

Planning and Rights of Way Panel 17th September 2024
Planning Application Report of the Head of Transport and Planning

Application address: 40 Atherley Road, Southampton			
Proposed development: Erection of a part two-storey, party single-storey side & rear extension to facilitate conversion into 4 x dwellings (2 x 1-bedroom, 1 x 2-bedroom, 1 x 3-bedroom) with roof alterations and associated amenities.			
Application number:	24/00110/FUL	Application type:	FUL
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	01.04.2024	Ward:	Banister and Polygon
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Councillor P. Every Councillor S. Leggett Councillor V. Windle
Applicant: Mr Peyman Azizi		Agent: Mr Stephen Downton	

Recommendation Summary	Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
Biodiversity Net Gain Applicable	Not applicable

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 (revised 2023). Policies CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1 and H7 of the City of Southampton Local Plan Review (Amended 2015).

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

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the (2) to subject to receipt of a revised plan showing gardens for gf flats only and removal of fenced compartments. The securing of the appropriate Solent Disturbance Mitigation Project (SDMP) Mitigation. *In the event that the SDMP contribution cannot be secured delegation is sought to refuse the application for failing to mitigate the impacts of the development on the relevant designated Special Protection Areas.*

1. The site and its context

- 1.1 The application site comprises a large brick built detached building. The building appears to have been previously subdivided into two self-contained two bedroom flats. From a review of the planning history this subdivision did not benefit from express planning consent. However at the time of the consideration of the consent 20/00481/FUL the property had been used as two, two bedroom flats. It lies within an established residential area, which is primarily characterised by detached and semi-detached dwellings, many of which benefit from deep rear gardens. Whilst there is some variety in their detailed design, the properties along Atherley Road exhibit a strong linear building line, set back from the roadside with offstreet parking dominating frontages.
- 1.2 The property has a frontage dedicated to off-road parking with side access to the rear garden.
- 1.3 The property is currently undergoing refurbishment and works to implement the previous consent (referenced 20/00481/FUL, see **Appendix 3**) have started.

2. Proposal

- 2.1 The application proposal has been the subject of numerous amendments during the consideration of the proposal. The scheme included a much larger two storey rear extension, and a sizeable mansard/crown style roof form above. The application also sought consent for five flats initially (comprising 3 single bedroom units, 1 unit containing two bedrooms and 1 three-bedroom unit). Five parking spaces were proposed on the forecourt.
- 2.2 The proposal has now been reduced to four flats. Two single bedroom units at first floor. One flat containing two bedrooms, and a further flat containing 3 bedrooms on the ground floor; both with direct access to private amenity areas. The parking provision on the site frontage has also been reduced to four spaces.
- 2.3 The first-floor flats are accessed via the existing central doorway and the two ground floor flats have their access to either side. The rear amenity area for the first-floor flats is accessed via the side of the site adjacent to the north boundary of the site.
- 2.4 The revised scheme is significantly smaller than that originally proposed. The bulk of the roof has been reduced resulting in similar proportions to the previous approval (referenced 20/00481/FUL, see **Appendix 3**)

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 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 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 The site have been the subject of numerous previous planning application including a refused larger House in Multiple Occupation scheme referenced 23/00368/FUL. A later application for 6 flats 23/01074/FUL was withdrawn.
- 4.3 There are ongoing works at the rear of the site. This is in association with the implementation of the previous consent for two dwellings referenced 20/00481/FUL. This application was approved by the Planning and Rights of Way Panel at the 23rd June 2020 meeting. Planning Enforcement has advised that they consider the works to have commenced to implement the consent. The permission therefore remains extant.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on the 3rd March 2024. At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The proposal results in overdevelopment of the site. There is already a massive overdevelopment of properties in this area and this is having a detrimental effect on the area. The proposal is of a poor design***

Response

With regard to the built form of the proposal the proportions and external design largely reflect those of the previously approved scheme referenced 20/00481/FUL. This ‘fallback’ is material to the Panel’s considerations regarding the proposed bulk and massing

- 5.3 ***The existing (approved) plan to convert the dwelling to two semi-detached houses is far more congruent and the developer should continue with this approved plan.***

Response

During the consideration of the proposal the scheme has been revised. The bulk of the development including the roof form have been significantly reduced to a design and scale similar to the previous consent 20/00481/FUL. The level of dwellings proposed has been reduced from five flats to four. Whilst 2 dwellings may be preferable to the 4 proposed there is a defined housing need in the City, and national guidance and policy promotes best use of previously developed land in sustainable locations.

