

Planning and Rights of Way Panel (EAST)

Tuesday, 8th July 2014
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4
- Civic Centre

This meeting is open to the public

Members

Councillor Lewzey (Chair)
Councillor Claisse
Councillor Denness
Councillor Hecks
Councillor Tucker

Contacts

Democratic Support Officer
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PUBLIC INFORMATION

Terms of Reference

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Priorities

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2014/15

Planning and Rights of Way - EAST

2014	2015
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

Planning and Rights of Way - WEST

2014	2015
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
14 October	
11 November	
9 December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 ELECTION OF VICE-CHAIR

To appoint a Vice Chair to the Panel for this municipal year.

4 STATEMENT FROM THE CHAIR

CONSIDERATION OF PLANNING APPLICATIONS

5 JURDS LAKE CAR PARK - 14/00527/R3CFL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

6 10 DUNDEE ROAD - 14/00875/FUL

Report of the Planning and Development Manager recommending **refusal** in respect of an application for a proposed development at the above address, attached.

7 228 WEST END ROAD (CHANGE OF USE) - 14/00597/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

8 228 WEST END ROAD (EXTENSION) - 14/00596/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

9 9 ABBOTTS WAY - 14/00590/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

10 GARAGE SITE TO REAR OF ELIZABETH COURT, ABERDEEN ROAD - 14/00755/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

Monday, 30 June 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 8 July 2014 - 6pm

Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	SH	CAP	5	14/00527/R3CFL Jurds Lake Car Park, Victoria Road
6	JF/AA	REF	5	14/00875/FUL 10 Dundee Road
7	JF/AA	CAP	5	14/00597/FUL 228 West End Road (Change of Use)
8	JF/AA	CAP	5	14/00596/FUL 228 West End Road (Extension)
9	JF/AA	CAP	5	14/00590/FUL 9 Abbots Way
10	MP	CAP	5	14/00755/FUL Elizabeth Court, Aberdeen Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent

SH – Stephen Harrison; JF – John Fanning; AA – Andy Amery; MP – Matt Pidgeon

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment & Economy

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)

3. **Statutory Plans in Preparation**
 - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordwood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
 - (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal(1997)
 - (q) The Bevois Corridor Urban Design Framework (1998)
 - (r) Southampton City Centre Urban Design Strategy (2000)

- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99

- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)

8. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

9. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

Agenda Item 5

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 8th July 2014
Planning Application Report of the Planning and Development Manager

Application address: Jurds Lake Car Park, Victoria Road			
Proposed development: Change of Use of part of car park to a ball park to include 1.8 metre fencing (Retrospective) – one year temporary period			
Application number	14/00527/R3CFL	Application type	R3CFL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	22 June 2014	Ward	Woolston
Reason for Panel Referral:	Request by Ward Member and five or more letters of representation have been received	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: Southampton City Council - Mr Nick Yeats	Agent: N/A
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of formal play space within an area protected as public open space is appropriate and the impacts (in terms of additional noise and disturbance, loss of parking and the impact upon local biodiversity) do not have sufficient weight to justify a refusal of the application for the reasons given at the Planning and Rights of Way Panel meeting on 8th July 2014, 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 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP5, SDP10, SDP12, SDP16, SDP17, NE4, CLT3, CLT6, CLT7 and MSA18 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS21 and CS22, and the Council’s current adopted Supplementary Planning Guidance.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site forms part of the Jurds Lake Car Park towards the southern end of Victoria Road in Woolston. The car park used to provide 63 parking spaces (including eight marked as disabled). A further 34 spaces to the south of the main car park have become overgrown and permission was recently granted for these spaces to be used to serve the contractor's needs for the approved Woolston Waste Water Treatment works on the opposite side of Victoria Road. The site is within a designated flood zone with limited biodiversity value, despite being within six metres of the Shoreburs Greenway Site of Nature Conservation Importance (SINC) – a local biodiversity designation.

2.0 Proposal

2.1 Retrospective planning permission is sought to erect a 1.8m high mesh fence to enclose an informal ball park and goals upon the existing tarmac. Some 35 parking spaces (including six designated for disabled use) have been retained following the works. The applicant seeks a one year temporary permission whilst they prepare plans for a wider scheme.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

4.0 Relevant Planning History

4.1 None for the site itself, although the play space has been provided following the expansion in population living at the nearby Centenary Quay development. Outline planning consent is extant for 1,620 new dwellings; with the first two phases fully occupied (328 units) and the third phase (329 units) currently under construction (LPA ref: 08/00389/OUT).

4.2 A replacement waste water treatment works was approved on land to the west of the application site with works scheduled to commence shortly (LPA ref: 13/01515/FUL refers).

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (11th April 2014) and erecting a site notice (also 11th April 2014).
- 5.2 At the same time that the Planning Department notified neighbours of the ball park, the Council's Open Spaces Team sent letters consulting residents on plans for a new skate park on the site. The latter is not for consideration as part of this planning application but has resulted in residents commenting on both issues as part of their response to the planning application.
- 5.3 At the time of writing the report **16** representations have been received from surrounding residents including 10 objections (with 6 on a pro-forma) and 6 letters in support.
- 5.4 **Ward Councillor Payne** – Requests a Panel determination
- 5.5 **Ward Councillor Hammond** – Supports application
- 5.6 A further 20 representations (both in favour and objection) have been received regarding the proposed skate park, which does not form part of this planning application.
- 5.7 The following is a summary of the points raised in relation to the ball park:

- 5.8 *The ball park should have been provided as part of Centenary Quay.*

Response

The Centenary Quay development is a high-density residential development. The development makes provision for on-site public open space within later phases of the development – for both economic and design reasons. The earlier phases apply 'Homezone' principles to encourage children to play in the street, whilst also making financial contributions towards off-site formal play space. At the time of writing, Crest Nicholson have made a contribution of £298,847 towards improved play space, open space and playing fields in Woolston. These monies, with the exception of about £5,000 for the ballpark, have not yet been spent.

- 5.9 *The ball park is located 20 metres from a stream and children could fall in, especially as their footballs often clear the fence provided and end up in the stream.*

Response

Concerns noted although this is an existing situation – this is a matter for the Council as landowner and these comments have been forwarded to the applicant.

- 5.10 *Impact on local parking since the ball park was erected. Loss of public parking has resulted in additional on-street parking pressure (especially at weekends when the car park is full). Centenary Quay has insufficient parking to meet the needs of the new residents.*

Response

The Jurds Lake Car Park is not an overspill car park for Centenary Quay or any other residential street. Parking surveys of the car park have been submitted to support the application (including random surveys every day between 4th and 20th

June ranging from between 7:15am and 6:30pm). The surveys include at least 15 occasions when cruise ships were in port, and the Rowing Regatta event on 4th June. At all times there were parking spaces available within the car park despite the ball park being in situ.

- 5.11 *The ball park is having an impact on the local biodiversity – especially caused by increased noise and litter.*

Response

The ball park is located close to the Shoreburs Greenway Site of Nature Conservation Importance (SINC), however the site itself is laid to tarmac and has limited biodiversity value. The site's former use for public car parking would have resulted in some noise and disturbance. The level of impact from the proposed use is not considered to be harmful to local biodiversity, and the Council's Ecologist has raised no concerns regarding this planning application.

- 5.12 *The ball park lacks adult supervision and there is evidence of bullying taking place.*

Response

Concerns noted – this is a matter for the Council as landowner (and parents) and these comments have been forwarded to the applicant.

- 5.13 *Noise and disturbance (including foul language) has increased since the ball park opened. An acoustic report should have been provided before the ball park opened.*

Response

The ball park is some 38 metres from the rear garden of the nearest residential neighbour at 2 Swift Road (and 43 metres from the dwelling itself). The ball park is 45 metres from 229 Victoria Road, and 52 metres from 1a Swift Road (on the opposite side of the road). There is mature planting between the application site and 2 Swift Road, and Swift Road itself separates the ball park from those other neighbours identified. These separation distances are considered to be acceptable. The Council's Environmental Health Officer has raised no objection to this application and will monitor the site as part of their statutory duty.

- 5.14 *Concerns raised about a proposed skate park and the impact on local residents in terms of visual appearance, graffiti, noise, disturbance and impact on ecology. Furthermore, the car park is fully utilised at weekends and the evenings – especially when cruise ships are in the City and/or there is a firework display.*

Response

Noted – these comments relate more to the public consultation being undertaken on a proposed skate park in the area and should not influence a decision on the current application for a ball park.

- 5.15 **Consultation Responses**

- 5.16 **SCC Highways** - The Jurds Lake Car Park is an under used facility due to its location, away from residents and good natural surveillance. The application is for the temporary use of part of the car park for a fenced ball park, which is acceptable in highway terms. There is a section of public highway, not maintained at public expense, included within the fenced area but as this is a temporary consent, this does not constitute a problem or risk as the permanent solution, should there be one, would need to include any necessary stopping up. The observed usage of the car park has been low, with the only recorded peak

coinciding with an event in the adjacent sailing club. Generally, the highest take up of spaces has been 12 to 13 which occurred when there were a number of cruise ships leaving the port. Otherwise occupancy levels varied between three and 10 vehicles. The proposal in itself does not cause any highway safety issues, but any more permanent proposals will need to anticipate where the trips to the ball park are originating, to ensure good safe pedestrian and cycle links are in place. There are no objections to the current temporary proposal. The only condition needs to ensure that the fencing used is secure and will not fall onto cars parked within the remaining car parking area, and that the pedestrian access to the ball court considers the safety of the pedestrian users, avoiding conflict with traffic using the car park.

- 5.17 **SCC Trees** – No tree issues on site.
- 5.18 **Neighbourhood Housing Officer** - We would like to take this opportunity to support the above application. We have seen with the Temporary ball court at Victoria Road a significant reduction in complaints against children of alleged ASB and additionally reports of children playing in the roads of the Centenary Quay scheme. We would really like to see a provision for the children on a permanent basis especially with the scheme being an ongoing development for many years to come so fully support this application.
- 5.19 **SCC Environmental Health (Pollution and Safety)** - As this is retrospective, and there have been no complaints I am aware of, I have no objections to this application
- 5.20 **SCC Ecology** – The application site is a tarmac car park with negligible biodiversity value. It lies within 6m of the Shoreburs Greenway Site of Nature Conservation Importance however; the fencing will not have a direct impact upon the habitats for which the SINC is designated. The area within and around the car park is already relatively disturbed and, in the absence of lighting, the introduction of ball games is unlikely to lead to any indirect effects. I therefore have no objection to the planning application.
- 5.21 **Hampshire Constabulary** – Support given. There has been an increase in anti-social behaviour (ASB) being experienced by residents in and around the Centenary Quay development. The rise is attributed to an increase in families with children moving into the local area. The local engagement team have spent significant time promoting the temporary play facility and local children have been receptive to using it. We have started to see a decrease in ASB relating to ‘rowdy and inconsiderate behaviour’. The benefits of a dedicated area for the local children cannot be understated.
- 5.22 **Bitterne Safer Neighbourhood Team ‘D’ Woolston** - I wish to register my support in favour of the change of use for the temporary ball park.
- 5.23 **Environment Agency** – No objection

6.0 Planning Consideration Key Issues

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

- i. Principle of Development
- ii. Design
- iii. Impact on Residential Amenity
- iv. Highways Impact

6.2 Principle of Development

6.3 Jurd's Lake car park is protected by adopted Local Plan Review (LPR) Policy CLT3 as open space. The car park serves the nearby Shoreburs Greenway SINC. The provision of a formal ball park with fencing improves the sporting opportunities to nearby residents and complies with the aims of the policy. LDF Core Strategy Policy CS21 also refers as it seeks to reconfigure open space in order to achieve wider community benefits. The National Planning Policy Statement (2012) provides similar protection (paragraph 74 refers). Furthermore, there are benefits in encouraging children to participate in outdoor play and Hampshire Constabulary have confirmed that ASB has reduced locally following the installation of the ball park. The loss of parking proposed does not jeopardise the SINC for the reasons given later in this report.

6.4 Design

6.5 The proposed fence and ball park are sited on the eastern side of the car park and are mitigated by the existing landscaping, grassed bund and separation from both Victoria Road and the nearest residential neighbours. The design, whilst basic, is appropriate for this location.

6.6 Impact on Residential Amenity

6.7 The application seeks a temporary permission for a period of one year only, after which point the land should be returned to its former use as a car park. LPR 'saved' Policy SDP1(i) seeks to ensure that all new development protects the existing residential amenity of its neighbours. In this case the nearest neighbour is located between 38 and 43 metres away. This resident has objected to the planning application and their concerns outlined above are noted. Whilst it is recognised that a new ball park will bring with it associated activity, particularly as the Summer months continue; the level of noise and disturbance has to be assessed as harmful before this objection can be substantiated. The Environmental Health Officer has raised no objection to the application and, as the application is retrospective; its impact can be properly assessed before reaching this conclusion. No external lighting is proposed and the separation distances involved are sufficient to conclude that the scheme is compliant with Policy SDP1(i). The Council maintains control as landowner should circumstances change.

6.8 Highways Impact

6.9 The loss of parking to this proposal has been assessed by the Council's Highways Officer as acceptable. The submitted parking survey work suggests that, despite losing 28 public parking spaces to the ball park, there is still capacity

to deal with the peak needs of the local community including for example, the recent Rowing Regatta event where, at 3:45pm, there were still six (including four disabled) spaces available. As such, the proposed loss of public parking is acceptable.

7.0 Summary

- 7.1 The proposed change of use from public car parking to a fenced ball park is for a temporary period of one year from the date of permission. As the development is retrospective it is possible to assess the impacts in terms of both residential amenity and the loss of public car parking. Both issues have been assessed and no significant effects have been found, despite a number of objections being received from nearby residents (including the nearest neighbour). The Council maintains control as landowner should circumstances change, but the temporary use as a ball park is considered to be appropriate.

8.0 Conclusion

- 8.1 Planning permission should be granted for a one year temporary period, at which time the Council may decide to apply for a permanent solution.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1a-d, 2b and d, 4f, 6c, 7a, 9a and b

SH2 for 08/07/14 PROW Panel

PLANNING CONDITIONS to include:

1. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition

The ball park use and associated goals and fencing hereby permitted shall be discontinued and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the period ending on 8th July 2015 (a period of one year).

REASON:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that the scheme has attracted local objection on grounds of residential amenity and loss of parking.

Note to Applicant: Lighting

There shall be no external lighting of the ball park without first obtaining planning permission for such development works.

POLICY CONTEXT

Core Strategy - (January 2010)

CS21 Protecting and Enhancing Open Space
CS22 Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP5 Parking
SDP10 Safety & Security
SDP12 Landscape & Biodiversity
SDP16 Noise
SDP17 Lighting
NE4 Protected Species
CLT3 Protection of Open Spaces
CLT6 Provision of Children's Play Areas
CLT7 Provision of New Public Open Space
MSA18 Woolston Riverside

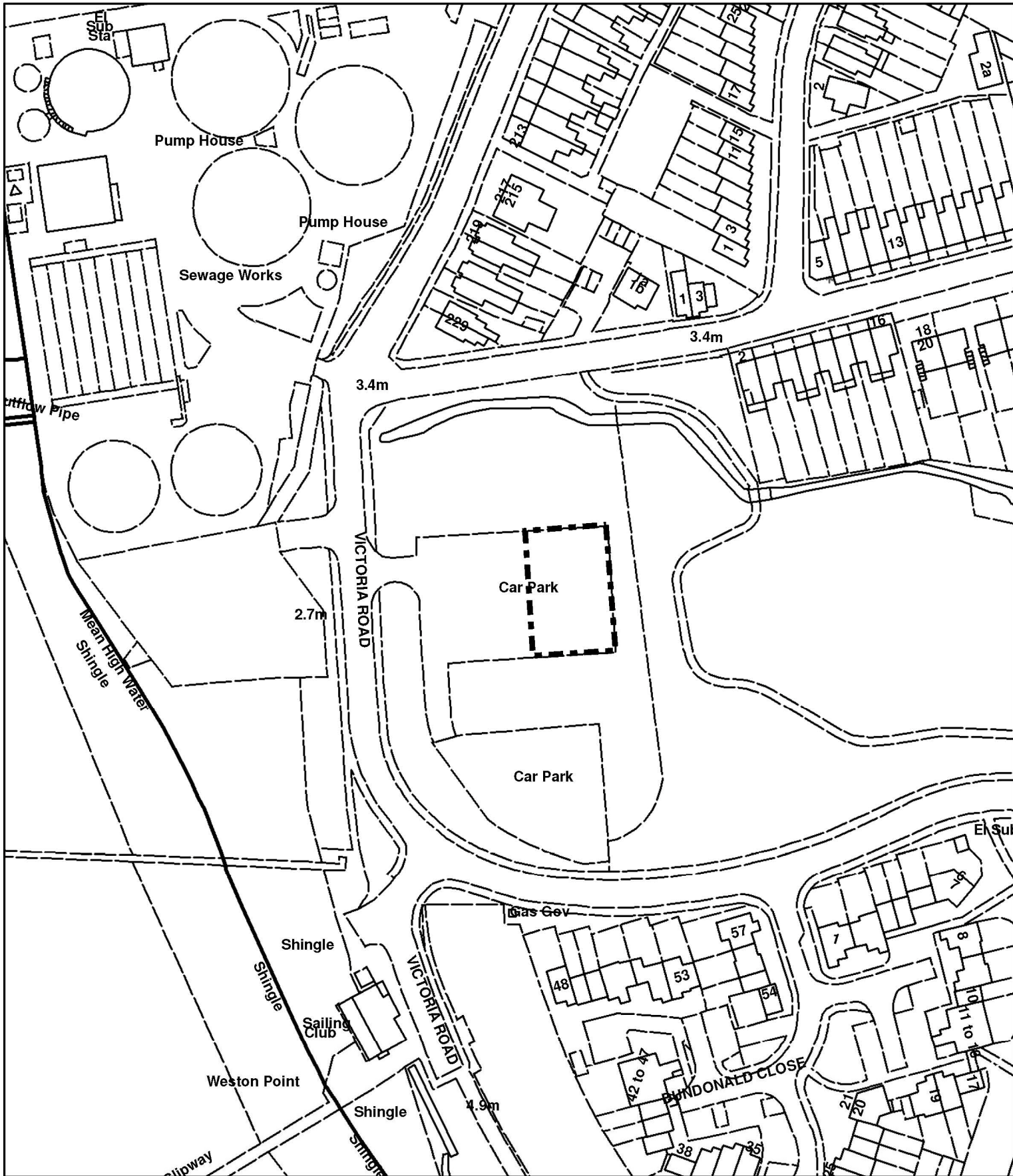
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

14/00527/R3CFL



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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager**

Application address: 10 Dundee Road SO17 2NB			
Proposed development: Erection of a two storey rear extension [resubmission of 14/00296/FUL]			
Application number	14/00875/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	23.07.14	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of support have been received	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Norris

Applicant: Mr Jimmy Ward	Agent: Archisolve
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Reason for Refusal - Unacceptable impact on character and amenity

The proposed development, by means of its height and depth, represents an unsympathetic and un-neighbourly form of development, harming the visual amenity of the street scene by the erosion of the existing gap between buildings and the outlook and access to natural light for the neighbouring properties. The proposal thereby proves contrary to saved policies SDP1(i), SDP7 (i)(iii)(iv) and SDP9(i)(ii)(v) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.2.1, 2.2.11-13, 2.2.21, 2.3.1-2 and 2.3.6-9.

Appendix attached			
1	Development Plan Policies		
2	Planning History		

Recommendation in Full

Refuse

1.0 The site and its context

- 1.1 The site is occupied by a detached residential dwelling, opposite St Denys Primary School. Given the proximity with the neighbouring dwelling at 12 Dundee Road, the detached nature of the dwelling is not felt strongly in the street scene, though given its differing design and materials it acts as a distinctive corner plot to that row of residential properties.
- 1.2 The pattern of development shifts directly north of the application site, with a row of terraced houses set well back from the main highway, with a communal parking area to the front.
- 1.3 The immediate surroundings are well served by trees on the opposite side of the road and parallel to the front of the dwelling to the north.

2.0 Proposal

- 2.1 The application proposes a two-storey rear extension, matching the scale and design of the existing two-storey protrusion but increasing the depth of extension by an additional 5 metres.
- 2.2 The application proposes new side facing windows, a number of which are at first floor level. The applicant has proposed that all of the side facing windows shall be obscured.
- 2.3 No change of use has been proposed as part of this application.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

4.0 Relevant Planning History

- 4.1 An application for 'Erection of a two storey rear extension' was refused under planning application 14/00296/FUL on 16.04.2014. The current application is identical to the previously refused scheme with the exception of an additional side facing window in the currently proposed scheme. The full details of the previous application are available in **Appendix 2**.
- 4.2 The current application was submitted with a petition supporting the proposal, including a letter from Councillor O'Neill.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which consisted of notifying adjoining and nearby landowners. The Council received no direct correspondence from members of the public. However, the application was submitted with a standard statement supporting the proposal signed by 19 local residents (from 14 different properties). The application was also submitted with an individual letter of support from the neighbouring occupant at number 12 which made the following points:
- 5.2 Despite the proposal extending an additional 5m (across a 45 degree line from the nearest window) it is not felt that the proposal will have a harmful impact and no objection is raised.

5.3 Consultation Responses

- 5.4 **Councillor O'Neill** - Letter supporting the proposal, stating that there would be no harmful impact on the street scene.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application remain those highlighted as part of the original refused application.
- 6.2 The design of the proposed extension is broadly acceptable, with a continuation of the existing dual pitch roof to the rear. Due to the layout of the surrounding properties the site effectively forms a corner plot, increasing its prominence within the immediate street scene. The application proposes significant additional depth at two-storey level to the rear which, due to this unusual layout, will be visible within the surrounding street scene. Sections 2.3.1-2 and 6-9 of the Residential Design Guide discuss how extensions should be subordinate to the scale and character of the main dwelling, with particular caution being addressed to sites on more prominent plots. It notes that gaps in development can provide a visual break in built form and that proposals to remove these gaps can harm the visual amenity of the surrounding area.
- 6.3 On balance, it is felt that the proposal is not sympathetic to the character of the host dwelling in the context of the surrounding street in terms of the depth of the proposed extension at two-storey scale and the erosion of the well defined gap between the neighbouring dwelling at 8A.
- 6.4 Furthermore, the proposed extension cuts across a 45 degree line from the nearest habitable room window of the neighbouring property to the south, as per section 2.2.11-13 of the Residential Design Guide. The proposal is set off from the boundary and orientated to the north of the site. It is also noted that the occupant of this property wrote in a letter of support. This has been considered. However, in determining the application the lifetime of development must be considered and any potential future occupants. Overall, taking into account the already narrowed outlook from this window and the scale and depth of the proposed extension, it is not considered that these issues are sufficient to overcome the potential harm in terms of the loss of outlook and sense of enclosure from the neighbouring dwelling.

