

Planning and Rights of Way Panel 16th April 2024
Planning Application Report of the Head of Transport and Planning

Application address: Bevois Mansions, Bevois Hill Southampton			
Proposed development: Erection of a 3-storey building to create 2 x 1 bedroom flats with associated works including parking, amenity and stores. (Submitted in conjunction with 23/01589/LBC) (amended after validation to remove 'adjoining Bevois Mansions').			
Application number:	23/01588/FUL	Application type:	FULL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	ETA: 23.04.2024	Ward:	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors:	Cllr Finn Cllr Savage Cllr Barbour
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr Fred Piccinino		Agent: Kode Architecture	

Recommendation Summary	Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
Biodiversity Net Gain Applicable	No – This application pre-dates the requirement for BNG.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023). Policies – CS4, CS5, CS13, CS14, 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, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP22, NE1, HE3 H1, H2, H7 and TI2 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Appeal Decision 180A Manor Road North

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

1. The site and its context

- 1.1 1-5 Bevois Mansions are a group of listed buildings that flank the eastern side of Bevois Hill. The 3 storey terrace dates to the mid-nineteenth century, built of stucco facades and slate roofs and is set behind a series of front gardens and boundary walls fronting Bevois Hill. Linear gardens project out to the rear of the properties with a large unmade parking area further to the rear.
- 1.2 There is an existing vehicular access to the northwestern corner of the site, with an informal parking area along the northern boundary and ad-hoc euro bin storage along the northern side elevation of Bevois Mansions. Access continues around to the rear of the site to the rear of the terrace.
- 1.3 The site is bounded by a tree-lined perimeter to the northeastern corner and rear boundaries, with Thomas Lewis Way beyond. The north-western corner of the site, where the new building is now proposed, was once occupied by Bevois Villa, which was demolished in the 1980s – 1990s.

2. Proposal

- 2.1 The proposal is to build a new 3-storey, detached building comprising cycle storage and a communal garden room at ground floor with 2x 1 bed flats above; 1 at first floor, 1 at second floor. There is a communal garden area to the rear, enclosed with a fence.
- 2.2 This building was originally proposed to be attached to the existing terrace of Listed Buildings, but following negotiation it has been detached from the terrace to stand alone at the corner of the plot. A new, dedicated bin storage area is provided to the front of the new building, along with new planting beds.
- 2.3 The existing vehicular access is now widened to the south of the existing entrance, rather than to the north as originally proposed, to improve access and visibility. 1 existing parking space for Flat 3, 5 Bevois Mansions is re-provided to the rear of the new communal garden, alongside 2 parking spaces for the 2 new flats. The existing open parking area to the rear of Bevois Terrace now remains unchanged.
- 2.4 A Listed Building Consent application (ref: 23/01589/LBC) was submitted in conjunction with this full application, but has since been withdrawn, because the new building is no longer connected to the Listed Terrace and the affected boundary wall is of modern construction. As such, Listed Building Consent is no longer required.

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

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 3** of this report.
- 4.2 A previous application for full planning permission was made in 2021 under ref: 21/01344/FUL. This application was for two new detached dwellings; 1x 3 bed dwelling at the corner of the plot and 1x 2 bed dwelling to the rear of the plot. There were concerns for the new dwelling to the rear of the plot and, following ongoing discussion with officers, the application was eventually withdrawn in favour of this current amended scheme for flats.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the original planning application, and following the subsequent submission of amended plans, publicity exercises in line with department procedures were undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 22.12.2023. At the time of writing the report **14** representations have been received from surrounding residents: 11 Object, 2 Support, 1 Neutral. The following is a summary of the points raised:

5.2 Comments in Support

- 5.2.1 **The proposal is not out of character with the current buildings or surrounding area. The design of the new building reflects the existing buildings and is an improvement over the previously proposed scheme (21/01344/FUL)**
Response:
Supporting comments are noted.
- 5.2.2 **Support using inner-city space for much needed housing, in line with planning policy.**
Response:
Supporting comments are noted.
- 5.2.3 **The refuse storage area and visibility for the access onto the highway will be improved, benefitting most residents and wider public.**
Response:
Supporting comments are noted.

5.2.4 **Whilst there is some loss of parking area to the side of Bevois Mansions, this is mainly used by other people who live locally, rather than residents of Bevois Mansions and their visitors.**

Response:

Supporting comments are noted. Parking provision is discussed in more detail in the planning considerations further below.

5.3 **Comments Objecting**

5.3.1 **The proposed design and modern materials would harm the character of the existing Listed Terrace. The zinc roof, brickwork, render and double glazing would not be in keeping. A closer recreation of the existing terrace would look better here.**

Response

The zinc roof has now been amended to slate to respect the materials used on the existing Listed Terrace. Further details of the design are considered in more detail below.

5.3.2 **Existing occupiers of Bevois Mansions have been refused permission to install double glazing, so it should not be allowed here.**

Response

Every application is considered on its own merits. The proposal is for a new building, not changes to an existing Listed Building. Details of design and materials are discussed further in the planning considerations below.

