbour properties at 176 and 178 and could harm the ability of these residents to enjoy their garden spaces. Whilst there are two parking spaces provides it may be the case that only one could be used given the tight turning circle that would be required if one space is occupied given its location at the junction with Manor Road North. This increases the risk of additional on street parking. It is likely given the lack of a good bus service in the area that occupiers may have more than the two-car anticipated. I am presuming any windows overlooking neighbouring properties will have obscure glass to protect the amenity of neighbours. The outlook for any occupiers of these properties will in my opinion be poor. So, for the reasons of height, scale, parking, amenity space and outlook are sufficient in my opinion for this application to be refused. I would be willing to support a one-story development that did not impact on neighbouring

	<p>properties as this would increase the amount amenity space available for the occupiers and provide more off-road parking should they have two cars. If officers are mindful to approve, I would recommend that the application is delegated to the planning and rights of way committee for final approval.</p>
Archaeology	<p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. However on current evidence and given the relatively small scale of the development, no archaeological conditions need to be attached to the planning consent if granted.</p>
CIL Officer	<p>The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is £110.94 per sq. m to be measured on the Gross Internal Area floorspace of the building. Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.</p>
Lindsay McCulloch - Ecology	<p>I have no objection to the proposed development.</p>
Sam Guppy - Contamination	<p>This department considers the proposed land use as being sensitive to the affects of land contamination.</p> <p>Records maintained by SCC - Regulatory Services do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent</p> <p>Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.</p>

<p>SCC Highways</p>	<p>The proposed development is considered acceptable however, there are some concerns which will need to be addressed.</p> <p>There are concerns whether the frontage is wide enough to accommodate 2 parking spaces as well as the ability to secure the 2mx 2m visibility splays for pedestrian sightlines. It is also important to note that the sightlines proposed appear to be outside the site boundary.</p> <p>There is an existing wall to the Northeast which would need to be removed/amended to provide the sightlines and maybe to provide sufficient width for the parking. As the wall also provides a security gate for the neighbouring property(s), it would be good to get clarification if this is achievable.</p> <p>Furthermore, with where the bins are located, space is tight with not much circulation space. This may result in bins being relocated by residents especially to avoid risk of damages to the cars. With little forecourt space and the site being adjacent to a shared access road, there is danger of the bins being left on the public footway. The footway here is narrow and can be a safety concern caused by obstruction - especially for wheelchair users.</p> <p>As such, I would like to request that the scheme should only contain one parking space or even car-free. This would allow for the sightlines to be achieved solely/mostly within the site boundary and provide more circulation space for the bins and cycle.</p> <p>Lastly, the shared access road is a highway (not maintained by the public's expense) and therefore no doors or windows should open outwards and encroach over it.</p> <p><u>Officer Response</u> <i>These issues are considered fully in the Planning Considerations section of this report; with reference to the planning appeal and Inspector's conclusions.</i></p>
<p>Environmental Health</p>	<p>I have looked at the application form and associated documentation and I can confirm that the Environmental Health Neighbourhoods Team have no objections in principal to this application. However during construction and demolition any noise, dust and vibration should be minimised throughout and working hours should be restricted to standard hours. This is to minimise the likelihood of nuisance to neighbours</p>

Sustainability	The design and access statement states that the development incorporates water harvesting, air source heating and solar thermal. However I cannot see these on the plans. These should be incorporated into the design so that position of the units can be considered and compatible heating appliances such as underfloor heating, or larger radiators should be specified. It is highly recommended that these points are addressed before any approval. However, If the case officer is minded to approve the application, the following conditions are recommended in order to ensure compliance with core strategy policy CS20
Natural England	<p>OBJECTION</p> <p>Natural England objects to this proposal. As submitted we consider it will:</p> <ul style="list-style-type: none"> • have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC) Special Protection Area (SPA) and Ramsar • damage or destroy the interest features for which the New Forest Site of Special Scientific Interest has been notified. <p>Officer Response</p> <p><i>This objection can be overcome by applying the tests and mitigation as set out in the supporting Habitats Regulations Assessment</i></p>
Southern Water	Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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;
- Other material planning considerations previously considered including:
 - Quality of the residential environment
 - Design
 - Residential amenity
 - Highway safety
 - Impacts upon protected sites and the Habitats Regulations

7.2 Principle of Development

7.2.1 The principle of development has been established by the granting of planning

permission for an identical scheme in June 2016 (16/00132/FUL). The 2016 permission does not appear to have been implemented and, therefore, would not be extant at this time. While the permission has expired it remains a material consideration and supports the grant of permission for an identical scheme unless the material planning considerations upon which it was considered have changed – which in this case they haven't.