- 6.5 Taking into account the existing boundary treatment, it is not felt the proposed ground floor level windows will have a harmful impact in terms of overlooking. A number of first floor windows have also been proposed. It is not felt that there is significant potential for overlooking towards the north as the windows look onto the communal parking area. The first floor windows in the south elevation facing towards the neighbouring property at 8A could potentially overlook the neighbouring garden. However, it is felt that a suitable condition could be imposed requiring these windows to be obscured. One of these windows serves a room identified as a 'proposed study'. As it would not be acceptable for a habitable room (i.e. bedroom) to be served solely by an obscured window, an additional condition would need to be imposed requiring that this room not be used as a habitable room.
- 6.6 On this basis it is not considered that a reason for refusal would be justifiable in terms of overlooking as the issues could be adequately controlled through reasonable conditions.

7.0 Summary

- 7.1 The proposed development, by means of its height and depth, represents an unsympathetic and un-neighbourly form of development, harming the visual amenity of the street scene by the erosion of the existing gap between buildings and the outlook and access to natural light for the neighbouring properties.

8.0 Conclusion

For the reasons discussed above, the application is recommended for refusal.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d), 2 (b) (d), 4 (f), 6 (c), 7 (a)

JF1 for 08/07/14 PROW Panel

Reason for refusal

The proposed development, by means of its height and depth, represents an unsympathetic and un-neighbourly form of development, harming the visual amenity of the street scene by the erosion of the existing gap between buildings and the outlook and access to natural light for the neighbouring properties. The proposal thereby proves contrary to saved policies SDP1(i), SDP7 (i)(iii)(iv) and SDP9(i)(ii)(v) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.2.1, 2.2.11-13, 2.2.21, 2.3.1-2 and 2.3.6-9.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

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 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

14/00296/FUL

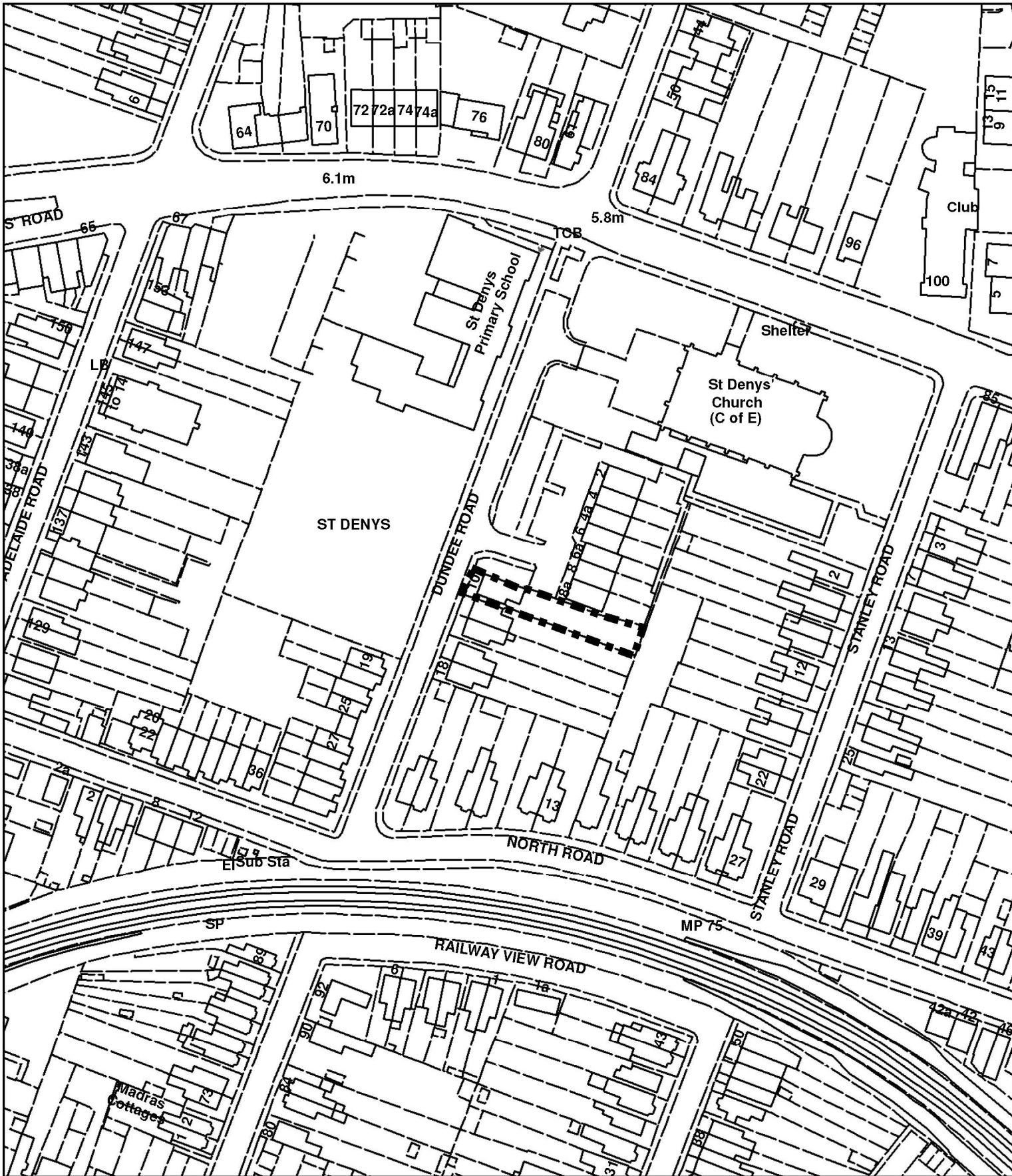
Erection of a two storey rear extension

Refused, 16.04.2014

Reason for refusal - Unacceptable impact on character and amenity

The proposed development, by means of its height and depth, represents an unsympathetic and un-neighbourly form of development, harming the visual amenity of the street scene by the erosion of the existing gap between buildings and the outlook and access to natural light for the neighbouring properties. The proposal thereby proves contrary to saved policies SDP1(i), SDP7 (i)(iii)(iv) and SDP9(i)(ii)(v) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.2.1, 2.2.11-13, 2.2.21, 2.3.1-2 and 2.3.6-9.

14/00875/FUL



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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager**

Application address: 228 West End Road SO18 6PN			
Proposed development: Change of Use of a residential room for hairdressing business (Retrospective).			
Application number	14/00597/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	10.06.14	Ward	Harefield
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Smith Cllr Daunt Cllr Fitzhenry

Applicant: Mr and Mrs McCosh	Agent: MDT Design
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7 and SDP16 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		
2	Planning History		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site is a detached residential dwelling on West End Road. The residential dwellings are set back and screened by heavy vegetation from the main arterial West End Road and are accessed by a separate road serving the row of residential dwellings.

2.0 Proposal

2.1 The application relates to the use of a single room within the residential dwelling to be used in the operation of a hairdressing business.

2.2 The applicant has stated that the business will operate by appointment only, with one client at a time and the occupant of the dwelling as the sole participant in the business.

2.3 The proposed hours of operation are:

Monday: 12:30-15:00; 17:00-20:00
Tuesday: 09:30-15:00; 17:00-20:00
Wednesday: 09:30-15:00
Thursday: 09:30-15:00; 17:00-20:00
Friday: 12:30-15:00
Saturday: No business operation
Sunday: No business operation

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

4.0 Relevant Planning History

4.1 A concurrent application has been submitted under 14/00596/FUL for 'Erection of a part two storey, part single storey, rear extension with 'Juliet Balcony'. A determination on this application is currently pending.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (29.04.2014). At the time of writing the report **14** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 • The proposed use would increase vehicular visits associated with the site, exacerbating existing issues.

5.3 • The service road for the residential properties is narrow and not suited for additional traffic and parking.

5.4 • The available on site parking has historically not been used by visitors to the site who have parked in the surrounding street.

5.5 • The police have previously been involved in traffic issues associated with illegal business.

Note: An unauthorised change of use does not become unlawful in planning terms until an enforcement notice has been served, come into effect and not been complied with.

5.6 • The deeds of the properties in the road restrict against the operation of a business from the residential property.

Note: The granting of planning permission does not overrule separate or additional legal obligations and requirements. The restrictions in place in the deeds of the property would be a civil matter between the relevant parties and are not a relevant planning consideration. The application will be determined on the basis of relevant local and national planning policies.

5.7 • The area is predominately residential in nature and the operation of a business would have a significant and harmful impact on neighbouring residential occupiers.

5.8 • There are a number of hairdressing businesses in the immediate local area and the proposed use is not required.

Note: It is normally for the applicant to consider the viability of a proposed use. The application will be determined on the basis of relevant local and national planning policies.

5.9 • The business has been operating for at least 4 years, at times operating until 21:30 (in excess of the proposed hours of operation).

Note: If permission were granted the hours of operation can be controlled and restricted through the use of conditions.

5.10 • The customers will not stay in the defined space in the house and have in the past spent time in the garden.

Note: If permission were granted a condition could be imposed regarding the areas of the dwelling available as part of the business use. Any use beyond this which represented an increase in intensity beyond that which would be expected of a residential dwelling could be monitored and controlled.

- 5.11 • The application would encourage an increase in the intensity of the existing use.
- 5.12 • The proposal would set a precedent, potentially allowing a cumulative harmful change to the character of the surrounding area.
Note: Each application is considered on its own merits at the time of submission with reference to relevant local and national policies.
- 5.13 • The proposed hours of operation should not extend into the evening as this would increase the comparative impact on the neighbouring residential dwellings
- 5.14 • If consent is to be granted conditions should be imposed restricting the use to normal business hours (09:00-18:00) making the permission personal to the occupiers and that only one 'chair' should be allowed.
- 5.15 • The application site is set off a dirt road.
Note: This is incorrect. The service road does connect to an un-adopted private road but the site itself is served by a hard surfaced adopted access.
- 5.16 • Concern if the property will be liable for business rates/income tax/licensing.
Note: These issues are not valid planning considerations and would be for the applicant to address if consent was granted.
- 5.17 • The use of residential dwellings as places of business undermines retail frontages

Consultation Responses

- 5.18 **SCC Highways** - The highway adjacent to the property is narrower than normal however, given the surrounding residential environment and slower expected traffic speeds, it is not considered that potential overspill parking would have a significantly harmful impact in terms of highways safety. Potential impacts from overspill parking would therefore mainly be an amenity concern and could be addressed through conditioning opening hours and on-site parking.
- 5.19 **Councillor Royston Smith** - The proposed business use in a residential area has caused problems for some time.

6.0 Planning Consideration Key Issues

- 6.1 The main consideration for operating a business from a residential dwelling is the impact of the proposed business use on the amenities of both the occupants of the host dwelling and those of neighbouring dwellings. Provided these impacts can be successfully mitigated to an acceptable degree through the use of conditions without changing the character of the dwelling then the proposal can be considered acceptable.
- 6.2 The proposal will result in the number of visitors to the property increasing in number. One of the main considerations is if appropriate conditions can be imposed to control this change in the intensity of use of the site to an acceptable degree.