5.3.3 **The zinc roof and attaching the new building to existing buildings will result in excessive noise for neighbouring residents.**

Response

The zinc roof has now been replaced with slate and the building is no longer attached to the existing terrace.

5.3.4 **The development will result in increased noise and disturbance for neighbouring residents due to increased traffic and movements on site.**

Response

Impacts on neighbouring residents are discussed in the planning considerations below.

5.3.5 **Construction will cause noise, disruption and access issues for residents.**

Response

The plans have been amended to move the new building to the north of the site, so access during construction will be more manageable. A condition is recommended to secure a construction management plan to control issues of access, noise, dust and disruption during construction.

5.3.6 **The proposed building will result in loss of sunlight and loss of privacy to properties opposite the site and to the gardens of adjoining properties in Bevois Mansions.**

Response

Impacts on neighbouring residents are discussed in the planning considerations below.

5.3.7 **Loss of existing parking to the side of Bevois Mansions. The new development will exacerbate existing parking issues.**

Response

An assessment of the existing and proposed parking provision is made in the planning considerations below.

- 5.3.8 **The number of existing parking spaces described on the plans is incorrect. There are more than 10 existing parking spaces. Residents' deeds have been submitted to show allocated parking spaces. Loss of parking spaces to the rear of the site.**
Response
The plan has been amended to indicate the affected allocated parking spaces from residents' deeds. The rear parking area is no longer being changed, only the area to the side of Bevois Mansions. An assessment of the existing and proposed parking provision is made in the planning considerations below.
- 5.3.9 **The applicant has no right to build on / change residents' parking spaces. Residents will legally challenge the building works. The Council should be checking rightful ownership of the land.**
Response
The applicant has correctly signed ownership Certificate A on the application form. They are the sole owner of the land within the red line. Whilst residents have an agreement to park within this area on their deeds, this does not constitute ownership for the purposes of this application. This dispute is a civil matter to be negotiated outside of the planning process.
- 5.3.10 **The proposed undercroft vehicular entrance design will impact access for large vehicles i.e. deliveries, refuse collections and emergency vehicles. Larger vehicles waiting on the road to deliver / enter the site will cause hazard at the junction and will obstruct the cycle lane.**
Response
The plans have been amended to remove the undercroft access design and widen the access and passing point at the entrance, allowing all vehicles to enter the site, and for entering and exiting vehicles to pass each other within the site. This is discussed in more detail in the planning considerations below.
- 5.3.11 **Widening the entrance towards the nearby junction and pedestrian crossing will harm highway safety.**
Response
The plans have been amended to widen the entrance towards the south of the site, away from the junction. This is discussed in more detail in the planning considerations below.
- 5.3.12 **How will the access gates be managed? Will they be locked?**
Response
A condition is recommended to ensure that residents retain access to the rear of their properties.
- 5.3.13 **How will rainwater runoff be managed where the new building is attached to the existing terrace? The proposal should allow the existing owner access to their outer wall for maintenance.**
Response
The building is no longer attached to the existing terrace.
- 5.3.14 **The applicant previously felled trees and vegetation along the northern site boundary. Any further loss of vegetation would be unacceptable.**
Response
The rear parking area is now being retained as existing. Some replacement trees have been indicated as part of the proposal and further details of landscaping improvements and the proposed tree planting will be secured via condition.
- 5.3.15 **Existing owners did not expect a new property to be built alongside Bevois Mansions. The new building will harm property values.**

Response

Each application is assessed on its own merits. Private property values cannot be considered as a material planning consideration.

5.3.16 **Is this site affected by the Conservation of Species and Habitats Regulations 2017?**

Response

The proposal is subject to a Habitats Regulation Assessment, which is included at the end of this report as **Appendix 1**.

Consultation Responses

5.4

Consultee	Summary of Comments
Cllr Anne Finn	<p>The new plans are an improvement on the originals as there is better access. However, I remain concerned about the impact to the designated cycle route during construction when there will be heavy vehicles potentially blocking the route and the separate cycle path does not start until just below Bevois mansions. I am also not totally convinced that larger vehicles will be able to get in after the flats are built.</p> <p>The concerns I raised in the original objections about the style of the property has not changed. The proposed flats are between listed buildings on the one side and Ascupart House which is a Herbert Collins building on the other side. The flats being proposed are still modern in style and do not blend in with the environment and property around it.</p> <p>I am also concerned for the stress of the current residents of the property. I am not against new flats being built if appropriate but there is a dispute about the land involved. We need new homes. However, residents have shown me their deeds showing that the parking spaces included in land to be built on are actually theirs and they will not be allowing their land to be used for the new build. So, I see no point in this being agreed in principle if the build won't happen anyway. The issue is causing a lot of distress to the residents living there who are having to seek legal advice and it is a big worry for them.</p>
Highways Development Management	<p>Updated comments 28.03.2024:</p> <p>Although the proposed use will add some additional trips to the existing access, I feel the improvements made to the access, which is fairly poor, outweigh the impact of the new unit. Furthermore, the current area where the proposed building will be can arguably be used as parking which in terms of vehicular movements, could result in a reduction from a land use perspective.</p> <p>The widening of the access will provide a better passing point for two vehicles as well as more space for non-vehicular modes as well as improving how vehicles can turn in and out of the access. The area to the front will be cobbled but a condition should be sought to ensure that the detailed design and installation of cobbles should be suitable for wheelchair access and potential wheelie bins. Regarding</p>