- 5.4 ***The proposal will result in an overbearing impact on the occupiers of the neighbouring dwellings and will be to the detriment to the amenities of those properties.***

Response

The scheme has been revised during the consideration of the proposal. The scale of the development including the roof form have been reduced. Overlooking from side facing windows has now been addressed through the removal of those windows from the scheme or via obscure glazing. As such the proposal will have a similar relationship with the neighbouring dwellings as the previously approved scheme 20/00481/FUL, which was found by the Council to be acceptable ahead of granting planning permission.

- 5.5 ***The proposed parking provisions is inappropriate, and the proposal will be to the detriment of highway safety. The proposed development is immediately adjacent to an existing high-density development that requires regular access and this will exacerbate the traffic issues on Atherley Road. Furthermore, the bike store appears to be inside the house; it will be a tight squeeze getting five cars on the drive without compromising access for bikes and bins.***

Response

The number of flats has been reduced from five to four. The proposed parking has also been reduced from five spaces to four; improving pedestrian access. The parking has been reviewed by the Council's Highways Officers and no objection has been raised. Parking provision and highway safety form part of the material Planning considerations below.

- 5.6 ***Although permission has not been given there has been a lot of building work going on at this property.***

Response

Works have commenced on the previous consent 20/00481/FUL. This is outlined in paragraph 4.3 above.

- 5.7 ***It is very disappointing that the City Council continues to entertain applications for this site***

Response

The applicant is able to submit as many applications as they wish. The Council has a duty to assess each application on its own merits.

- 5.8 ***Far too many properties on Atherley Road and nearby roads have been converted from family houses to HMOs or multiple flats, which has already negatively impacted the amenity of the local area. We need more family housing in this area.***

Response

The proposal retains a single family dwellinghouse on the site that meets the criteria of Core Strategy policy CS16 (with 3 bedrooms and direct access to a sizeable garden).

- 5.9 ***In the plans it says there will be no loss of trees. I would like it noted that the reason there will be no loss of trees, is that they have already cut every tree and shrub down in the garden.***

Response

The site does not contain any trees offered protection via a Tree Preservation Order. Regrettably removal of such trees does not require express consent.

- 5.10 ***I feel it would be overbearing and give me a sense of being hemmed in my own garden if such large summer houses are to be built. I would be overshadowed by these summer houses. A base for the summer house has already been built.***

Response

The proposal does not include a summer house at the rear of the site. The previous consent that has commenced includes two smaller outbuildings on the rear boundary. No consent has been provided for a large outbuilding at the rear of the site. Should the application be approved the applicant will be required to provide the amenity space as set out on the submitted drawings. The associated condition requires the removal of the concrete pad at the rear of the site.

- 5.11 ***It states that this will be affordable housing, but it is a private landlord.***

Response

Any reference to 'affordable' housing is made by the applicant only. As the development results in less than 10 dwellings the Council are not able to secure any units for affordable housing. As such, the proposal is considered to be providing housing at market rate.

- 5.12 ***The layout of the loft space also appears to be very opportunistic. With the ugly flat roof remaining; why is a raised flat roof required - it appears to me as if the plan is to later obtain an amendment to convert that area to one or even 2 additional flats, taking the possible total up to at least eight? There is now no mention of what the loft will be used for, if at all in the plans.***

Response

Following negotiation, the scale of development and the resulting roof form has been revised significantly reducing the volume of the roof and associated roof space.

- 5.13 ***Policy CS16, states there should be "no net loss of family homes". This proposal results in the loss of a family home.***

Response

The proposal retains a three bedroom dwelling on the ground floor meeting the definition of a family dwelling as outlined in policy CS16.

5.14 ***The plans do not contain any measurements.***

Response

The applicant is only required to provide drawings of an appropriate metric scale, which they have done.