- 6.3 The applicant has advised that they will be the only individual engaged in the operation of the proposed business. The applicant has also noted that customers will be one at a time, by appointment only. These elements of the proposal could be conditioned to this effect.
- 6.4 By limiting the proposed use to the applicant only and single appointments by appointment only, many of the potential impacts associated with the business use are limited and controlled. It ensures the property will remain a predominately residential in character in the future if/when the applicant vacates the site and the nuisance from visitors to the property is minimised.
- 6.5 With reference to the consultation response from the Highways team (section 5.18) it is not considered that the addition of a single car at any given time would have a significantly harmful impact in terms of highways safety. A condition could be imposed requiring that one on-site parking space be available for use by visitors to the site during appointments.
- 6.6 In order to ensure that the property remains predominately residential in occupation, a condition could be imposed specifying the precise floor space to be used as part of the business use. This would ensure the property retains its overall residential character and restrict against a potentially harmful expansion/increase in intensity of the proposed business use. It is noted that a simultaneous application has been submitted for an extension to the dwelling. The proposed condition has been worded to account for a potential approval of this application.
- 6.7 The proposed hours of operation are somewhat late for a residential environment. However, having considered the limited noise associated with the proposed use and conditions discussed above limiting the number of visitors to the site; it is not considered that the proposed hours of operation would represent a significantly harmful impact compared to that which could ordinarily be expected in a residential environment.
- 6.8 It is noted that the use appears to have been in operation for some time. There does not appear to be any record of this having been brought to the attention of the Local Planning Authority, nor has sufficient evidence been presented to determine if the use has become lawful over the passage of time. As such a determination must be made on the application as presented.

7.0 Summary

- 7.1 It is considered that the impacts of the proposed use could be sufficiently mitigated through the use of conditions such that the impact of the proposed development would not represent significant additional harm when compared to the existing residential use.

8.0 Conclusion

- 8.1 For the reasons discussed above, the application is recommended for conditional approval.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (d), 4 (f), 6 (c), 7 (a)

JF1 for 08/07/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Personal consent [Performance Condition]

The business use hereby approved shall only be operated by Mr and Mrs McCosh (with no additional staff members) whilst occupying the residential property of 228 West End Road and by no other person unless otherwise agreed in writing by the Local Planning Authority.

REASON

To allow the local planning authority to control the specific nature of the use and to ensure that the operation takes place in connection with the residential dwelling to which it relates.

02. APPROVAL CONDITION - Hours of Operation [Performance Condition]

The premises to which this permission relates shall only be open for business between the following hours:

Monday	12:30-15:00 and 17:00-20:00
Tuesday	09:30-15:00 and 17:00-20:00
Wednesday	09:30-15:00
Thursday	09:30-15:00 and 17:00-20:00
Friday	12:30-15:00

The business use shall be open at no time on Saturday or Sunday. The business use hereby approved shall operate in accordance with these hours unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of those members of the public who choose not to use the facility and to protect the residential character and amenity of the area.

03. APPROVAL CONDITION - Restriction on number of customers (Performance Condition)

The business shall operate by appointment only with a maximum of 1 customer on the premises at any given time.

REASON

To allow the local planning authority to control the specific nature of the use and to ensure that the operation takes place in a manner which does not harm the amenities of nearby residents.

04. APPROVAL CONDITION - Parking (Performance Condition)

During business hours, unless no appointments have been made, one of the two parking spaces available on site shall be left clear and accessible for use by visitors to the site.

REASON:

To reduce the potential need for off-site parking and associated impact on neighbouring residential occupiers.

05. APPROVAL CONDITION - Restriction on rooms (Performance Condition)

The business use shall only take place within the ground floor room identified as 'Proposed Hairdressing Studio Area' on Drawing No. 04 A or as potentially altered and identified as 'Utility' on Drawing No. 02 A of planning application reference 14/00596/FUL if approved and built.

REASON

To allow the local planning authority to control the specific nature of the use and to ensure that the operation takes place in connection with the residential dwelling to which it relates.

06. APPROVAL CONDITION - Approved Plans

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

REASON:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP16	Noise
H6	Housing Retention

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 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 14/00597/FUL

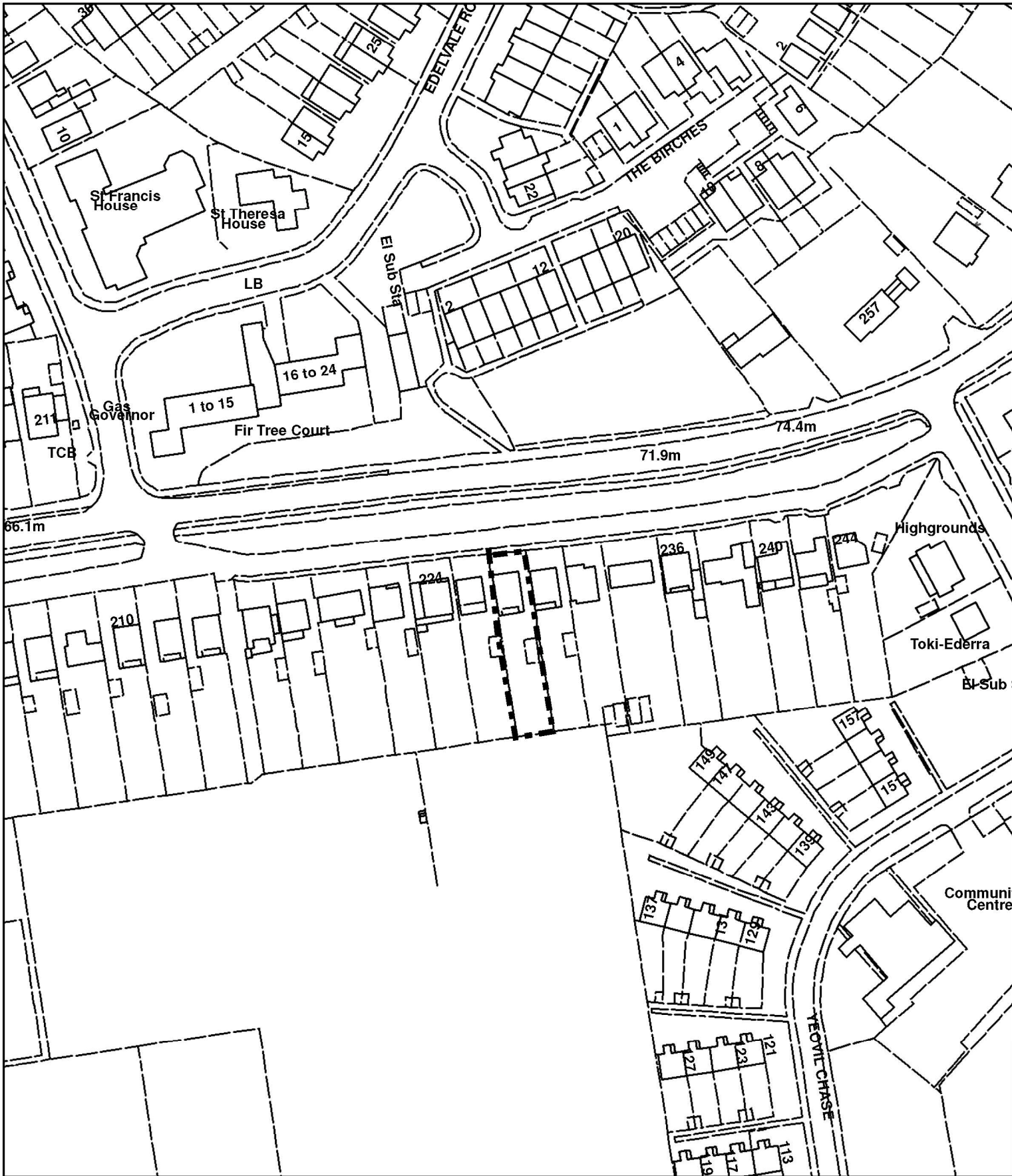
APPENDIX 2

Relevant Planning History

14/00596/FUL, Erection of a part 2-storey, part single storey rear extension with Juliet balcony
Pending Decision

1058/14, Dwelling & garage (Prev Ref - Plot 7)
Conditionally Approved, 22.02.1955

14/00597/FUL



Scale: 1:1,250

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager**

Application address: 228 West End Road SO18 6PN			
Proposed development: Erection of a part two storey, part single storey rear extension with Juliet Balcony.			
Application number	14/00596/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	10.06.2014	Ward	Harefield
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Fitzhenry Cllr Daunt Cllr Smith

Applicant: Mr and Mrs McCosh	Agent: MDT Design
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		
2	Planning History		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site is a detached residential dwelling on West End Road. The residential dwellings are set back and screened by heavy vegetation from the main arterial West End Road and are accessed by a separate road serving the row of residential dwellings.

2.0 Proposal

2.1 The application proposes the replacement of an existing single storey extension with a part two storey, part single storey rear extension.

2.2 The two storey element protrudes 4.5m from the existing rear wall at second storey. The roof of the proposed extension matches the pitch of the existing roof but utilises a gable, rather than a hipped end.

2.3 The single storey element protrudes to the same depth, with a mono-pitch roof sloping down towards the boundary from the conjoined two-storey extension.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

4.0 Relevant Planning History

4.1 A concurrent application has been submitted under 14/00597/FUL for 'Change of Use of a residential room for hairdressing business'. A determination on this application is currently pending.

4.2 It is noted that while the plans on this application do identify a room for this change of use, this application relates to the physical works only, with no change of use element. As such the application will be determined on the impacts of the proposed extension only.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **5** representations have been

received from surrounding residents (one of these letters contained no objections to this application and was primarily objecting to 14/00597/FUL). The following is a summary of the points raised:

- 5.2 • No prior advice was sought from the Council/the proposed does not adhere to Council design guidance
- 5.3 • No evidence has been provided to demonstrate that the proposal complies with the 45 degree code, as outlined in the Southampton City Council Residential Design Guide
- 5.4 • The proposal is inappropriate in scale and has a harmful impact on neighbouring amenity in terms of being overshadowing and overbearing
- 5.5 • The scheme, with particular reference to the Juliet Balcony, allows for potential overlooking of neighbouring occupiers
- 5.6 • If allowed the proposal would set an undesirable precedent, harming the overall amenity and character of the surrounding area
Note: Each application is considered on its own merits at the time of submission with reference to relevant local and national policies.
- 5.7 • The proposed development is of poor quality, lacks detail and does not consider relevant design guidance
- 5.8 • The gable end is out of character with the predominately hipped design of roof forms in the local area
- 5.9 • The proposal extends in immediate proximity to the western boundary of the site and works may damage foundations or foots/agreement under the Party Wall Act
Note: It is noted that as part of the application the applicant has signed Certificate A on the application form, stating that they have sole interest over the land to which the proposed application relates. The granting of planning permission does not overrule separate or additional legal obligations and requirements. Damage to a neighbouring property/the Party Wall Act is a separate issue between the relevant parties. The application must be determined on the basis of relevant local and national planning policies only.
- 5.10 • Concern that existing and proposed side facing windows should be obscured and this is not shown on the approved plans
- 5.11 • Proposed plans do not show the location of a kitchen extractor fan
- 5.12 • Proposed plans do not show location of a soak-away to address drainage
- 5.13 **Consultation Responses**
- 5.14 **Councillor Royston Smith** - Request that the application be heard at Panel.