7.2.2 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

- 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
- 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.

[the so-called “tilted balance”]

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). 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 their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.

7.2.4 Core Strategy Policy CS4 (Housing Delivery) states that: 'An additional 16,000 homes will be provided within the City of Southampton between 2006 and 2026. This proposal would make good use of previously developed land on the edge of the city centre to provide 6 much needed additional homes and is, therefore, considered to be acceptable in principle.

7.2.5 Saved Local Plan policy H2 advises that: 'The maximum use of derelict, vacant and underused land for residential development will be made provided that: (ii) the land is not safeguarded as being for non-residential use; (iii) the location of any development would not have a significantly detrimental effect on the amenity of occupiers of adjoining land; (iv) the site is not unfit for development by reason of its location close to dust, fumes, hazards or nuisance created by nearby industrial or commercial activity; (v) the land has not been subject to tipping, and is therefore not capable of redevelopment in the short term; and (vii) the land does not support significant wildlife / nature conservation interests. Significant wildlife / nature conservation interests are defined as those sites which meet SINC criteria or sites supporting habitats or species identified in national or local biodiversity action plans'. This scheme would make effective use of previously developed land and would therefore, comply with this policy.

7.2.6 Core Strategy Policy CS5 (Housing Density) outlines density levels for new residential development which will be acceptable in different parts of the city. This property is located within an area of moderate accessibility (Band 3) to Public

Transport where density levels between 50 and 100 dph are considered to be acceptable. The site area is approximately 0.0125 ha and the creation of two new dwellings on this site would result in a density of approximately 160 dph. This is significantly greater than the recommended density levels for this area but the previous reasons for refusal which were based on the symptoms of over-intensive use were not supported by PINS.

7.2.7 The principle of new residential development within the city is considered to be acceptable in accordance with Core Strategy Policy CS4.

7.3 Quality of the Residential Environment

7.3.1 Saved policy SDP1 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for development which: (i) does not unacceptably affect the health, safety and amenity of the City and its citizens'.

7.3.2 Saved policy H7 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for residential development provided that the highest standards of quality and design are applied'.

7.3.3 Section 2.2 of the Residential Design Guide SPD expands upon this. Paragraph 2.2.1 states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'. Paragraph 2.2.10 goes on to state that: 'The design, layout and detail of new housing development should also aim to minimise problems such as noise, fumes and vibration from neighbouring roads and sites that can spoil the enjoyment and privacy of housing and garden areas'.

7.3.4 No issues relating to the quality of the residential environment were raised during the determination of the previous scheme by the Local Planning Authority. Furthermore, the Inspector was satisfied with the quality of the residential environment for the proposed flats at the appeal stage. As such, it is considered that an adequate residential environment would be provided for future residents in accordance with the policies outlined above.

7.3.5 Paragraph 4.4.1 of the Residential Design Guide SPD states that: 'All developments should provide an appropriate amount of amenity space for each dwelling to use'. Approximately 15 sq m of private amenity space would be provided for the ground floor flat whilst approximately 16 sq m would be provided for the first floor flat. These amenity areas are both marginally smaller than the 20sq m requirement which applies for amenity areas serving flats in suburban areas of the city. It is however, acknowledged that the amenity areas proposed would be sufficiently private and usable given their regular square shape. Concern about the size of the proposed amenity areas was not raised during the lifetime of the previously refused scheme and previous Inspectors have commented that reduced garden sizes may be appropriate for smaller (single bedroom) flats. Having regard to this, and the appeal decision which raised no objection regarding the quality or quantity of amenity space proposed, it is considered that the amenity

areas would be sufficient to meet the needs of future occupiers.

7.3.6 It is considered that the proposed units would provide an acceptable residential accommodation for future occupiers and the scheme therefore complies with saved Local Plan Policy SDP1(i).

7.4 Design

7.4.1 The surrounding area is characterised by two storey, terraced dwellinghouses. Roofslopes are predominantly hipped and properties are typically constructed of brick with tiled roofs. Windows tend to comprise UPVC frames and there are a number of bay windows at ground floor level. Properties within the surrounding area have small front forecourts, many of which have been converted to driveways to provide off road parking. A number of similar sites within the surrounding area have previously been redeveloped.

7.4.2 It is noted that inappropriate design did not form a reason for refusal for the previous scheme when it was determined by the Local Planning Authority. Furthermore, the design of the previous scheme was also considered to be appropriate by the Planning Inspector during the determination of the appeal. As the design has not changed, it is again considered to be acceptable for its context.

7.5 Residential Amenity

7.5.1 The earlier scheme was refused by the Local Planning Authority because of its impact on the neighbouring properties of no.174, 176 and 178 Manor Road North. The subsequent appeal Inspector did not however, raise this as an issue, resolving that residential amenity was not harmed.

7.5.2 Paragraph 2.2.1 of the Residential Design Guide states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'.

7.5.3 The application site is positioned to the rear of the residential properties along Manor Road North. The properties closest to the site are no.174, 176 and 178 Manor Road North.

7.5.4 The following separation distances between the proposed building and neighbouring gardens would be retained:

- Approximately 5m between the proposed building and the rear boundary of the garden at no.174.
- Approximately 1.5m between the proposed building and the rear boundary of the garden at no.176.
- Approximately 1.5m between the proposed building and the rear boundary of the garden at no.178.

7.5.5 The existing building has a flat roof of approximately 3m in height and is considered to be relatively modest in scale. The eaves of the roofslope facing the

rear of the residential properties along Manor Road North would measure approximately 4m in height whilst the ridge would have a height of approximately 6.6m in height. The recent appeal decision resolved that the impact of the scheme in terms of residential amenity was acceptable and due regard in relation to this planning application must be afforded to this. Paragraph 5 of the Inspector's decision states that:

'While some of the existing terraced houses may lose some sunshine during the morning, I am satisfied that the additional building bulk would not have a significantly harmful effect on the living conditions of these houses and their gardens by causing undue loss of natural light or outlook. In terms of the gardens, the plan and cross-section show the difference in visual terms between the existing single storey form of the workshop building and the top of the two storey pitched roof and I judge the difference not to be a material one.'

7.5.6 As such, the impact of the scheme on residential amenity should not constitute a reason for the refusal in this case.

7.6 Highways Safety, Car and Cycle Parking and Refuse Storage

7.6.1 The previous scheme was refused by the Local Planning Authority because of its impact on highway safety. Specifically, this related to the insufficient size of the parking spaces proposed and the failure to provide adequate sightlines. The subsequent appeal Inspector did not however, raise this as an issue, resolving that highways safety was not harmed.

7.6.2 The Parking Standards SPD outlines maximum car parking standards for new residential development within Southampton. In accordance with these standards, 1 space per new dwelling is required. This scheme provides 2 spaces, 1 for each flat and is therefore, considered to comply with the Parking Standards SPD.

7.6.3 Paragraph 9 of the appeal decision states that:

'The two parking spaces shown on the submitted layout plan do not have a dimension of their length specified but appear marginally short of the recommended standard. Nevertheless, I should also take into consideration that the present workshop building appears to have a parking and/or loading facility in the same space and enclosed by walls, together with a dropped kerb. Therefore, users of the footpath are likely to have had restricted visibility of vehicles leaving the existing workshop premises.'

7.6.4 Paragraph 10 continues:

'The submitted layout plan also shows the 2m splays and although these are not within the application site, on the one side the splay utilises the rear access track which is an open area and likely to remain so. On the other side, much of the splay is formed by the open pedestrian rear access to the adjacent houses. As such, although the Council supplementary guidance does not require such splays, in practice the movements of vehicles into and out of the spaces would be visible to most users of the pavement.'

7.6.5 Paragraph 12 is also relevant:

'Overall, on this issue, given that the proposal is for the replacement of an existing workshop building, I do not consider that the slight shortfall in the length of the parking spaces necessitates the rejection of the scheme, and I am satisfied that the circumstances of the site mean that the proposal would not be harmful to pedestrian safety.'

7.6.6 Having regard to the appeal decision, the inclusion of appropriate sightlines and the increased length of the car parking spaces, this scheme is now considered to be acceptable in terms of highways safety, overcoming the previous reason for refusal.

7.6.7 The Parking Standards SPD also outlines minimum cycle parking standards for new residential development within Southampton. In accordance with these standards, 1 long stay cycle parking space would be required for each flat. The submitted documents indicate that a total of 4 cycle spaces would be provided, 2 in a cycle enclosure to the front of the property and 2 within a cycle enclosure within the amenity area of the first floor flat. The proposed scheme would therefore, satisfy the requirements of the Parking Standards SPD.