	<p>bin access, consider potential for a direct access to the bin collection point so the waste collection team can access the bins off the footway without going over the cobbled area, in case the cobbled surface is unsuitable.</p> <p>Removal of front boundary walls and angled planting to the front will improve pedestrian sightlines which will also be provided simply by the widening access as vehicles can utilise more space to get in a better position when egressing. However, it is requested that the wall to be reduced further in height and extent so that vehicular sightlines are improved looking right when exiting (and vice versa). This would help address potentially vehicles turning into the access quicker due to the easier manoeuvre.</p> <p>Overall, the proposed works to the access will improve highway safety and usability which will mitigate the impact from one additional dwelling. As such, it is recommended for approval subject to conditions to secure:</p> <ol style="list-style-type: none"> 1) Hard surfacing. Either the cobbled area to be designed and installed so it does not make wheelchair and bin access difficult or alternatively, alter the material to a more smooth surface. 2) Access and Passing point. Dimensions for the access widening and the passing point as shown on the amended site plan to be provided prior to occupation and maintained and kept clear at all times 3) Front Boundary wall. The front boundary wall to be splayed as shown adjacent to the vehicular access and the rest of the front wall up to building line to have a height restriction of 1m to improve vehicular sightlines. Height restriction to be retained and maintained for the duration of the development.
<p>Historic Environment Officer</p>	<p>The revisions shown on the amended drawings A202 Rev E and A203 Rev F illustrates that the under-croft has been omitted and that the new dwelling would now be separated from the row of the listed buildings to the south. The new access through to the rear would be enclosed by timber gates, the modern front/side boundary wall would be re-ordered, and a render finish would be employed rather than painted brick. All these changes would be welcomed. As such, no objections would be raised for a conservation perspective and my previous comments stand:</p> <p>The modern design would create a dwelling of a traditional size and scale and would employ a matching cascading pitch roofline. The fenestration has been designed to respect the rhythm of the existing character of the adjacent terrace employing proportional windows in surrounds and a porch canopy, but in a contemporary style. In doing so, the building, whilst modern, would neither compete nor obscure the quality of the adjacent listed terrace, and at 3 storeys in height, and by employing a slight set back in the building line, would also ensure that the new unit would not dominate the corner plot, or disrupt the views south through to the terrace from the top of Bevois Hill Road. As such, given that a building once occupied this area of land, and that the original</p>

	<p>surroundings of the terrace has been heavily modified, the proposed new build with its modern contemporary design would be considered to have a neutral impact, and hence cause no adverse harm, to the setting of the adjacent listed terrace. The proposals would be difficult to refuse from a conservation perspective on this basis`.</p>
<p>Urban Design Manager</p>	<p>No objection to recent amendments, but recommend that the gates are positioned a maximum of 0.5m back from the front building line, and to be higher and more solid for security. Also note that there is no gate preventing access to the rear amenity from the footpath shown to the north of the building.</p> <p>Updated comments 05.02.2024: Generally feel this overall is a better design solution as evidenced by the 3d views. Just a few points</p> <ol style="list-style-type: none"> 1. Recommend solid gates between the existing and proposed buildings to help secure the rear car park/properties. 2. The area of surfacing forward of the building line should be cobbled not tarmac or loose surfacing to give a more appropriate setting to both the existing and proposed buildings. 3. Although I don't have an issue with a landscape strip next to the existing building, a maintenance regime would be required to ensure that this strip is well maintained, otherwise it could soon deteriorate. Recommend having this strip on the north side so it would be both physically and visually all within the new building's maintenance responsibility.
<p>City of Southampton Society</p>	<p>Updated comments: We object to the separation of the new building from the rest of Bevois Mansions. The earlier design, when the addition was all but attached to the original row of buildings, presented a far more pleasing visual aspect. The latest design is disjointed and the new building has lost any connection with the original row of houses. It looks oddly insular and is not a pleasing design in its own stand-alone situation.</p> <p>We are aware of the concerns of local residents about the ownership of the land to the rear of the buildings but, as we understand it, this is not a planning issue so we will not be commenting on this aspect of the application.</p> <p>Original comments: We are mindful of the concerns expressed by existing residents of Bevois Hill, but we feel this application is an improvement on the earlier one (21/01344/FUL).</p> <p>The design of the new building reflects the existing buildings but uses modern materials and in our opinion is not obtrusive or overbearing. The provision of designated hard surface parking would appear to be an improvement on the current position. The provision of formal waste collection facilities and a cycle store is an improvement on the present position. We will however defer to the council's Heritage Officer as to whether the design compromises</p>