6.0 Planning Consideration Key Issues

- 6.1 The key issues the application will need to be judged on are the acceptability of design in relation to the site, the host dwellings character, neighbouring amenity and the amenity the occupants of the host dwelling.
- 6.2 The site is considered to retain sufficient garden space, with a total of 240m², compared to the 90m² required under section 2.3.12-14 of the Residential Design Guide. On balance it is not considered that the proposal would significantly harm the amenity of the occupants of the host dwelling.
- 6.3 Section 2.3.1-2 of the RDG notes that extensions should be subordinate to the character of the original dwelling. The property is a detached dwelling of reasonable size. The proposal represents a significant depth of extension, with the main body protruding 4.5m from the existing two-storey rear wall. While the roof had a gable end, the ridge it set down from the main ridge line and matches the existing roof slope. Overall, it is felt that the proposal would not have a sufficiently harmful impact on the character of the host dwelling or the surrounding area to justify refusing the planning application.
- 6.4 As such the main consideration is the impact of the proposed development on the amenity of the occupiers of the neighbouring residential properties.
- 6.5 The application proposes a number of side facing windows. In order to prevent potential overlooking, a number of conditions have been recommended to control windows in the development (requiring they be obscure and non-opening 1.7m from the floor of the room they serve and restricting against the installation of any additional windows). Some objections have been raised with respect to the proposed Juliet Balcony. Considering that there is no ability to step out from this balcony, it is not considered that the proposed arrangement would have a significantly worse impact than a normal window in the same location. Overall, such windows are a typical feature of the surrounding residential environment and it is not deemed to represent any significant increase in the potential for overlooking.
- 6.6 The single storey element of the proposal is situated to the west of the site, in close proximity to the neighbouring boundary. The property to this side is set away from the boundary and has a large outbuilding set slightly further down the garden. Taking into account the set back of the two storey element from this boundary, the orientation of the dwellings and the drop down in roof height towards the boundary; it is not considered that the proposed extension would have a significantly harmful impact on the property at 226 West End Road in terms of the creation of an overbearing or overshadowing form of development.
- 6.7 The two storey element is situated over towards the eastern side of the property and will have a greater impact due to the scale of development. The host dwelling is set 2.5m off the boundary on this side, with the neighbouring property at 230 built along the boundary line. The proposed extension does represent a significant depth of two-storey development. It does not appear that the extension violates the 45 degree line (as outlined in section 2.2.11-13 of the RDG), although this is very marginal. It is noted that section 2.2.18-19 of the RDG advises that where a property benefits from significant amenity space and open outlook this reduces the potential importance of such considerations.

6.8 While the extension does represent a significant scale of development, taking into account the set back from the boundary and the circumstances of the layout and arrangement of the development and neighbouring properties, it is not considered that the proposed extension would cause sufficient harm to the amenities of neighbouring occupiers to justify refusing the application.

7.0 Summary

7.1 On balance, it is not considered that the proposal will have a significantly harmful impact on the character of the host dwelling or the amenities of the occupants of the host dwelling or neighbouring dwellings.

8.0 Conclusion

For the reasons discussed above, the application is recommended for conditional approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

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

JF1 for 08/07/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not 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. APPROVAL CONDITION - Materials to match [Performance Condition]

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

REASON:

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

03. APPROVAL CONDITION - No other windows or doors other than approved
[Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties

04. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The window in the first floor side elevation of the building hereby approved (to the rooms indicated as 'Bathroom' on Drwg No. 02 Rev A) shall be glazed in obscure glass and shall be non-opening 1.7m from the floor of the room it serves. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

05. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

06. APPROVAL CONDITION - Approved Plans

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

REASON:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

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 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 14/00596/FUL

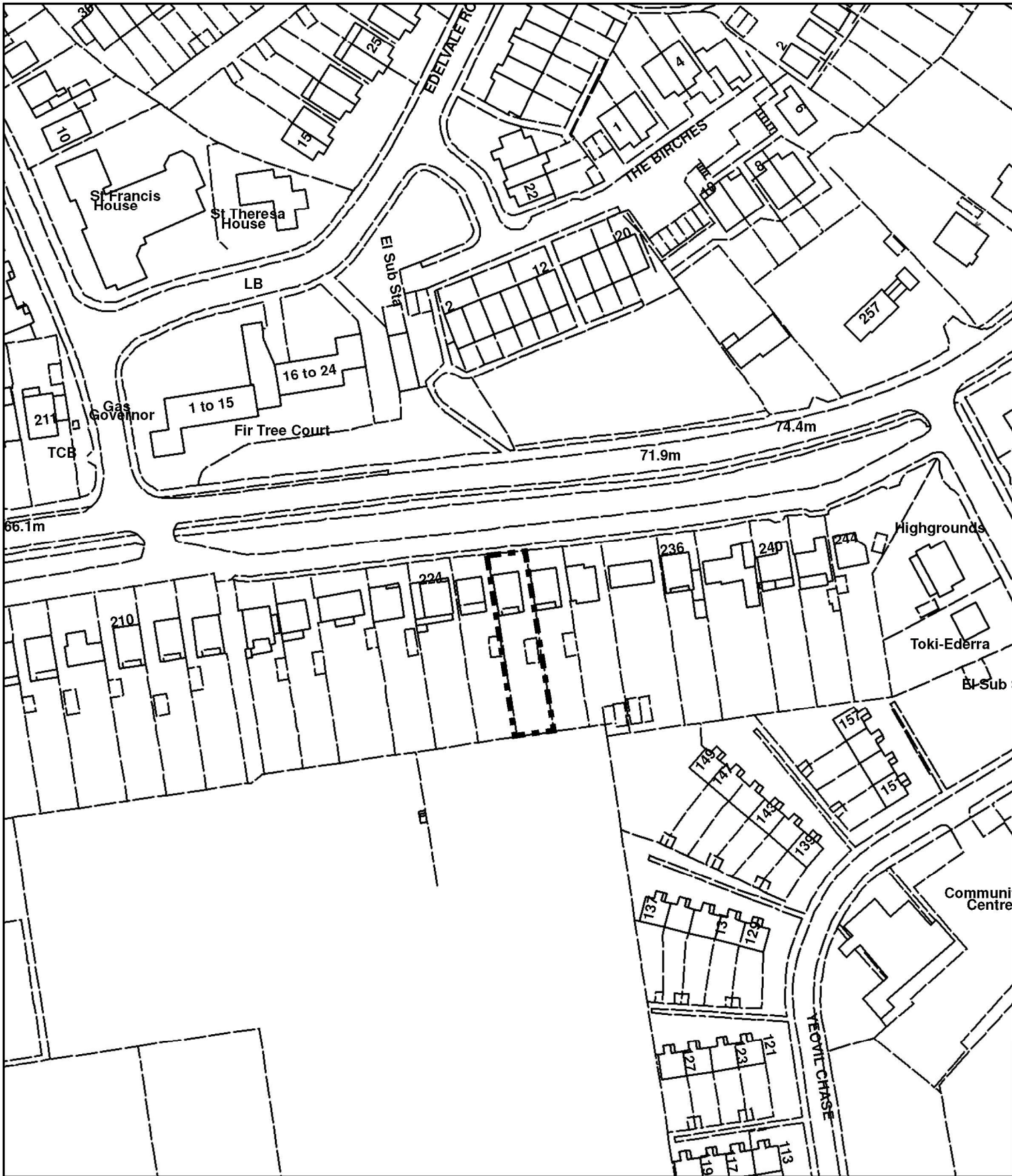
APPENDIX 2

Relevant Planning History

14/00597/FUL, Change of use of a residential room for hairdressing business.
Pending Decision.

1058/14, Dwelling and garage (Prev Ref - Plot 7)
Conditionally Approved, 22.02.1955

14/00596/FUL



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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager**

Application address: 9 Abbots Way SO17 1QU			
Proposed development: Resurfacing to front driveway and garden			
Application number	14/00590/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	02.06.2014	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Claisse Cllr Norris Cllr O'Neill Cllr Vinson (prior to elections on 22nd May 2014)

Applicant: Ms Alison Shepherd	Agent: N/A
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and pro-active manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9 and HE1 of the City of Southampton Local Plan Review (March 2006) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a detached, residential dwelling situated in the Portswood Residents Gardens Conservation Area.
- 1.2 There is an Article 4 direction in place on the site removing permitted development rights. As part of this Article 4 direction, the permitted development right to lay any hard surfacing on land fronting a highway requires planning permission.

2.0 Proposal

- 2.1 The application proposes the replacement of an existing gravelled section to the front of the property, to be replaced with hard surfacing to match the existing drive. The proposed footpaths will also be re-laid to match the existing.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Development within a conservation area is expected to preserve or enhance the character of the conservation area, in accordance with Core Strategy Policy CS14 and Local Plan “saved” Policy HE1.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

4.0 Relevant Planning History

- 4.1 Not applicable.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (18.04.2014) and erecting a site notice (25.04.2014). At the time of writing the report **7** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 The proposed hard surfacing unbalances the proportions of the front garden with excessive coverage of hard standing, harming the character of the host dwelling.
- 5.1.2 The proposed surfacing does not comply with the guidance given in the Portswood Residents Gardens Conservation Area Appraisal and Management Plan, harming the character of the conservation area.
- 5.1.3 The proposed changes, although small in scale, will contribute to a cumulative and harmful impact on the overall character of the conservation area.

Consultation Responses

- 5.2 **SCC Highways** - No objection.
- 5.3 **SCC Sustainability** – No objection.
- 5.4 **SCC Heritage** – The proposal seeks to regularise the materials used in the existing drive. The materials used are considered acceptable. On balance the application is recommended for approval provided no additional garden space is lost.
- 5.5 **City of Southampton Society** – No objection.
- 5.6 **(Former) Councillor Vinson** - The proposal does not comply with Council guidance on preservation of front gardens within the conservation area. Request for the application to be heard at Panel.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- 6.2 Principle of Development
 - 6.2.1 Broadly speaking the hard surfacing of part of a front garden is not considered unacceptable in principle. The main consideration will be the specific impacts of the proposed development on the site and its local context.
- 6.3 Impact on character of host dwelling and conservation area
 - 6.3.1 PRG6 of the Portswood Residents Gardens Conservation Area Appraisal and Management Plan advises that the front gardens are essential to the appearance and character of the conservation area and encroachment of additional hard standing will normally be resisted. It also notes that where surfacing or resurfacing is given consent, it should be in keeping with the existing character of the house and garden.
 - 6.3.2 With reference to the comments from the conservation team (section 5.4) on balance it is not considered that the proposed hard standing will have a significantly harmful impact on the character of the host dwelling or the conservation area given the integration of the proposed materials into the existing site, the scale of the proposed hard surfacing and the retention of the remaining garden space.

7.0 Summary

7.1 The proposal would not have a significantly harmful impact on the character or appearance of the host dwelling within the conservation area and the proposed materials would represent an improvement over the existing situation.

8.0 Conclusion

8.1 For the reasons discussed above the application is recommended for Conditional Approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a) (c) (d), 2 (b) (d), 4 (f) (o) (vv), 6 (c) (i), 7 (a)

JF1 for 08/07/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not 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. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials used in the proposed hard standing shall match that used in the existing hard surfacing to the satisfaction of the Local Planning Authority.