7.6.8 Paragraph 9.2.2 of the Residential Design Guide advises that for households with less than 6 residents, 2 x 240 litre wheeled bins should be provided. The submitted plans indicate that the ground floor flat would have an open bin storage area to the front of the property whilst an enclosed bin store would be provided for the first floor unit to the side of the property. Refuse storage for the ground floor unit has been amended in response to comments from the Highways Team. This is considered to be sufficient to meet the requirements of the Residential Design Guide SPD.

7.7 Solent Disturbance & Impact on Habitat Regulations

7.7.1 ¹ The 2015 scheme was refused by the Local Planning Authority for its failure to provide a scheme of mitigation for the Solent Disturbance Mitigation Project (SDMP). The subsequent 2016 scheme was then approved following the payment of the SDMP. Providing this issue is again sorted via the suggested recommendation above then the scheme is again fully compliant on this issue.

7.7.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of

recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £443 per 1 bedroom unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and the payment has been made. It meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.7.3 Since the previous permissions the issue of nitrates has arisen, whereby all overnight accommodation has been found to have an impact on the water quality being discharged into our local watercourses that are of protected status. The 'harm' caused can be mitigated by ensuring that the development complies with the principles of 'nitrate neutrality', and a planning condition is recommended to deal with this as explained further in the attached Habitats Regulations Assessment, as set out at **Appendix 1**.

7.7.4 The Recommendation for this application is to delegate to the Head of Transport and Planning to secure a financial contribution towards the SDMP either via a direct payment prior to the issue of the decision or via a S106 agreement.

8. Summary

7.1 A material consideration for this scheme is the outcome of the appeal against the refusal of application ref.15/00111/FUL for an identical scheme. This appeal was dismissed solely on the grounds that no contribution to the SDMP had been provided. Paragraph 16 of the appeal decision advises that:

'...while I have found that the local impact of the development on the environment of the site is acceptable, the proposal does not properly mitigate the wider effects of additional development on the sensitive habitats around the Solent. This conflicts with the specific policy of the development plan'.

8.2 In paragraph 15 of this appeal decision, the Inspector advises that:

'Bringing together my conclusions on the main issues, I have found that the redevelopment of the existing warehouse with a two storey building comprising two small flats would not materially harm the living conditions of the occupiers of adjacent terraced properties by loss of natural daylight and outlook including the use of their gardens. The proposal would also improve the appearance of the area by the demolition of a building which is vacant and in decay. As such I have found that the nature of the proposed development reasonably meets the requirement of the relevant policies in the development plan. Although the parking spaces are slightly below standard, with conditions regulating the enclosure of these spaces, I am satisfied that their use would be unlikely to be harmful to highway safety and especially the safety of pedestrians on the pavement'.

8.3 The issues relating to residential amenity and highways safety in the reason for refusal by the Local Planning Authority were not deemed to be appropriate by the Inspector. The only reason for the dismissal of the appeal related to the lack of a

contribution to the SDMP. The recommendation is therefore for approval subject to securing the requisite contribution towards the SDMP scheme.

- 8.4 The principle of new residential development is considered acceptable. 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 their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising from the conflict with the policies in the development plan as set out above, it is considered that 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. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

9. Conclusion

- 9.1 It is recommended that conditional planning permission be granted subject to securing mitigation of recreational impacts on European Designated Sites via a contribution towards the SDMP.

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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer Craig Morrison PROW 31.10.23

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. Details of building materials to be used (Approval Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works above damp proof course level shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings including ridge tiles. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

04. APPROVAL CONDITION - Sightlines

The sightlines shown on the approved plans (M.R.01.) shall be provided prior to first occupation and retained thereafter for the lifetime of the development. Any physical obstructions within the approved sightlines must not exceed 600mm in height at any time.

Reason: In the interests of highways safety.

05. Parking

The parking and access shall be provided in accordance with the approved plans (M.R.01) and shall be surfaced using a non-migratory material before the development first comes into occupation. The parking area shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety.

06. Condition 7: Refuse and Recycling

The storage for refuse and recyclable materials shown on the submitted plans (M.R.01.) shall be made available prior to the first occupation of the residential units hereby permitted. The doors to the refuse store for the first floor flat shall be inward opening at all times and an additional access gate shall be provided along the eastern boundary to ensure that access to the refuse store for the ground floor flat is possible when both car parking spaces are occupied. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved for the lifetime of the development.

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

07. Cycle storage facilities

The cycle storage facilities shown on the approved plans (M.R.01) shall be made available prior to the first occupation of the residential units hereby permitted. The storage shall be thereafter retained as approved.