	the adjacent Listed Buildings.
CIL Officer	<p>The development is CIL liable as there is a net gain of residential units. The residential CIL rate is currently £119.06 per sq. m to be measured on the Gross Internal Area floorspace of the building.</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>
Contamination	<p>The proposed land use is sensitive to the effects of land contamination. Records indicate the site is located on/adjacent to the following existing and historical land uses;</p> <ul style="list-style-type: none"> - Factory (50m to E) - Works (65m to S) - Reclaimed land (80m to SE) <p>These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. To facilitate this I recommend the following conditions;</p> <ul style="list-style-type: none"> • Land Contamination investigation and remediation (Pre-Commencement & Occupation) • Use of Uncontaminated Soils and Fill (Performance) • Unsuspected Contamination (Performance)
Environmental Health	<p>No objections in principle. Note that the applicant recognises noise from Thomas Lewis Way may cause nuisance and has therefore specified improved windows. Recommend conditions as follows:</p> <ul style="list-style-type: none"> • Installation of improved glazing (as stated in the design and access statement). • Hours for construction and demolition work. • No bonfires. • A construction and demolition management plan showing measures to suppress dust and measures to control noise on site, in order to protect the local neighbourhood.
Sustainability	<p>It is recommended that the “Southampton City Council Energy Guidance for New Development” is followed in regard to energy.</p> <p>It is unclear what the energy strategy for the development is, this should avoid fossil fuel energy sources, and provide an efficient solution which does not result in high fuel bills for future occupiers. Both solar panels and air source heat pumps should be integrated</p>

	<p>into the design, if they are to be provided. There is insufficient information in the application to demonstrate sustainability policies will be met. It is recommended that these points are addressed before any approval.</p> <p>However, If the case officer is minded to approve the application, the following conditions are recommended in order to ensure compliance with core strategy policy CS20</p> <p>Water & Energy [Pre-Construction] Water & Energy [Performance]</p>
Trees & Open Spaces	<p>Previous screening for residents has been removed following the felling of mature trees on site. There is no impact to remaining trees on site and therefore no objections, however I would like to see a robust landscaping design and maintenance to ensure some natural amenity is reintroduced to the site long term.</p>
Natural England	<p>Recreational impacts on the New Forest SAC, SPA and Ramsar – Objection. As submitted, we consider it will have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers. There is not enough information to demonstrate that the impacts will be mitigated.</p> <p>Deterioration of the water environment - No objection subject to mitigation.</p> <p>Recreational disturbance Solent SPAs - No objection subject to mitigation.</p>
Southern Water	<p>Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.</p>

6.0 Planning Consideration Key Issues

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

- The principle of development
- Design and impact on heritage assets
- Residential amenity
- Air Quality and the Green Charter
- Parking highways and transport
- Likely effect on designated habitats

6.2 Principle of Development

6.2.1 The principle of additional housing is supported. The site is not allocated for additional housing, but the proposed dwellings would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our

saved policies, seek to maximise previously developed land potential in accessible locations.

- 6.2.2 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. [the so-called “tilted balance”]
- 6.2.3 There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council’s five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.
- 6.2.4 Whilst the site is not identified for development purposes, the NPPF requires planning decisions to promote an effective use of available land, and the Council’s policies promote the efficient use of previously developed land to provide housing.
- 6.2.5 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium 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 19 d.p.h which is below the range set out above, however it is noted that this figure is skewed by the large parking area within the red line and the proposal 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 Impact on Heritage Assets
- 6.3.1 The proposal is considered appropriate for its context in terms of its design, proportions, and materials. Whilst it is recognised that some residents have concerns regarding the modern style of the design conflicting with the existing Listed Buildings, this design approach is not inappropriate and is supported by the Council’s Historic Environment Officer and Urban Design Manager.
- 6.3.2 The statutory tests for the proposal, as set out in sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the adjacent Listed Buildings, their setting or, any features of special architectural or historic interest. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the Listed Buildings having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
 - The desirability of new development making a positive contribution to local

character and distinctiveness.

In accordance with para 200 of the NPPF, an assessment of the significance of the adjacent Listed Buildings is set out in the submitted Heritage Statement.

The proposed new building, whilst modern, would neither compete nor obscure the quality of the adjacent listed terrace, and would not dominate the corner plot, or disrupt the views south through to the terrace from the top of Bevois Hill Road. As such, given that a building once occupied this area of land, and that the original surroundings of the terrace have been heavily modified, the proposed new build with its modern contemporary design would be considered to have a neutral impact, and hence cause no adverse harm to the setting of the adjacent listed terrace.

On this basis, in accordance with sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would have a neutral impact on the character and appearance of the adjacent Listed Buildings and their setting.

6.4 Residential amenity – Future occupiers

6.4.1 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 (37sqm with shower)) and the minimum garden sizes of 20sqm per flat set out in the Council's Residential Design Guide SPD (RDG - para 2.3.14 and section 4.4). NDSS - [Title \(publishing.service.gov.uk\)](https://www.gov.uk/publishing-service)

Floor/Flat	Floor Size & Garden size	National and Local Minimum Standards	Compliance
First floor - 1 bed flat	38m ²	37m ²	Yes
Second floor - 1 bed flat	38m ²	37m ²	Yes
Communal amenity space	Garden 38m ²	20m ² per flat (40m ² total)	No
	Garden Room 14.5m ²		

6.4.2 The proposed new flats would have a good level of light and outlook with dual aspect habitable room windows to the front and rear elevations, and would provide a good quality of internal living environment. The flats share access to an enclosed garden of 38m², accessed via a communal garden room.