5.15 ***There is confusion as to who actually is the landowner/applicant/agent for this proposal.***

Response

The applicant and agent can be found at the beginning of this report – the planning application form provides these details with certification regarding land ownership.

5.16 **Consultation Responses**

Consultee	Comments
CIL Officer	<p>The development is CIL liable as the proposal creates additional self- contained residential units facilitated by an extension to the building. With an index of inflation applied the residential CIL rate is £119.06 per sq. m, to be measured on the Gross Internal Area floorspace of the extension.</p> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p>
Environmental Health	<p>I recommend that prior to commencement of works the applicant provide a construction and demolition management plan to the Environmental Health Neighbourhoods Team showing measures to suppress dust and measures to control noise on site, in order to protect the local neighbourhood.</p>
Natural England	<p>As submitted, the application could have a likely significant effect on designated sites in the Solent, including:</p> <ul style="list-style-type: none">• Solent and Dorset Coast SPA• Portsmouth Harbour SPA and Ramsar Site• Chichester and Langstone Harbours SPA• Solent Maritime SAC• Solent and Southampton Water SPA <p>Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate</p>

	<p>assessment stage where significant effects cannot be ruled out.</p> <p><u>Officer Response</u> <i>Please refer to the HRA at Appendix 1 and the above recommendation to give it due consideration</i></p>
Sustainability	<p>No objection</p> <p>Whilst reuse of existing buildings is encouraged due to the embodied energy savings, additional dwellings will be created. Policy CS20 refers. There is insufficient information in the application on how the above policy requirements will be met, however if the case officer is minded to approve the application conditions regarding energy and water efficiency are recommended.</p>
Southern Water	<p>Our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p> <p>We request that should this planning application receive planning approval an informative is attached to the consent.</p>
Highways	<p>I would fully support 4 parking spaces so that we can have two pairs. I have concerns with 3 consecutive spaces which front directly onto the public footway (as originally submitted). I would also agree that removing one space would allow for a more accessible route for bins and cycles.</p> <p><u>Officer Response</u> <i>Suggested changes have been made so that only 4 parking spaces are provided.</i></p>

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

- Impact upon designated habitat

6.2 Principle of Development

- 6.2.1 The principle of additional housing is supported. The site is not allocated for housing, but the proposed dwelling would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our saved policies, seeks to maximise previously developed land potential in accessible locations.
- 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. There would also be social and economic benefits resulting from the construction of the new dwellings, and its 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 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing.
- 6.2.5 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains three or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates one family unit with acceptable private garden space and, as such, accords with this policy.

6.3 Design and Effect on Character

- 6.3.1 The NPPF states in paragraph 128 that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including 'd) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed and beautiful, attractive and healthy*

places.'

- 6.3.2 Furthermore, paragraph 135 seeks to ensure that developments function well and add to the overall quality of an area and ensure a high-standard of amenity for existing and future users. It leads onto say that development should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting'. It is understood that the proposed dwellings would add to the Council's housing need but as stated above development must respect the character of the area.
- 6.3.3 Core Strategy Policy CS13 requires development to 'respond positively and integrate with its local surroundings' and 'impact positively on health, safety and amenity of the city and its citizens'. Local Plan Policies SDP1 (i), SDP7 (iii) (iv) and SDP9 (ii) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness. Moreover, the RDG in paragraph 3.7.7 states that new development 'should complement the pattern of development in the rest of the street.'
- 6.3.4 The proposal results in the extension and subdivision of the existing building into 4 flats. The conversion of existing properties into flats forms part of the character of the area. It is also noted that there is a sizeable purpose-built development of flats to the north.
- 6.3.5 Whilst of a similar age to many of the properties within Atherley Road, the application building is larger than most. Although the property is of some age and has some distinctive character it is not listed, locally listed or within a designated conservation area.
- 6.3.6 The site has been the subject of previous applications including a consent to extend the main building with single story and two storey extensions at the rear and two outbuildings at rear of the site. As advised in paragraph 4.3 above, this consent is considered to have been commenced as such the permission remains extant. As such this fall-back position remains a material consideration for the application.
- 6.3.7 The built form of the previous consent is very similar to that proposed as part of the current application. The single storey mono pitch roof extension measured 4.7m from the rear most elevation, the currently proposed single storey rear mono pitch extension measures 5m from the rearmost elevation.
- 6.3.8 The two-storey rear extension proposed in the current application broadly matches the proportions and design of the extant scheme. These proportions have already been considered acceptable by the Council as such a reason for refusal on these grounds could not be sustained.
- 6.3.9 The proposed works to extend the property are located to the rear of the building reducing their prominence in the streetscene. The site frontage will remain largely unaltered; however, the proposal does offer the opportunity to formalise the property frontage, encourage some landscaping and provide appropriate bin storage. It is considered that the proposed extensions and alterations would remain sympathetic to the character of the host building and would not be dominant or harmful to the visual amenities of the area.