REASON:

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

03. APPROVAL CONDITION - Approved Plans

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

REASON:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS14	Historic Environment
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
HE1	New Development in Conservation Areas

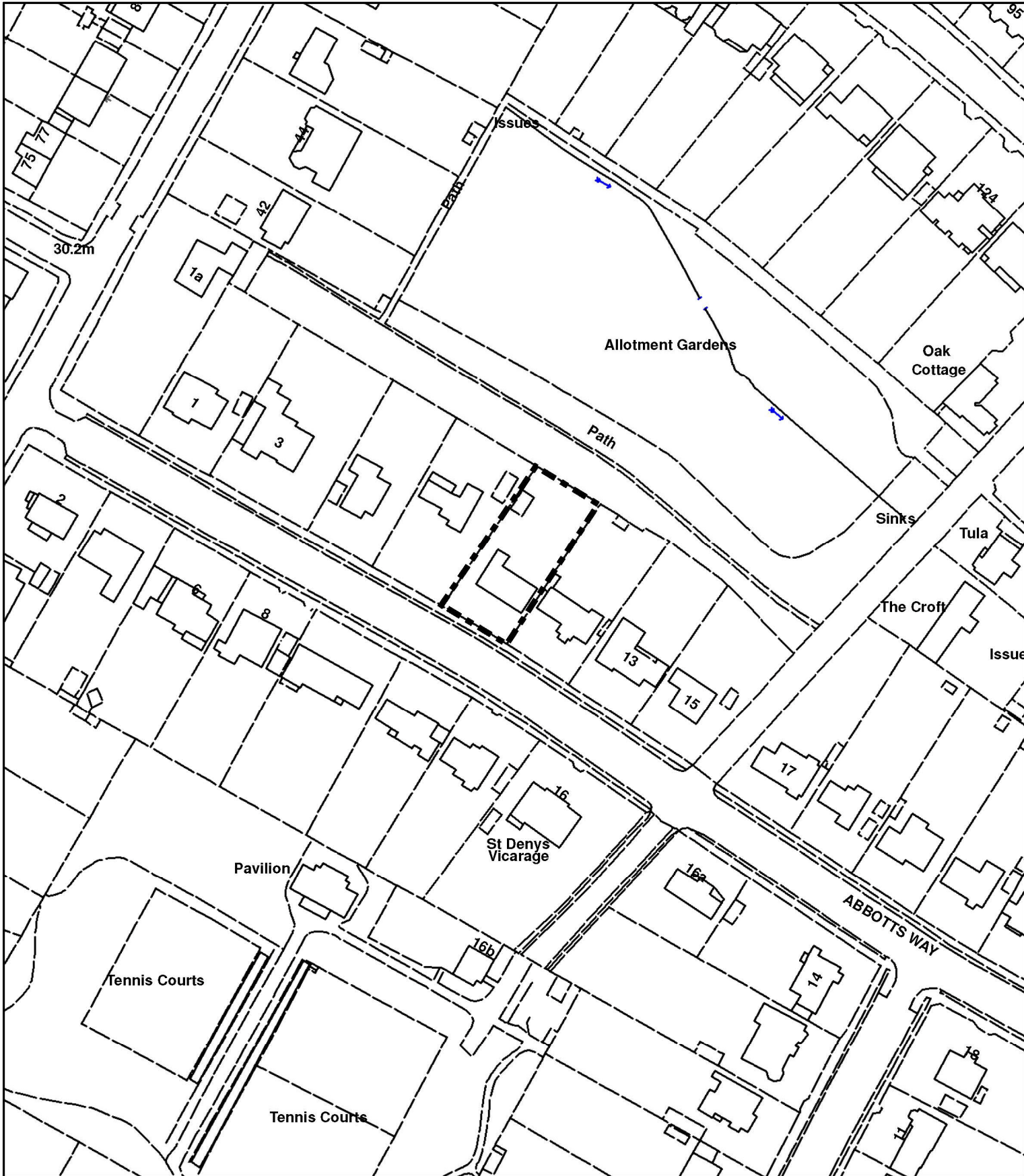
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

14/00590/FUL



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Agenda Item 10

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 8.7.2014
Planning Application Report of the Planning and Development Manager**

Application address: Garage site to rear of Elizabeth Court, Aberdeen Road.			
Proposed development: Redevelopment of the site. Erection of two detached, single storey, three bedroom dwellings with associated parking, refuse and cycle storage following the part demolition of existing garages			
Application number	14/00755/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	09.07.2014	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Norris Cllr Claisse Cllr O'Neill

Applicant: Mr J Kemmish	Agent: Concept Design & Planning
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Recommendation Summary	Conditionally approve subject to the receipt of a satisfactory bat emergence survey.
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Community Infrastructure Levy Liable	Yes
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations as reported to the Planning and Rights of Way Panel on 8th July, including the previous appeal decision, do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP5, SDP7, SDP9, SDP9, H1, H2, H7 and H8 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS19, CS20 and CS22 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework.

Appendix attached	
1	Appeal Decision and plans for 12/01289/OUT
2	Development Plan Policies
3	Relevant Planning History

Recommendation in Full

Conditionally approve subject to the receipt of a satisfactory bat emergence survey.

1 The site and its context

- 1.1 The site is located to the rear of a three storey block of twelve flats located on Aberdeen Road and contains 30 largely underused garages. The site is bordered on the east side by a brick wall which separates the site from a car park serving a social club. The site is bordered to the north and south by residential gardens; boundary treatment is 1.8m high close boarded fencing.
- 1.2 Neighbouring the site to the rear, and on the East boundary, there is a mature Sycamore tree that is protected with a Tree Preservation Order.

2 Proposal

- 2.1 Full planning permission is sought for two modern, flat roofed, single storey, three bedroom dwellings. Each property would have two parking spaces and private rear gardens. The scheme has been submitted following the approval of planning permission that was granted earlier this year. It was subsequently discovered that the applicant did not own all of the garages on the site and thus the ownership certificate submitted was incorrect. The revised scheme now seeks to amend the proposal to take account of the single garage which has now been omitted from within the application boundary. The parking area to the front has also needed to be amended as parking arrangements and front gardens have been altered. Access to the adjacent refuse and recycling stores at Elizabeth Court which is currently achieved through the garage site and also had been provided within the previously approved development has also changed.
- 2.2 In all other respects the proposed scheme remains the same as the application which received planning approval from the Planning and Rights of Way Panel on 25th March 2014.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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 Two planning applications relating to the site were refused in 2012. Both sought the erection of four x two storey dwellings (references 12/00279/OUT and 12/01289/OUT). The decision relating to the more recent of the two applications was dismissed at appeal. The Inspector found that the scheme represented an over-development of the site and that insufficient information was provided relating to the protected tree adjacent to the site nearby.
- 4.2 Earlier this year planning permission was granted for the erection of two detached three bedroom dwellings. However, the submission contained an error (as described above in paragraph 2.1 which has resulted in the submission of this application.
- 4.3 The remaining planning history is given in **Appendix 3**.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (23.05.2014). At the time of writing the report **5** representations have been received from surrounding residents.

Summary of Comments:

- 5.2 Redevelopment cannot be justified due to current state of the site.

Response: The status and structural integrity of the garages on site is not a material consideration.

- 5.3 The proposal would lead to overdevelopment of the site.

Response: The revised scheme reduces the number of dwellings proposed from four to two and the density of the development is considerably lower than the surrounding area. The proposed density is 24 dwellings per hectare. The planning assessment will need to consider the acceptability of the proposals and, therefore, whether or not the scheme is an overdevelopment of the site.

- 5.4 Parking pressure and highway safety of the local area.

Response: The Highways Officer is satisfied that the proposed development has satisfactory parking and would have an acceptable impact on highway safety. Parking is an amenity issue and is discussed in Section 6 of this report.

- 5.5 The proposal would block the current access to the refuse store of Elizabeth Court which will make refuse collection difficult. Access within the site to the storage areas associated with Elizabeth Court will not be maintained as was previously provided within the approved application.

Response: There is no public right of way through the site and therefore no planning reason to maintain access. Private arrangements need to be made to manage refuse collection at Elizabeth Court. This is not a material planning consideration.

- 5.6 The boundary treatment should be a 1.8m high brick wall.
- Response:** Details of the boundary treatment can be secured through the use of planning conditions.
- 5.7 **Consultation Responses**
- 5.8 **SCC Highways** – The initial vehicular access is substandard (the access should be 4.5m wide lasting 6m into the site from the public highway) but because the development will result in less trips it is not deemed essential to require this.
- 5.9 **SCC Sustainability Team** – No objection, apply recommended conditions.
- 5.10 **SCC Environmental Health (Pollution and Safety)** - No objection, conditions recommended.
- 5.11 **SCC Environmental Health (Contaminated Land)** – No objection, conditions recommended.
- 5.12 **SCC Ecology** – Holding objection. The application site consists of two blocks of garages and an area of hard standing. The site is of generally low biodiversity value except for the excellent self sown sedum green roof at one end of the eastern block of garages.
- 5.13 The surrounding environment includes gardens with a number of trees which have potential to provide bat foraging habitat. The garages are in generally poor condition with numerous access points and it is possible that they could be used for temporary summer bat roosts. I would therefore like a bat emergence survey to be undertaken before this application is determined.
- 5.14 The addition of gardens and green roofs to the site would provide good biodiversity enhancements if planted with appropriate species.
- 5.15 **Response:**
- 5.16 **SCC Historical Environment** – Should planning permission be granted, the area should be subject to an archaeological evaluation followed by further archaeological work. Conditions recommended.
- 5.17 **SCC Trees** – No objection, conditions recommended.
- 5.18 **SCC Rights of Way Officer:** There are no public rights of way issues within the site. No objection raised.
- 5.19 **CIL** – The development is CIL liable. The charge will be levied at £70 per sq m on Gross Internal Area of the new development.
- 5.20 **Environment Agency** – No objection.
- 5.21 **Southern Water** – No objection.

6 Planning Consideration Key Issues

6.1 The key issues for consideration are listed below.

- Principle of Development;
- Highways and Parking;
- Design and impact on established character;
- Impact on adjoining residential amenity;
- Impact on trees; and
- Proposed residential environment.

6.2 Principle of Development

6.3 The site is not safeguarded for any specific use and does not form part of a garden. The site is also hard-surfaced and contains garage buildings therefore it is considered previously developed. The previous Inspector's decision did not oppose the principle of a residential development.

6.4 The previous permission establishes the principle of this form of development.

6.5 The principle of the redevelopment of the site for residential purposes is acceptable and will assist the Council in meeting its housing objectives. The addition of two family dwellings is also supported.

6.6 Highways and Parking

6.7 Highways safety is not a concern and the Highways Team support the development. The revised scheme includes amendments to the frontage including the layout of parking spaces. The revision does not introduce any new issues that raise concern. Two parking spaces per dwelling are proposed.

6.8 The previous design and access statement confirms that the garages are at present not being used for the parking of vehicles. Having visited the site and witnessed the un-maintained nature of the garages, and access to them, this point is not in dispute. The Highways Team do not oppose the scheme and consider that the proposed use will generate fewer trips than the garages would have if they were being used.

6.9 The retention of one garage within the site does not alter the assessment of highways safety.

6.10 Design and impact on established character

6.11 There are no back land developments of a similar nature to the proposal in the local neighbourhood. However, the previous appeal decision relating to application (12/01289/OUT) only raised character as an objection when considering the two storey height of the development because the development would be viewed from surrounding residential properties. As such it is considered that by removing the first floor, the previously harmful impact on local character is removed.

- 6.12 Whilst the proposed residential density is relatively low compared to the surroundings, it is not objectionable due to the constraints of the site and the previous reason for refusal. The proposed density of the development is 24 dwellings per hectare.
- 6.13 Owing to the back-land nature of the site the scheme can also afford to be a unique architectural response to the context. The proposed density of 24 dwellings per hectare is lower than the recommended density set out in the Residential Design Guide (minimum of 35 dwellings per hectare) but is considered to be appropriate.
- 6.14 On the whole, the design of the buildings is not objectionable as it would not harm the character of the surroundings and is of a sufficient standard to meet the objectives of LDF Policy CS13.
- 6.15 Impact on neighbouring residential amenity
- 6.16 As the building is single storey and given that there are no significant changes in level between sites, no overlooking of neighbouring gardens or properties will occur provided boundary treatment is incorporated and retained where relevant.
- 6.17 The revised scheme has addressed the previous concern raised regarding windows overlooking neighbouring sites, and the potential to jeopardise future development potential of the neighbouring site.
- 6.18 The nature and scale of the development is not judged to harm neighbouring amenity and has been assessed as consistent with the aims of Local Plan Review Policy SDP1 (i).
- 6.19 Trees
- 6.20 Insufficient information regarding trees was one of the reasons for refusal for the previous scheme of four units (12/01289/OUT). During the appeal, the Inspector disagreed with the appellant's submitted tree report which suggested that a protected tree on an adjacent site should be removed. The Inspector stressed that the tree is an important feature which pleasantly contributes to the character and appearance of the building (PINS Paragraph 15 refers).
- 6.21 The Tree Team are satisfied with the detail received within the submission regarding trees.
- 6.22 Residential environment
- 6.23 The layout of the development within the plot has not been altered since the most recently approved scheme other than for the retention of one garage and minor changes to the parking layout. Since the refused scheme there has been a significant reduction in the quantum of development proposed. In addition no more than half of the site would remain hard-surfaced.
- 6.24 Each habitable room will achieve acceptable outlook, daylight and ventilation; and each dwelling has its own front garden with defensible space in front of habitable rooms, and private garden space.

- 6.25 The depth and size of rear garden serving both properties achieves compliance with our adopted residential standards. Rear gardens are capable of accommodating bin and cycle storage. The provision of amenity area for each property would be approximately 125m² and 160m².
- 6.26 The distance between habitable room windows at second floor level of the neighbouring development (Elizabeth Court) and proposed garden serving the closer of the two units would be 12.5m. This distance is considered to be sufficient enough to prevent significant loss of privacy for the occupants of the proposed residential unit.

7 Summary

- 7.1 The proposed scheme provides an acceptable residential environment for future occupiers without significantly affecting neighbouring amenity or the character of the local area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking within Aberdeen Road having regard to the Council's maximum car parking standards. Furthermore significant weight is given to the merits of housing delivery on this site.

8 Conclusion

- 8.1 The minor changes proposed, since the approval of application 14/00048/OUT, have not introduced any material reasons to oppose the revised scheme and therefore planning permission should be granted subject to conditions.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

MP for 08.07.2014 PROW Panel

Planning Conditions

1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

REASON:

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

2. APPROVAL CONDITION - Approved Plans [Performance Condition]

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

REASON:

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

3. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings.

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.

4. APPROVAL CONDITION - Boundary wall [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and retained thereafter. Where the boundary is currently formed by the rear walls of the garages proposed to be removed the boundary treatment shall be formed by a brick wall of at least 1.8m in height.

REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

5. APPROVAL CONDITION – Cycle and refuse storage [Pre-Occupation Condition]

The cycle and refuse storage as detailed in the approved plans C13/093.05 rev B should be erected on site prior to occupation and retained thereafter in perpetuity.

REASON:

To encourage cycling as an alternative form of transport and in the interests of visual amenity.

6. APPROVAL CONDITION - Refuse collection [Performance Condition]

Notwithstanding the approved plans prior to the occupation of the development hereby approved plans detailing a refuse collection point no more than 20m from the public highway shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection point shall be constructed in accordance with the approved plans prior to the first occupation of the hereby approved development. Such facilities as approved shall be permanently retained for that purpose. Except for collection days only, no refuse shall be stored to the front of the buildings hereby approved, the approved access drive or on the highway of Aberdeen Road.

REASON:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

7. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]
The roof area of the residential units hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden, amenity area or storage without the grant of further specific permission from the Local Planning authority.

REASON:

In order to protect the privacy and outlook of adjoining occupiers.

8. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

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

Class F (hard surface area)

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

9. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

10. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within six months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

11. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement and Occupation Condition]

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:

- i. 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.
- ii. 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.
- iii. 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 (iii) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene 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.

12. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

REASON:

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

13. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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.

Any changes to the agreed remediation actions will require the express written consent of 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.

14. APPROVAL CONDITION - Archaeological evaluation investigation [Pre-Commencement Condition]

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

REASON:

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

15. APPROVAL CONDITION - Archaeological evaluation work programme [Performance Condition]

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

REASON:

To ensure that the archaeological investigation is completed.

16. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

REASON:

To protect the amenities of users of the surrounding area.

17. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

18. APPROVAL CONDITION - No storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

REASON:

To preserve the said trees in the interests of the visual amenities and character of the locality.

19. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

REASON:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

20. APPROVAL CONDITION – Pedestrian access route Pre-Commencement Condition

Prior to the commencement of the development details of a pedestrian priority route leading from the houses to Aberdeen Road will need to be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed pedestrian access route shall be implemented prior to the occupation of the hereby approved development.

REASON

Due to the width of the access route into the site; in the interests of pedestrian safety.

21. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

REASON:

To avoid undue congestion on the site and consequent obstruction to access.

22. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

REASON:

In the interests of highway safety.

Note to Applicant:

1. Community Infrastructure Liability (Approval)

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

2. Southern Water - Public Sewerage

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

3. Storage of materials - It is the applicant's responsibility to ensure that any materials and equipment storage, and other operations throughout the period of work required to implement the development shall only be carried out within the site boundary. The granting of planning permission does not grant authority for any provision of temporary parking, and materials/equipment storage the on public highway or adjacent land.

4. European Protected Species Licence (EPS) - In relation to Condition 20, it is noteworthy that if a bat roost is identified on the site a European Protected Species Licence will be required in order to undertake demolition.

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Appeal Decision

Site visit made on 20 February 2013

by T M Smith BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 May 2013

Appeal Ref: APP/D1780/A/12/2186317

Rear of Elizabeth Court, Aberdeen Road, Southampton, S017 2LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr J Kemmish against Southampton City Council.
 - The application Ref 12/01289/OUT, is dated 22 August 2012.
 - The development proposed is demolition of 30 garages to the rear of Elizabeth Court and construction of 4 houses with associated parking, cycle and refuse stores.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mr J Kemmish against Southampton City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is made in outline with approval sought at this stage for access, appearance, scale and layout of the development but not its landscaping.
4. The Council has confirmed in its statement that had it been in a position to determine the application it would have been minded to refuse it citing two reasons which relate to the over-development of the site and insufficient information in respect of nearby trees.
5. Following the submission of the appeal, amended and additional plans were submitted which the Council has taken into consideration in its statement. The amendments relate to Dwellings 1 and 2 with changes proposed to the window openings, particularly to the rear, together with clarification of surface area calculations. Given the nature of the alterations and the rooms to which they relate, I do not consider the interests of other parties would be prejudiced and have therefore taken them into account in reaching my decision.

Main Issues

6. The main issues in this case are: the effect of the proposal on the character and appearance of the surrounding area; its effect on a protected tree adjacent the site; and whether the proposal would provide suitable living conditions for future occupiers having regard to outlook and amenity space.

Reasons

Character and appearance

7. The appeal site comprises some 30 garages set out in two parallel terraces located to the rear of the communal gardens of two blocks of flats known as Elizabeth Court. The garages are served by a narrow vehicular access between 1-6 Elizabeth Court and 44 Aberdeen Road. I observed that the garages appear unused and their condition varies to the extent that some are starting to appear dilapidated. Notwithstanding their varied condition, they are not causing harm to the character and appearance of surrounding area and unlike the appellant I do not consider that there is an overwhelming case for their redevelopment.
8. The surrounding area is predominantly residential and comprises a mix of mainly semi-detached and terraced two storey properties set back from the road. Deep and narrow gardens to the north and south of the appeal site provide a distinct and open character to the area. Breaks between the housing enable the depth and space between the houses to be viewed from the public highway. Whilst there are properties on Aberdeen Road to the south of the appeal site which feature smaller gardens these do not detract from character of the area. Having observed the area, I do not consider that backland development is a characteristic feature of the surrounding area. Nor have any comparable nearby developments been brought to my attention.
9. The proposal would take the form of a backland cul-de-sac with the four dwellings accessed off a small section of shared driveway. From the adjacent properties and their gardens, the proposed dwellings would appear as isolated and uncharacteristic intrusions in this open area which currently has no substantial buildings of a comparable scale. Consequently, the proposed houses would not be well related to existing dwellings or the pattern of development. Furthermore, although the dwellings would not be prominent in the street scene, nor would they be hidden from public view. They would be seen through gaps between the existing houses, including along the proposed access, and would also be evident from Priory Close to the east. They would appear incongruous and at odds with the surrounding area.
10. Furthermore, the proposal would fail to provide adequate levels of amenity space for the dwellings as required by the Council's Supplementary Planning Document (SPD)¹. This, combined with the lack of space to the front and rear of the proposed houses, would result in their appearing cramped which would be out of keeping with the character of the surrounding area.
11. A contributory factor towards the Council's concerns about overdevelopment of the site is the extent of proposed hard surfacing on the site. The precise amount is a matter of dispute between the parties. The extent of the hard surfacing is not specifically advanced by the Council within their statement and in any event, a strict adherence to the percentage in this instance, would not overcome my concerns with the proposal overall.
12. I note that the proposed fenestration to dwellings 1 and 2 has been amended in an attempt to overcome the Council's previous concerns which related to the proximity of the openings in the rear of these dwellings to the boundary and the fact that windows at first floor would prejudice any future development of the adjoining site. The latter was identified in a now superseded draft delegated

¹ Residential Design Guide – Final Approved Version – September 2006

report and is a matter no longer being pursued by the Council. The point the Council were seeking to make, which remains unaltered, was that the outlook from any new development should be derived from within its own curtilage and not borrowed from neighbouring land. I concur with this approach and deal with this in more detail below in my consideration of the potential effect on the living conditions of future occupiers. I consider that as a consequence of the proposed changes, the rear elevation of these two dwellings would appear contrived and out of keeping with the general appearance of dwellings in the locality.

13. In conclusion on this issue, I consider the proposal does not respond positively or integrate well with its surroundings and would harm the character and appearance of the area. It would therefore conflict with policies SDP1(i) and SDP12 of the Southampton LPR², policy CS13 of the Core Strategy as well as the Councils SPD.

Preserved Tree

14. Outside of the appeal site on the shared boundary of the adjacent social club car park and Nos 17-19 Priory Close is a mature Sycamore tree which is the subject of a Tree Preservation Order. The tree is a feature of the site and the immediate vicinity with views available of it to the east from Priory Close. It is located at the end of a row of back to back gardens which feature a number of trees. The Council considers that insufficient information was submitted with the application to establish whether any harm would be caused to the tree by the proposal, either as a consequence of the development itself or due to future occupier's pressures for its reduction or removal given its proximity to dwellings 3 and 4.
15. In order to overcome the Council's concerns, the appellant has submitted a tree report with the appeal. The report recommends that the tree should be removed. However, notwithstanding this recommendation, I consider that the tree makes a pleasant contribution to the character and appearance of the area. Its loss would cause further harm to the character and appearance of the area and could potentially prejudice biodiversity interests.
16. Accordingly, I find the proposal conflicts with saved policies SDP1(i) and SDP12 of the Southampton LPR together with policies CS13 and CS22 of the Core Strategy which, amongst other things, seek to ensure the retention of landscape features and that development produces a net gain in biodiversity.

Living conditions

17. The Council's SPD³ identifies minimum garden sizes dependant upon the type of property in the interests of the character of an area as well as to ensure practical use for future occupants. The gardens of two of the dwellings would fail to provide sufficient depth whilst all of them would fail to meet the required area standards. The shortfall would range from 10sqm to 30sqm which would result in the provision of a poor outlook as the rear boundary fence to dwellings 1 and 2 would be the dominant feature of the garden by reason of its proximity. The original scheme would provide a poor outlook from the first floor rear elevations of these dwellings, as the adjoining car park would dominate their view. I consider that the amendments, which include the provision of only

² City of Southampton Local Plan Review (LPR) 2006

³ Paragraphs 2.3.12 – 2.3.14 of the Residential Design Guide

rooflights in the bedrooms, would also offer a poor outlook and is reflective of the overall cramped nature of the proposed development.

18. For these reasons I conclude that the proposal would provide unacceptable living conditions for future occupiers of the proposed development contrary to saved policy SDP1(i) of the Southampton LPR. The proposal would also conflict with paragraphs 9 and 17 of the Framework which seek to improve the conditions in which people live as well as securing a good standard of amenity for all existing occupants of land and buildings.

Other Matters

19. The appellant argues that the scheme, in accordance with the National Planning Policy Framework (the Framework), would deliver economic benefits and, by reason of a lack of harm, would bring about all three dimensions of sustainable development. Furthermore, the appellant contends that the Council is expected to fail to meet its housing targets and references the Planning Annual Monitoring Report April 2010 – March 2011. Neither the appellant nor the Council provide any up to date evidence to substantiate or refute this matter. Accordingly, in the absence of this information, and having regard to paragraphs 14, 49 and 215 of the Framework, I shall proceed on the basis that the relevant development plan policies referred to above are consistent with the Framework. In the case of this appeal, the sustainability benefits in terms of housing delivery, job creation and economic growth do not outweigh that harm that I have identified which results in conflict with paragraphs 17, 56 and 64 of the Framework.
20. In light of the facts in this case, I do not consider that the revocation of the Regional Spatial Strategy for the South East alters my conclusions.

Conclusions

21. For the reasons above, and having regard to all other matters raised, the appeal is dismissed.

TM Smith

INSPECTOR

Application 14/00048/OUT

Appendix 2

POLICY CONTEXT

Adopted Core Strategy (January 2010)

CS4 (Housing Delivery)
CS5 (Housing Density)
CS13 (Fundamentals of Design)
CS19 (Car and Cycle Parking)
CS20 (Climate Change)
CS22 (Promoting Biodiversity and protecting habitats)

City of Southampton Local Plan Review (March 2006)

SDP1 (Quality of Development)
SDP5 (Parking)
SDP7 (Context)
SDP8 (Urban Form and Public Space)
SDP9 (Scale, Massing and Appearance)
SDP10 (Safety and Security)
SDP12 (Landscape and Biodiversity)
H1 (Housing Supply)
H2 (Previously Developed Land)
H7 (The Residential Environment)
H8 (Housing Density)

Supplementary Planning Guidance

Residential Design Guide (Approved – September 2006)
Parking Standard SPD (September 2011)

Other Guidance

The Southampton Community Infrastructure Levy Charging Schedule
(September 2013)

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Appendix 3

- **Application** 14/00048/OUT

Relevant Planning History

1298/P11 - Erection of 12 flats with 12 garages to the rear of the building – Conditionally approved.

1357/23R1 - Erection of 12 flats with 12 garages to the rear of the building used – REFUSED

1363/36 - Erection of 6 garages to the rear of the building – Conditionally approved.

1357/23R2 - Erection of 6 garages to the rear of the building (resubmission of 1357/23R1) – Conditionally approved.

1396/46 - Erection of 5 garages and 1 double garage to the rear of the building – Conditionally approved.

12/00279/OUT - Demolition Of Existing 30 Garages And Erection Of 4 X 2-Storey Dwellings (2 X Two-Bed, 1 X Three-Bed And 1 X Four-Bed) (Outline Application Seeking Approval For Access, Appearance, Layout And Scale) (Affects A Public Right Of Way).

Refusal Reason, Over-development of the site.

Refusal Reason, Insufficient Information – Trees.

12/01289/OUT - Demolition of existing 30 garages and erection of 4 x 2-storey dwellings (2 x two bed and 2 x three bed) with associated parking and cycle/refuse storage (outline application seeking approval for access, appearance, layout and scale) (affects public right of way). Refused. 13.05.2013

Refusal Reason, Over-development of the site.

The proposed development by reason of its quantum of development, layout and orientation of the site represents an inappropriate form of development which would:

- (i) Result in an excess of 50% hard-standing on the site.
- (ii) The close proximity of the rear elevation and habitable room windows serving dwellings 1 and 2 to the eastern boundary of the site results in an unreasonable relationship, due to overlooking potential, which would prejudice the future development of the land currently used of the vehicular parking associated with the nearby social club.
- (iii) Result in poor natural surveillance of the vehicular access from within dwellings 1 and 2.
- (iv) Poor privacy will be experienced by the occupants of dwelling when using their kitchen which does not include defensible space in-front of it.
- (v) Result in insufficient and uncharacteristic private gardens (not achieving suitable rear depth) allocated to dwellings 1 and 2.

Taken together, these factors are considered to be symptomatic of a cramped and overdeveloped site which is out of character with the existing pattern of development in the neighbourhood. As such, the development would prove contrary to the provisions of saved policies SDP1(i), and the guidance as set out in the Council's approved Residential

Design Guide SPD (September 2006) (namely, sections 2.3.14, 3.2.2, 3.8.8, 3.9.2, 3.10.22, 3.10.23, 4.4.1, 4.4.3, 4.4.4).

Reason For Refusal, Insufficient Information - Trees

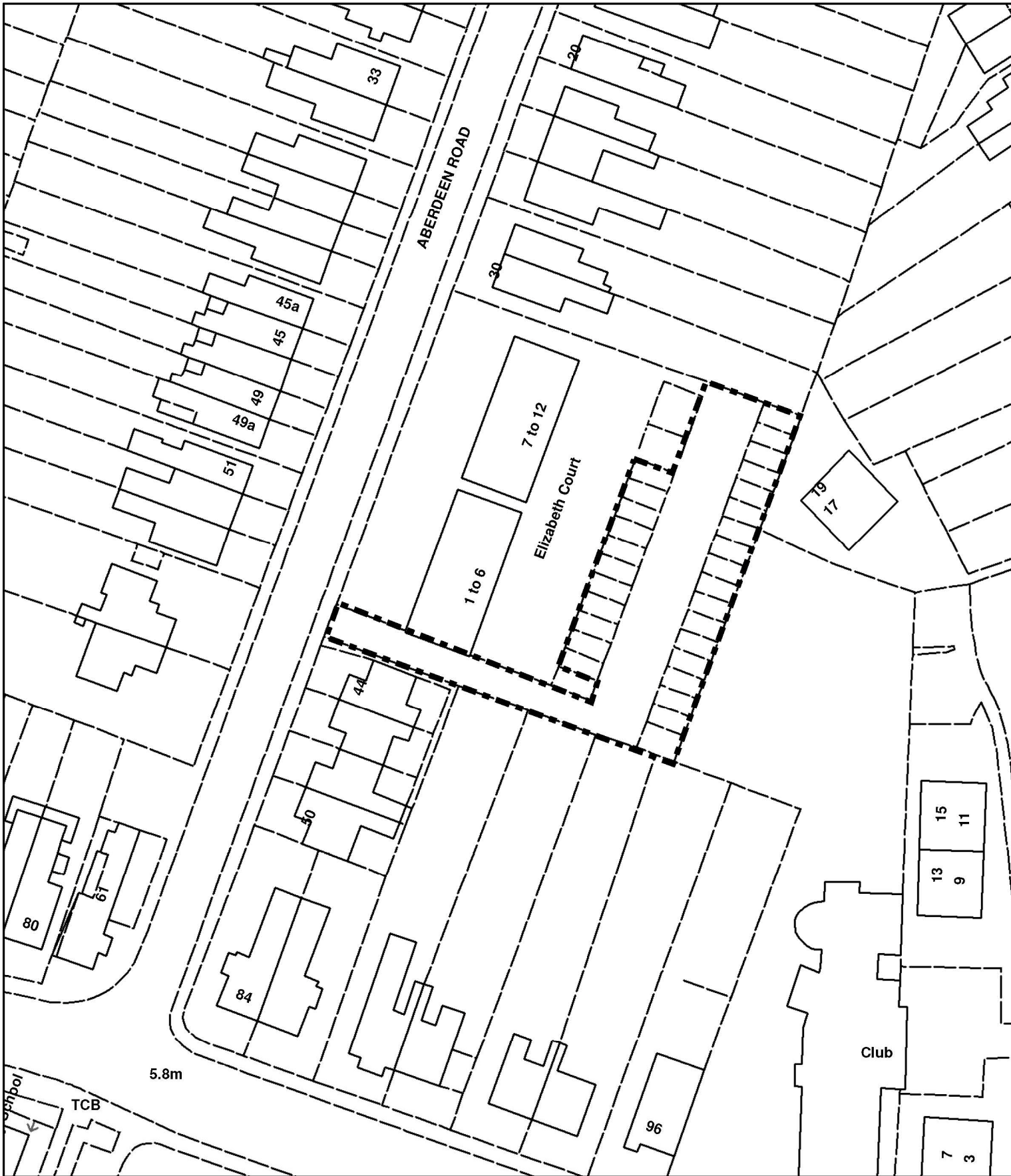
The applicant has failed to complete question 15 correctly as there are nearby trees on land adjacent to the site which could influence the development. Owing to the proximity of the development, in particular dwelling 4, to the protected tree adjacent to the site, which is covered by tree preservation order: Elizabeth Court, Aberdeen Road, Order (No 561) 2012; the Local Planning Authority is not satisfied that the proposed development would not result in pressure to prune or remove this tree. Due to the position of the development the tree are likely to cause excessive shading, continual nuisance from falling debris and anxiety to residents concerned by the potential of falling branches and the tree itself falling during storm events. The applicant has also failed to provide adequate supporting information (arboriculture report) to enable the Local Planning Authority to be satisfied that the proposal would not have a detrimental impact upon the protected tree which makes an important contribution to the visual amenity and character of the area. Accordingly the proposal, is not therefore, in accordance with the provisions of policies SDP1 (i) and SDP12 (i) (ii) and (iii) of the City of Southampton Local Plan Review (March 2006) and Policies CS13 and CS22 of the adopted LDF Core Strategy (January 2010).

The above decision was appealed and subsequently dismissed. It is noted that the Inspector broadly agreed with the Council on both reasons for refusal listed above.

14/00048/OUT - Redevelopment of the site. Erection of 2 x detached 3 bedroom dwellings with associated parking, refuse and cycle storage following the demolition of existing garages [Outline application seeking approval for Access, Appearance, Layout and Scale] – Conditionally approved, 14/04/2014.

Agenda Item 10 14/00755/FUL

Appendix 1



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