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

08. Demolition/Construction Management Plan (Pre-Commencement)

Before any development works are commenced, a Demolition/Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- (d) details of temporary lighting
- (e) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (h) details of construction vehicles wheel cleaning; and,

(i) details of how noise emanating from the site during construction will be mitigated.

(j) details of temporary fencing including height, type, and timings of installation and removal.

The approved Demolition/Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area and highway safety.

09. 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.

10. Bonfires (Performance Condition)

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

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

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

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

12. Use of uncontaminated soils and fill (Performance)

Only 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 shall be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

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

13. Unsuspected Contamination (Performance)

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

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

14. Water & Energy [Pre-Commencement]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum 100 Litres/Person/Day internal water use. 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. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

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).

15. Water & Energy [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 litres/Person/Day internal water use in the form of a final 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. It should be demonstrated that SCC Energy Guidance for new Developments has been considered in the construction.

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).

16. APPROVAL CONDITION: Obscure Glazing.

The windows within the eastern elevation as shown on approved plan (M.R.01) shall remain obscure glazed and non opening up to 1.8m at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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 comprehensive development and visual amenities of the area.

18. Nitrates Mitigation (Pre-Occupation)

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council (tbc with applicant) Nutrient Offset Scheme for the development has been submitted to the council.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at:
<http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Southern Water

Southern Water requires a formal application for a connection to the public foul or surface water sewer to be made by the applicant or developer. The applicant is advised to discuss this matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel:0330 303 0119) or www.southernwater.co.uk.

The planning application makes reference to drainage using sustainable urban drainage systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of SUDS. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details should submitted to the Local Planning Authority should:

- (a) Specify the responsibilities of each party for the implementation of the SUDS scheme.

- (b) Specify a timetable for implementation.
- (c) Provide a management and maintenance plan for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Due to changes in legislation that came into force on the 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties it serves and potential means of access before any further works commence on site.

The applicant is advised to discuss this matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW ([Tel:0330 303 0119](tel:03303030119)) or www.southernwater.co.uk.

Appendix 1

Habitats Regulations Assessment (HRA)	
Application reference:	23/01111/FUL
Application address:	Rear of 174 Manor Road North Southampton SO19 2DY
Application description:	Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing garage
HRA completion date:	5th October 2023

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</p>

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project:	<ul style="list-style-type: none">▪ Solent and Dorset Coast Special Protection Area (SPA)▪ Solent and Southampton Water SPA

<p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website</p>	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Ramsar Site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ River Itchen SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- **This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and Ramsar site.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- Deterioration in water quality caused by nitrates from wastewater

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 63(1)(a) of the Habitats Regulations.

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives
The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for

the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152>.

The conservation objective for Special Areas of Conservation is to, *“Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.”*

The conservation objective for Special Protection Areas is to, *“Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.”*

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as ‘moderate’ while its chemical status classified as ‘fail’. In addition, demolition and construction works would result in the emission of **coarse and fine dust and exhaust emissions** – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

Disturbance

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

Collision risk

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

New Forest SPA/Ramsar site/New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

Woodlark

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

Dartford warbler

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

Mitigation

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this

development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

Solent and Southampton Water SPA/Ramsar site

The Council has adopted the Solent Recreation Mitigation Partnership's Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city's population and there is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. A contribution to the Solent Recreation Mitigation Partnership's mitigation scheme will enable the recreational impacts to be addressed. The developer has committed to make a payment prior to the commencement of development in line with current Bird Aware requirements and these will be secured ahead of occupation – and most likely ahead of planning permission being implemented.

Water quality

Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site

Natural England highlighted concerns regarding, *“high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”*

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, wastewater treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to wastewater treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings have been provided by the applicant as part of the planning application submission. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development. This is based on the additional population from the residential units using 110litres of wastewater per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount of nitrogen is made.

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the evidence provided:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.
- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

The following mitigation measures have been proposed as part of the development:

Demolition and Construction phase

- Provision of a Construction Environmental Management Plan, where appropriate.
- Use of quiet construction methods where feasible;
- Further site investigations and a remediation strategy for any soil and groundwater contamination present on the site.

Operational

- Contribution towards the Solent Recreation Mitigation Partnership scheme. The precise contribution level will be determined based on the known mix of development;

- 4% of the CIL contribution will be ring fenced for footpath improvements in Southampton's Greenways network. The precise contribution level will be determined based on the known mix of development;
- Provision of a welcome pack to new residents highlighting local greenspaces and including walking and cycling maps illustrating local routes and public transport information.
- 1% of the CIL contribution will be allocated to the New Forest National Park Authority (NFNPA) Habitat Mitigation Scheme. A Memorandum of Understanding (MoU), setting out proposals to develop a Service Level Agreement (SLA) between SCC and the NFNPA, has been agreed. The precise contribution level will be determined based on the known mix of development with payments made to ensure targeted mitigation can be delivered by NFNPA ahead of occupation of this development.
- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

As a result of the mitigation measures detailed above, when secured through planning obligations and conditions, officers are able to conclude that there will be no adverse impacts upon the integrity of European and other protected sites in the Solent and New Forest arising from this development.

References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum/Footprint Ecology.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology/Solent Forum.

Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

Application 23/01111/FUL
APPENDIX 2

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
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)
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2023)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 23/01111/FUL
APPENDIX 3

Relevant Planning History

Case Ref	Proposal	Decision	Date
1556/E45	ERECTION OF A WORKSHOP AT THE REAR OF 174 MANOR ROAD NORTH APPEAL DISMISSED	Application Refused	12.06.1979
1568/E25	ESTABLISHED USE CERTIFICATE FOR BUILDERS WORKSHOP AND STORE AT THE REAR OF 174 MANOR ROAD NORTH APPEAL ALLOWED 29.06.82 5239/D/80/82	Application Refused	03.06.1980
1611/E3	ERECTION OF A WORKSHOP AT THE REAR OF 174 MANOR ROAD NORTH APPEAL ALLOWED 29.06.82 03408/G3	Application Refused	02.02.1982
E06/1653/174	ERECTION OF A TWO STOREY REAR EXTENSION AND SINGLE STOREY FRONT EXTENSION TO BOTH RESIDENTIAL ACCOMMODATION AND OFFICES AT 174 AND 176 MANOR ROAD NORTH	Conditionally Approved	27.11.1984
15/00111/FUL	Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing work shop.	Application Refused	29.04.2015
16/00132/FUL	Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing work shop (resubmission 15/00111/FUL)	Conditionally Approved	13.06.2016

Appendix 4 – Decision Notice 16/00132/FUL Land Rear of 174 Manor Road No

16/00132/FUL/7517



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

MDT Design
Matthew Tate
The Studio
1A Portsmouth Road
Fishers Pond
Eastleigh
SO50 7HF

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - **CONDITIONAL APPROVAL**

Proposal: **Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing work shop (resubmission 15/00111/FUL)**

Site Address: **174 Manor Road North, Southampton, SO19 2DY**

Application No: **16/00132/FUL**

Subject to the following conditions.

01.Full Permission Timing Condition (Performance)

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

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

02.Approved Plans

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

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

03.Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local

Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

04. APPROVAL CONDITION - Sightlines

The sightlines shown on the approved plans (ref.02 E) shall be provided prior to first occupation and retained thereafter for the lifetime of the development. Any physical obstructions within the approved sightlines must not exceed 600mm in height at any time.

Reason:

In the interests of highways safety.

05. Parking

The parking and access shall be provided in accordance with the approved plans (ref.02 E) and shall be surfaced using a non-migratory material before the development first comes into occupation. The parking area shall thereafter be retained for the lifetime of the development.

Reason:

In the interests of highway safety.

06. Refuse and Recycling

The storage for refuse and recyclable materials shown on the submitted plans (ref.02 E) shall be made available prior to the first occupation of the residential units hereby permitted. The doors to the refuse store for the first floor flat shall be inward opening at all times and an additional access gate shall be provided along the eastern boundary to ensure that access to the refuse store for the ground floor flat is possible when both car parking spaces are occupied. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved for the lifetime of the development.

Reason:

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

07. Cycle storage facilities

The cycle storage facilities shown on the approved plans (ref.02 E) shall be made available prior to the first occupation of the residential units hereby permitted. The storage shall be thereafter retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

08. Demolition - Dust Suppression (Pre-Commencement)

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason: To protect the amenities of users of the surrounding area.

09. 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.

10. Bonfires (Performance Condition)

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

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

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

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

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

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

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

12. Use of uncontaminated soils and fill (Performance)

Only 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 shall be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

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

13. Unsuspected Contamination (Performance)

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

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

14. Energy & Water (Pre-Commencement)

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

15. Energy & Water (performance condition)

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

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

16. APPROVAL CONDITION: Obscure Glazing.

The windows within the eastern elevation as shown on approved plan ref.02C shall remain obscure glazed and non opening up to 1.8m at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

17. 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 E (curtilage structures), including a garage, shed, greenhouse, etc.,
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 comprehensive development and visual amenities of the area.