6.4.3 Whilst the external garden amenity space falls slightly below the 40m² total minimum size given in the RDG, the shortfall is minor, and officers note that an additional communal garden room is provided with patio doors opening out into the garden area. In addition, cycle storage is provided internally at ground floor, so this does not eat into the external amenity space available to residents.

6.5 Residential amenity – Neighbouring occupiers

6.5.1 The impact of additional comings and goings generated by 2x 1 bed flats is not considered to be significantly harmful in terms of noise and disturbance for existing residents of Bevois Mansions, particularly when considering the location of the site on a busy junction close to the City centre and local centres of Bevois Valley and Portswood.

6.5.2 The new building has been moved closer the northern boundary of the plot, meaning it is no longer physically connected to the existing terrace, so concerns regarding noise transfer through the building are avoided. Similarly, the roof material has been changed from zinc to slate, addressing residents' concerns for external noise nuisance.

6.5.3 Given the separation distance of 23m to neighbouring dwellings on the opposite side of Bevois Hill, and the intervening busy public road, the proposal is not considered to result in harmful loss of light or loss of privacy for these neighbouring dwellings.

6.5.4 The new building is positioned to the North of the existing terrace of Bevois Mansions, and the footprint of the proposed building follows the front and rear building lines of the existing terrace, so it would not result in harmful overshadowing or overbearing impacts, or loss of privacy for existing occupiers.

6.6 Air Quality and the Green Charter

6.6.1 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.

6.6.2 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.

6.6.3 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/m³. 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

6.6.4 The application has addressed the effect of the development on air quality and the requirements of the Green Charter by locating new residential development in a sustainable location with good access to public transport and local facilities and services. In addition, good quality storage is provided for both long stay and short stay visitor cycles to encourage alternative modes of transport. A condition is also recommended to secure an appropriate scheme of energy and water efficiency measures.

6.7 Parking, Highways and Transport

6.7.1 The application site is located in a highly sustainable location, just 10m outside of the Portswood high accessibility bus corridor, approximately 200m from Bevois Valley Local Centre and 400m from Portswood District Centre. The proposal provides 1 parking space for each new 1 bed flat, meeting the Council's maximum parking standard of 1 space per flat, as given in the Parking Standards SPD.

- 6.7.2 The proposed new building and its amenity space would be located in an informal parking area to the north of Bevois Mansions, which has recently been let by the applicant to external operators. Residents have identified this area as providing 6 visitor parking spaces and an allocated parking space for Flat 3, No.5 Bevois Mansions according to their title deeds. The parking space for Flat 3, No.5 Bevois Mansions has been re-provided within the proposed scheme, close to its existing position.
- 6.7.3 The rest of the existing allocated residents' parking spaces and 2 existing visitor parking spaces to the rear of the site remain unchanged following receipt of amended plans.
- 6.7.4 The assessment of parking impact therefore centres on the loss of 6 potential visitor parking spaces. The Council's Highways Officer has advised they have no objection to the scheme and that the loss of existing visitor parking spaces is a matter of parking amenity, rather than of highway safety.
- 6.7.5 The Council's maximum parking standards refer to the provision of parking per dwelling, they do not set a standard for additional visitor parking. The proposal meets the maximum parking standard for the proposed new dwellings and retains the existing allocated residents' parking spaces and 2 visitor parking spaces to the rear of the site for the existing dwellings.
- 6.7.6 The roads immediately surrounding the development are largely restricted for parking by double yellow lines. The closest unrestricted roads within a 200m radius of the site are Rigby Road, Spear Road and Lawn Road. The new flats would not be entitled to residents parking permits. Whilst it is noted there may be some potential parking displacement due to the proposed development, this impact is anticipated to be minor, considering the highly sustainable location of the site and the fact that the area in question has been recently rented out to external operators, so has not been available to residents for use.
- 6.7.7 The application site lies within Portswood Ward and houses on the opposite side of Bevois Hill lie within Bevois Ward. According to the recent 2021 Census data, Bevois Ward has the lowest car ownership rate in Southampton with only 55.5% of households owning 1 or more cars. Portswood ward has the 4th lowest car ownership rate with only 69.6% of households owning 1 or more cars.
- 6.7.8 A parking survey has not been provided regarding the loss of 6 potential visitor parking spaces, however the Council's Parking Standards SPD only requires a parking survey in cases where developers are proposing less than the maximum parking standard on site. In this particular case, the proposal has met the Council's maximum parking standards, and the lack of a parking survey is not considered to present a reason for refusal when considered against the overall economic and social benefits of the scheme in providing much needed housing in a highly sustainable location, the low car ownership rate of this ward and the neighbouring ward, and the benefits of improving the appearance of the site with formal bin storage and an improved landscaping offering.
- 6.7.9 It is also worth noting that a Planning Inspector has accepted a similar situation without a parking survey in the appeal decision letter for 180A Manor Road North (Appeal ref: APP/D1780/W/17/3189600 – Application ref: 17/01215/FUL). A copy of this appeal decision is included at **Appendix 4**. In this case, the proposal was to replace the existing block of 3 parking garages to the rear of the main property with a 2 bed dwelling with no on site parking. Whilst the Inspector dismissed the proposal on other grounds, they accepted the appellant's argument that the garage parking spaces had not been used for many years, also accepting that the existing dwelling and new dwelling on site would rely wholly on on-street parking, reasoning that the likely minor overspill parking impact would not cause harm to local parking amenity.

- 6.7.10 Access – The proposal has been amended to widen the vehicular access to the south of the entrance, rather than to the north, as originally proposed, to address concerns of the Highways Officer and residents. The proposal involves removal of some of the existing front boundary wall to provide improved sightlines towards the north and south of the entrance. The new building has also been moved towards the north of the site to extend the proposed passing point to ensure there is ample passing space for vehicles both entering and exiting the site, avoiding obstruction of the highway and improving the existing situation. The Highways Officer has no objection to these amended plans.
- 6.7.11 Bin Storage – The proposal provides a betterment on site with a formal communal bin storage area large enough to serve both the existing and proposed dwellings, and close to the existing bin storage position. The bin storage area will be screened behind the existing front boundary wall, improving the visual appearance of the site and level access is provided for refuse collection teams. Further detail of the proposed cobbled surface material is requested via condition to ensure that the final product is selected to provide safe and convenient access on bin collection days and for wheelchair access.
- 6.7.12 Cycle Storage – The proposal provides 1 long stay cycle parking space for each new flat within secure internal lockers at ground floor within the new building, meeting the minimum standard given in the Parking Standards SPD. 1 short stay visitor cycle parking space is also provided at ground floor.

6.8 Likely effect on designated habitats

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

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

Case Officer Anna Coombes

PROW Panel 16.04.2024

PLANNING CONDITIONS

Conditions:-

01. Full Permission Timing (Performance)

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

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

02. Approved Plans (Performance)

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

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

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

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

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

04. 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.

05. 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 means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, external lighting, gates, structures and ancillary objects (refuse bins etc.);
- (ii) hard surfacing materials including permeable surfacing where appropriate. Details of the suitability of the cobbled surface for wheelchair access and bin collection, or alternative surface materials if access is unsuitable.
- (iii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); A schedule of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iv) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (v) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme.

Note: Until the sustainability credentials of artificial grass have been proven it is unlikely that the Local Planning Authority will be able to support its use as part of the sign off of this planning condition.

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

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

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

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

06. Sightlines (Pre-Occupation Condition)

The visibility splay and sightlines provided by the amendments to the front boundary walls shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The section of wall between the front boundary line and the front building line shall not exceed 1m in height to improve vehicular sightlines. The visibility splays and wall height restriction shall be retained as approved for the lifetime of the development.

Reason: To improve vehicular sightlines in the interests of highway safety.

07. Access, Passing Point and Parking (Performance Condition)

The proposed vehicular access width, passing point and parking spaces shall be provided in accordance with the approved plans prior to the first occupation of the development hereby approved and shall be retained thereafter for the lifetime of the development.

Reason: To ensure sufficient space for safe vehicular movements entering and exiting the site, in the interests of highway safety, and in the interests of local parking amenity.

08. Gates - Access Management (Performance)

Access to the rear of the site via the proposed timber gates shall be made available at all times for the use of occupiers of both the existing and proposed dwellings onsite.

Reason: To ensure access to existing and proposed parking areas in association with the existing and approved dwellings.

09. Refuse & Recycling and Cycle Storage (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling and the storage for cycles shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity and to encourage cycling as an alternative method of transport.

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

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

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior

to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority

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

11. Use of Uncontaminated Soils and Fill (Performance)

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

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

12. 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.

13. Glazing- Soundproofing from external noise (Performance)

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation shall be installed in accordance with the glazing specification given in the submitted Design and Access Statement, namely:

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

Any trickle vents must be acoustically rated. The above specified glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason: In order to protect occupiers of the flats from traffic noise.

14. Construction Management Plan (Pre-Commencement)

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

(a) parking of vehicles of site personnel, operatives and visitors;

(b) loading and unloading of plant and materials;

(c) details of cranes and other tall construction equipment (including the details of obstacle lighting)

(d) details of temporary lighting

(e) storage of plant and materials, including cement mixing and washings, used in constructing the development;

(f) treatment of all relevant pedestrian routes and highways within and around the site

throughout the course of construction and their reinstatement where necessary;
(g) measures to be used for the suppression of dust and dirt throughout the course of construction;
(h) details of construction vehicles wheel cleaning; and,
(i) details of how noise emanating from the site during construction will be mitigated.
The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

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. Water & Energy [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum 100 Litres/Person/Day internal water use. A water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the design.

