

**Planning and Rights of Way Panel 12 October 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 67-71 City West, Millbrook Road East Southampton			
<b>Proposed development:</b> Conversion of existing commercial units into 24 (10 one-bed and 14 studio) units with associated parking and cycle/refuse storage (Departure from Local Plan) – description amended following validation			
<b>Application number:</b>	20/01367/FUL	<b>Application type:</b>	FULL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	19.10.2021 (Extension of time agreed)	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Ward member request and three or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Leggett Cllr Shields Cllr Windle
<b>Referred to Panel by:</b>	Cllr Shields	<b>Reason:</b>	Concerns raised over size and mix of units, impact on future occupiers due to adjacent noise and lack of parking
<b>Applicant:</b> English Properties Ltd		<b>Agent:</b> Mr Paul Airey	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Planning &amp; Economic Development to grant planning permission subject to criteria listed in report</b>
-------------------------------	--

<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
---	------------

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS4, CS6,

CS7, CS13, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, H1, H2, H5, H7, REI11(xiv) and HE6 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History		

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.

2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site 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 SPD relating to Planning Obligations (September 2013);
- ii. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or confirmation that the proposal complies with the requirements of the Vacant Building Credit criteria (securing development without any affordable housing) and that a review is undertaken should circumstances change;
- iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iv. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning

application.

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

- 1.1 The site is located in an area safeguarded for light industry and was redeveloped in 2001 to provide 12 employment units with landscaping and 16 parking spaces. These units are currently vacant and the site is secured. When the development was constructed the approved landscaping areas were reduced to provide additional parking without formal consent resulting in 24 parking spaces. The units are two-storey in height and have pitched roofs.
- 1.2 The site lies to the western end of Millbrook Road West, which forms a dead end (for traffic calming purposes) after the junction with Cracknore Road and Park Road. Adjacent to the site is an office block at 73-75 Millbrook Road West and a commercial garage at 65 Millbrook Road West. The southern side of the road comprises of residential properties. To the rear there are residential units along Waterloo Road but they are from the site by long garden depths and plot sizes. The site is situated within an area of mixed character and in a very sustainable location close to good transport links and within a twenty-minute walk of the City Centre.

## **2. Proposal**

- 2.1 The scheme seeks to convert the existing 12 commercial units into 24 one-bed/studio units. The scheme has been amended since initially submitted to reduce the mix of units from 6 two-beds and 16 one-bed which has resulted in an increase in two units. The neighbours and Ward Councillors were re-notified of this amendment and given time to comment.
- 2.2 The revised scheme converts each commercial unit into two residential units; one at ground floor and one at first floor. Ten of the proposed units will be self contained with a separate bedroom, and the other 14 would be studio units. Each dwelling has an area for kitchen, living, dining and sleeping as well as a separate WC/shower room. Only limited external changes are proposed.
- 2.3 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) (1 bed = 39 or (37square metres (sq.m) with shower) and the minimum garden sizes of 20sqm per flat set out in the Council's Residential Design Guide (RDG) (para 2.3.14 and section 4.4). All the units comply with the standards as set out in the table below.

Floor/Flat	Floor Size & Garden size sq.m	Compliance – Internal Floor Space	Compliance External Amenity Space
Ground/1	47.8 & 13	Yes	No
First/2	45.9 & 13	Yes	No
Ground/3	46 & 13	Yes	No
First/4	45.9 & 13	Yes	No
Ground/5	46 & 13	Yes	No

First/6	45.9 & 13	Yes	No
Ground/7	46 & 13	Yes	No
First/8	46.3 & 13	Yes	No
Ground/9	46.3 & 13	Yes	No
First/10	46.3 & 13	Yes	No
Ground/11	46.3 & 13	Yes	No
First/12	46.4 & 13	Yes	No
Ground/13	47.1 & 13	Yes	No
First/14	46.7 & 13	Yes	No
Ground/15	46.8 & 13	Yes	No
First/16	46.7 & 13	Yes	No
Ground/17	46.8 & 13	Yes	No
First/18	46.7 & 13	Yes	No
Ground/19	46.8 & 13	Yes	No
First/20	46.8 & 13	Yes	No
Ground/21	46.7 & 13	Yes	No
First/22	46.8 & 13	Yes	No
Ground/23	46.8 & 13	Yes	No
First/24	46.8 & 13	Yes	No

2.4 Approximately 300 sq.m of usable shared amenity space is provided for the units which equates to 13 sq.m each, which is less than the guidance. Seventeen parking spaces are provided which complies with the maximum standards for this area of high accessibility (1 space per dwelling as a maximum).

### 3. **Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.

3.2 The application is a departure from some parts of the Local Plan as the site is safeguarded for employment uses under policy RE111 (xiv) for light industry, which specifies the uses B1 b and B1c. The definition of these uses are B1(b): Research and development of products and processes and B1(c): Light industry appropriate in a residential area. Class B1 was revoked from the 1<sup>st</sup> September 2020 and the uses now lie within Class E as E(g)(ii) ‘*Research and development of products or processes*’ and E(g)(iii) ‘*Industrial processes*’ but seek to secure the same use type. In particular relevance to this proposal is policy CS7 of the Core Strategy which supports the economic growth of the city by safeguarding existing employment sites. Criterion 1 of this policy notes that there may be an exception to the safeguarding if there is clear evidence that a site is not, and is not likely to become viable for employment use.

3.3 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy

SDP13.

- 3.3 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

- 4.1 The most relevant planning history to this application are the following:

Application number	Description	Decision	Date
01/01622/FUL	Construction of 12 x 2 storey business units with associated parking and highway access to site	Conditionally approved	30.06.2003
16/01298/FUL	Installation of new windows, and the replacement of shutter doors with windows	Conditionally approved	21.09.2016
18/01846/FUL	Application for removal of conditions 15 (relating to office use) and 16 (relating to business units) of planning permission 01/01622/FUL to remove office restriction	Refused and Dismissed at Appeal	03.01.2019 and 20.12.2019

- 4.2 A schedule of the further planning history for the site is set out in **Appendix 3** of this report and relates to 'prior approval' applications for each unit to be converted to residential under 'Permitted Development'. Due to the planning conditions imposed on the original approval for the commercial units, the site does not benefit from the permitted development rights which would normally allow changes of use to residential being allowed under the prior approval process for many uses, including residential. The prior approvals were refused due to the planning conditions restricting the use of the unit to commercial use only and these decisions were dismissed at appeal. These appeals relate more to process than the Planning merits and the Inspector was not being asked to consider the whether or not the replacement of employment uses with residential is acceptable.

#### 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, placing a press advertisement **30.10.2020** and erecting a site notice for the second time due to amendments on **03.09.2021**. At the time of writing the report **4 representations** have been received from surrounding residents, including a request for the item to be determined at Panel by a Ward Councillor (Cllr Shields). The following is a summary of the points raised:

5.2 ***The rush to residential conversion here fails to take into sufficient account the infrastructure needs of this neighbourhood.***

**Response**

The level of development proposed requires the applicant to enter into a legal agreement which will in part secure mitigation to improve the local highway infrastructure at a level that is proportionate with the level of development proposed. Residential development also contributes towards the city-wide Community Infrastructure Levy; although in this case there may be deductible floorspace that will lessen the contribution.

5.3 ***The number of apartments has increased and the units are only one-bed/studios with only one meeting the Government's minimum space standards.***

**Response**

The number of units has increased due to the change in mix. The reasoning for the change to the mix and size of units is set out in section 6 of this report. A breakdown of the unit sizes is set out within section 2.3 of this report, but in summary the units comply with the room standards for a one-bed one person unit and are very close to a one-bed two-person unit which requires 50sq.m. The planning system cannot restrict the number of people that occupy the flats due to internal floorspace standards and the occupier makes the choice.

5.4 ***Concerned about noise from the adjacent commercial units***

**Response**

The NPPF states *'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*

The applicants have provided specific mitigation on noise and vibration and have amended the design of the scheme to address this issue. A noise report has been submitted that states subject to non-opening windows on the eastern elevation, the impact on the future occupiers will be acceptable in noise terms. The Council's Environmental Health Officer supports the conclusion of the report and requests a condition to secure the implementation of the measures set out in the report.

5.5 ***Insufficient parking spaces for the number of units. More parking could be provided on-site and the proposal conflicts with the traffic calming measures in vicinity which seek to encourage cycling and walking into the city centre***  
**Response**

The Council has adopted maximum car parking standards and the Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standards is permissible subject to justification. The proposal provides seventeen on-site parking spaces in line with maximum standards (with the maximum permissible being 24).. There are parking restrictions in the surrounding area, which limit the possibility for over-spill car parking. Furthermore, the Council's Highway Engineer has raised no objection to the application. The location of the site means it benefits from good access to the city centre and central train station.

**Consultation Responses**

5.6

<b>Consultee</b>	<b>Comments</b>
<b>SCC Highway Development Management</b>	<p>No objection, the principle of development is acceptable. The level of development does trigger the requirement for off-site highway s.106 mitigation, and this will be secured by a legal agreement. In terms of the general arrangement the proposal is acceptable subject to securing the following conditions:</p> <ul style="list-style-type: none"> <li>• A refuse management plan as the carry distance does not comply with the 30m as recommended in Residential Design Guidance.</li> <li>• A revised access and parking layout is required to widen the access to allow easier manoeuvre of the eurobins and provision of parking spaces 5m in length to comply with policy standards</li> </ul>
<b>SCC Planning Policy Team</b>	<p>No objection is raised to the proposal. In terms of the loss of employment, in particular whether a mixed scheme with an element of employment could be provided, there does appear to be clear evidence that in this particular location marketing has proved challenging.</p> <p>The nature of the scheme may limit the ability for the on-site reasons for poor marketing results, so in this case the Policy Team accepts a full loss of employment in this particular case.</p>
<b>SCC Design Officer</b>	<p>No objection to the residential conversion. The main issue is as none of the flats have any private amenity space officers would expect each of the three amenity areas to be more than just grass with some peripheral</p>

		<p>shrubs. They should be designed to be more like proper communal gardens with hedges for privacy, ornamental borders and seating/tables to encourage residents to use these areas and develop a more communal feel.</p> <p><i>Note:</i>  <i>The external space is arranged as a communal space and its final design can be secured with a planning condition</i></p>
	<p><b>SCC CIL Officer</b></p>	<p>The development is CIL liable as there is a net gain of residential units through the change of use. With an index of inflation applied the residential CIL rate is currently £104.38 per sq m, to be measured on the Gross Internal Area floorspace of the building.</p> <p>Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.</p> <p>If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.</p>
	<p><b>SCC Ecology</b></p>	<p>No objection is raised to the proposed development. Conditions securing that the new landscape planting be to a recognised value for wildlife e.g. to be on the Royal Horticultural Society's Plants for Pollinators list or similar and that an ecological mitigation Statement is submitted prior to development.</p>
	<p><b>SCC Environmental Health</b></p>	<p>No objections in principle to the proposed development provided that all of the recommendations detailed in the associated submitted Noise Report are fully implemented and verified.</p> <p>Furthermore, planning conditions are also recommended securing no bonfires (<i>Note: not secured as can be dealt with under separate legislation</i>) and working hours.</p>



	<p><b>SCC Sustainability (Flood Risk)</b></p>	<p>It is noted that the landscaping plan introduces some areas of permeable ground to the site which will help contribute to some betterment in runoff rates and volumes from this site. It would be useful to see an assessment of changes to runoff rates and volumes (existing and proposed) included within a drainage strategy, alongside any other proposals that may better the management of surface water, such as disconnecting downpipes from the main sewer to create soakaways or rain gardens, or full justification as to why alternative means for surface water management have not been considered.</p> <p>Therefore, a condition to secure a satisfactory drainage strategy in line with the details required by the Council's Flooding team are to be secured.</p>
	<p><b>SCC Sustainability</b></p>	<p>In the case of this application, each of the proposed dwellings will make either a total or substantial use of the existing building.</p> <p>However, given recent issues with nitrate neutrality from new dwellings (Natural England are currently advising that there is uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on international designated sites), the condition securing water efficiency is recommended.</p>
	<p><b>SCC Trees &amp; Open Spaces</b></p>	<p>The only significant trees on site are those on the frontage, a number of semi mature broadleaves but all appear in fair condition. There has been no submission of a tree survey to show these, their Root Protection Areas and how these will be protected during the lifting of the hardstanding around them, to create the new amenity space.</p> <p>A landscape plan should be submitted to help increase canopy cover, habitat and to enhance amenity to the development. This should include a suitable range of tree species. Conditions are requested a tree survey, tree protection plan and arb method statement.</p>
	<p><b>Southern Water</b></p>	<p>Suggests a condition to secure details of the means of foul and surface water disposal.</p>

**City of Southampton  
Society**

We are willing to add our support to this application, but are concerned at the closeness of these residential buildings to the commercial building to the east - a separation that necessitates sealed windows to the 14 bedrooms on this side of the development. We are mindful that any noise from the commercial building should only occur during the normal working day and feel that opening windows should be installed to ensure that proper ventilation of these bedrooms is achieved.

The aerial photograph on the front page of the Design and Access Statement, and more so in section 3 of the Noise Report, shows that this is the only residential development on the north side of this section of Millbrook Road East. This will inevitably involve a considerable amount of commercial delivery traffic during the day with all the usual noise, fumes and pollution, together with parking issues.

***Officer comment – The scheme has been amended since the comment has been received and the bedroom location has been altered.***

**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;
- Residential amenity and Design;
- Parking highways and transport;
- Air Quality and the Green Charter;
- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38 (6) of the Planning and Compulsory Purchase Act 2004). The development plan for the area is the Local Plan Review and the Core Strategy. The NPPF constitutes national policy to which the Local Planning Authority (LPA) must have regard. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any determination.

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 35% uplift), the Council has 4.53 years of housing land supply and therefore cannot currently demonstrate a five-year housing land supply. This means that the Council will have to have regard to paragraph 11(d) of the NPPF, which states, for decision-taking:

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

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.” [the so-called “tilted balance”]*

6.2.3 The principle of new residential development is considered acceptable despite the development being a departure from parts of the development plan for the following reasoning. The application does not accord with the detailed criteria contained in Local plan policy RE11 (xiv) (Light Industry) which seeks to retain light industrial use for employment and Core Strategy policy CS16 (Housing Mix and Type) which seeks family housing and sufficient amenity space within development of more than 10 units. Taking each policy in turn, with respect to policy RE11, a marketing report (prepared by Primer Olds Surveyors) has been submitted to support the application. It details the efforts to attract tenants from 2008 onwards and concludes that;

6.2.4 *The estate has struggled to attract office and industrial occupiers capable of maintaining a viable occupancy rate. Presentation and agreement of various flexible incentivised packages have had to be offered since inception in order to secure lettings. As a consequence of the short-term nature of many tenant’s occupation the estate void periods were lengthy and damaging to the sites success.*

6.2.5 Given the above conclusion, it is clear that the site was not viable and now is vacant and has been for a while. It is evident from the policy wording of REI 11 that safeguarding the site for employment use is key and that other uses will be resisted. However, given the marketing report and that the site is vacant allowing the site to remain is not appropriate given the brownfield nature of the site, its sustainable location and the existing shortfall in housing supply across the City. Policy CS7 of the Core Strategy safeguards existing employment sites unless certain criteria are met. Criteria one is *‘there is clear evidence that a site is not, and is not likely to become, viable for employment use’*.

6.2.6 This policy sets out other uses can be explored but does highlight that housing need does not necessary allow for residential use unless justified. Although the scheme does not comply with Local Plan policy REI 11 it does comply with the criteria for assessing alternative uses as set out in Core Strategy policy CS7. Furthermore, the re-use of a vacant site is supported by paragraph 152 of the NPPF where it highlights that the planning system *‘should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure’*.

6.2.7 Leading on from the above, saved Local Plan policy H5 (Conversion to Residential Use) states that the council will grant permission for the conversion of non-residential premises for housing purposes, providing that it meets the following; policy compliant parking, access to public transport and compatible surrounding uses. More importantly in paragraph 7.20 it clearly expresses that *'Empty property and unused space above shops and businesses is a wasted resource. The potential for additional accommodation to be provided is considerable'.... 'Any such conversion makes a valuable contribution to housing supply, brings additional life and security to an area, and such units are often suitable for those people seeking one and two bedroom accommodation.'*

6.2.8 On this basis it is hard to argue an alternative use should be put forward for this site, and given the housing need set out above the principle of a residential use is justified.

6.2.9 With regard to the departure from Policy CS16 of the Core Strategy, this policy 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 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal does not incorporate any family units. The policy states that the provision of a family housing is dependent on *'the established character and density of the neighbourhood and the viability of the scheme'*. The proposal results in a conversion, which should be treated as a constraint to satisfying every policy within the development Plan. As sufficient amenity space cannot be provided to serve any family units due to the existing site layout, in this case, it is accepted that the site is not suitable for family housing. That said, the scheme provides only for 1 bed and studio accommodation and this represents a relatively poor mix when looking at housing demand in Southampton. 2 bed units may also become home to children, and given the amenity space constraints and the residential outlook being restricted by the siting of the development close to neighbouring boundaries it is considered that this conversion can, on balance, proceed without a better residential mix. Due to the mixed nature of the area there is no established character of similar housing tenure. The supporting text of the Council's housing policies sets out that single person households are likely to make up 80% of the increase in households during the plan period therefore the proposal meets a specific need.

6.2.10

The supporting text in policy H5 of the Local Plan supports this by suggesting *'there is likely to be greatly increased demand for this size of property in the future, and potential for further supply has been coming increasingly from the conversion or replacement of redundant office premises'*. This is also supported by paragraph 62 of the NPPF which confirms that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own home).'*

6.2.11 Therefore, it would be unreasonable in this case to refuse a scheme solely on the basis of the relatively poor mix of units without assessing all other aspects of the

proposal. Officers would be unlikely to reach a similar conclusion had the scheme been one of redevelopment.

6.2.12 Notwithstanding the proposal's departure from the Local Plan policies listed above, it is clear from the justification set out above that the scheme is, in principle, Plan compliant as a whole; and 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 modest contribution to the Council's five year housing land supply. There would also be social and economic benefits resulting from the conversion and bringing the site back into use as set out in the mitigation section of this report. Taking into account the benefits of the proposed development, and the limited conflict with the policies in the development plan, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval.

6.2.13 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in high accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 117 d.p.h which, whilst it exceeds the range set out above, needs to be tested in terms of the merits of the scheme as a whole given the accessible location of the development. The conversion of this safeguarded employment site for residential use is, therefore, considered to be justified for the reasoning set out above. However, after assessing the policy allocation/principle the proposal has to be weighed against the other key issues set out below:

### 6.3 Residential Amenity & Design

6.3.1 Only minimal fenestration changes are proposed with respect to the elevations and most of the changes were approved under the 2016 planning permission which has been partially implemented. The scheme has been amended since it was submitted due to insufficient outlook from the proposed bedrooms facing 65 Millbrook Road West, and for not meeting the Council's outlook standards of 12.5 metres as set out in the RDG. The distance between the boundaries at 65 Millbrook Road East and the side elevation is approximately 2.5 metres, this would not allow sufficient outlook to the bedrooms for these units on both floors and it would have also resulted in prejudicing future neighbouring development. Due to the location adjacent to a commercial unit at 63 Millbrook Road West an acoustic report was commissioned that states all windows facing the commercial unit must be non-openable. Officers disagreed that bedrooms windows should be restricted in such a way and, therefore, amendments were sought to alter the size and mix of units. The Council do not want to restrict or prejudice established commercial use in an area that is secured via policy to provide these uses. The introduction of habitable rooms adjacent to neighbouring boundaries would detrimentally harm both the occupiers of the proposed residential units and commercial activity.

6.3.2 The revised scheme provides all units with sufficient outlook from all habitable

windows therefore on the eastern side of the scheme adjacent to 65 Millbrook Road West studios are provided so that non-habitable kitchen windows are non openable on this elevation. Adjacent to 73-75 Millbrook Road West there are additional windows in the side which allow an outlook so one-bed units are proposed. Overall, the revised layout of the development provides good outlook and access to daylight and sunlight for existing residents of the area and future residents of the development, and as set out in section 2 of the report meets the unit size guidance.

6.3.3 In terms of the impact on adjacent occupiers, given the minimal external changes and that the land is lower adjacent to 73 and 75 Millbrook Road West the introduction of habitable windows on the side elevation would not affect the current use due to the distance between the existing commercial building. Given the size of the site and the minimal number of windows any impact could be designed out. With regard to the commercial unit at 65 Millbrook Road West the windows to serve the units are non-habitable and therefore do not impact the existing occupier nor any potential for future re-development in an adverse manner. The properties to the rear are 28 metres away and there are no further windows added to any elevations fronting this boundary so the harm on neighbouring occupiers would not be significant.

6.3.4 Outdoor space has become a premium especially during the current pandemic and, therefore, private (albeit communal) outdoor space for the residents is key notwithstanding the policy requirements. In this case given the conversion of the site the applicant is limited to what level of amenity space can be provided whilst balancing the number of parking spaces proposed. The usable amenity space provided is 13sq.m per unit which is less than guidance (20sq.m). However, the main three areas provided are positive, usable areas which seeks to negate the sub-standard provision. In order to improve the usability of these areas a landscaping condition that provides a revised plan showing communal gardens with hedges for privacy, ornamental borders and seating/tables is suggested. As such, the proposal is considered to be acceptable in terms of its residential amenity and its relationship with surrounding properties and accords with saved Local Plan Review Policy SDP1, and the standards set out in the Residential Design Guide Supplementary Planning Document.

#### 6.4 Parking highways and transport

6.4.1 The residential proposal will result in the vehicular trips being less intensive than the current industrial use. Existing trips are likely to be linked more to peak hours also so there is betterment to the network from the change of use. The number of parking spaces provided is not one for one – as per our adopted maximum standards - but this site is in a sustainable location and no objection has been received on highway grounds. The 2011 Census concludes that car ownership in the Ward of Freemantle is that 29.7% of households do not have access to a car. In this instance, the number of car parking spaces (17 for 24 flats) is accepted given the location of the site, within a very sustainable location for both employment and transport. The Council's policy is that the provision of less parking than the maximum standards set out can be permissible subject to justification. The size of units as well as the location help ease the reliance on having a car and that the possibility of harm arising from overspill car parking is limited due to restrictions in the area all provide clear justification. Furthermore, the lack of available parking space in the area will discourage occupiers from having a car.

6.4.2 Further details are required with respect to refuse collection, but this is to be secured by a suggested condition. No objection has been raised to the proposal from the Highways Development Management Team. Refuse and cycle storage, as well as parking on site, can be achieved, as demonstrated on the proposed layout plan. Therefore, on this basis the proposal is considered to address the concerns relating to parking and highway safety.

## 6.5 Air Quality and the Green Charter

6.5.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

6.5.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

6.5.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive-up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

6.5.4 The application site is 500 metres from the nearest Air Quality Management Zone and as, such, due to this and the small nature of the proposal an air quality assessment has not been undertaken for this development. The application has introduced measures to respond to the Green Charter and the air quality impact of the development including:

- Provides a lower number of parking spaces;
- Reduces the intensity of the use;
- Making better use of the site;
- Bringing the site back into use;
- Being designed to meet water requirements; and
- Securing a detailed landscaping scheme which results in the introduction of further soft landscaping;

The application has addressed the effect of the development on air quality and the requirements of the Green Charter by redeveloping an existing developed site to

provide housing units in a sustainable area with garden areas for occupiers.

## 6.6 Mitigation of direct local impacts

6.6.1 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works are to be secured via a Section 106 legal agreement with the applicant. These works will be improvements to pedestrian and cycle facilities within the vicinity. In addition the scheme triggers the Community Infrastructure Levy (CIL).

6.6.2 Due to the level of development, affordable housing would need to be provided and the Council would normally seek 35% of the units for affordable units through negotiation. However, in this case the Vacant Building Credit applies, whereby existing / demolished floorspace is taken into account when calculating the affordable housing provision / contribution. Given this proposal is solely a conversion, without any increase in floorspace, in this case the Vacant Building Credit system removes the need to make an Affordable Housing provision, unless the existing use has been 'abandoned'. The units are still in good habitable condition and although the site has been in non-use the site has been secured demonstrating that it has not be abandoned.

## 6.7 Likely effect on designated habitats

6.7.1 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.

## 7. Summary

7.1 The existing units are in good structural condition and therefore conversion rather redevelopment is to be encouraged for sustainability (carbon reduction) and re-use (construction materials) reasons. However, converting the existing layout into residential units has resulted in a scheme that only provides studio or one-bed units together with less amenity space per unit than set out within adopted guidance. This is due to the proximity to neighbouring commercial uses and the existing layout of the site. However, the proposal brings the site back into use and provides housing to meet a clear need. Furthermore issues with regards to outlook and amenity space



have been improved through revisions to the application to provide more appropriate internal and external environments for future residents. The Council does not have a five year housing land supply and therefore the presumption in favour of sustainable development applies where there is conflict with the Development Plan. The proposals are a departure to the Development Plan policies cited above, however the scheme provides additional housing on a vacant site and there is no clear reason to resist issuing of planning permission in this instance as the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Development Plan, as supported by the National Planning Policy Framework, when taken as a whole. On this basis 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.

**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)

**AL for 12/10/2021 PROW Panel**

## **Planning Conditions**

### **1. Full Permission Timing Condition (Performance)**

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

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

### **2. Noise & Vibration (external noise sources) (Performance)**

The development hereby approved shall be completed in line with the recommendations set out in the Environmental Noise Impact Assessment Report Reference SA – 5191 / RV.01 dated 30th October 2017. The measures implemented shall be retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

### **3. Landscaping, lighting & means of enclosure detailed plan**

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, hard surfacing materials, structures such as benches and seating areas and ancillary objects (raised beds etc);
- ii. planting plans; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of two-for one replacement for the removed trees unless circumstances dictate otherwise and agreed in advance;
- iv. provision of additional trees to be agreed;
- v. details and location of bat and bird boxes;
- vi. details of any proposed boundary treatment, including retaining walls and;
- vii. 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 which shall be retained for the lifetime of the development.

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

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

#### **4. Cycle storage facilities (Pre-Commencement Condition)**

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

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

#### **5. Refuse & Recycling (Pre-Commencement)**

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

#### **6. Refuse management plan (Pre-Commencement Condition)**

Prior to commencement a refuse management plan shall be submitted to and be agreed in writing by the Local Planning Authority which sets out refuse strategy for the movement of refuse bins from the units to a collection point and back to the storage areas. The collection point should be within 10m of either the public highway or the route of the refuse vehicle. The approved refuse management plan shall be implemented and retain unless agreed otherwise by the Local Planning Authority.

Reason: In the interests of highway safety.

#### **7. Water efficiency (Pre-Commencement)**

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

The appliances/ fittings to be installed and retained as specified.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015)

#### **8. Sustainable Drainage Systems (Pre-Commencement)**

Prior to the commencement of development a specification for the proposed sustainable drainage system (including green roofs) shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

#### **9. Ecological Mitigation Statement (Pre-Commencement Condition)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme before any demolition work or site clearance takes place. The agreed scheme shall be installed and retained as approved.

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

#### **10. Amenity Space Access (Pre-Occupation)**

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

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

#### **11. Parking layout (Pre-Occupation)**

The parking spaces hereby approved shall be provided prior to the development first coming into occupation and the parking spaces shall be 2.4m wide by 5m deep. The spaces shall be allocated on a no more than 1 space per dwelling basis.

Reason: To prevent obstruction to traffic in neighbouring roads, to ensure at least 17 flats have access to a parking space given the Council's standards, and in the interests of highway safety.

### **12. Tree survey plan (Pre-Commencement)**

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

### **13. Arboricultural Method Statement (Pre-Commencement Condition)**

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

### **14. Arboricultural Method Statement (Performance)**

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

### **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. Approved Plans (Performance)**

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

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

**Notes to Applicant**

**Community Infrastructure Liability (Approval)**

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

**Southern Water - Public Sewerage**

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team ([www.southernwater.co.uk](http://www.southernwater.co.uk))

**Application 20/01367/FUL  
APPENDIX 1**

Habitat Regulation Assessment (HRA)  
Screening Matrix and Appropriate Assessment Statement

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

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report

Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.

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

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

should have provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

## Stage 2 - HRA screening assessment

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

### Solent SPAs

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

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



the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

### **The New Forest**

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

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

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

### **Stage 3 - Appropriate Assessment**

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

#### **Solent SPAs**

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

*Within Southampton the Council will promote biodiversity through:*

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

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

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

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

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

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

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

### **New Forest**

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

*Within Southampton the Council will promote biodiversity through:*

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

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

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

The proposed development will generate a CIL contribution, and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

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

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

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

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2021.

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

#### **Summary of Natural England's comments:**

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such

cases Natural England will not require a Regulation 63 appropriate assessment consultation.

**Application 20/01367/FUL**  
**APPENDIX 2**

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to Residential Use
H7	The Residential Environment
REI11(xiv)	Light Industry
HE6	Local area of archaeological potential

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

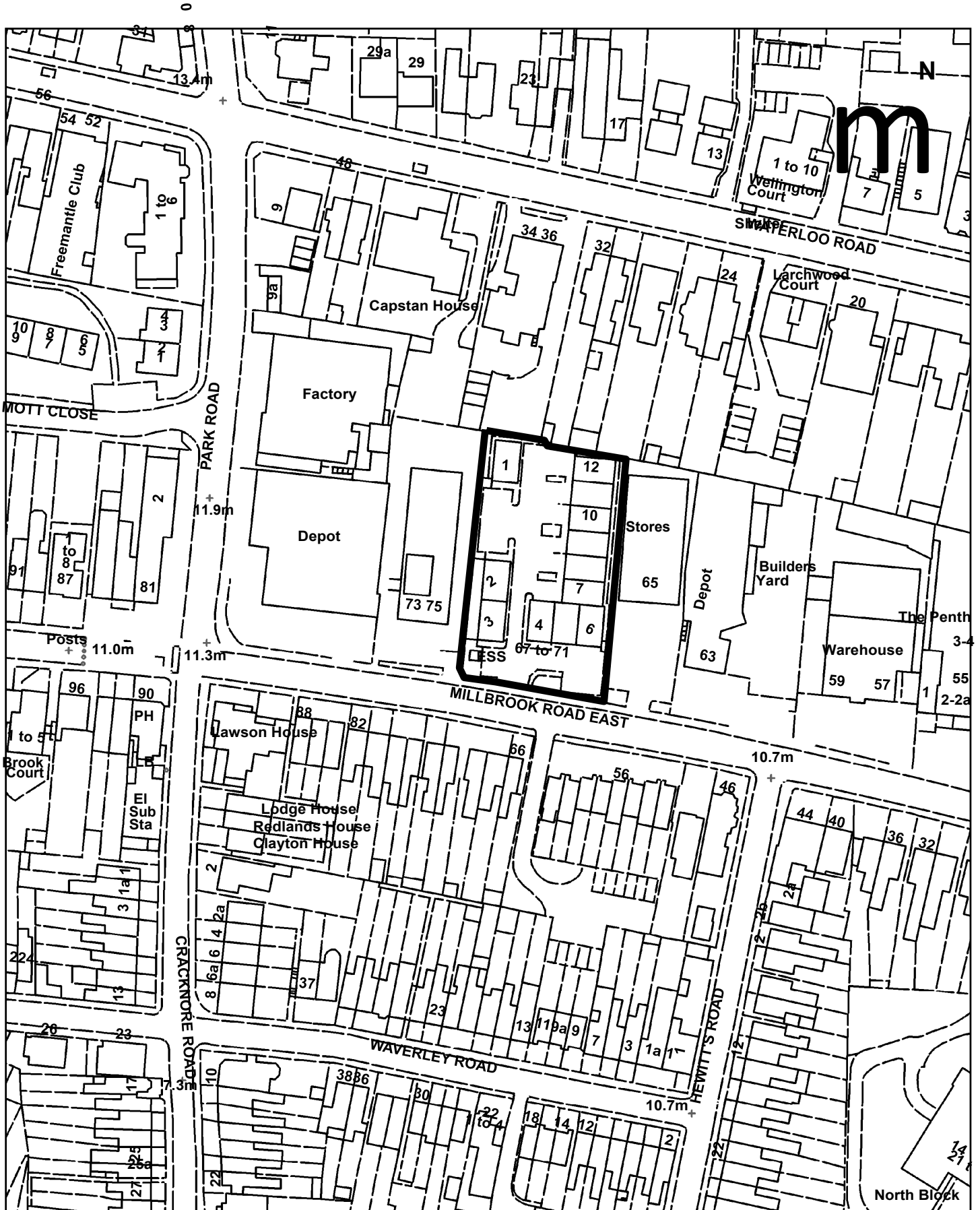
The National Planning Policy Framework (2021)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
Unit 1 19/00700/PA5 6	Prior approval for a change of use from office use (Class B1(a)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 2 19/00699/PA5 6	Prior approval for a change of use from office use (Class B1(a)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 3 19/00698/PA5 6	Prior approval for a change of use from office use (Class B1(a)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 4 19/00697/PA5 6	Prior approval for a change of use from office use (Class B1(a)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 5 19/00696/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 6 19/00695/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 7 19/00694/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 8 19/00692/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 9 19/00691/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020

Unit 10 19/00689/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 11 19/00687/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020
Unit 12 19/00686/PAB 8	Prior approval for a change of use from premises in light industrial use (Class B1(c)) to 2 x one bed flats (Class C3)	Objection and Appeal dismissed	12.06.2019 and 24.02.2020

# 20/01367/FUL



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679