

Planning and Rights of Way Panel 14th December 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 158-160 Shirley Road, Southampton			
Proposed development: Part demolition of existing buildings for conversion from Retail unit and workshop (Class E Use) to form 3 dwellings (2 x 2 bed, 1 x 4 bed) and erection of 1 x 3 bed dwellings with associated works (Description Amended on 09.11.21 - reduction of 1 dwelling fronting Lisbon Road)			
Application number:	21/01402/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	21.12.2021 (Extension of time secured)	Ward:	Freemantle
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Windle Cllr Shields Cllr Leggett
Referred to Panel by:	Cllr Shields	Reason:	Increased kerbside pressure to street parking
Applicant: Mr Ash Bajar		Agent: Mr Rob Wiles Concept Design & Planning	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies

Recommendation in Full

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

2. Delegate to the Head of 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:

- Contribution towards the Solent Disturbance Mitigation Project to mitigate impact on European designated sites due to an increase in recreational disturbance.

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.

1. The site and its context

1.1 The site has an area of 526sqm with frontages on Shirley Road and Lisbon Road, located approximately 286m from the southern edge of Town Centre. The site comprises linked commercial premises occupying 100% site coverage, including a 2 storey terraced property comprising a motorbike retail shop with shopfront (Shirley Road) and a single storey workshop (Lisbon Road). The surrounding area is mainly characterised by 2 storey buildings with a mix of commercial premises and suburban residential housing.

1.2 Street parking in Lisbon Road is controlled by a residents parking scheme (southern side – visitors return within 1 hour) and no waiting from 08:00-18:00 Mon to Sat (northern side). Further to the east of Shirley Road, the majority of streets in a 200m radius are controlled parking permit and no waiting controls (Park Road, Kingston Road, Queenstown Road, Princes Road, Andover Road, Paynes Road, Cawte Road, Sir Georges Road).

2. Proposal

2.1 The proposal seeks to convert and part redevelop the existing commercial premises into 4 homes (2 x 2-bed; 1 x 4-bed; 1 x 3-bed). Section 6.4 of the report identifies the garden and floorspaces sizes in relation to the minimum sizes as set out in the Nationally Described Space Standards (NDSS) and Residential Design Guide. The footprint of the new housing would sit within the existing terraced street frontage, abutting a commercial premises with flat above at 164 Shirley Road and 154 Shirley Road (converted in 4 flats). Proposed dwellings 1-3 (fronting Shirley Road) would enclose the existing parking forecourt to create walled front gardens and associated bin stores contained in a porch style canopy. The unadopted private trackway to the rear (entered from Lisbon Road serving the backs of the neighbouring Shirley Road

premises and 2-2a Lisbon Road does not form part of the application site red line and this route would not be obstructed.

- 2.2 Since the validation of the application, the applicant has amended and improved the residential layout and increase gardens sizes/separation distances for the group of dwellings. They have also changed the proposed units 4 and 5 fronting Lisbon Road (2 x 1 bed) by retrofitting and converting the existing single storey workshop building into a 3 bed dwelling.

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 2021. Paragraph 213 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 There is no relevant planning history for the site relating to the proposed development.

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 08.10.2021. At the time of writing the report **3 representations** have been received from surrounding residents and an objection from Ward Cllr Shield. The following is a summary of the points raised:

- 5.2 ***The additional parking demand will overflow onto nearby residential streets including Lisbon Road and Shirley Road causing further pressure to the capacity of kerbside street parking available for local residents.***

Response

The principle of car free residential development can be supported in this highly accessible location, which is served by regular bus services. Daytime parking controls for the nearby residential streets will further minimise the overflow parking in local streets within 200m of the site to the west Shirley Road.

The Council’s maximum parking standards would allow up to 6 parking spaces to serve this quantum of development in this location, but less than the maximum can be supported in accessible locations where there would be no adverse highway

safety impact.

- 5.3 ***Loss of amenity to neighbouring residents from overlooking and close proximity of building. Increased noise disturbance at night from additional comings and goings of residents and car doors shutting loudly.***

Response

The amendment of dwelling '4' to convert and reuse the shell of the existing workshop building, minimises any further impact on the amenity of the neighbouring occupiers of 2 Lisbon Road because there would be no change to built form. The additional activity associated with the dwellings is not considered to be uncharacteristic of the residential street whilst the planning system plans for reasonable behaviour.

- 5.4 ***Disruption and health and safety concerns caused by the necessary removal of existing asbestos roofs.***

Response

There are other legislative controls outside the planning system covering safe removal of the asbestos.

- 5.5 ***Overdevelopment of land available.***

Response

The proposed arrangement of the dwellings would significantly reduce the footprint coverage of the existing building. Furthermore the proposed density falls with the required range for this location and the reduction in the residential layout of the amended scheme offers a greater amount of amenity space for each individual dwelling.

- 5.6 ***Affect property value.***

Response

This is not a valid material consideration.

Consultation Responses

5.7

Consultee	Comments
Cllr David Shields	I wish to object to this application for a conversion to residential apartments as there is inadequate provision for off road parking in an area which already experiences severe problems in the neighbouring residential streets. <u>Officer Response</u> <i>The Council's parking standards and planning policies promote sustainable travel options where there is good accessibility to public transport, whilst the extensive parking controls in the local area will minimise the impact to local residents from parking overspill into neighbouring streets.</i>
Highways	No objection
Design Manager	No objection following amended plans to improve layout and garden sizes

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The site is not allocated for additional housing and the proposed dwelling would represent windfall housing development. Furthermore, the existing commercial premises are not safeguarded (fall outside the Shirley Town Centre defined shopping area under policy RE13 and RE15), however, marketing information supplied shows the vacant business premises has been marketed at competitive rates 6 months prior to the application without receiving any offers from future commercial operators. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. The city has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The development seeks to maximise previously developed land potential in accessible locations as promoted by the NPPF and saved local policies.

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

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, 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 proposed⁷; 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”

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).

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

6.2.5 Taking into account the benefits of the proposed development and the limited conflict with the policies in the development plan, the adverse impacts of granting planning

permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval.

6.2.6 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 over 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 amended proposal would achieve a residential density of 76 d.p.h which, whilst accords with the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.

6.3 Design and effect on character

6.3.1 The character of this section of Shirley Road frontage has a mixed variety of residential and commercial buildings and, therefore, the replacement the active commercial shop window frontage with the residential frontage would not adversely interrupt the character and appearance of the street scene. The conversion of the existing building maintains the 2 storey massing leading up to the corner of Lisbon Road, whilst the re-use of the existing workshop building reinforces the building lines and established pattern of development in Lisbon Road. The residential layout of the site is compact and tightly arranged, however, this is not out of keeping with the tighter urban grain typically seen in higher density urban locations such as Shirley Road, whilst the housing density comfortably falls within the expected range under policy CS5. The development results in a physical and visual betterment to the street scene by transforming the commercial use to a more compatible residential use in Lisbon Road and significantly reducing the existing level of build coverage across site.

6.4 Residential amenity

6.4.1 The amended scheme reduces the number of dwellings from 5 to 4 and therefore frees up more available space to provide amenities to serve the future occupiers of the new dwellings. 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) and the minimum garden sizes set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4).

6.4.2

Dwelling	Floor Size & Garden size sqm	National Standard & Minimum Garden	Compliance
1 (4 bed)	102 & 50	97 & 50	Y & Y
2 (2 bed)	84 & 50	70 & 50	Y & Y
3 (2 bed)	82 & 50	70 & 50	Y & Y
4 (3 bed)	93 & 50	84 & 90	Y & N

6.4.3 Apart from the garden size of dwelling '4', the rest of the scheme is compliant with the minimum standards. The garden size of dwelling '4' falls 40sqm short of the minimum standards, however, the south facing garden space provides a useable and good quality space for family dwelling. The opportunity to deliver an additional

family home on the site with a good living environment and the environmental benefits of re-using the existing building will therefore, on balance, outweigh the shortfall of amenity space. Furthermore, the local pattern of residential development is mixed with a variety of garden sizes with no overall defined character, so a smaller garden would not necessarily be out of keeping with the local context.

6.4.4 The 12m side to gable separation distances between the first floor windows of the proposed dwellings 2 & 3 are slightly under the minimum 12.5m distance required, however, the tighter urban arrangement of the proposed dwellings is not uncharacteristic of the established street pattern in the local area.

6.4.5 In terms of the impact on the nearest neighbours affected, the rear of 154 Shirley Road (south) does not have any rear windows affected by the rear projection of the proposed dwelling '1' and the adjacent rear hardstanding is used as parking. With the amended proposal of dwelling '4', the conversion and alteration of the existing workshop adjacent to the neighbouring property at 2 Lisbon Road will have a minimal impact on loss of light, outlook and privacy given the retention of the existing the footprint and massing. As such, officers consider that saved policy SDP1(i) has been satisfied.

6.5 Parking highways and transport

6.5.1 The Highways team has raised no objection to the proposed development with regards to the impact on highways safety. The additional trips generated by the development will not significantly impact on the local road network. Refuse and secure/covered cycle storage (in the rear gardens) can be secured by condition.

6.5.2 No off road parking is incorporated into the proposed development. The Council's maximum parking standards allows up to 6 off-street parking spaces. The applicant has not undertaken a parking survey as recommended best practice by the Council's 1APP validation list to assess the capacity of on-street parking in a 200m radius of the site (using the Lambeth model survey). In its absence officers have visited the site and recognise that there is an existing parking problem in the area that could be exacerbated by the proposed development (as supported by third party comments and the Ward Cllr). However, taking into consideration the existing uses (which would also have a parking demand) the sustainable location where car ownership may not be required, the existing parking restrictions, and the Census data for Shirley (2011) that car ownership in Freemantle is at roughly 70%, with nearly 49% having access to a single vehicle only, officers agree that a car free scheme is acceptable without directly impacted existing residential amenity.

6.5.3 As such, the principle of car free residential development can be supported as the Council's maximum parking standards does not require a minimum number of off-street spaces. The highly accessible location for public transport will discourage car ownership and encourage more sustainable transport use, whilst the daytime parking controls for the nearby residential streets will further minimise the overspill parking on local street parking within 200m of the site on west side of Shirley Road. The future occupiers will not be eligible for a resident's parking permit.

6.6 Likely effect on designated habitats

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

7. Summary

7.1 In summary, the site is located outside of Shirley Town Centre and the existing commercial use is not safeguarded. The delivery of housing to replace the vacant commercial premises outside the defined Shirley shopping area will assist in meeting identified housing need, and would be in keeping with the character and appearance of the area. The sustainable location and local street parking controls will minimise the overspill parking impact from the additional parking demand. Moreover the scheme is found to have an acceptable impact on residential and visual amenity, and highways safety.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to securing the SDMP mitigation through a S111 or S106 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) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Stuart Brooks for 14/12/21 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)

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

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

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

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

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

03. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

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

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

04. 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.

05. Unsuspected Contamination (Performance)

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

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

06. Use of uncontaminated soils and fill (Performance)

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

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

07. Energy & Water [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

08. Energy & Water [Performance]

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

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

09. Energy Efficiency - Conversion Dwelling 1,2 & 3 [Pre-Construction]

Confirmation of the energy strategy, that will achieve a reduction in CO2 emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. A minimum Energy Efficiency Rating of 70 post refurbishment (an EPC rating C) should be sought. 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. Amenity Space Access (Pre-Occupation)

Before the dwelling(s) hereby approved first come into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved for both the approved and existing dwellings. 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 and existing dwellings.

11. Residential - Permitted Development Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Reason: To protect the living conditions of the future occupiers given the small size of the plot and in the interests of residential amenity and visual amenities of the area.

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

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

- i. proposed finished ground levels or contours; means of enclosure; hard surfacing materials to include a non-permeable surfacing to prevent surface water run off onto the adjoining highway;
- 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/means of enclosure including front brick walls and;
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme 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. This is with exception to the other works approved to be carried out prior to occupation of the dwelling. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision and the other works shall be retained as approved 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

13. No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no 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 without the prior written consent of the Local Planning Authority.

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

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

15. Cycle storage facilities (Pre-Occupation)

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.

16. Approved Plans

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

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

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

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

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

Stage 1 - details of the plan or project

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

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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Stage 2 - HRA screening assessment

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

Solent SPAs

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

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

The New Forest

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

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

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

Stage 3 - Appropriate Assessment

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

Solent SPAs

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

Within Southampton the Council will promote biodiversity through:

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

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

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

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

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

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

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

New Forest

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

Within Southampton the Council will promote biodiversity through:

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

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

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural

sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

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

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

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

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

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

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

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

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

POLICY CONTEXT

Core Strategy (as amended 2015)

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

City of Southampton Local Plan Review (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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