6.3.10 The submitted plans indicate that the proposal will incorporate external facing materials that match those used in the host dwelling. These materials reflect the palette of the properties within the housing estate. These materials can be secured via a planning condition.

6.4 Residential Amenity

6.4.1 There are standards set out in section 2.2 of the adopted Residential Design Guide (RDG) to protect the living conditions of the existing and future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas. Section 4.4 of the RDG requires all developments to provide an appropriate amount of the private amenity which should be fit for the purpose intended. The access to outlook, light and privacy are considerations under paragraph 2.2.1 of the RDG.

6.4.2 In order to reduce the levels of noise and disturbance during construction a condition can be imposed restricting the hours of demolition and construction on site. Furthermore a Construction Management Plan can be secured by condition detailing materials storage, waste storage and operatives parking during construction. It also includes details of dust suppression and prevents bonfires on site.

6.4.3 The scheme has been significantly revised during the consideration of the current application. The proportions of the building now reflect those of the previously approved scheme 20/00481/FUL. Furthermore, the level of glazing proposed in the side elevations has been notably reduced preventing overlooking to the north and south.

6.4.4 The remaining upper floor side fenestration would not give rise to any additional overlooking. These windows are secondary windows and it is reasonable to impose a condition requiring them to be obscure glazed. A further condition can be imposed preventing the insertion of further side facing windows at a later date. The windows in the rear elevations reflect the overall size and position of those previously approved.

6.4.5 The two storey extension is located on the north east corner of the building and would be largely screened from the neighbours to the south (No.38). Furthermore, there is a significant level of separation (in excess of 15m) from the two storey extension from the flat development to the north mitigating any material harm in terms of loss of light or outlook from those dwellings.

6.4.6 The single storey rear extension has a single pitch roof. It will be located directly north of the neighbouring property and will extend no further into the site than the existing rear projections in the vicinity.

6.4.7 As such due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impacts upon the residential amenity of any neighbouring properties in terms of loss of privacy, light, shadow or outlook.

6.4.8 The application would not unacceptably harm the living conditions of the occupiers of neighbouring properties, having particular regard to noise and disturbance and therefore complies with the requirements of Policy SDP1(i)

6.4.9 With regard to the occupier amenity of the proposed dwelling the starting point to assess the quality of the residential environment for future occupants is the minimum

floorspace set out in Nationally Described Space Standards (NDSS). It is important to note that these standards have not been formally adopted by the Council, but they provide guidance as to what is acceptable. The three bedroom flat would be expected to provide a minimum floorspace of 74m², the two bedroom 70m², and the single bedroom units 39m²

- 6.4.10 As proposed the three bedroom flat would be approximately 74m², the two bedroom flat 70m², and both of the single bedroom units would be in excess of 50m². As such, all four flats meet these minimum requirements with the single bedroom flats exceeding the minimum standards by some margin. It is also noted that the main living areas are open plan providing a more spacious environment for the occupants.
- 6.4.11 The Council's RDG expects 20sq.m of amenity space per flat. In order to provide a defensible and private amenity space the ground floor accommodation benefits from direct access to their own private amenity areas far in excess of the minimum requirements. The first floor flat will not have direct access to an amenity area but the communal amenity space at the rear of the site will be far in excess of the minimum requirements. Amended plans could also be secured that dedicates the whole of the rear amenity area to the ground floor units only. This would provide a better outlook for the occupiers of the ground floor units particularly for the windows on the north elevation. A condition can be imposed ensuring that these amenity areas are retained for use by the occupants.
- 6.4.12 It is noted that vehicles will be parked in close proximity to the living area of those dwellings. However, such a layout is characteristic of the area with many flats within Atherley Road having a similar relationship.
- 6.4.13 All habitable rooms are served by a natural source of light and ventilation. On this basis it is not considered that a reason for refusal based on poor standard of living accommodation for future occupiers could be substantiated, particularly as residents will have access to good sized living areas. On this basis the scheme is considered to comply with saved Policy SDP1(i).

6.5 Parking Highways and Transport

- 6.5.1 The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. For this development the maximum requirement would be six spaces.
- 6.5.2 It is noted that the site frontage is currently served by a single dropped kerb. However, it is clear from visiting the site that the property frontage has been cleared to facilitate off road parking. As such, it is acknowledged that the site frontage has historically been used for the parking of motor vehicles albeit it in an informal manner.
- 6.5.3 The original submission proposed five parking spaces. However, as this would have resulted in a group of three spaces, this would be to the detriment of highway safety. If vehicles were parked either side of the centre space, the view from the central vehicle would have been obscured when existing the space.
- 6.5.4 As such the quantity of parking has been reduced to four spaces. This allows for improved pedestrian access into the premises. Whilst this does not meet the

maximum standards outlined within the Councils parking SPD it is noted that these figures are maximums and are not targets. The site is located within reasonable proximity to Hill Lane to the east with good links to the public transport network both in and out of the city as well as cycle route 4 into the city. No objection has been raised by the Council's Highway Engineers. Parking provision for four spaces along the site frontage has previously been secured under the previously approved scheme 20/00481/FUL.

6.5.5 Whilst areas for secure long term cycle storage, and bin storage have been shown on the submitted drawings, the design and details of these stores has not been provided. The position and design of these details can be secured via a planning condition to ensure appropriate facilities are in place prior to the occupation of the units.

6.5.6 A condition can be imposed that prevents the storage of bins on the pedestrian highway with the exception of collection day.

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.

6.6.2 Furthermore, all overnight accommodation has been found to have an impact on the water quality being discharged into our local watercourses that are of protected status. The 'harm' caused can be mitigated by ensuring that the development complies with the principles of 'nitrate neutrality', and a planning condition is recommended to deal with this as explained further in the attached Habitats Regulations Assessment. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. **Summary**

The principle of new residential development is considered acceptable. It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

8. **Conclusion**

8.1 It is recommended that planning permission be granted subject to securing the required SDMP Mitigation and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer **Mark Taylor** PROW Panel 17.09.24

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. 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

03. Materials to match (Performance)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

04. 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 of development hereby permitted.

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

05. Obscure Glazing (Performance)

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

06. 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. (j) Storage and removal of building waste. Bonfires will not be permitted on site during any demolition or construction works.

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.

07. Refuse & Recycling (Pre-Commencement)

Notwithstanding the submitted plans, prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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

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 at least 8 weeks prior to occupation of the development to discuss requirements.

08. Cycle storage facilities (Pre-Occupation)

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

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

09. Energy Efficiency - Conversion (Pre-Commencement Condition)

Confirmation of the energy strategy, that will achieve a reduction in CO2 emissions of at least 15% or a minimum Energy Efficiency Rating of 70 post refurbishment (an EPC rating C), must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Energy supply must be from a renewable or low carbon source, or as a minimum, radiators supplied to deliver lower temperatures at sub- 50 degrees to futureproof for the installation of ASHP when this becomes viable. Measures that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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

10. Water Efficiency

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 100 Litres/Person/Day internal water use the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/ fittings to be installed as specified and retained thereafter.

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)

11. Landscaping

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, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment, including retaining walls and;
- iv. 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.

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

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, 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

12. Amenity Space

Before the development hereby approved first comes into occupation, the existing concrete pad to the rear of the site shall be removed with and made good with landscaping to be secured via condition 11. The external amenity space and pedestrian access to it, shall be made available for use prior to occupation in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

13. Parking

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

parking provision shall be four clearly marked spaces only. Allocation of the parking spaces shall be limited to one space per dwelling in an allocation to be agreed in writing with the planning authority prior to occupation.

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

14. Surface/Foul Water Drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

15. 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.

16. Nitrates Emissions Offset (Pre-occupation)

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council 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.

Notes to Applicant

1. Note to applicant: CIL

The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the building. With an index of inflation applied the residential CIL rate is £119.06 per sq. m, to be measured on the Gross Internal Area floorspace of the extension.

Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.

2. Note to Applicant:

This planning permission does not convey the right for the development to encroach over, under or on land which is not within your ownership, without the consent of the landowner.

3. Note to applicant:

You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another

property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at www.communities.gov.uk.

Habitats Regulations Assessment (HRA)

Application reference:	24/00110/FUL
Application address:	40 Atherley Road Southampton SO15 5DQ
Application description:	Erection of a part two-storey, party single-storey side & rear extension to facilitate conversion into 4 x dwellings (2 x 1-bedroom, 1 x 2-bedroom, 1 x 3-bedroom) with roof alterations and associated amenities.
HRA completion date:	6 March 2024

HRA completed by:

Lindsay McCulloch
Planning Ecologist
Southampton City Council
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

**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**

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar Site
- Solent Maritime Special Area of Conservation (SAC)
- River Itchen SAC
- New Forest SAC
- New Forest SPA
- New Forest Ramsar site

Is the project or plan directly connected with or necessary to the management of the site (provide details)?

No – the development is not connected to, nor necessary for, the management of any European site.

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?

- Southampton Core Strategy (amended 2015) (<http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf>)
- City Centre Action Plan (<http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx>)
- South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm)

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.

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.

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.

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 intertidal 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 calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant's submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (provided by Natural England) and the Council's own bespoke occupancy predictions and can be found using Public Access: <https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);
- The key aspects of Southampton's specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council's Cabinet in June 2022;

- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton's administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

Outline PP where phased and/or unit quantum or mix unknown:

Not to commence the development of each phase unless the nitrogen budget for that phase has been submitted to and approved by the council. The development of each phase hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council Nutrient Offset Scheme for that phase 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.

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council 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.

With these measures in place nitrate neutrality will be secured from this development and as a consequence there will be no adverse effect on the integrity of the protected sites.

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.
- A Grampian condition, requiring evidence of purchase of credits from the Eastleigh B C mitigation scheme prior to first occupation, will be attached to the planning permission. The mitigation measures will be consistent with the requirements of the Southampton Nitrogen Mitigation Position Statement to ensure nitrate neutrality.
- 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.