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

17. Water & Energy [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved 100 Litres/Person/Day internal water use in the form of a final water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval. It should be demonstrated that SCC Energy Guidance for New Developments has been considered in the construction.

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

18. Nitrogen Mitigation Scheme (Pre-Occupation Condition)

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

the council.

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

Habitats Regulations Assessment (HRA)

Application reference:	23/01588/FUL
Application address:	Bevois Mansions Bevois Hill Southampton
Application description:	Erection of a 3-storey building adjoining Bevois Mansions to create 2 x 1 bedroom flats with associated works including parking, amenity and stores. (Submitted in conjunction with 23/01589/LBC).
HRA completion date:	20 March 2024

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

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

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project: European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations	<ul style="list-style-type: none"> ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ River Itchen SAC ▪ New Forest SAC

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

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

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

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

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

A full list of the qualifying features for each site is provided at the end of this report. The

development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

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

Conclusions regarding the likelihood of a significant effect

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

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

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

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

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

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

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

The conservation objective for Special Protection Areas is to, *“Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying*

features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

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

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

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

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

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

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

Disturbance

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

Sites considered: Solent and Southampton Water SPA

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

Collision risk

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

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that

the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

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

New Forest SPA/Ramsar site/ New Forest SAC

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

Nightjar

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

Woodlark

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

Dartford warbler

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

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

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths.

Research undertaken by Footprint Ecology, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions

varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

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

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

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

Mitigation

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

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

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

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

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

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition,

these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

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

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

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

Funding mechanism

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

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

has been agreed.

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

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

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

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

Solent and Southampton Water SPA/Ramsar site

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

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

Water quality

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

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

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

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

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data

covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

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

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

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

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

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);
- The key aspects of Southampton's specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council's Cabinet in June 2022;
- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton's administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);

- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

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

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

Reason:

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

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

Reason:

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

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

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

Conclusions

The following conclusions can be drawn from the evidence provided:

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

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

Demolition and Construction phase

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

Operational

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

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

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

References

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

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

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

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

Protected Site Qualifying Features

The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer
- (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*,
- *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.

- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent Maritime SAC

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- Spartina swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*

- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5-year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
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
SDP22	Contaminated Land
NE1	International Sites
HE3	Listed Buildings
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

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 (revised 2023)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 23/01588/FUL

APPENDIX 3

Relevant Planning History

Case Ref	Proposal	Decision	Date
23/01589/LBC	Listed Building consent sought for erection of a 3-storey building adjoining Bevois Mansions to create 2 x 1 bedroom flats with associated works including parking, amenity and stores.(Submitted in conjunction with 23/01588/FUL).	Withdrawn	08.03.2024
21/01344/FUL	Erection of a 1 x two-bedroom and 1 x three-bedroom detached dwellings.	Withdrawn	08.03.2024

Appeal Ref: APP/D1780/W/17/3189600 - 180A, Manor Road North, Southampton



The Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2018

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th February 2018.

**Appeal Ref: APP/D1780/W/17/3189600
180A, Manor Road North, Southampton SO19 2EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wodehouse Properties Ltd against the decision of Southampton City Council.
 - The application Ref 17/01215/FUL, dated 10 July 2017, was refused by notice dated 2 October 2017.
 - The development proposed is erection of 2 bed dwelling house following demolition of existing garage.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's reason for refusal 01 refers to 180 Manor Road North. This seems to be a typing error because the building and its back garden that would be most likely to be affected is next door to the appeal site at 180A Manor Road North. So, I shall deal with the appeal on the basis that reason for refusal 01 should have referred to 180A Manor Road North.
3. During the appeal process the appellant submitted a planning obligation that would secure the required financial contribution to the Solent Disturbance Mitigation Project to ensure that the in-combination recreational impact of the proposed development would not have a significant adverse effect on the Solent and Southampton Water Special Protection Area and the Solent Maritime Special Area of Conservation. The Council has confirmed that the completed planning obligation addresses its concerns, so it does not seek to defend its reason for refusal 04. I see no reason to disagree.

Main issues

4. With this in mind, the main issues are the effect that the proposed development would have on:
 - The living conditions of the future occupiers of the proposal, with regard to private outdoor space,
 - The living conditions of the occupiers of the dwelling at 180A Manor Road North, with regard to sunlight and outlook, and
 - The availability of on-street parking in Wodehouse Road and the nearby streets.

Reasons

Private outdoor space

5. The almost rectangular appeal site is in a fairly accessible mainly residential area, and it has a frontage to Wodehouse Road. The existing flat roofed garages with associated space, which would make way for the proposal, face the street-lit public highway off Wodehouse Road that gives access to the ends of back gardens of dwellings in Manor Road North and Ludlow Road.
6. The proposed 2-storey pitched roofed 2 bedroom dwelling would be nearly as wide as the site's frontage and fairly close to the pavement in Wodehouse Road. Due to its depth, the paved amenity area at the back would be little wider than the bike shed and the gate. This space would be enclosed by the dwelling, tall boundary fences, and the shed, and used to store the proposal's bins, so it would be hemmed-in and cramped. Because it would be roughly north east of the dwelling, and enclosed by the dwelling, fences and shed, this modest outdoor space would be partly overshadowed for much of the time. The future occupiers would, thus, have little outside space where they could sit in privacy, grow a few plants, or hang washing, or where children could play.
7. The appellant says that the dwelling would be unlikely to be occupied by a family because its internal floor space is comparable to some 2 bedroom flats. However, in a suburban area such as this, where many dwellings have generous gardens, the future occupiers would reasonably expect a house to have some useable outdoor space. There would be 2 double bedrooms, and occupiers' circumstances could change, so the dwelling could become a family home. As the definition of a family home in Policy CS 16 of the *Southampton City Council Local Development Framework Core Strategy Development Plan Document* (CS) reflects its specific policy aims, it does not imply that smaller dwellings would not be occupied by families.
8. Due to its shape and siting, the private space at Tanav is better lit and more useable than that proposed. The schemes at the backs of 167 and 174 Manor Road North differ from the proposed house because they are both 2 flats. Whilst smaller than advised in the *Southampton City Council Residential Design Guide* (RDG), the gardens for the 2 dwellings at the back of 85 Radstock Road are larger than the proposal, and the garden by 1 Millais Road is smaller, but these 3 dwellings include on-site parking, whereas this proposal does not. So, they differ from the proposal, which has been dealt with on its merits.
9. Therefore, I consider that the proposal would harm the future occupiers' living conditions, with regard to private outdoor space. It would be contrary to Policy SDP 1 of the *City of Southampton Local Plan Review* (LP) which aims to only permit development that would not unacceptably affect the amenity of its citizens, and guidance in the RDG. It would also be contrary to the *National Planning Policy Framework* (Framework) which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Sunlight and outlook

10. The dwelling at the back of the corner shop at 180A Manor Road North faces Wodehouse Road. Due to its siting and that of the site, its paved back garden is shorter than most others nearby. As the existing garages are similar in

height to the boundary fences, the occupiers presently enjoy a well-lit open aspect from the ground and first floor windows in the side of their dwelling.

11. Because of the orientation, scale, siting, and gable-ended form of the proposal, the back garden at 180A Manor Road North would be more overshadowed than at present for parts of most days. However, the openness above the side boundary fences would be unaffected, so there would be ample opportunities for sunlight to continue to reach the garden at other times. Thus, the proposal would not unacceptably overshadow the neighbouring dwelling or its garden.
12. Due to its scale, form and siting, the proposed dwelling would be dominant and intrusive in the outlook from the ground floor side facing window at 180A Manor Road North. Even so, as the ground floor room also has a larger window that faces Wodehouse Road, and the first floor side facing window would be affected to a much lesser extent, the outlook of the neighbouring occupiers would not be unacceptably harmed. However, due to the shallow depth of the neighbouring garden, and its siting, the proposal would have an unacceptably overbearing and oppressive effect on the outlook of the occupiers of 180A Manor Road North in their garden.
13. As the south east side of the dwelling at Tanav is further away from the back of the flats at 157 Ludlow Road, it does not support this harmful scheme.
14. Thus, I consider that the proposal would harm the living conditions of the occupiers of the dwelling at 180A Manor Road North, with regard to outlook. It would be contrary to LP Policy SDP 1, guidance in the RDG and the Framework.

On-street parking

15. The appellant has explained that the garages have been vacant for a number of years, so their loss would not increase the existing demand for on-street parking. The proposal would not include any on-site car parking spaces.
16. As most nearby streets have rear service roads, many buildings have on-site parking and/or garages at the back of their lengthy plots. There is also some on-street parking in front of most buildings in the main streets, such as Manor Road North. As occupiers tend to park close to their home, this reduces the pressure for spaces in side streets such as Wodehouse Road. Whilst there is some car free frontage development including Tanav, in Wodehouse Road, there would be a reasonable likelihood that there would be some on-street parking capacity in the side streets alongside back gardens or nearby.
17. No highway safety concerns were raised by the highway authority subject to the imposition of conditions. The appellant has agreed to a condition to control visibility at the junction of the access road with Wodehouse Road. Whilst the highway authority suggested that a parking survey may be helpful, it was unaware that the garages are not used for parking. As the future occupiers would be unlikely to have more than one or 2 vehicles, on-street parking demand would not be significantly increased. So, the proposal would not be likely to contribute to unacceptable parking pressure in the nearby streets.
18. I consider that the proposal would not harm the availability of on-street parking in Wodehouse Road and the nearby streets. It would satisfy CS Policy CS 19 which aims for all development to have regard to the maximum parking standards in the *Southampton City Council Parking Standards Supplementary Planning Document*, guidance therein, and LP Policy SDP 1.

Other matter

19. The dwelling would make a small but welcome contribution to housing supply in the city. However, this would not outweigh the harm identified in the first 2 main issues.

Conclusions

20. Whilst the proposal would not harmfully increase parking pressure in the nearby streets, the harm to the future and neighbouring occupiers' living conditions is a compelling objection to the scheme. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR