

**Planning and Rights of Way Panel 4 June 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> Land adjacent 47 Bryanston Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of 3 x 2-storey buildings comprising of 8 dwellings (4 x2-bedroom, 4 x3-bedroom) with associated amenities			
<b>Application number:</b>	23/01645/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Andrew Gregory	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	28.02.2024 (ETA)	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Houghton Cllr Keogh Cllr Letts
<b>Referred to Panel by:</b>	Cllr Keogh Cllr Letts	<b>Reason:</b>	Loss of car parking; Access; Construction Traffic: Impact on wildlife habitat; Surface Water Drainage; and impact on protected trees
<b>Applicant:</b> Mr Richard Darch		<b>Agent:</b> n/a	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2023). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, SDP23, H1, H2, H7, HE6 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

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

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to
  - review and agree the slope stability analysis and foundation design;
  - to consult with Network Rail and agree any appropriate mitigation;and to then grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. Either an equivalent financial contribution or the developer enters into an agreement with the Council under s.278 of the Highways Act to provide a new vehicular access to be built to adoptable standard and Parking restrictions in the form of double yellow lines to protect the new access from kerbside parking which may hinder emergency vehicle access into the new access (Section 278 and/or Traffic Regulation Orders will likely be required to enable the works and shall need to be entered into and funded by the developer). To also secure a row of parking spaces as shown on the approved site plan drawings of the planning application to be built and maintained to adoptable standards and retained for public use to offset the loss of kerbside parking. In line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
  - ii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. 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 the Section 106 agreement and/or conditions as necessary.
4. In the event that Network Rail object, the legal agreement is not completed and/or the slope stability and foundation design is not agreed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure a safe scheme and/or the provisions of the Section 106 Legal Agreement.

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

- 1.1 The proposal site has an area of 0.38 hectares and is located on the eastern side of the city within Peartree Ward. The site is allocated for housing within the development plan and is covered by a group Tree Preservation Order (The Southampton (Bryanston Road) Tree Preservation Order) 2018). There are 33 individual trees and 9 small tree groups across the plot.
- 1.2 The site is accessed from a cul-de-sac on Bryanston Road and is bounded by residential plots on three sides and a railway line on the north-western boundary. Hazel Road Industrial Estate is located on the opposite side of the railway line. The topography of the area falls from higher ground of Peartree Green/Peartree Avenue/Gainsford Road down to the River Itchen.
- 1.3 Historic maps up to 1910 show this as land and gardens associated with Ridgeway House. The estate was subsequently sold off and the land was converted into a golf course in the 1920s. The Council's historic and land contamination maps indicate that a gravel pit was historically located in the northern corner of the site.

## **2. Proposal**

- 2.1 The development proposal seeks to provide 8 no. two-storey family dwelling houses in a linear arrangement comprising small terraces and a semi-detached pair. The scheme is proposed as 'affordable housing' by Abria (Registered Social Landlord). The 4 x 3-bed and 4 x 2-bed properties will meet the national space standards ranging from 79.1sqm – 93.4sqm. Each property has a private rear garden (minimum 10m length). The dwellings would have a traditional pitched roof form with contemporary detailing and finished in face brick.
- 2.2 The site access would be from Bryanston Road and 16 car parking spaces are provided for the residential development (2 spaces per dwelling). The proposal also provides 4 no. public car parking spaces to off-set existing resident on-street carparking spaces lost as a result of the new vehicle access. Double yellow lines are proposed within the cul-de-sac to facilitate site access for refuse trucks and larger vehicles.
- 2.3 The proposal seeks removal of 17 no. trees (1x cat B, 7 x cat C and 9 x cat U) and proposes 32 new replacement trees on site.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (amended 2015) and the City of Southampton Core Strategy (amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 This is an allocated housing site under saved policy H1 of the saved Local Plan Review and is identified as having estimated capacity for 14 dwellings.

3.3 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4. Relevant Planning History**

4.1 The last planning application on this site was in 1993 for the erection of 14 houses (ref 930555/E). This development was recommended for approval subject to the resolution of land stability and land contamination remediation matters, and details of mitigation against vibration from the railway line. It would appear that issues in relation to slope stability were unresolved and the planning application was subsequently withdrawn.

4.2 A historic file note from 1989 briefing Councillors, advised that the site was zoned for residential purposes in the 1956 City of Southampton Development Plan with 12 planning applications for various forms of residential development on the site since then which included planning permission as part of a larger site for 62 homes (ref E28/1666). However, the file note highlighted that slope stability was a constraint to development and required careful consideration to prevent risk to other housing in the area.

#### **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 (12.01.2024). At the time of writing the report **29 objections** have been received from surrounding residents, including a petition against with 55 signatories. The following is a summary of the points raised:

5.2 **Not a suitable site for housing and the proposal is out of character.**  
*Officer Response – The site is allocated for housing in the development plan and the city has an identified housing need. The surrounding area is residential in character. The proposed two-storey terraced and semi-detached properties would not be out of keeping*

5.3 **The proposed access will result in the loss of existing on-street car parking within the cul-de-sac and parking overspill from the development will lead to increased on-street car parking pressures.**  
*Officer Response – The proposal meets the Council's parking standards by providing the maximum of 2 car parking spaces per dwelling. Furthermore, the development seeks to compensate the on-street spaces lost by providing 4 no. public spaces within the development site.*

5.4 **Bryanston Road is not suitable for construction traffic**  
*Officer Response – The site access bell mouth has been designed to provide access for refuse vehicles and larger construction vehicles. A construction environment*

management plan will need to consider and introduce appropriate controls (to be agreed with the Council) to manage construction traffic. Double yellow lines are provided in the cul-de-sac to achieve an appropriate swept path for larger vehicles.

**5.5 Loss of trees and wildlife habitat**

*Officer Response* – This site is allocated for housing. A biodiversity mitigation and enhancement plan has been agreed on consultation with the Council’s Ecologist. The loss of 17 no. existing trees is a shortcoming and needs to be balanced against the merits of (affordable) housing delivery. 32 new replacement trees are proposed.

**5.6 Slope stability**

*Officer Response* – A geotechnical ground condition report has been carried out in support of the development. The proposal does not seek to build within the tree lined bank within the southern part of the site, other than the incorporation of a low retaining wall which must be designed to preserve the natural drainage of the site.

Piled foundations will be required and the surface water drainage design has also had regard to infiltration and localised hydrology. It should be noted that whilst there have been historic concerns regarding land stability in this area because of topography and geology, planning permission was granted in 2007 for 11 x 4-bed houses at 37-49 Gainsford Road (07/00068/FUL) and piled foundations were approved for that development. Delegation is sought from panel to enable to the Council’s Structural Engineers to review and agree the slope stability analysis, and foundation and retaining wall drainage design with the applicants.

**5.7 Surface Water Drainage**

*Officer Response* – The scheme is supported by a surface water drainage strategy, which acknowledges that ground conditions do not support surface water infiltration and, therefore, a solution is proposed which connects into Southern Water surface water drainage.

**Consultation Responses**

5.10

<b>Consultee</b>	<b>Comments</b>
Highways	No objection The proposed development is accessed off the end of a cul-de-sac on Bryanston Road. It is noted that cars are parked on what may have been originally designed as a small turning head – likely due to the fact that some of the end properties do not have driveways. As such, creating a new access and the required vehicle swept paths would require this area to be clear of kerb side parking for the access to be usable. This would of course have an impact for people who currently use this area as parking. As such, a parking area for 4 vehicles has been provided just as you enter the new access road to the proposed development. Suitable condition or preferably Section 106 clause will be required to ensure that these parking bays are maintained and retained to be used by the public.

Although it would not be as ideal for the residents as they cannot park as near to their front doors, the removal of the parking at the end of the cul-de-sac as well as providing a new access road into the site will provide a better route for larger vehicles such as delivery/servicing vehicles, emergency vehicles etc. With cars parked on the street and at the end, larger vehicles would likely struggle to reach the end with no on site turning and therefore would result in reversing a significant distance. With the proposed development, these vehicles could at least have the option to turn at the end of the cul-de-sac if the vehicle is able to; furthermore they could also use the additional land available for the new access road. Alternatively, larger vehicles could enter the new development and turn within the car park which is designed to accommodate turning for emergency vehicles and refuse vehicles.

Tracking diagrams have been provided which demonstrate that the removal of bays would likely be 3 spaces as double yellow lines would be required to ensure that no parking would obstruct the new access including swept paths required for emergency and refuse vehicles. The new proposed displaced parking will create 4 spaces which is an increase of one additional space available for the public. The tracking diagrams do demonstrate that the larger articulated lorries could access the site but if the tandem spaces are occupied, it may require multiple turning manoeuvres which is not ideal. As it is a residential site, articulated lorries may not necessarily be required and if so, usually there are systems in place where this would be highlighted before the vehicle is booked/turns up. This is no different to many existing situations with residential streets whereby larger articulated lorries cannot access.

Due to the importance of keeping the access road and turning head clear with the development site, it is requested that a car park management plan should be required as a condition to secure means and management details to prevent informal parking which could obstruct access for refuse/delivery/emergency vehicles.

In summary, the proposed development is considered acceptable in principle. The main impact would be the loss of kerb side parking at the end of the cul-de-sac but replacement parking (with a net gain of one additional space) is being provided. However, restricting parking at the end will provide benefits including highway safety as vehicles can at least turn at the end of the road which prevents situations where vehicles would potentially reverse significant distances due to the lack of turning space. As such, the application can be supported by the Transport team subject to the following conditions and Section 106 requirements:

		<p>Conditions:</p> <ol style="list-style-type: none"> <li>1) On-site private parking management plan. A parking management plan shall be submitted to and agreed upon in writing. The plan shall provide details on how informal parking (outside designated bays) would be prevented and enforced if needed in order to protect access and turning space for HGVs including the refuse and emergency vehicles.</li> <li>2) EV Parking space. Electric vehicle car parking spaces shall be provided.</li> </ol>
SCC Urban Design Manager		<p>No objection</p> <p>I don't object to the design of the layout, the house types and their elevations, or the landscape proposals. It is unfortunate that there is such a deep set-back to the tandem parking spaces between the two runs of houses, but I appreciate that this is unavoidable given the turning circle required for a refuse vehicle.</p>
SCC Housing		<p>This application is strongly supported as it will deliver much needed affordable housing for the city. Also because it includes some 3 bed family houses – our greatest need.</p> <p>The level of affordable housing delivered has significantly reduced in recent years. For example there were 153 affordable housing completions in 2021/22 and 64 in 2022/23, whereas there were over 400 in both 2010/11 and 2014/15.</p> <p>Meanwhile there are now over 8,000 applicants on the housing register who are seeking affordable rented housing. (As of January 2024 there were 8,165 applicants on the housing register).</p> <p>When you look at the breakdown of applicants waiting for 1, 2, 3 and 4+ bedroomed accommodation, plus the average waiting times for each sized property (this takes account of the make up of the city's existing social housing stock and the vacancies arising within it), it can be seen that 3 bed properties are our greatest need – families without an urgent priority can wait over 9 years.</p> <p>Abri are a Registered Provider of affordable housing and a strategic partner of Homes England, meaning they have access to grant funding to enable the delivery of affordable homes.</p> <p>Abri are a longstanding partner of the city council, have significant existing stock in the city and have stated their intention to deliver this site as 100% affordable housing. (Abri will make a decision as to whether this will be at social rent or Affordable Rent levels upon receipt of a planning permission).</p>

<p>SCC Trees</p>	<p>The current proposal is rather low impact in relation to trees. Many of the trees identified to be removed all have specific arboricultural reasons to support their felling and the scheme has a landscape plan to return green infrastructure to the open areas and to increase canopy coverage to the wooded area that abuts the rear of properties in Gainsford Road.</p> <p>The design still requires the felling of a B grade sycamore near the entrance of the site. This is shown as T11 in the Broad oak arboricultural impact assessment of the 15th of April 2024. It has been highlighted in the past that I am not in support of the felling of this tree as it provides screening to the development from the entrance from Bryanston Road. I do understand that there will be replacement planting on site, which includes trees in the area where this sycamore stands, however if there is no arboricultural justification to fell, I cannot support its removal. The loss of the tree needs to be balanced up against the scale and requirement of the development, however this is not my decision to make and all I can advise is that the tree is established and of a condition that would retain it as part of the development.</p> <p>If permission is granted to the scheme, there will be a requirement to ensure that all retained trees are fully protected during construction on the site, and further details regarding the tree planting and establishment.</p> <p>As there is a 2 for 1 tree planting requirement, if there is a shortfall in the planting numbers, this will require a contribution toward off site tree planting and can be agreed via a s106 agreement.</p> <p><i>Officer Response – The applicants have reviewed layout options to see if T42 sycamore (Cat B) tree can be retained. They are of the opinion that the canopy in proximity to the end unit would lead to shading and honeydew fall on the end house. Retention of this tree would result in the reduction of 1 affordable housing unit and the scheme is already proposing 8 units (below the site allocation and estimated capacity of 14 units). Given the acute need for affordable housing, on balance, this is considered to outweigh the loss of the sycamore having regard to the 32 on-site replacements proposed.</i></p> <p><i>The proposal would provide a net addition of 15 trees on the site. Whilst this is 2 trees short of 2:1 provision. The proposed amount of re-provision is considered acceptable given that a number of low grade (category U) trees are being removed and further on-site trees may result in overplanting.</i></p>



	<p>SCC Ecologist</p>	<p>No objection I've been through all the documents and I'm happy with the proposed habitat creation and, specifically, that it meets the 10% BNG target.</p> <p>The ecology condition doesn't need to secure a mitigation and enhancement plan because there is already sufficient information for us to be able to take enforcement action if required. The condition will need to secure delivery of the measures detailed in the Small Sites Metric, the BNG report and the landscape plan, and the provision of evidence (e.g. photographs and a sort report from the ecologist) to demonstrate that the measures have been implemented appropriately.</p> <p>The nesting bird condition is the standard one and I would also like a lighting condition to ensure that the new woodland and scrub planting isn't illuminated up by any external lighting.</p>
	<p>SCC Flood</p>	<p>Holding objection Although inclusion of sustainable drainage in minor development is not mandatory, Southampton Core Strategy CS20 requires the use of sustainable drainage to help support the management of surface water, with the request made for all greenfield developments to be assessed by the Lead Local Flood Authority to ensure flood risk is not increased elsewhere in the city in line with paragraph 173 of the National Planning Policy Framework (as revised December 2023).</p> <p>This site is currently classified as undeveloped greenfield, therefore in line with the Southampton Local SuDS Design Guidance (2017) requires the post developed peak runoff rates for the 1 in 1 year and 1 in 100 year rainfall events to be restricted to the greenfield runoff rate to ensure that the site does not increase flood risk from surface water elsewhere.</p> <p>The Site Specific Flood Risk Assessment (dated June 2023) states that infiltration testing was completed on site with infiltration rates returned that were outside of acceptable parameters to enable discharge to ground on site. The Drainage Strategy proposed is therefore use of lined permeable paving to provide attenuation prior to discharge to the public surface water sewer at a controlled rate that matches greenfield runoff rate. The Drainage Strategy has not however included an assessment of the pre and post developed runoff rates and volumes to identify what the greenfield runoff rate is in order to use this as the restriction, or whether the permeable paving provides the required storage for the 1 in 100 year rainfall event plus 45% allowance for climate change as outlined in section 4.0 of the Flood Risk Assessment, and as such this</p>

Without the assessment of pre and post developed runoff rates and volumes for the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events, the Lead Local Flood Authority is unable to make an informed assessment of the suitability of the surface water drainage to ensure that the development does not increase flood risk off-site.

It is also noted that within Appendix E the drainage calculations have flagged that the 'outfall is too low with the design being unsatisfactory'. This requires checking prior to acceptance by the Lead Local Flood Authority.

A holding objection is being placed as the Drainage Strategy is missing information. This information is required to ensure that the new development does not increase flood risk elsewhere.

Additional information is therefore required from the applicant:

- Details of Greenfield peak runoff rates and discharge volumes for 1 in 1 year, 1 in 30 year and 1 in 100 year events. Please also include information on calculation method used. This is required for both greenfield and brownfield developments to determine the pre-developed characteristics for comparison to proposed.
- Details of existing peak discharge rates and discharge volumes for 1 in 1 year, 1 in 30 year and 1 in 100 year events. Please also include information on calculation method used.
- Details of proposed peak discharge rates and discharge volumes for 1 in 1 year, 1 in 30 year and 1 in 100 year events. Please also include information on calculation method used.
- Details of total requirement on-site storage volume to meet the proposed rates for the 1 in 100 year rainfall event plus allowance for climate change. Please include information on calculation method used.
- Requirements for the long-term operation of SuDS including flood risk within the development, including exceedance and flow paths to direct water to less vulnerable areas on site, construction plan method statement and structural integrity of the proposed system.
- Detailed cross sections, and where appropriate, long-section drawings of all proposed SuDS components with proposed materials, levels and slopes identified.
- A suitably detailed management and maintenance plan setting out who will be responsible for the management of the SuDS System and the frequency and requirements for maintenance of each element to the design to ensure it remains in working order for the design life.

*Officer Response – The consultant drainage engineers are reviewing the run-off calculations, and an update will be provided at the Panel meeting. If this remains unresolved by the Panel meeting then further delegation to resolve this will be requested. Please note that the applicants have lodged a s185*

	<i>application with Southern Water for connection into their surface water drainage.</i>
Environmental Health Officer	No objection I have looked at the application and the Clarke Saunders Acoustics Report AS12977.230517.R1, I can confirm Environmental Health are pleased with the report that has been completed looking at both noise and vibration from train passby's. I can confirm that the Environmental Health Neighbourhoods Team have no objections in principle to this application. However, I recommend a suitably worded condition to require that the findings of Section 7.0 namely improved windows and trickle ventilators are implemented.
Sustainability	No objection subject to water and energy use improvements
Southern Water	Request a pre-commencement condition to protect any southern water apparatus crossing the site and request an informative regarding foul and surface water connection. <i>Officer Comments: The applicants have entered into a S185 process with Southern Water.</i>
Archaeology	No objection subject to conditions to secure Archaeological Watching Brief investigation.
SCC Contamination	No objection I am happy with the ground gas assessment and agree that no protection measures are required. The ground investigation report does make recommendations for further testing following a site strip due to the presence of elevated lead at 1 location. Therefore a tailored <i>Land Contamination investigation and remediation</i> condition is requested
Natural England	Objection Adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers <i>Officer Response – The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is 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.”</i>

## 6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
  - Design and effect on character;
  - Residential amenity;
  - Parking highways and transport and;
  - Likely effect on designated habitats.

### 6.2 Principle of Development

6.2.1 The principle of additional housing is supported. The site is allocated for 14 additional dwellings under saved policy H1 of the Local Plan Review. However, a lesser amount of 8 dwellings is more realistic having regard to the site constraints in relation to land stability, trees, wildlife habitat, sewer infrastructure and to provide suitable separation distance from the railway line. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. Furthermore, 'Abri' are a Registered Provider and seek to deliver 8 affordable housing units. The Panel should note that there is no planning policy requirement for affordable housing because the scheme is less than 10 dwellings and therefore the affordable housing proposed cannot be secured as a S106 head term.

6.2.2 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"]

6.2.3 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 and is allocated for housing in any event. There would also be social and economic benefits resulting from the construction of the new dwellings, 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.

6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in low accessibility locations such as this, density levels should generally accord with the range of 35-50 dwellings per hectare (dph), although caveats this in

terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 21 dph which is considered acceptable having regard to the existing low density of the neighbourhood and constraints of the site.

6.2.5 In summary, it would be difficult to sustain an argument at appeal that the principle of housing on this site is not acceptable; when it is allocated for housing and the Council is unable to demonstrate that it is meeting its existing housing need (through the 5 year housing land supply data).

### 6.3 Design and effect on character

6.3.1 The proposed two-storey building scale, pitched roof form and mix of terraced and semi-detached housing will be in keeping with the character and appearance of the area. No objection has been raised by the Council's Urban Design Manager. Conditions are recommended to secure appropriate finishing materials however the materials palette as shown on the proposed plans is acceptable. The layout includes private rear gardens and landscape enhancement and additional tree planting.

### 6.4 Residential amenity

6.4.1 The proposal will not have an adverse impact on the residential amenities of neighbouring occupiers in terms of the built form. The building orientation and layout will ensure adequate outlook, privacy and daylight/sunlight to neighbouring properties. Plot 1 at the southern end of the development has been designed with high level windows at first-floor in the front elevation to prevent overlooking to the rear garden of 47 Bryanston Road with a 7m separation distance.

6.4.2 The layout will introduce two-storey development close to the rear garden boundaries of 8-10 Ashburnham Close, however those properties have circa 22m depth rear gardens and as a consequence will not be subject to adverse loss of outlook or shadowing having regard to BRE daylighting standards which recommends that at least 50% of an amenity space should receive at least two hours of sunlight on 21 March.

6.4.3 The Panel will note the level of local objection to the proposal and officers acknowledge that providing access through an existing cul-de-sac will see additional trips and disturbance. Officers do not consider this change to be significant, or harmful, given that only 8 dwellings are proposed and the site is allocated for housing in any event. This is the only possible way of accessing the site.

### 6.5 Parking highways and transport

6.5.1 The access and parking layout has been designed in consultation with the Council's Highways team throughout the evolution of the design. The Highways team have raised no objection to the impact of the development on road safety and the additional trips to the local network. This is subject to a completed S106 agreement to secure a new vehicular access to be built to adoptable standard and Parking restrictions in the form of double yellow lines to protect the new access from kerbside parking which may obstruct larger vehicle and emergency vehicle access into the new access (Section 278 and/or Traffic Regulation Orders will likely be required to enable the works and shall need to be entered into and funded by the developer).

6.5.2 The s106 will also secure a row of parking spaces as shown on the approved site plan drawings of the planning application to be built and maintained to adoptable standards and retained for public use to offset the loss of kerbside parking. The details of cycle and bin storage/collection will be secured via condition. The submission has demonstrated that a refuse truck can enter and manoeuvre on site. Bins and cycles will be stored within the rear gardens with the exception of dwellings 2 and 5 which are provided with an enclosed bin storage area within the car park.

6.5.3 The Parking Standards SPD shows the site located in a low accessibility zone. The provision of the 16 on-site parking spaces (2 per dwelling), satisfies the maximum car parking standards. Therefore, the development is unlikely to lead to harmful parking overspill. However, the development has sought to compensate existing on-street parking within the cul-de-sac as a result of the new access by providing 4 no. public spaces within the development.

## 6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites. The requisite contribution will be secured via the S106.

6.6.2 The development is also required to mitigate against its nitrogen load of 13.65kg/TN/yr and a condition is recommended to secure appropriate mitigation as set out within the Habitats Regulations Assessment.

## 7. Summary

7.1 The principle of new residential development is acceptable on this allocated housing site. The proposed development will provide needed affordable family housing and 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 dwellings, and their subsequent occupation, as set out in this report. A slope stability analysis and foundation design will be reviewed by the Council's structural engineers ahead of a design to ensure slope stability is not undermined and this detail can be secured ahead of planning permission being granted.

7.2 Taking into account the benefits of the proposed development, the limited harm arising from the conflict with the policies in the development plan as set out above, would be significantly and demonstrably outweighed by 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.

## 8. **Conclusion**

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below and conclusion of the slope stability assessment and Network Rail consultation.

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

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

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

**Andrew Gregory for 04.06.24 PROW Panel**

**PLANNING CONDITIONS to include:**

01. Full Permission Timing (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. Details of building materials to be used (Pre-Commencement)

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.

03. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate, external lighting, structures and ancillary objects (refuse bins etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis with 32 trees to be re-provided.
- (iv) details of any proposed boundary treatment, including retaining walls and;
- (v) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of boundary treatment, approved tree planting and external lighting which shall be retained as approved for the lifetime of the development.



Any approved trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Any approved trees which die, fail to establish, are removed or become damaged or diseased following their planting shall be replaced by the Developer (or their successor) in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

04. No Other Windows or Doors (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations and front elevations of dwelling units 1 and 8 hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

05. Site Levels (Pre-Commencement)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

06. Foundation and retaining wall design (Pre-Commencement)

Prior to the commencement of development hereby approved, a foundation and retaining wall design and method statement, to include measures to preserve the natural drainage characteristics of the soils and not to interfere with the existing groundwater regime, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. The foundation design shall be informed by the recommendations by the Main Investigation Report by Soils Ltd (Ref 21029/MIR Rev 1.0 October 23).

Reason: In the interest of residential amenity and slope stability

07. 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.

08. Noise Mitigation Measure (Performance)

The development shall be carried out and retained in accordance with the recommendations of the the Clarke Saunders Acoustics Report AS12977.230517.R1 before the development first comes into use/occupation

Reason: In the interests of residential amenity

09. Water and Energy [Pre-Construction]

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. Written documentary evidence shall be submitted demonstrating that the development is on track to achieve the energy targets set out in the Energy Statement dated October 2023.

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).

10. 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. Written documentary evidence shall be submitted demonstrating that the development has been constructed in accordance with the details provide in the Energy Statement dated October 2023.

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).

11. APPROVAL CONDITION Archaeological watching brief investigation [Pre-Commencement Condition]

No ground disturbance (including enabling works) shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

12. APPROVAL CONDITION Archaeological watching brief work programme  
[Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

13. APPROVAL CONDITION - Southern Water

The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.

Reason: To safeguard the public sewer network.

14. Nitrates

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.

15. Construction Management Plan (Pre-Commencement)

Before any development works are commenced, a 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.

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

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

16. 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 report of the findings of the additional investigations following an initial site strip (as recommended in report 21029/MIR Rev 1.0).
2. 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.

17. Use of Uncontaminated Soils and Fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the development hereby approved first coming into use or occupation.

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

18. 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.

19. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been first submitted to and agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

20. APPROVAL CONDITION - Biodiversity (Performance)

The development shall be carried out and retained in accordance with the Small Sites Metric and Biodiversity Net Gain Assessment by MM Ecology dated April 2024 Rev 2.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

21. APPROVAL CONDITION - Trees (Performance)

The development shall be carried out in accordance Arboricultural Implications Assessment by Broad Oak Tree Consultancy Ltd dated 15 April 2024.

Reason: In the interests of tree protection.

22. Parking (Performance)

The vehicle parking spaces, and their access, shall be provided in accordance with the plans hereby approved before the development first comes into occupation/use and shall thereafter be retained as approved for the lifetime of the development. Vehicles associated with the development shall only park in the marked bays (where provided).

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

23. Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, the bins shall be returned to the storage areas within rear gardens and the dedicated storage area for units 2 and 5.

Reason: In the interest of visual and residential amenity.

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

24. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

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

25. APPROVAL CONDITION - On-site private parking management plan.

A parking management plan shall be submitted to and agreed upon in writing. The plan shall provide details on how informal parking (outside designated bays) would be prevented and enforced if needed in order to protect access and turning space for HGVs including the refuse and emergency vehicles.

Reason: In the interests of highway and pedestrian safety

26. APPROVAL CONDITION - Electric Vehicle Charging Point (Performance)

Before the use hereby approved first comes into use a minimum of one electric vehicle charging points shall be provided on site and rendered operational in accordance with a specification to be first agreed in writing by the Local Planning Authority. The charging point shall be thereafter retained and maintained as approved.

REASON: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

27. Sustainable Drainage (Performance)

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the submitted Sustainable urban Drainage Systems are provided as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

28. External Lighting Scheme (Pre-Occupation)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be

thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

29 Residential Permitted Development Restriction (Performance)

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

Part 1

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

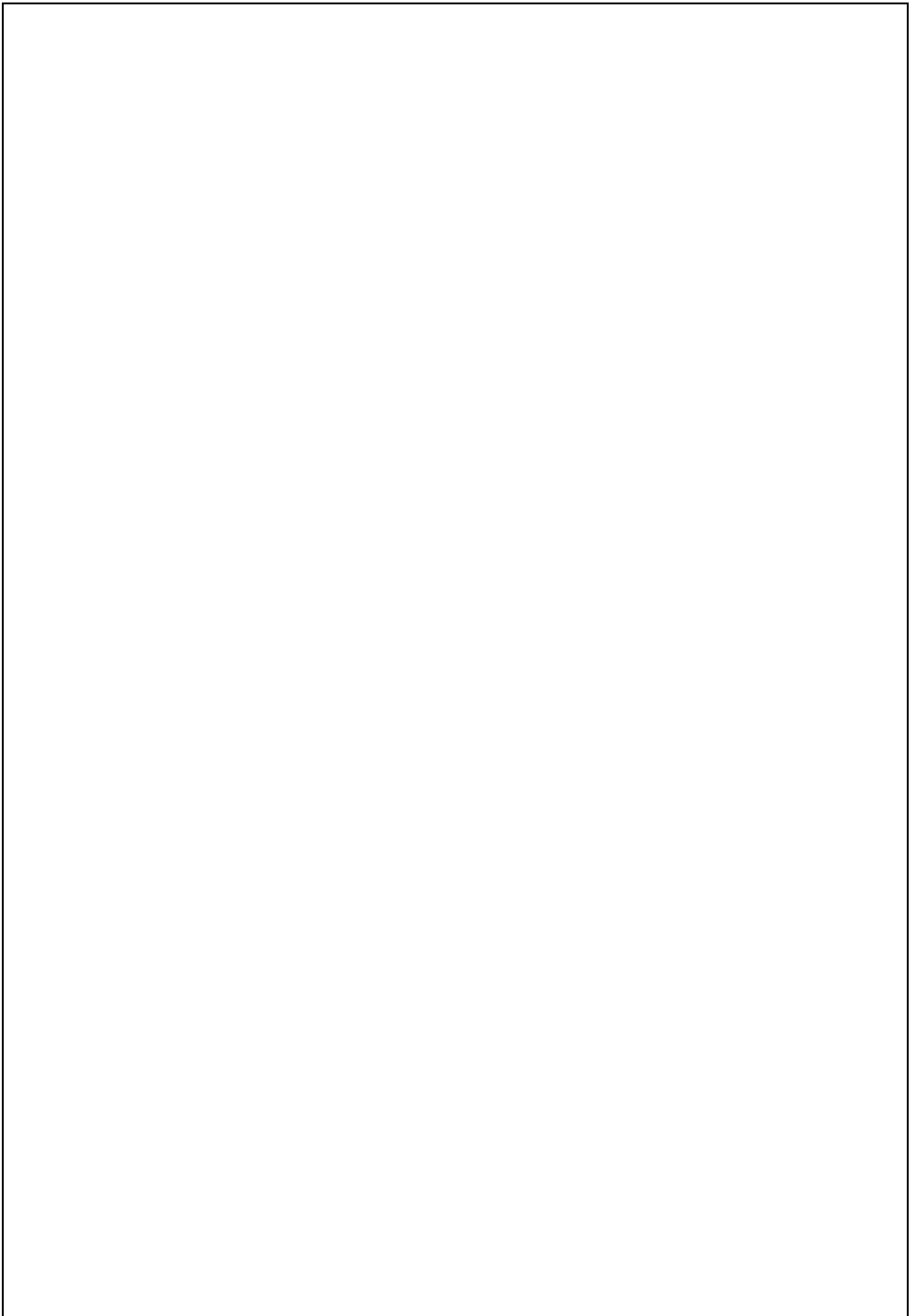
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

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 with regard to the amenities of the surrounding area.

30. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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





## Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	23/01645/FUL
<b>Application address:</b>	Land adjacent 47 Bryanston Road Southampton
<b>Application description:</b>	Redevelopment of the site. Erection of 3 x 2-storey buildings comprising of 8 dwellings (4 x2-bedroom, 4 x3-bedroom) with associated amenities
<b>HRA completion date:</b>	21st May 2024

### HRA completed by:

Lindsay McCulloch  
 Planning Ecologist  
 Southampton City Council  
[lindsay.mcculloch@southampton.gov.uk](mailto:lindsay.mcculloch@southampton.gov.uk)

### Summary

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 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.

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.

The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.

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.**

### Section 1 - details of the plan or project

<p><b>European sites potentially impacted by plan or project: 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</b></p>	<ul style="list-style-type: none"> <li>▪ Solent and Dorset Coast Special Protection Area (SPA)</li> <li>▪ Solent and Southampton Water SPA</li> <li>▪ Solent and Southampton Water Ramsar Site</li> <li>▪ Solent Maritime Special Area of Conservation (SAC)</li> <li>▪ River Itchen SAC</li> <li>▪ New Forest SAC</li> <li>▪ New Forest SPA</li> <li>▪ New Forest Ramsar site</li> </ul>
<p><b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b></p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p><b>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b></p>	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a>)</li> </ul> <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.

**POLICY CONTEXT**

Core Strategy (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS7	Employment
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP23	Unstable Land
H1	Housing Supply
H7	The Residential Environment
HE6	Archaeology

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

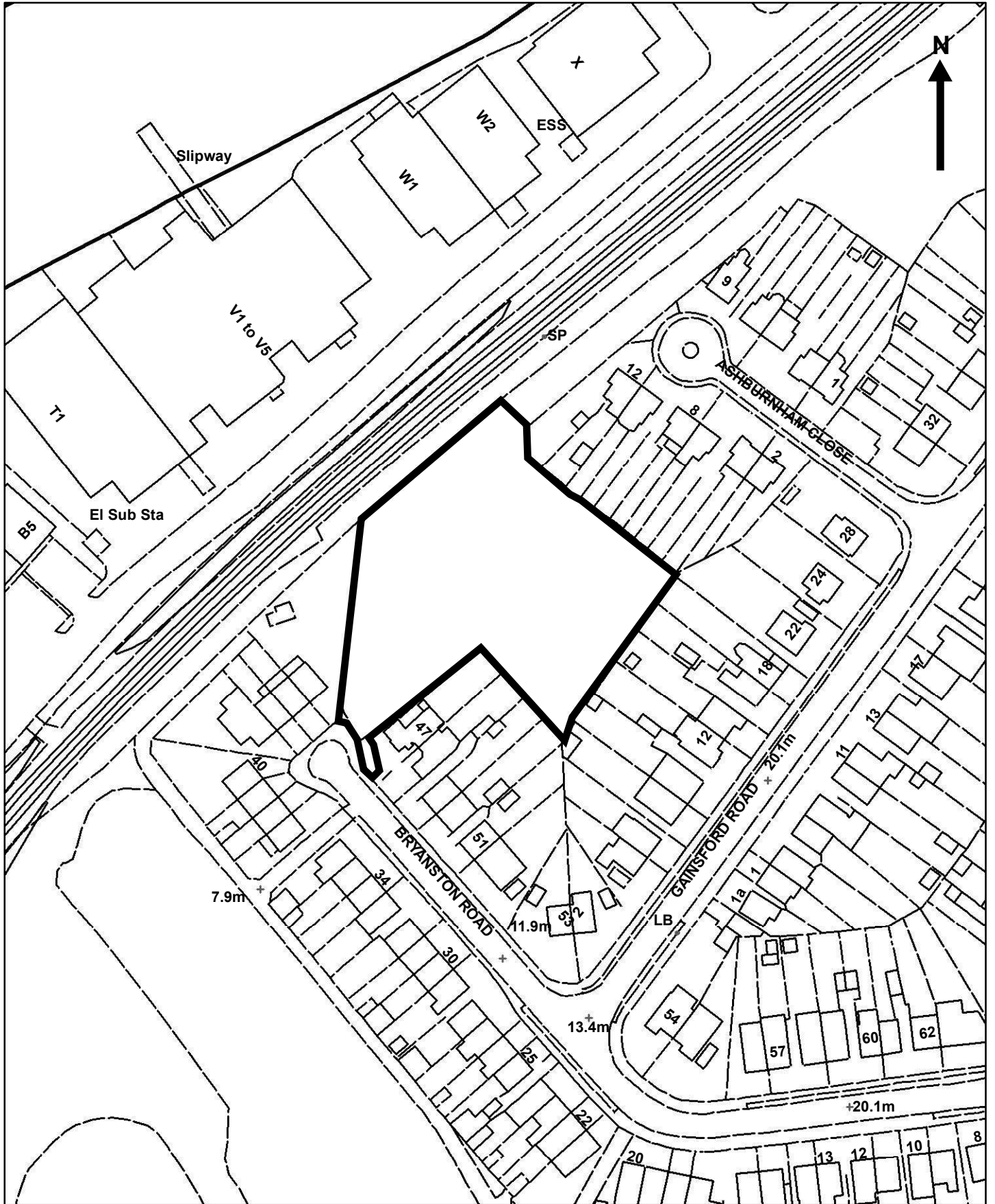
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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