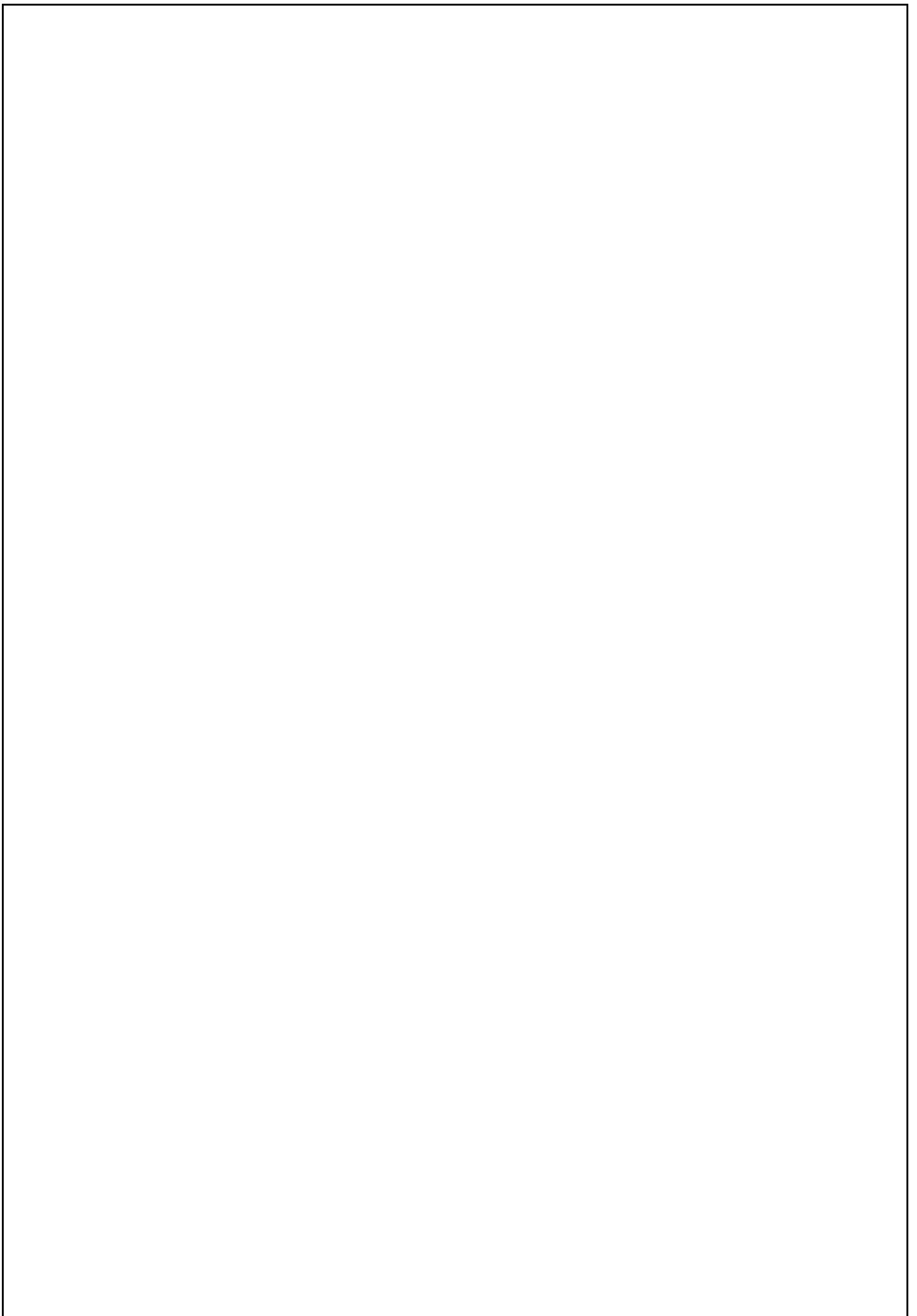
References

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
- CS13 Fundamentals of Design
- CS16 Housing Mix and Type
- CS18 Transport: Reduce-Manage-Invest
- CS19 Car & Cycle Parking
- CS20 Tackling and Adapting to Climate Change
- 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 and Security
- SDP11 Accessibility and Movement
- SDP12 landscaping and Biodiversity
- SDP13 Resource Conservation
- H1 Housing Supply
- H7 The Residential Environment

Supplementary Planning Guidance

- Residential Design Guide (Approved - September 2006)
- Planning Obligations (Adopted - September 2013)
- Parking Standards SPD (September 2011)

Other Relevant Guidance

- The National Planning Policy Framework (2023)
 - The Southampton Community Infrastructure Levy Charging Schedule (September 2013)
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Application 24/00110/FUL

APPENDIX 3

Relevant Planning History

Case Ref	Proposal	Decision	Date
1546/W15	Single storey rear extension	Conditionally Approved	17.10.1978
19/00116/FUL	Erection of a 2-bed, detached bungalow with associated cycle/refuse storage	Application Refused	03.04.2019
20/00481/FUL	Extension and alterations of two existing dwellings (2 x flats) to create two semi-detached houses with stores	Conditionally Approved	24.06.2020
23/00368/FUL	Two storey rear extension and roof extension to create loft conversion to facilitate the change of use of from a single-family dwelling house to a 8 person House in Multiple Occupation (sui generis use)	Application Refused	06.06.2023
23/01074/FUL	Erection of a part 2-storey, part single storey side/rear extension, following part-demolition of existing, to facilitate conversion of existing dwelling into 6 flats (5x 1-bed and 1x 2-bed) including loft conversion and detached summer house.	Withdrawn	30.11.2023