Reason for Granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. This scheme has fully satisfied the previous reason for refusal for the reasons given by the Inspector during the previous appeal. 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 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, H1, H2, and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Note to Applicant - Drainage

Southern Water requires a formal application for a connection to the public foul or surface water sewer to be made by the applicant or developer. The applicant is advised to discuss this matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel:0330 303 0119) or www.southernwater.co.uk.

The planning application makes reference to drainage using sustainable urban drainage systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of SUDS. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details should submitted to the Local Planning Authority should:

- (a) Specify the responsibilities of each party for the implementation of the SUDS scheme.
- (b) Specify a timetable for implementation.
- (c) Provide a management and maintenance plan for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Due to changes in legislation that came into force on the 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an

16/00132/FUL/7517

investigation of the sewer will be required to ascertain its condition, the number of properties it serves and potential means of access before any further works commence on site.

The applicant is advised to discuss this matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel:0330 303 0119) or www.southernwater.co.uk.



Samuel Fox
Planning & Development Manager

13 June 2016

If you have any further enquiries please contact:

Laura Grimason

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Date Received:	Status:
02 E		Proposed Plans	27.01.2016	Approved

Appendix 5 Planning and Rights of Way Panel 16th July 2016 Minutes – Land Rear of 174 Manor Road North.

Minutes:

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing work shop (resubmission 15/00111/FUL).

Mrs Littlecott (local residents/ objecting), and Councillors Lewzey and Keogh (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that Conditions 6 and 7 needed to be amended to read as to pre-occupation conditions. It was noted that paragraph 3.4 of the report incorrect detailed the size of the parking bays however the correct dimensions now matched the policy requirements. During the meeting, members of the Panel requested condition 6 (refuse and recycling) to be amended to require the side access gates to the refuse store to be inward opening.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Coombs, Denness, Mintoff

AGAINST: Councillors Claisse, L Harris Wilkinson

RESOLVED that planning permission be granted subject to the conditions in the report and the amended conditions set out below.

Amended Conditions:

Condition 7: Refuse and Recycling

The storage for refuse and recyclable materials shown on the approved plans (ref.02 E) shall be made available prior to the first occupation of the residential units hereby permitted. The doors to the refuse store for the first floor flat shall be inward opening at all times and an additional access gate shall be provided along the eastern boundary to ensure that access to the refuse store for the ground floor flat is possible when both car parking spaces are occupied. The storage shall be provided

in accordance with the agreed details before the development is first occupied and thereafter retained as approved for the lifetime of the development.

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

Condition 6: Cycle storage facilities

The cycle storage facilities shown on the approved plans (ref.02 E) shall be made available prior to the first occupation of the residential units hereby permitted. The storage shall be thereafter retained as approved.

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

Appendix 6 Appeal Decision 15/00111/FUL – Land Rear of 174 Manor Road North.



Appeal Decision

Site visit made on 2 February 2016

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2016

Appeal Ref: APP/D1780/W/15/3137227

Land to the rear of 174 Manor Road North, Southampton, SO19 2DY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Watts against the decision of Southampton City Council.
 - The application Ref.15/00111/FUL, dated 10 January 2015, was refused by notice dated 29 April 2015.
 - The development proposed is the erection of a two storey building containing 2 one bedroom flats with associated parking, amenity space, and cycle and bin stores following demolition of the existing workshop.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties fronting Manor Road North; the effect on highway safety and whether the proposal mitigates the effects of the additional housing on the Special Protection Areas of the Solent Coastline.

Reasons

Background

3. The appeal site comprises an 'L' shaped single storey workshop building which is vacant at the moment and which lies to the rear of properties fronting Manor Road North and also alongside an un-metalled track that provides rear access to garages in this road and a neighbouring one. The track has access to Wodehouse Road. It is proposed to demolish the workshop building and erect a two storey building covering a slightly smaller footprint and provide two small amenity areas for the flats. It is also proposed to have two parking spaces located between the flats and Wodehouse Road.

Effect on living conditions

4. At my site visit I considered the relationship of the proposed flat building with the rear aspect of the existing housing and took into consideration the orientation of the site and the likely effects of overshadowing from the new building. I also noted that many of the properties in the terrace comprising 174 to 180 (even No's) in Manor Road North appeared to have been extended and

that a number of windows at first floor level appeared to light bathrooms as the windows were glazed with obscure glass.

5. The submitted plan 1693/09 02B reasonably shows the cross section between the existing terraced houses and the rear gardens and the flats building. While some of the existing terraced houses may lose some sunshine during the morning, I am satisfied that the additional building bulk would not have a significantly harmful effect on the living conditions of these houses and their gardens by causing undue loss of natural light or outlook. In terms of the gardens, the plan and cross-section show the difference in visual terms between the existing single storey form of the workshop building and the top of the two storey pitched roof and I judge the difference not to be a material one. In assessing this I have borne in mind the general setting of the site in an area characterised by a fairly dense pattern of terraced houses. The demolition of the existing warehouse and the erection of the new building would also be an improvement to the appearance of the area as the existing building is showing signs of decay.
6. Overall on this issue, I am satisfied that the new replacement flats would accord with the requirements of saved policies SDP7 and SDP 9 of the City of Southampton Local Plan Review, and generally accord with policy CS13 of the Council's Core Strategy (2015) on 'design', and the development would not be materially at odds with the Council's Residential Design Guide SPD.
7. I have noted the other appeal decisions referred to by the Council but these do not seem to involve the same circumstances as apply at the appeal site and I have considered this proposal on its individual merits and from my observations at my visit.

Effect on pedestrian safety

8. In terms of the effect on pedestrian safety, the Council considers that the two parking spaces shown on the layout plan do not meet the standard of 5m by 2.4m set out in the Parking SPD (2011). Further the Council also says it seeks a splay of 2m by 2m on each side of the parking bays, which although not currently part of the local standards, the Council says such a splay is used by other specified Councils to provide a safe environment for pedestrians.
9. The two parking spaces shown on the submitted layout plan do not have a dimension of their length specified but appear marginally short of the recommended standard. Nevertheless, I should also take into consideration that the present workshop building appears to have a parking and/or loading facility in the same space and enclosed by walls, together with a dropped kerb. Therefore, users of the footpath are likely to have had restricted visibility of vehicles leaving the existing workshop premises.
10. The submitted layout plan also shows the 2m splays and although these are not within the application site, on the one side the splay utilises the rear access track which is an open area and likely to remain so. On the other side, much of the splay is formed by the open pedestrian rear access to the adjacent houses. As such, although the Council supplementary guidance does not require such splays, in practice the movements of vehicles into and out of the spaces would be visible to most users of the pavement.

11. I have also taken into consideration that the site lies in a sustainable location and the proposal makes provision for secure cycle parking for each flat.
12. Overall, on this issue, given that the proposal is for the replacement of an existing workshop building, I do not consider that the slight shortfall in the length of the parking spaces necessitates the rejection of the scheme, and I am satisfied that the circumstances of the site mean that the proposal would not be harmful to pedestrian safety.

Effect on Special Protection Areas

13. The effects from new development on the recognised habitats of the Solent are dealt with by Policy CS22 of the Council's Core Strategy. It is established policy and practice that the effects of development on the Special Protection Areas can be mitigated by a specified contribution from the developer to the Solent Disturbance Mitigation Project.
14. The original appeal documents include a written agreement signed by the appellant that he will make the specified contribution towards the costs of measures to mitigate the impact of the residential development on the Solent Special Protection Areas in accordance with the above policy. However, at the time of finalising my decision on this appeal, the Council has confirmed that no payment has been received nor is there any other formal mechanism before me to secure such a contribution. I therefore have to find that the proposal does not make reasonable provision for the mitigation of the adverse effects on the Solent Special Protection Area and accordingly the proposal conflicts with this policy in the development plan.

Planning balance

15. Bringing together my conclusions on the main issues, I have found that the redevelopment of the existing warehouse with a two storey building comprising two small flats would not materially harm the living conditions of the occupiers of adjacent terraced properties by loss of natural daylight and outlook including the use of their gardens. The proposal would also improve the appearance of the area by the demolition of a building which is vacant and in decay. As such I have found that the nature of the proposed development reasonably meets the requirement of the relevant policies in the development plan. Although the parking spaces are slightly below standard, with conditions regulating the enclosure of these spaces, I am satisfied that their use would be unlikely to be harmful to highway safety and especially the safety of pedestrians on the pavement.
16. Nevertheless, while I have found that the local impact of the development on the environment of the site is acceptable, the proposal does not properly mitigate the wider effects of additional development on the sensitive habitats around the Solent. This conflicts with the specific policy of the development plan.
17. Although new housing would be created by the redevelopment of previously developed land in a built up area, I find that the proposal does not meet the environmental dimension to sustainable development as defined in the National Planning Policy Framework. I therefore conclude that the conflict with the development plan and the main adverse effect are not outweighed by any other consideration.

Conclusions

18. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR