

Planning and Rights of Way Panel (EAST)

Tuesday, 25th November 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 Denness (Vice-Chair)
Councillor Fitzhenry
Councillor Hecks
Councillor Tucker

Contacts

Democratic Support Officer
Sue Lawrence
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Planning and Development Manager
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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- If, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave 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
Wednesday 15 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 for 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 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meeting held on 28th October 2014 and to deal with any matters arising, attached.

5 32A THOROLD ROAD TREE PRESERVATION ORDER (Pages 7 - 18)

Report of the Head of Regulatory and City Services regarding an appeal against The Southampton (32a Thorold Road) Tree Preservation Order 2014, attached.

CONSIDERATION OF PLANNING APPLICATIONS

6 LAND BETWEEN SHOP LANE AND BURSLEDON ROAD/BOTLEY ROAD JUNCTION - 14/01520/FUL (Pages 19 - 30)

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

7 12-18 HULSE ROAD, SO15 2JX - 14/01446/FUL (Pages 31 - 50)

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

8 34 AND 36 BLENHEIM GARDENS SO17 3RQ - 14/01505/FUL (Pages 51 - 66)

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

9 104 OBELISK ROAD - 14/01491/FUL (Pages 67 - 74)

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

10 119 NORTH EAST ROAD SO19 8AJ - 14/01631/FUL (Pages 75 - 82)

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.

11 33 SWANMORE AVENUE SO19 1BL - 14/01585/FUL (Pages 83 - 90)

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, 17 November 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 28 OCTOBER 2014

Present: Councillors Lewzey (Chair), Denness (Vice-Chair), Hecks, Norris and Tucker

24. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Fitzhenry from the Panel, the Head of Legal and Democratic Services acting under delegated powers, had appointed Councillor Norris to replace them for the purposes of this meeting.

25. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 30 September 2014 be approved and signed as a correct record.

26. **LAND TO REAR OF 28 TO 58 WINCHESTER ROAD AND REAR OF 204-218 WARREN AVENUE, SOUTHAMPTON 14/00676/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site to the rear of 28-64 Winchester Road and 204-218 Warren Avenue to include the construction of a new part two-storey and part three-storey building to provide 14 flats (nine x two bedroom, three x three bedroom, two x four bedroom) with access from Warren Avenue.

The Panel noted that consideration of this item had been adjourned at the previous meeting in order for the Panel to attend an accompanied site visit to assess the impact of the revised car parking layout on existing access. A site visit was undertaken on 9th October 2014 where Panel Members were able to view the site and the location of the proposed car parking area.

The Chair reminded those in attendance that, as an adjourned item, public speakers had been heard at the previous meeting and there would be no further public speaking on the item.

The presenting officer reported that six additional representations had been received following the re-consultation regarding the revised parking plans and the Panel's site visit and that no fresh issues or comments had been raised.

RESOLVED that the Planning and Development Manager be given delegated powers to grant planning permission subject to the completion of a S106 legal agreement, the conditions in the report and the additional condition as set out below:

Additional Condition

30. APPROVAL CONDITION – Dry risers

Prior to the commencement of development, full details of dry risers to serve the development be submitted to and agreed in writing with the Local Planning Authority. The development be implemented in accordance with the agreed details.

REASON:

Although the 2.8 metre wide access is sufficient for a fire engine, as this access is used by third parties on a regular basis, it was deemed necessary to secure alternative provision for dealing with an emergency.

RECORDED VOTE to grant planning permission:

FOR: Councillors Hecks and Lewzey

AGAINST: Councillor Tucker

NOTE: Voting was restricted to those members of the Panel who had considered the item prior to its adjournment and who had then attended the site visit.

27. **13 GROSVENOR ROAD, SOUTHAMPTON SO17 1RU 14/00999/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Conversion of existing building into five flats (two x three-bed, two x two-bed and one x one-bed) with associated parking and cycle/refuse storage.

Jerry Gillen – Highfield Residents' Association and Russell Smith (local residents / objecting) and Councillor O'Neill (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a correction to paragraph 6.1 of the report - to read 'petition with 63 signatures' and not 53.

With the consent of the Chair, the Council's Solicitor to the Panel commented on the barrister's opinion as sought by the Highfield Residents' Association (appended to the report) with regard to the decision of the Planning Inspector (dated 15.8.13 and also appended to the report). The Solicitor to the Panel disagreed with that opinion and indicated specific examples of the evidence the Inspector had referred to and where they had exercised their planning judgement and reached, in his opinion, reasoned conclusions.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1. - Harm to the amenity of neighbours and character of the area

The proposed creation of five flats would result in a level and intensity of occupation, combined with a pattern of activity to and from the property that would be likely to harm the amenity of neighbours through noise and general disturbance and also be likely to

exacerbate on-street parking difficulties. This in turn would have an adverse impact on the character of this immediate part of the street, which is predominantly comprised of single family occupied dwellings, contrary to the Government's objectives to create stable attractive communities under paragraphs 7 (2nd bullet point), 58 (1st bullet point) and 69 of the National Planning Policy Framework. As such, the proposed conversion of the property to one which would be multiply occupied by five dwellings with shared integral cycle store and common refuse facilities, and with inconvenient access to a relatively remote common garden space for three flats, would be contrary to the following policies of the Development Plan for Southampton:

Local Plan Review (March 2006) - 'saved' policies SDP1 (i), SDP7 (v), SDP16 (i), H1 (iv), H2 (iii) and H4 (i)/(ii).

Local Development Framework Core Strategy (January 2010) - policies CS5 (1) and CS13 (11).

2. – Parking Permit Restriction

In the absence of a satisfactory legal agreement to ensure that these flats will not seek access to parking permits to park in the neighbouring controlled parking zones; the Local Planning Authority considers that the scheme fails to mitigate against its direct impact and could result in overspill car parking taking place from the development, which would give rise to an unacceptable risk of serious inconvenience and danger arising from increased parking demand in Grosvenor Road. As such the proposals conflict with the guidance contained in s.4.2 of the Parking Supplementary Planning Document (2011) and with the aims of Policy CS19 of the adopted LDF Core Strategy Policy (2012).

RECORDED VOTE to refuse planning permission:

FOR: Councillors Denness, Hecks, Norris and Tucker

ABSTAINED: Councillor Lewzey

28. 47 HIGHFIELD LANE, SOUTHAMPTON 14/01327/FUL

The Panel considered the 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.

Erection of a single storey rear extension to double garage and alterations to facilitate conversion to ancillary burger / drinks bar.

Demetrakis Hajiantoni (applicant) and Jane Patchett (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a correction to paragraph 1.1 of the report in that the licensed hours should have been "Sunday to Wednesday 9.00am to 00.30am", not Sunday to Monday; and the receipt of a parking survey which showed limited/nil spaces on site and on-street between 8pm to 9pm.

RESOLVED that planning permission be granted subject to the conditions in the report and the amended and additional conditions set out below:

Amended Conditions

07. APPROVAL CONDITION - No Amplified Noise/live music and management plan
No amplified noise/music or live music to be provided within the external space of 47 Highfield Lane (meaning within the existing beer garden) or from within or external to the converted garages unless otherwise agreed in writing by the Local Planning Authority and these details be included in a Management Plan to be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the converted garages as a burger bar and/or takeaway. The approved management plan to also include means of preventing patrons from gathering in the existing car park and details of appropriate signage explaining the need to respect the existing neighbour's amenity. The development to be operated in accordance with the agreed details.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties.

09. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]
Before occupation of the development, details of the design and specifications of the boundary treatment of the site to be submitted to and approved in writing by the Local Planning Authority. These details to include means for screening the development from Roselands Gardens. The agreed boundary enclosure details to be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment to be thereafter retained and maintained to the boundaries of the site.

REASON:

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

Additional Conditions

15. APPROVAL CONDITION – Litter Management Plan

Prior to the first use of the garage building as a bar and/or takeaway, the applicant to submit a litter management plan ('the Plan') for the site to the Local Planning Authority for approval in writing. The development to only be brought into use following the approval by the Local Planning Authority of the Plan and shall be operated in accordance with its details.

REASON:

To ensure that the intensification of use does not result in additional litter in surrounding streets to the detriment of residential and visual amenity.

16. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

The existing tree which sits in front of the application building on the site's boundary with Roselands Gardens to be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted to commence on site until the tree protection has been erected. The fencing to be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority, following which it shall be removed from the site. Furthermore, no storage of goods including building materials, machinery and soil, to take place underneath the crown spread of the trees to be retained on the site. There is to be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater and no fires on site.

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.

29. **TESCO EXPRESS, 12-18 COBDEN AVENUE, SOUTHAMPTON, SO18 1FX**
14/01480/FUL

The Panel considered the 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.

Variation of Condition 5 (opening hours) and Condition 9 (plant hours) of planning permission reference 07/00156/FUL to extend opening hours and use of the plant and service yard two hours extra per day to 6am - 00.00 (midnight) seven days a week.

Paul Manning (agent) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be granted subject to the conditions in the report and the amended condition set out below:

Amended Condition

APPROVAL CONDITION - Noise from plant

The rating level of noise emitted by all fixed plant on the site not to exceed 42 dB(A) between 00:00 to 06:00 and 48 dB(A) at other times. The noise levels to be determined one metre from a facade containing a bedroom window at the nearest existing noise sensitive property. Noise measurements to be in accordance with BS 4142:1997.

REASON:

To protect the amenities of occupiers of neighbouring residential properties.

RECORDED VOTE to grant planning permission:

FOR: Councillors Denness, Hecks, Lewzey and Tucker
AGAINST: Councillor Norris

30. **228 WEST END ROAD, SOUTHAMPTON SO18 6PN 14/01501/FUL**

The Panel considered the 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.

Change of use of a residential room for hairdressing business (retrospective - resubmission of 14/00597/FUL to amend approved hours of operation).

Simon McCosh (applicant) and Councillor Hecks (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be granted subject to the conditions listed in the report.

NOTE: Councillor Hecks declared an interest in the above application, as a local resident he addressed the meeting and left before the determination of the item.

Agenda Item 5

DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	OBJECTION TO TREE PRESERVATION ORDER AT 32A THOROLD ROAD		
DATE OF DECISION:	25 NOVEMBER 2014		
REPORT OF:	HEAD OF REGULATORY AND CITY SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Gary Claydon-Bone	Tel: 0800 5 19 19 19
	E-mail:	Gary.claydon-bone@southampton.gov.uk	
Director	Name:	Stuart Love	Tel: 0800 5 19 19 19
	E-mail:	Stuart.love@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
NONE	
BRIEF SUMMARY	
This report covers the objection to The Southampton (32a Thorold Road) Tree Preservation Order 2014. The order was made on the 19th of June 2014. It protects a large Lime to the front of 32a Thorold Road. The tree has historically been managed by pollarding.	
RECOMMENDATIONS:	
	(i) To confirm The Southampton (32a Thorold Road) Tree Preservation Order 2014 without modifications (See Appendix 1)
REASONS FOR REPORT RECOMMENDATIONS	
1.	The tree is a mature lime tree that has visual amenity value and is part of a group of trees. The loss of the tree would have a detrimental impact on the local environment and its enjoyment by the public
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	To not confirm this order - If the TPO is not confirmed, without legal protection the long term retention of the tree is uncertain.
DETAIL (Including consultation carried out)	
3.	Upon making The Southampton (32a Thorold Road) Tree Preservation Order 2014, which covers one Lime tree in the front garden of 32a Thorold Road, an objection was made from a neighbouring property.

4.	<p>The objection was received via letters dated 1st and 7th of July 2014. The objection to the TPO was as follows:</p> <ul style="list-style-type: none"> i. There was an objection to the general approach to identifying trees worthy of protection. ii. Why the tree was not included in the original Tree Preservation Order, The Southampton (Lacon Close/Thorold Road) Tree Preservation Order 2011. iii. Why a single officers view of amenity is considered as an authoritative view of the public iv. What evidence did the Council have to demonstrate how amenity was calculated.
5.	<p>A letter providing all the information requested was sent on the 21st of July 2014 (Appendix 2) and followed up on 29th of July with a copy of the TEMPO form (Tree Evaluation Method for Protection Orders) (Appendix 3).</p>
6.	<p>It has been explained to the objector that an application can be submitted to apply to have the canopy of the protected trees lifted over the driveway. A 'rolling' decision can be issued whereby the resident can maintain an agreed height over their driveway for a given number of years. After the expiry of the rolling decision, an application can again be submitted to give a further rolling decision. A suggested time scale of a rolling decision in this instance would be five years.</p>
7.	<p>In a discussion with the objector, it was stated that the tree owner would not allow access on to the property to pollard the tree. It has been explained that if the tree owner is denying access to the land, the implementation of a Tree Preservation Order will have no significance as currently, the tree cannot be pollard without the owner's permission, as access on to the land will be required.</p>
8.	<p>Any person can apply to work on a tree covered by a Tree Preservation Order, and the objector can submit an application free of charge. If permission is granted for the work, the land owner will still need to give permission to allow access on to the land for the work to be completed.</p>
9.	<p>Southampton City Council cannot give authority for access on to third party land. Any dispute over access is purely a private matter between the two parties.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
10.	<p>If The Southampton (32a Thorold Road) Tree Preservation Order 2014 is confirmed, there will be the cost of administering the service of the confirmed Order and any subsequent tree work applications.</p>

<u>Property/Other</u>	
11.	If The Southampton (32a Thorold Road) Tree Preservation Order 2014 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonable foreseeable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
12.	In accordance with the Constitution, there is officer delegation giving them the power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.
<u>Other Legal Implications:</u>	
13.	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law.
14.	In so far as the tree is on or serves a private residential property, the making or confirmation of a TPO could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law, and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).
POLICY FRAMEWORK IMPLICATIONS	
15.	NONE

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A

<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	The Southampton (32a Thorold Road) Tree Preservation Order 2014
2.	Letter to objector
3.	TEMPO for lime at 32a Thorold Road
4.	History preceding the making of The Southampton (32a Thorold Road) Tree Preservation Order 2014.
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
Other Background Documents Equality Impact Assessment and Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

PLACE DIRECTORATE

Southampton City Council
3rd Floor One Guildhall Square
Southampton
SO14 7FP

Direct dial: 023 8083 3005

Minicom: 023 8083 3060

Our ref: T2-611

Email: trees@southampton.gov.uk

Please ask for: Gary Claydon-Bone

21st July 2014

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED],

Re: The Southampton (32a Thorold Road) Tree Preservation Order 2014.

In response to your recent letters of the 30th June and 5th July 2014 in which you have objected to the implementation of the above tree preservation order (TPO)

My aim in this letter is to explain the rationale behind the application of the TPO that cover a common Lime in the front garden of the adjoining property.

When The Southampton (Lacon Close/Thorold Road) Tree Preservation Order of 2011 was made, it failed to include the second lime tree in the front garden of 32a Thorold Road. This omission is now being corrected by the making of this TPO

The Lime tree was assessed for health and it's suitability for long term protection by using an industry accepted method of assessment. This method is known as TEMPO (Tree Evaluation Method for Protection Orders) as is an accepted tool in the decision making process. I have included a copy of the TEMPO form that was completed prior to the making of the TPO.

When completing a TEMPO form, I always give a conservative assessment, that way I feel that the final score is a fair assessment of the tree that the general public would be in agreement.

In some parts of the assessment, I could have given a higher grading of the tree, but as mentioned above, I feel that being conservative on the scoring would give the most realistic score that would be agreeable by a majority.

With regards to your comment about the trees amenity and that this is subjective. I am in agreement that amenity can be a very subjective matter and in fact the term 'amenity' has not been clearly defined within the TPO legislation. The Secretary Of State view, 'amenity' can be regarded as follows.

'TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public'

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Form of Tree Preservation Order

Town and Country Planning Act 1990

The Southampton (32a Thorold Road) Tree Preservation Order 2014

Southampton City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as The Southampton (32a Thorold Road) Tree Preservation Order 2014

Interpretation

2.— (1) In this Order “the authority” means the Southampton City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

SCHEDULE 1

The Southampton (32a Thorold Road) Tree Preservation Order 2014

**Individual Trees
(encircled black on the map)**

No on Map	Description	Situation
T1	Lime	In front garden of 32a Thorold Road

**Groups of trees
(within a broken black line on the map)**

No on Map	Description	Situation
	NONE	

**Woodlands
(within a continuous black line on the map)**

No on Map	Description	Situation
	NONE	

**Trees Specified by Reference to an Area
(within a dotted black line on the map)**

No on Map	Description	Situation
	NONE	

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

Date: 21 st May 2014	Surveyor: Gary Claydon-Bone
Tree details	
TPO Ref: T2-611	Tree No: T1
Location: Front Garden of 32a Thorold Road The Southampton (32a Thorold Road) Tree Preservation Order 2014	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes	3
--------------------------	----------

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes	4
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c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes	4
--------------------------	----------

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--------------------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes
4 |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habit importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | | |
|-------------------------------|--------------------------------------|
| 5) Immediate threat to tree | Score & Notes
1 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only. | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:
16

Decision:
Make TPO

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History preceding the making of The Southampton (32a Thorold Road)

Tree Preservation Order 2014.

13th June 2011. The resident of 30 Thorold Road logged an enquiry with the tree team in which they requested that the new tree preservation order (*The Southampton (Lacon Close/Thorold Road) Tree Preservation Order 2011*) show that there are two limes along the front of the property as at present, it only shows that one tree is protected. The resident also requested a letter stating that the city council would not object to the trees being kept on a pollarding management cycle. The tree officer wrote to the resident on the 16th of June 2011 confirming that the city council would not object to the pollarding of the limes and agreeing that the un-protected lime should be covered by a TPO.

20th March 2014. Resident of 32a contacted the city council to inform that the resident of 30 had employed a tree contractor to cut the protected lime tree at the front of the property. A senior tree officer attended the site and consequently wrote to the resident at 30 informing him that, although the work that has been carried out has not harmed the visual amenity or tree health, an application will be required in the future.

20th March 2014 In light of recent events, the resident of 32a contacted the tree team to request that a new tree preservation order be made to cover the single lime tree at the front of his property, as this was omitted from the original order.

15th May 2014 The resident of 30 contacted the tree team to report that the resident of 32a was removing parts of the protected lime tree. A tree officer visited and found that a dead limb had been removed. Under the current tree preservation order legislation, the removal of dead wood is exempt and does not require an application or notification. At the time of this visit, the unprotected Lime was assessed for suitability for protection under a TPO.

19th June 2014 The Southampton (32a Thorold Road) Tree Preservation Order 2014 was made and hand served to affected parties on the 20th June 2014.

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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 November 2014
Planning Application Report of the Planning and Development Manager**

Application address: Land between Shop Lane and Bursledon Road/Botley Road Junction		
Proposed development: Subdivision of land to form two plots for use by travelling show people including storage for vehicles, up to 12 caravans and associated equipment		
Application number	14/01520/FUL	Application type: FUL
Case officer	Andy Amery	Public speaking time: 5 mins
Last date for determination:	03.11.2014	Ward: Bitterne
Reason for Panel Referral:	Referred by the Planning and Development Manager due to wider public interest	Ward Councillors: Cllr Lloyd Cllr Stevens Cllr Letts

Applicant: C.Cole Amusement Caterer	Agent: Cunnane Town Planning Attn Iftikhar Maniar
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Refusal

Appendix attached		
1	Development Plan Policies	

Recommendation in Full

Refuse

1.0 The site and its context

- 1.1 The site is located at the junction of Bursledon Road and Botley Road at the very eastern edge of Southampton City Council's administrative boundary. It forms part of a larger area of land within the ownership of the applicant, which falls within Eastleigh Borough Council. A separate application for similar use of the land has been submitted to Eastleigh.
- 1.2 The site is known as 'The Old Fairground' and has a history of being used for fairs and circus events over many years. However, this has never been the subject of planning permission as the number of events per year has fallen below that allowed for temporary uses taking place on open land. There is also evidence that the site has been used on a small low key scale for the storage of items associated with the applicant's fairground business.
- 1.3 The site is located within the Strategic Gap as defined by the City of Southampton Local Plan Review 2006. Access to the site is immediately on the corner of the busy traffic light controlled junction and falls within Southampton. The Botley Road frontage is well screened during the Summer months with an established hedgerow within which there are protected trees.

Houses fronting Botley Road face towards the site at a distance of 20m.

2.0 Proposal

- 2.1 The application seeks the permanent use of the site for the storage of equipment and caravans during the periods the fairground is not 'on the road'. This would be throughout the year but would be effectively permanently occupied during the winter months when the demand for business is low and more sporadic during other months when there are periods when all equipment and caravans are needed at an event. The applicant suggests there would be two specific 'families' based at the site each with their own equipment and accommodation needs. In total there would be a maximum of 12 residential caravans on the site, 4 fairground rides, 7 large articulated lorries, 3 smaller lorries, 3 vans, 4 private cars, 11 adults and 3 children.
- 2.2 The applicants are a long established Southampton family who operate fairs at numerous sites and events across the City and the wider region. Historically the family have operated out of Candy Lane, but the two sites at Candy Lane are at capacity and with several generations of extended family operating the fairground business and the changing nature of the equipment associated with modern fairs, new accommodation is required. The applicant has indicated they have been searching for a new site to meet their needs since 2000.
- 2.3 Part of the application would seek to make improvements to the existing access with some trimming of the hedgerow to improve sight-lines at the junction and also setting the gates back into the site to provide an area off road for vehicles to wait without obstructing the highway.

- 2.4 The proposals also include provision for additional planting and the existing screening along Botley Road.
- 2.5 The applicant has indicated that major maintenance of vehicles and equipment will be done off-site by specialists but more routine maintenance using hand tools and some testing will take place on the site.

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 relevant policies are set out in Government guidance and the Council’s development plan. In terms of the overall principle, there are two main policy issues:

- Meeting the needs of travelling show people, who run fun fairs which provide leisure facilities and add vitality to towns across the area.
- Protecting the gap between Southampton and Bursledon to maintain the distinct identity of both settlements.

3.3 This site is in a narrow part of the strategic gap. Therefore it is not considered appropriate for general development; and is not considered appropriate for this specific development in the absence of a compelling need for it. (The proposal involves intensive use for only part of the year and a relatively contained intrusion in to the gap. Therefore if there were a compelling need for this site, and subject to resolution and control of important site issues, there would be no objection from the policy team). However, unless strong reasons are provided as to why the alternative sites identified cannot be used, there is not a compelling need for this site. On this basis, and given the nature of the strategic gap designation, there is a policy objection to this proposal.

3.4 Southampton Adopted Development Plan

The Core Strategy (2010) policy CS17 explains that the Council will identify sufficient sites to meet the needs of travelling show people, and sets criteria against which such sites should be considered on a temporary or permanent basis. In summary, these include the amenity of nearby residents / positioning / minimising tensions; access / traffic / parking; access to utilities / facilities; landscaping / nature conservation interests; and flood risk / contamination.

3.5 The text explains that sites will be allocated in the Sites and Policies DPD; the Council will carry out a survey of potential sites and if necessary consider joint provision with an adjoining authority. The need is identified in the Travelling Show People Accommodation Assessment (2008).

(Note: The Sites and Policies DPD was not pursued. The Council is now in the very early stages of preparing a new Local Plan and this will not be adopted until

2018).

- 3.6 Policy CS21 broadly defines the area as a strategic gap to maintain the separation between Southampton and Bursledon. The supporting text indicates this is to avoid development which might damage its open, undeveloped, countryside nature.

(Note: The supporting text to CS21 indicates that the boundary will be defined in the Sites and Policies DPD, now the proposed new Local Plan. However, the specific site continues to be defined as strategic gap on the Local Plan proposals map. In any case it is reasonable to state that Botley Road forms the edge to the Southampton – Bursledon gap. Strategic gaps were originally defined in the South East Plan, which has been revoked. However, the PUSH South Hampshire Strategy [2012] continues to define “Gaps”).

- 3.7 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.

3.8 Government Policy

The Government’s Planning Policy for Traveller Sites (2012) also covers travelling show people. Key points to consider include:

- The policy should be read in conjunction with the NPPF (para 1)
- Planning authorities should assess need (para 4)
- Reducing the number of unauthorised sites (para 4, 11)
- Enabling access to education / health / other facilities (para 4, 11)
- Protecting local amenity / environment; co-existing with existing communities (para 4, 9, 11)
- Local Plans should identify specific deliverable sites for 5 years of supply (para 9)
- Local Plans should have criteria based policies for planning applications which come forward (para 10, 22)
- Have regard to the needs of travelling show people for mixed use yards / residential / storage of equipment (para 17)
- Considering the existing level of local provision and need and the availability or otherwise of alternative accommodation and other personal circumstances of the applicant (para 22)
- Assess in accordance with presumption in favour of sustainable

development (para 24)

- Limiting new sites in open countryside away from existing settlements or allocations (para 23);
- Using previously developed / untidy land (para 24);
- The use of landscaping, play areas for children (para 24);
- Use of planning conditions (eg location of business operations, non. of days of occupancy, etc) (para 26).

3.9 In September 2014, the Government issued a consultation on potential changes to this document. This includes changing the definition of travellers to exclude those who permanently live on a site; further restrictions on development in the “open countryside” and “greenbelt”; and where people live on land without gaining planning permission this should count as a material consideration against their proposal. (This does not mean that a retrospective application should automatically be refused). In officers’ opinion only the last of these points is relevant to this case. In any case as a consultation document it can carry little weight at this stage.

4.0 Relevant Planning History

4.1 An application for residential development on the site as part of a larger site area was refused in the 1970's. An application for the use of that part of the site within Southampton City Council for the training of off-road motor-cyclists, was granted for a temporary one year period on 1 June 1992, expiring on 1 June 1993.

4.2 There have been no other planning applications submitted for this site to Southampton City Council.

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 (enter date) and erecting a site notice (enter date). At the time of writing the report **28** representations have been received from surrounding residents. The following is a summary of the main points raised:

- Highway Safety – dangerous junction, likelihood of accidents.
- Increased traffic
- Noise and Disturbance
- Visual Amenity
- Permanent use of site
- Refuse and litter
- Impact on trees and hedgrow
- Erosion of strategic gap.

- 5.2 **Consultation Responses**
- 5.3 **SCC Highways – Object to the application.** The site access is located where it can only benefit from limited sightlines, and any increase in the use of this access must be prevented to limit the risk of collision with other vehicles on the surrounding busy network. The location of the gates does not permit a large vehicle to pull up in front of them and open them clear of the highway.
- 5.4 **SCC Policy – Object to the application.** At present no evidence has been provided that there is an impelling need for the site – on the face of it, needs can be met elsewhere. The Southampton-Bursledon Gap is relatively narrow at this point at just over 0.6km along the Bursledon Road. This is a main route into and out of the City so this part of the gap is important in forming perceptions of the distinct identities of Southampton and Bursledon. Botley Road and its hedge line form a clear edge to this gap on the edge of Southampton and the proposal extends beyond the clearly defined edge of the built up area and would only be partially screened.
- 5.5 **SCC Sustainability Team – No comments received.**
- 5.6 **Police – Raise serious concerns about the application and two issues:**
1. The proximity of the site to Kanes Hill and the impact this will have on the two communities.
 2. The worries and concerns of local residents about the nature of the activity and occupation on the site and fears for personal safety.
- 5.7 **SCC Environmental Health (Pollution and Safety) – No comments received.**
- 5.8 **SCC Trees – No objections.** The proposals as set out do not affect the protected trees and additional planting is proposed.
- 5.9 **SCC Environmental Health (Contaminated Land) – No comments received.**
- 5.10 **SCC Ecology – No objections.** The majority of the site is open and the main ecological feature is the trees and hedge surrounding the site. This is to be retained and strengthened which is welcomed and will enhance the foraging for bats. A fence should be erected on the inside of the hedge line to prevent damage or incursion by vehicles or storage of equipment.
- 5.11 **SCC Archaeology – No comments received.**
- 5.12 **Hampshire Constabulary – Concerns as set out above.**
- 5.13 **Southern Water –** The applicant has not stated how surface water will be discharged but a connection to the existing pipework will require a licence

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:

The principle of development would only be acceptable where a clear need was demonstrated.

The Travelling Show People Accommodation Assessment (2008) suggests a need for 13 sites across 'Hampshire' (including the cities and IoW).

However an updated assessment (2014) is just being completed for Southampton / Eastleigh Councils by an independent consultant. This indicates a need for additional plots for travelling show people as follows:

- two plots to relieve overcrowding at the Candy Lane site in Thornhill, Southampton

- three plots to meet the needs of travelling show people living on unauthorised sites in the wider area outside Southampton / Eastleigh.

- one plot to meet the growth in households from all the above over the next 15 years.

This totals six plots, although three relate to needs which relate to unauthorised sites beyond Southampton / Eastleigh.

6.3 The emerging Eastleigh Local Plan is allocating a site at Netley Firs for eight plots. On the face of it this can therefore meet all the identified needs, including those from outside Southampton / Eastleigh. At present the applicant has not indicated in their supporting statement why they cannot locate on the Netley Firs site. There could be a number of scenarios in which total needs could be met on a combination of the Candy Lane / Netley Firs sites, and / or permitting sites beyond Southampton / Eastleigh. The applicant may have reasons why they consider their needs cannot be met on Netley Firs or alternative scenarios. However, given the lack of mathematic need, these reasons would need to be strong before it could be said there is a compelling need.

6.4 If there were a compelling need for further sites, this should be considered. Work on the Local Plan review has only just commenced. However, there are very limited alternative options to identify deliverable sites within the urban area of Southampton. The Government / Core Strategy policy sets criteria against which applications should be considered on sites as they come forward. This site is located close to the urban area / facilities, and is separated from immediate residents by a hedge line. The proposal extends no further into the gap than buildings to the south, and tapers away so that there is no narrowing of the gap along the main Bursledon Road. Therefore if the applicant were able to provide compelling evidence as to why their needs cannot be met through alternative scenarios (including Netley Firs), there would be no policy objection

to this application provided strict controls were in place to address site issues. These controls would ensure the site were only used for travelling show people; landscaping was strengthened; and address layout / positioning and hours of access for heavy vehicles as appropriate. A personal condition to the families to which the need relates would be appropriate, with a requirement to restore the site should there no longer be a family need. Access and ecology issues would also need to be resolved proportionately, without an unacceptable impact on either.

However, at present no evidence has been provided that there is a compelling need for the site – on the face of it needs can be met elsewhere.

In the officer's opinion the applicant has failed to demonstrate this and therefore the principle of development is not considered to be acceptable.

Had a need been proven and the principle considered to be acceptable, the application would then have had to be judged as to whether the need outweighed other material considerations such as erosion of and intrusion into the strategic gap; highway safety, character and amenity of the area, visual and private amenity of local residents in addition to trees and ecology.

6.5 Impact on the visual character and amenity of the area including the Strategic Gap.

By their nature, Travelling show peoples quarters are visually at variance with an established residential area or open countryside. The business requires storage of equipment and caravans and other items which have a transient appearance. Whilst there is hedgerow and tree screening to all boundaries, the equipment, vehicles and caravans are still clearly visible from the prominent access point, upper floor bedrooms of adjacent houses and along both road frontages during the winter months when the site will be permanently and fully occupied. The visual impact is considered to seriously harm the character of the area and erode the function and appearance of the Strategic Gap to detriment of the character and amenity of the area and local residents.

6.6 Impact on the amenities of nearby residents.

The application has been the subject of significant levels of concern from local residents, in particular those whose houses overlook the site in Botley Road. The level of occupation proposed, the associated activity including the on-site maintenance of equipment, together with increased traffic movements and the day to day residential activity will introduce noise and disturbance close to residential occupiers to the detriment of the quality of quiet amenity they currently enjoy.

6.7 Highway Safety

The site is proposed to be accessed from an existing access at the junction of Bursledon Road and Botley Road. The access has been the subject of a number of concerns from local residents and an objection from the highways

officer. There are very limited sightlines in all directions and the busy nature of the road, the alignment of the junction together with the nature and frequency of vehicle movements that would result from the proposals, is considered to seriously jeopardise highway safety and increase the likelihood of collisions. This is not something that can be fully addressed by condition or other means. Therefore the use of the existing access in for the purposes proposed is not acceptable on highway safety grounds.

7.0 Summary

7.1 The two key initial tests are the twin requirements of adopted policies to:

- (i) meet the needs of travelling show people, who run fairs which provide leisure facilities and vitality to towns across the area.
- (ii) protecting the gap between Southampton and Bursledon to maintain the distinct identify of both settlements.

7.2 The site is in a narrow part of the strategic gap which is visually important as Botley Road clearly marks where the town finishes and the countryside beyond starts. The strategic gap is not considered appropriate for general development which erodes its open character or introduces a visual degradation of that character. Only in a situation where the overriding need of the travelling show-people to be located on this site was clearly demonstrated would the principle be considered acceptable and even then it would be subject to significant measures and controls through planning conditions and subject to other material planning considerations being satisfied, including highway safety and the amenity of local residents.

7.3 In this instance the need has not be clearly demonstrated and as such the principle is not acceptable. Furthermore, there remain over-riding issues which would still warrant a reason for refusal. These include, the erosion of and detrimental impact on, the visual character and amenity of the strategic gap, highway safety and the impact on the amenities of local residents.

8.0 Conclusion

For the reasons set out above the application should be refused.

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) 6 (c), 7 (a), 9 (a) and (b)

AA for 25/11/14 PROW Panel

Reasons for refusal

1. The applicant has failed to demonstrate that there are no other available and deliverable sites to accommodate the requirements of the travelling show people that would justify allowing development within the strategic gap; the nature, scale and permanence of which would erode the function of the gap and be detrimental to the visual character and amenities of the area. The proposal is therefore contrary to Policies CS17 and CS21 of the Southampton City Council Local Development Framework Core Strategy 2010.

2. The location of the site in close proximity to residential properties fronting Botley Road; combined with the nature, scale and permanence of the use would introduce a level of activity, noise and disturbance which would be detrimental to the quality of the visual and quiet amenity currently enjoyed by the occupiers of those properties contrary to Policy SDP1 of the City of Southampton Local Plan Review 2006 and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

3. The position and layout of the existing access on this busy junction is wholly unsuited for the increase in volume and size of vehicles that would be accessing and exiting the site throughout the year. The lack of sight-lines, failure to accommodate areas for vehicles to wait without obstructing the highway, and the layout of the surrounding road network will result in an increased potential for collisions and be detrimental to highway safety. The proposal is therefore contrary to Policy TI2 of the City of Southampton Local Plan Review and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

POLICY CONTEXT

Core Strategy - (January 2010)

CS17	Gypsy and Traveller Accommodation and Accommodation for Travelling Showpeople
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP10	Safety and Security
SDP12	Landscape and Biodiversity
SDP16	Noise
NE4	Protected Species
NE6	Protection / Improvement of Character
CLT1	Location of Development
CLT3	Protection of Open Spaces
H3	Special Housing Need
TI2	Vehicular Access

Supplementary Planning Guidance

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

Other Relevant Guidance

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



Scale: 1:2,500

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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 November 2014
Planning Application Report of the Planning and Development Manager**

Application address: 12-18 Hulse Road, SO15 2JX			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of two, three and four storey buildings to provide 8 x 3-bedroom houses and 36 flats (6 x 1-bedroom, 26 x 2-bedroom and 4 x 3-bedroom) with associated parking and landscaping and access from Hulse Road.			
Application number	14/01446/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	26.11.2014	Ward	Freemantle
Reason for Panel Referral:	Major planning application subject to objection and request by Ward Member for consideration by Panel	Ward Councillors	Cllr Moulton Cllr Parnell Cllr Shields

Applicant: Bb Property Ventures Ltd	Agent: Luken Beck Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and 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, SDP9, HE1, CLT5, H1, H2, H3 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

i. Financial contributions towards site specific transport improvements in the vicinity of the site, to include funding a Traffic Regulation Order to amend waiting restrictions in the vicinity of the site, in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);

ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

iii. Financial Contribution towards the Solent Disturbance Mitigation Fund.

iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

v. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

2. In the event that the legal agreement is not completed within two months of the Panel date the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

1.1 The application site is some 0.45 hectares in area, situated on the eastern side of Hulse Road. The site is currently occupied by three-storey buildings used by Hampshire Constabulary. There is vehicular access to the north and south of the building leading to a surface level car park of 53 parking spaces. There is pedestrian access to the rear of the site from Cavendish Grove.

- 1.2 The surroundings are predominantly residential in character with a range of building heights and styles. There is a Spiritualist Church and Hall to the rear which is approached along a privately owned road off Cavendish Grove. The properties in Cavendish Grove are within The Avenue Conservation Area, the boundary of which runs along the rear boundary of the application site which itself is not within the conservation area.

2. Proposal

- 2.1 The application proposes the demolition of the existing building and the erection of two, three and four-storey buildings to provide 44 dwellings. On the Hulse Road frontage, a four-storey flatted block would be provided in the northern part of the site. On the other side of the new vehicular access, a three-storey building would be built. These two buildings together would provide 36 flats (6 x one bedroom, 26 x two bedroom and 4 x three bedroom).
- 2.2 At the rear of the site, 8 two-storey, three bedroom houses would be built. In addition to the private garden areas serving the units, a communal area of amenity space of approximately 230 square metres would be provided with some additional tree planting in the centre of the site. Most of the flats in the northern building will have balconies. The density of the development would be slightly over 100 dwellings per hectare.
- 2.3 Vehicular access would be from Hulse Road in two positions. A total of 44 car parking spaces will be provided at surface level between the buildings.
- 2.4 The proposed external materials would be a mixture of orange/red stock brickwork with a red/brown multi-stock brick to the base, slate roofs, grey UPVC windows and glass guarded balconies. Two existing trees on the Hulse Road frontage will be removed as part of the development to be replaced by a new landscaping scheme.

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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) 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 is satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 The application site has been occupied by Hampshire Constabulary for various purposes for many years. The only previous planning decisions are for minor alterations to the building which are not directly relevant to the current application.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (05.09.2014) and erecting a site notice (05.09.2014). At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 **The proposal is an overdevelopment of the site with inadequate car parking likely to result in overspill onto Hulse Road which is already at capacity.**

Response

The density of the development is approximately 100 dwellings per hectare which is policy compliant and seeks to optimise the use of the site in this sustainable location, on the edge of the city centre, in accordance with national and local policy guidance. The proposed car parking arrangements allow for a reasonable balance between car parking and amenity space provision. In addition to the one space per dwelling provision on site, it is proposed to amend the car parking restrictions in Hulse Road by removing some of the double yellow lines thereby increasing the potential for on-street car parking.

- 5.3 **The proposal is an overdevelopment of the site which will cause a strain on existing utilities of which the sewage and surface water drainage is of most concern. These drainage systems are already operating at capacity.**

Response

Southern Water are responsible for drainage arrangements and have raised no objections to the application.

- 5.4 **The existing boundary of the site on the east and north sides consists of workshop walls which extend to a height of 3.5 metres and as such provide a considerable degree of privacy and security by denying access to the gardens of Cavendish Grove. However, the current state of these boundaries is inconsistent and in need of attention.**

Response

Should permission be granted a condition relating to the proposed boundary treatment can be imposed. The developer will be encouraged to discuss the details of the boundary treatment with the neighbours.

- 5.5 **The removal of the earlier proposal, at the pre-application stage, to provide a pedestrian access through the site on to Cavendish Grove is welcomed. However, the adjoining strip of land which provides access to the Spiritualist Church and Hall, commercial buildings and the rear of 58-61 The Avenue should be established as part of this application.**

Response

This area of land is outside the 'red line' of the application site and the proposals do not include any works on this adjoining privately owned land.

- 5.6 Councillor Moulton: I am in agreement with the comments of local residents and support the suggestion for an adequate boundary wall at the back of the development where it meets Cavendish Grove. I understand that the developers are also supportive of this. Furthermore I am supportive of the additional car parking proposed by the developer and their proposal not to have a pedestrian link through to Cavendish Grove. Both of these were matters raised by residents to me directly and to the developers as part of their pre application consultation exercise.
- 5.7 Councillor Shields: No specific objections but as a major application consider it should be heard at Panel.

Consultation Responses

- 5.8 **SCC Highways** - No objections, generally the layout seems to work, and any outstanding issues can be dealt with by conditions. The site falls within a lower accessibility area of the City in accordance with our current Parking Standards document dated September 2011, although it is accepted that it is still an easy walk for the more ambulant to the City centre and local bus stops and shops. However, the old use of the building compared with the proposed residential use does generate different demands, and this will be reflected in the requirements of the site specific highways contributions in the Section 106 agreement. Clearly there will be different trips associated with access to schools and amenities which the current use did not have. With the parking provision on site being one space per dwelling unit, it is essential that we encourage sustainable trips to reduce demand on the need for a car. There is a risk that overspill parking will occur on Hulse Road, but it will be a requirement of the Section 106 agreement that the yellow line parking restrictions along the site frontage are removed, with the exception of a length either side of the proposed access to secure sight lines. This should reduce any impact there may otherwise be on existing residents who currently park on street in this area.
- 5.9 **SCC Housing** – As the scheme comprises 44 dwellings in total, the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 15 dwellings (15.4 rounded down). Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:
- (i) On-site as part of the development and dispersed amongst the private element of the scheme.
 - (ii) On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or

meeting a more identified housing need such as better social mix and wider choice

- (iii) .Commuted financial payment to be utilised in providing affordable housing on an alternative site.

In this case provision would be sought on site. Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

- 5.10 **SCC Sustainability Team** – The applicant has submitted a completed Sustainability Checklist and a Code for Sustainable Homes pre-assessment estimator. This shows that all of the units can meet Code for Sustainable Homes level 4, indeed some of the units are targeting scores some way above the level 4 threshold, which is welcomed. No objections subject to conditions being imposed.
- 5.11 **SCC Heritage Team** – The site lies within the Bannister Park Local Area of Archaeological Potential. The historical and archaeological background is dealt with in the Desk-Based Assessment submitted with the application. It is clear that later development on the site will have compromised archaeological deposits and while there is still a potential for deposits to survive, I would recommend that, for this site, a condition requiring a Watching Brief is attached to any consent.
- 5.12 **SCC Environmental Health (Pollution and Safety)** - No objection subject to conditions being imposed.
- 5.13 **SCC Environmental Health (Contaminated Land)** - This site is located on a former Police Garage and Workshop with suspected underground storage tanks on site. No objections at this stage subject to conditions being imposed.
- 5.14 **SCC Ecology** – The majority of the application site comprises buildings and hard standing with a small area of grassland at the front and scattered scrub around the boundaries. The majority of the site has negligible biodiversity value although the scrub may support nesting birds. Whilst nesting birds receive protection under the Wildlife and Countryside Act 1981 (as amended) this is primarily an issue for the site clearance and demolition phase of the development. The site lies approximately 175m to the south of Southampton Common which is designated as a Site of Special Scientific Interest (SSSI) and a Site of Importance for Nature Conservation (SINC). Due to the distance involved, and the separation provided by a number of roads, adverse impacts on the Common are unlikely. The main building on the site is in good condition with no obvious cracks or holes that could provide access for bats. It also lacks features such as weather boards and soffits and is flat roofed with no loft space. As such, I am of the view that this building has negligible bat roosting potential. The garage is an open structure which is unsuitable for roosting bats. The development provides an opportunity to introduce some simple biodiversity enhancements which would increase the biodiversity value of the site. A number of appropriate measures are detailed in the ecological appraisal that accompanies the planning application and I would like to see these implemented. Consequently, I am of the view that the proposed development will not have an adverse impact on local biodiversity and therefore have no objection to this planning application.

- 5.15 **City of Southampton Society** - Approve of the development which fits in well with the area
- 5.16 **BAA** – No objections
- 5.17 **Southern Water** – No objections subject to conditions being imposed. A public water distribution main crosses the site. It might be possible to divert the main but consents will be necessary for excavations in proximity to the water mains.

6. Planning Consideration Key Issues

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

- The principle of redeveloping this site for residential purposes.
- The amount of development proposed and design considerations
- Transportation
- Impact on the amenities of neighbours
- Ecology issues

6.2 Principle of Development

The application site is not an allocated site within the Council's Local Plan. Hulse Road is a predominantly residential street so there is no objection in principle to the site being redeveloped for residential purposes. The site is identified in the 2013 Strategic Housing Land Availability Assessment (SHLAA) for a potential total of 50 dwellings. This proposal for 44 residential units is considered to be acceptable in principle and will help towards meeting the Council's housing supply requirements.

6.3 The proposal shows a reasonable mix of dwelling types. Core Strategy Policy CS16 seeks 30% family sized homes on sites of this nature. The proposal would result in 12 (27%) of the homes being family homes which is a little below the 30% guideline in Policy CS16 for sites of 10 or more dwellings. It is further stated in the policy that the appropriate percentage of family housing for each site will depend upon the established character and density of the neighbourhood and viability of the scheme. It is acknowledged that the proposal would accommodate a good mix of unit types in accordance with the policy which will help towards achieving more sustainable and balanced communities. The majority of the family units are in the form of two-storey houses at the rear of the site. It would only be possible to increase the number of houses in this part of the site by reducing the amount of amenity space or car parking provision. In these circumstances a slightly lower proportion of family dwellings is considered to be acceptable.

6.4 Design Issues

There is a mix of two, three and four-storey properties in Hulse Road: part three and part four-storey buildings are therefore considered to be acceptable on this site which has an extensive road frontage. There are a mixture of architectural styles in the street but the prevailing character is of a tree-lined street with buildings set back from the frontage: this proposal would maintain that character. The architect for this development has chosen to adopt a 'traditional approach' to

the buildings on the Hulse Road frontage with brickwork as the main material and with pitched roofs. The houses at the rear of the site are more contemporary in appearance. Subject to using quality materials, which can be sought through a condition in the normal way, it is considered that this development would enhance the character and appearance of the area. There are some quite significant trees on adjoining land which should not be affected by the development. Of the two trees to be removed from the site, one is a small Cotoneaster of relatively limited value. The other, a Birch, is larger and of more importance. However, the proposal includes eight new trees to be planted on the road frontage and a further 16 trees will be provided within the site. This will result in an improved landscape setting.

6.5 In terms of the site layout, the buildings on the Hulse Road frontage would be set back between 6 and 8 metres from the pavement. This is consistent with the prevailing building line in Hulse Road and would allow a landscaped frontage to be provided. The area between the buildings in the centre of the site would be dominated by surface level parking necessary to accommodate one parking space per dwelling but the area of communal amenity space would be an important feature to 'soften' the appearance of the site. The level of private amenity space for all units is somewhat below the normal standard. Two of the houses have rear gardens which comply with the guidelines: the remaining six houses have rear gardens of approximately 35-40 square metres compared with the guideline of 50 square metres for terraced houses. All of the family sized flats have private amenity areas of 20 square metres which is policy compliant and most of the upper floor flats have private balconies (16 out of 28). The communal amenity garden of approximately 235 square metres helps to compensate for the under provision of amenity space relative to the guidelines. Furthermore, the application site is within easy walking distance (approximately 300 metres) of Southampton Common for more active leisure. Any amendments to the scheme to increase the amount of amenity space would be at the expense of car parking space. In terms of privacy within the new development, the window to window distances for the northern buildings is 22 metres: for the southern buildings it is 17 metres. The guidance in the Residential Design Guide seeks a greater separation distance but that guidance relates to back to back arrangements rather than the front to rear situation here. It is considered that the internal layout represents a reasonable living environment for future occupants.

6.6 Transportation and parking

The application site is within an area well served by public transport and is quite close to all the facilities of the city centre. One parking space per dwelling is proposed which is considered reasonable for this location. Any proposal to increase the level of car parking would be at the expense of amenity space which is not considered to be desirable in terms of the design quality of the scheme. The applicant has carried out an evening car parking survey (5 November) to determine the level of car parking stress in the area. The survey covered roads within a three minute walking distance (within 250 metres) of the site. This survey found a total of 37 parking spaces available within parking bays or on lengths of unrestricted on-carriageway parking. Furthermore, the Hulse Road frontage of the application site currently has double yellow lines preventing parking at any time. A Traffic Regulation Order, secured as part of the Section 106 agreement could amend these parking restrictions thereby increasing the potential for on-street parking. It is therefore considered that the car parking arrangements are

acceptable. At the pre-application stage, a pedestrian route was proposed through the site, utilising an existing gate at the rear which leads on to Cavendish Grove and thereby on to The Avenue. Officers considered this to be an important improvement to the permeability of the area. However, objections were received to this proposal on the grounds of parking overspill affecting Cavendish Grove. Consequently, this pedestrian link is no longer part of the development.

6.7 Neighbour Amenity Issues

There is a block of flats immediately adjoining the application site to the North. It is not considered that the development would adversely affect this adjoining site given the orientation of the buildings and the location of garage parking at the rear of that site. The residential properties to the east fronting Cavendish Grove have rear gardens of some 25 metres in length. The proposed houses on the application site are quite small and have only a single habitable room window at first floor level facing in this direction. The future window to window distance would be about 35 metres so privacy for adjoining neighbours will not be significantly affected. The neighbouring building to the south, Forest Lodge, is a special needs residential block and has been designed in such a way that it has a series of windows facing north across the application site. Due to the orientation the development will not adversely affect sunlight to this adjoining property. There will inevitably be an impact on this property in terms of loss of outlook. However, Forest Lodge was designed in such a way that it relies on this adjoining site for its outlook. In these circumstances, a significant level of protection cannot be provided to safeguard the outlook from this adjoining property.

6.8 Ecology Issues

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). This issue can be addressed through a payment to be secured through the Section 106 agreement.

7. Summary

7.1 The principle, layout and general scale of this development is considered to be acceptable. A good range of dwelling types is provided with a mix of flats and houses. The design is potentially high quality and will enhance this area. A

reasonable balance is achieved between car parking provision and amenity space given the location near to the city centre and the common. The Section 106 agreement will adequately mitigate the impact of the development.

8. Conclusion

The application is recommended for approval subject to a Section 106 agreement and 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(aa), 4(vv), 7(a), 7(b), 8(a), 8(j), 9(a) and 9(b).

RP2 for 25/11/2014 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 - 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. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

REASON:

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

03. APPROVAL CONDITION - Landscaping, lighting and means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking

layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);

- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

REASON:

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

04. 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 each of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in the desk top study submitted with the application) to be assessed.
2. 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 (2) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

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

05. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

06. 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.

07. APPROVAL CONDITION - Archaeological watching brief 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.

08. APPROVAL CONDITION - Archaeological watching brief [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.

09. 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 Local Planning Authority.

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 6 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 - 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.

12. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

REASON:

To protect the amenities of the occupiers of existing nearby properties.

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

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, 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.

14. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance 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.

15. 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.

16. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

REASON:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

17. 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 extensions).

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.

18. APPROVAL CONDITION - Drainage details (Pre-Commencement Condition)

The development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with Southern Water.

REASON

To ensure the provision of adequate drainage arrangements and to minimise flood risk.

19. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose. The car parking spaces shall be allocated on a one space for each dwelling basis unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

20. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the Ecological Appraisal Report submitted with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place. Measures to be included are those set out in section 5.6 of the following report: Former Police Headquarters, Hulse Road, Southampton, Hampshire, SO15 2JX, Ecological Appraisal Report; July 2014.

REASON:

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

21. 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 eastern wall of House numbers 1 to 8 inclusive hereby permitted, or on the southern flank wall of the two-storey part of Plots 9 to 21, without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties.

22. APPROVAL CONDITION - Window specification limitations (Performance Condition)

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, the first floor kitchen window of Plot 15 facing south in the side extension shall be fitted with obscure or tinted glass up to a height of 1.7 metres above floor level. The window shall be retained in this manner for the duration of use of the building for residential occupation.

REASON:

To protect the amenity and privacy of the adjoining property.

23. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife and Countryside Act 1981 (as amended) and the conservation of biodiversity

24. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it

shall be removed from the site.

REASON:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

25. 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.

26. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON:

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

27. 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)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

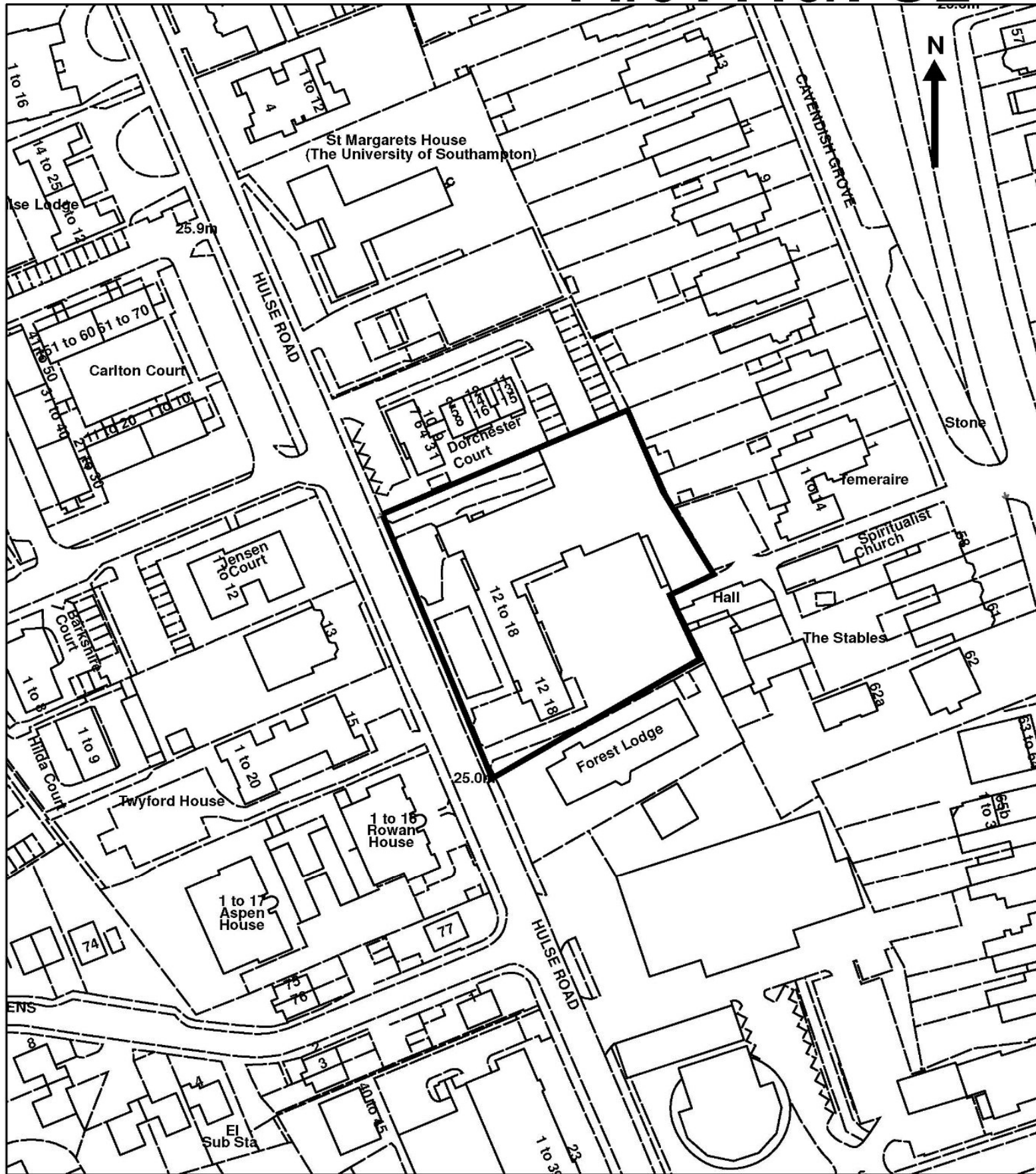
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP17	Lighting
SDP22	Contaminated Land
SDP23	Unstable Land
SDP24	Advertisements
HE1	New Development in Conservation Areas
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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



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Agenda Item 8

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25th November 2014
Planning Application Report of the Planning and Development Manager

Application address: 34 Blenheim Gardens SO17 3RQ			
Proposed development: Erection of a detached, two-storey, three bed dwelling with associated cycle and bin storage and parking, with access from Merton Road			
Application number	14/01505/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	31.10.2014	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Norris

Applicant: Mr and Mrs Benning	Agent: Sanders Design Services Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed family dwelling on residential garden land which addresses the street frontage of Merton Road, is not considered to materially harm the amenity, character and highway safety of the local area, whilst contributing a suitable family dwelling to towards meeting the City's housing need. 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, SDP6, SDP7, SDP9, SDP10, H2, H7, of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement or a S111 agreement to secure:

i. A financial contribution of £172 per new residential unit to fund a mitigation scheme known as the Solent Disturbance Mitigation Project (SDMP).

2. In the event that the legal agreement is not completed within three months of the resolution to grant, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 or Section 111 Legal Agreement.

1.0 The site and its context

1.1 This application site is located within the Portswood ward. The immediate street is mainly characterised by two storey semi-detached dwellings, which are uniformly spaced in a similar style, with the exception of the recently built detached property of 2a Merton Road.

1.2 The site itself consists of a portion of the rear gardens of 34 and 36 Blenheim Gardens and the existing large garage adjacent to the boundary of 1 Merton Road, with existing vehicular access.

2.0 Proposal

2.1 It is proposed to erect a two storey detached (class C3 family dwelling only) with three bedrooms. There is provision for two off street parking spaces, and associated cycle and bin storage to the rear.

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.

3.3 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the City and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character

and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

- 3.4 Policy CS5 acknowledges that there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land. However, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.5 Policy CS4 acknowledges that new homes will generally need to be built at a higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council's strategic target for housing supply. The opportunity to provide three bedroom or more family dwelling to meet the City's need is a material consideration which should be given due consideration when balancing all the other material considerations.

4.0 Relevant Planning History

- 4.1 Both properties 34 and 36 Blenheim Gardens have been extended in the past and are occupied as HMOs. The applicant has recently entered into pre-application discussions with Officer's, whereby the scheme in its current form was negotiated. The design of the scheme is heavily influenced by the recently built dwelling at 2a Merton Road which lies opposite the site to the rear of 32 and 30 Blenheim Gardens (planning ref no. 09/01186/FUL), where its footprint is shown on the proposed block plan.

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 (19.09.14). At the time of writing the report 9 representations have been received from surrounding residents. The following is a summary of the valid material considerations raised:

- 5.1.2 **Over-intensification and overdevelopment to detriment of local character and amenity. Garden grabbing which is contrary government guidance. The destruction of gardens negatively affects the local environment. The Council should address the number of empty homes out of use to meet housing demand instead.**

Response

There is no policy presumption against developing residential gardens, whereby applications are assessed on their individual merits according to the context and character of the local area. The subdivision of the rear gardens will create a developable plot. This is adequate in size to provide the required amenities for the new dwelling and will provide decent family housing to meet the City's need without detrimentally affecting the character and amenity of the local area. Residential gardens are being developed in this instance, however, the new dwelling creates a street frontage with Merton Road as opposed to an uncharacteristic backland development.

- 5.1.3 **Compound existing high volumes of on street parking. Extra traffic on the**

proposed busy road junction will be dangerous

Response

The Highway Officer has raised no concern with regards to the impact on parking demand and highway safety.

5.1.4 Visually out of keeping with appearance of the street

Response

The new dwelling would be very similar in appearance and size to the detached dwelling recently built at 2a Merton Road to the rear of 30 and 32 Blenheim Gardens and, therefore, not out of character.

5.1.5 Adverse impact on drainage due to hardsurfacing of gardens. Pressure on waste water systems leading to road subsidence in Blenheim Gardens

Response

The physical development will cover a proportion of the existing garage and hardstanding which fronts the street. A large proportion of the existing garden land will be retained which will provide surface water drainage. The development must comply with Code for Sustainable Homes and Building Regulations which requires surface water drainage to be managed. The applicant will need to apply for separate permission to Southern Water to connect to the public sewerage system.

5.1.6 Will be turned into a HMO adding to high concentration imbalancing the community further and negatively affecting local character and amenity, especially as the Council has cut down on resources and essential services to tackle these problems. There is sufficient purpose built accommodation to negate the need for further student housing

Response

Planning permission is sought for a class C3 family dwelling. A separate planning application must be applied for to convert the property into a C4 HMO.

5.1.7 Loss of garden space at 34 and 36 Blenheim. Reduction in size will make it unlikely that the existing HMOs Gardens will be reverted back into family dwellings

Response

The length of the remaining gardens of the existing properties will be well in excess of the Council's minimum standards for a semi-detached family dwelling.

Consultation Responses

5.2 SCC Highways – No objection.

5.4 SCC Sustainability Team – No objection.

5.8 SCC Environmental Health (Contaminated Land) – No objection.

6.0 Planning Consideration Key Issues

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

- Principle of Development
- Design, scale, and character
- Living conditions of existing and future occupiers
- Highway safety

6.2 Principle of Development

6.2.1 The NPPF does not classify residential gardens as previously developed land, and requires the Council to set its own policies to resist inappropriate development to rear gardens where harm is caused to the character of the local area (para 53 refers). The Council does not have a policy which resists backland development and therefore the site should be assessed on the basis of the context and character of the local area. This application purely seeks permission for a C3 family dwelling and not a C4 HMO.

6.3 Design, scale, and character

6.3.1 It is considered that scale, massing and siting of the proposed dwelling within its plot is proportionate to the surrounding dwellings, with sufficient spacing between the neighbouring properties. This ensures that the dwelling does not appear cramped within the street scene and the spatial character of the local area is respected. The new dwelling mirrors the style of the recently built dwelling lying opposite at 2a Merton Road, whilst the dwelling fronts the street to avoid an uncharacteristic backland form of development.

6.4. Living conditions of existing and future occupiers

6.4.1 There is sufficient spacing between the existing properties and the new dwelling to ensure that there is no harm to the amenity of neighbouring occupiers. Furthermore, the side windows affected at 1 Merton Road include a non-habitable room (bathroom) at first floor and secondary bedroom window, and a secondary habitable room window at ground floor. As such, the massing adjacent to the common boundary with the neighbouring property will not adversely harm the outlook and light of the existing occupiers.

6.4.2 The quality of the residential environment of the new dwelling is considered to meet the Council's residential standards.

6.5 Highway safety

6.5.1 The proposed dwelling will provide two off street parking spaces in accordance with the Council's maximum parking standards, whilst there already is an existing dropped kerb in the front the existing garage. Merton Road and the surrounding Roads are mainly controlled by permit parking (two hour limited parking except permit holders - 0800 to 1800 Monday to Friday), with small areas of unrestricted parking at either end of Merton Road. The Highway Officer has raised no concerns with the regards to impact on highway safety and pressure on street parking demand. Amendments have been made to the site plan to provide the visibility sightlines required for the safe access by removing a section of the rear

garden of 34 Blenheim Gardens.

6.6 Other matters

- 6.6.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

- 7.1 In summary, the proposed family dwelling on residential garden land which addresses the street frontage of Merton Road is not considered to materially harm the amenity, character and highway safety of the local area, whilst contributing a suitable family dwelling to towards meeting the City's housing need.

8.0 Conclusion

- 8.1 In conclusion, this application will have an acceptable impact and therefore can be 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) 6 (c), 7 (a), 9 (a) and (b)

SB for 25/11/14 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 - 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. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

REASON:

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

03. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the dwelling.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

04. APPROVAL CONDITION - Parking [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with the approved plans for 2 vehicles to be parked and thereafter retained.

REASON:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

05. APPROVAL CONDITION - Sightlines

The pedestrian sightlines as shown on drawing number bbg sht 2 revision A prior to the first occupation of the dwelling hereby approved and thereafter retained. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected adjacent to the back edge of the pavement above a height of 0.6m above carriageway level.

REASON:

In the interests of highway safety.

06. APPROVAL CONDITION - Means of enclosure [Pre-Occupation Condition]

The means of enclosure including boundary treatment of the site hereby approved shall be erected prior to the occupation of the dwelling hereby approved and such means of enclosure shall thereafter be retained and maintained to the boundaries of the site.

REASON:

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

07. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Prior to the first occupation of the use hereby approved, the details of facilities for the storage, removal and recycling of refuse from the flats with a level approach shall be provided in accordance with the approved plans and, thereafter, such facilities shall be permanently maintained and retained for that purpose. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

REASON:

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

08. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been provided in accordance with the approved plans. The cycle store hereby approved shall thereafter be retained on site for those purposes.

REASON:

To encourage cycling as an alternative form of transport.

09. 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 (outbuildings),

REASON:

In order that the Local Planning Authority may exercise further control in this locality in the interests of the comprehensive development and visual and amenities of the area and residential amenity of neighbouring occupiers.

10. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance 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.

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

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, 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.

12. 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.

13. 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).

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

Within 6 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).

15. APPROVAL CONDITION - Landscaping [Pre-occupation Condition]

Notwithstanding the submitted details before the occupation of development hereby approved a detailed hard and soft landscaping scheme and implementation timetable shall be submitted, which includes hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; a landscape management scheme.

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

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

REASON:

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

16. 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:

1. A desk top study including;

historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and
receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.
Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

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

17. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

18. 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.

19. 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.

Note to Applicant - Community Infrastructure Liability (Approval)

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

Note to Applicant – Conversion to a HMO

Please note that planning permission is required to change the use of dwelling if you are intending to occupy the property as C4 HMO, whereby a separate planning application for change of use would need to be submitted to the LPA. In this instance, please contact the planning department for further advice.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS19	Car and Cycle parking
CS20	Sustainability

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
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

12/00105/FUL - Construction of two storey side extension comprising enlarged/additional bedroom accommodation with open car park beneath and single storey rear extension - REF

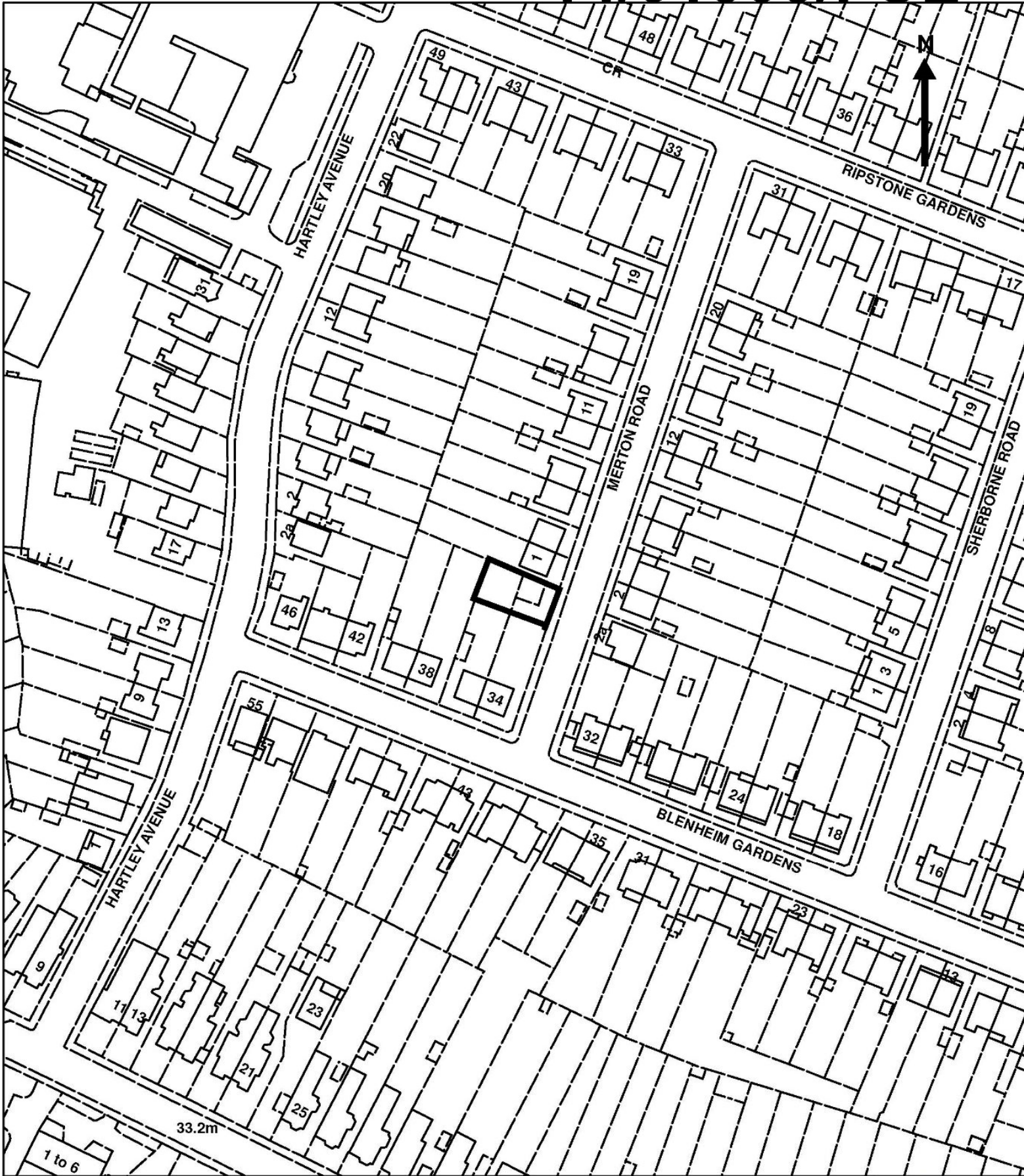
12/00822/FUL - Erection of a part 2-storey, part single storey side/rear extension (resubmission 12/00105/FUL) - CAP

12/01413/PREAP2 - Erection of a part single-storey and part two-storey rear extension - CLO

12/01909/FUL - Erection of a part single storey and part 2-storey side/rear extension to existing house of multiple occupation (use class C4) - CAP

Land To The Rear Of 30-32 Blenheim Gardens

09/01186/FUL - Erection of a two-storey three bed house with associated parking and cycle/refuse storage - CAP



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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 November 2014
Planning Application Report of the Planning and Development Manager**

Application address: 104 Obelisk Road, Southampton			
Proposed development: Erection of a single-storey side extension and two-storey rear extension. (Resubmission of 14/00561/FUL).			
Application number	14/01491/FUL	Application type	FUL
Case officer	Nathan Pearce	Public speaking time	5 minutes
Last date for determination:	29/10/2014	Ward	Woolston
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: Mr and Mrs Adamson	Agent: Rosenthal Design Services
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	No
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Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full – Refuse for the following reason:

01. REASON FOR REFUSAL - Impact on residential amenity

The proposed development represents an un-neighbourly form of development by reason of the excessive depth of the two storey extension in close proximity to two neighbouring properties, which would lead to an undue sense of encroachment and over dominating effect upon residential amenity. Therefore the scheme is contrary to saved policies SPD1(i), SDP7(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2006), and the provisions of the Council's approved Residential Design Guide SPD (September 2006) in particular paragraph 2.2.2.

1.0 The site and its context

1.1 The application site contains a two-storey semi-detached family dwelling house. The property is located on Obelisk Road, which is in a residential area characterised by dwelling houses. The site is within the Old Woolston 2

Conservation area. There is a detached bungalow to the rear of the application site at 37 Bedford Avenue.

2.0 Proposal

- 2.1 This application is a resubmission of a previous refusal (14/00561/FUL). The proposal is for an extension to the rear of 104 Obelisk Road. The ground floor element would extend 5.6m beyond the rear wall and would be 9.2m wide. The first floor element would sit on top of this with a smaller footprint. The shape of the extension would result in two, two-storey gable ends at the rear elevation. The extension is within close proximity of the rear of 37 Bedford Avenue.
- 2.2 The proposed rear extension would contain a new kitchen, dayroom, utility room, study and WC on the ground floor; and a new bedroom on the 1st floor.

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 14/00561/FUL
Extension at first floor at the rear of the property and single storey extension to the side – Refused for the following reason:
- 4.2 REASON FOR REFUSAL - Impact on residential amenity
The proposed development represents an un-neighbourly form of development by reason of the excessive depth of the two storey extension in close proximity to two neighbouring properties, which would lead to an undue sense of encroachment and over dominating effect upon residential amenity. Therefore the scheme is contrary to policies SPD1(i), SDP7(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2006), and the provisions of the Council's approved Residential Design Guide (September 2006) in particular paragraphs 2.2.11 to 2.2.13.

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 (17/10/2014 to 07/11/2014) and erecting a site notice (17/10/2014). At the time of writing the report 1 letter of objection has been received from surrounding residents and 6 letters of support.

The following is a summary of the objection points raised:

- Impact on neighbouring properties.

Response: The extension is judged to have a detrimental impact upon the rear of 37 Bedford Avenue by means of its proximity to the common boundary causing it to appear overbearing. It should not have a significant impact upon 102 Obelisk Road.

- Increased traffic generation.

Response: No objections have been raised from Highways, the creation of an additional bedroom within the property should not have a significant impact upon traffic and parking issues.

- Affect on the conservation area.

Response: No objection has been raised by the Conservation Officer. The development will not cause significant harm upon the conservation area and has a sympathetic residential design.

The letters of support have mentioned the following comments:

- Improvement of living environment for applicant.
- Retention of a family dwellinghouse without subdivision.

5.2 Consultation Responses

5.3 **Cllr Warwick Payne** - Many family homes in Obelisk Road have been converted to flats. Allowing this extension might safeguard the current use as a family home.

5.4 **SCC Conservation Officer** - raised no objection to the previous similar submission (14/00561/FUL).

5.5 **SCC Tree Team** - raised no objection to the previous submission (14/00561/FUL). If minded to grant, they request that tree protection conditions are added.

6.0 Planning Consideration Key Issues

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

- Principle of Development and Impact on Residential Amenity
- Design and Character

6.2 Principle of Development and Impact on Residential Amenity

Whilst the creation of additional floorspace to serve the dwelling is supported in principle, a judgement is needed as to whether or not the detailed design and layout will have a harmful impact upon existing residential amenity or the character of the conservation area to which it relates. The first floor element of the extension is considered to be of an excessive scale and would be detrimental to the neighbouring amenity given its proximity to the common boundary with

no.37. The extension would appear dominant and overbearing when viewed from the rear of no. 37. The proposal has been amended so that it is more sympathetic to the rear windows of 102 Obelisk Road, however the new orientation on the first floor element has increased the impact upon 37 Bedford Avenue. For this reason officers do not feel able to support the application – whilst noting the support locally – and consider the application fails the guidance as set out at paragraph 2.2.2 of the Council’s approved Residential Design Guide, which states that:

‘To prevent over-development, loss of privacy and dominance over neighbouring houses and to secure a reasonable standard of amenity and outlook for all, it is important to leave an appropriate gap or space between neighbouring buildings and extensions... Spaces between buildings should ensure a reasonable outlook for occupants of lounges, dining rooms, kitchens and bedrooms...’

6.3 Design and character

The design of the extension is acceptable and subservient to the existing dwelling. It would not be out of character with the conservation area.

7.0 Summary

7.1 The proposed first floor element of the extension is considered to be of an excessive scale and would be detrimental to neighbouring amenity given its proximity to the adjacent property at no. 37 Bedford Avenue.

8.0 Conclusion

8.1 With regard to the above, the scheme is deemed unacceptable from the point of view that harm shall be caused to the neighbouring amenity. A planning refusal is recommended.

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) (vv), 6. (a)(c), 7. (a)

NATPEA for 25/11/2014 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS14 Historic Environment

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing and Appearance
HE1 New Development in Conservation Areas

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

05/00309/FUL – Refused 25.04.2005

Erection of a first floor rear extension and alterations to the ground floor to form a bay window to side and balcony above existing rear element - REF

1. The proposed development would result in an un-neighbourly form of development through the addition of the balcony and bay window (first floor level) leading to overlooking, loss of privacy and loss of amenity for the residents of the neighbouring properties at 102 Obelisk Road and 37 Bedford Avenue. The proposal would therefore prove contrary to policy GP1(i) of the City of Southampton Local Plan and policy SDP1(i) of the City of Southampton Local Plan (Revised Deposit Version).

14/00561/FUL – Refused 18.06.2014

Extension At First Floor At The Rear Of The Property And Single Storey Extension To The Side -

1. REASON FOR REFUSAL - Impact on residential amenity

The proposed development represents an un-neighbourly form of development by reason of the excessive depth of the two storey extension in close proximity to two neighbouring properties, which would lead to an undue sense of encroachment and over dominating effect upon residential amenity. Therefore the scheme is contrary to policies SPD1(i), SDP7(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2006), and the provisions of the Council's approved Residential Design Guide (September 2006) in particular paragraphs 2.2.11 to 2.2.13.



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Agenda Item 10

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

Application address: 119 North East Road SO19 8AJ			
Proposed development: The installation of new air conditioning apparatus at the rear, a new ATM to the front elevation with security bollard protection, new entrance doors and new side access delivery doors.			
Application number	14/01631/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	26/11/14	Ward	Sholing
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Blatchford Cllr Jeffery Cllr Hecks

Applicant:	Agent: Calfordseaden Llp
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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, SDP9, SDP10, SDP16 and REI8 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	Site history		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site was previously occupied by a public house. The building has recently been rebuilt, forming a retail unit at ground floor level and residential accommodation at first floor level.
- 1.2 The surrounding area is predominately residential in nature, with a mixture of dwelling types.

2.0 Proposal

- 2.1 The application proposes some minor alterations to doors and windows, in addition to an ATM to the front of the property (and associated bollards) and air conditioning apparatus to the rear.

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**.
- 3.3 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 The site was originally occupied by a public house. In April 2013 permission was given for a two-storey side and rear extension to enable the conversion of the public house for retail and residential use (12/01960/FUL). Following this an application (13/00719/FUL) was submitted to provide an ATM in the same location as that proposed under this application - this was conditionally approved on 20.06.2013.
- 4.2 During construction works, the original structure was demolished completely, resulting in the original consent being invalidated. As a result of this a further ‘new build’ application (13/01764/FUL) for the erection of a two-storey building comprising a convenience store (A1 Retail) on the ground floor with three x two-bed flats at first floor level and associated parking and access was conditionally approved on 04.03.2014. However, the ATM was inadvertently omitted from the scheme.

The current application therefore seeks to formally re-instate an ATM where it was originally approved.

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 (07/10/14). At the time of writing the report 0 representations have been received from surrounding residents.

5.2 **Consultation Responses**

5.3 **Environmental Health** - No objection (original concerns in relation to ATM addressed following clarification of site layout).

5.4 **Cllr Blatchford** – While noting the community value of such a service, concern raised about potential harm to neighbouring residents by external ATM in terms of additional vehicular movements and associated noise.

6.0 **Planning Consideration Key Issues**

6.1 The proposed ATM is set back from the nearby residential properties, with on-site parking directly adjacent. It is not considered that the additional transient noise associated with the unit will have a significantly harmful impact on the residential occupiers within or adjacent to the site. It is noted that an ATM in the same location has previously been approved under 13/00719/FUL.

6.2 The plant machinery is visually screened and well set back from neighbouring residential properties. Environmental Health are happy that the acoustic report submitted is sufficient to address any potential harm to residential occupiers within and outside the site and on this basis, a condition is recommended to ensure that the units are maintained in accordance with the report.

7.0 **Summary**

7.1 On balance it is felt that the nature of the proposals are relatively minor in scale. Given the existing nature of the site and previous consents, it is not considered that the proposal will have a harmful impact on the overall character of the building or the amenities of neighbouring residents.

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), 9(a)(b)

JF1 for 25/11/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Acoustic Report

The development hereby approved shall be completed and maintained in accordance with the submitted noise assessment report (ARR/PPN/C/2217.18).

REASON:

In the interests of noise control and residential amenity

02. 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 and Appearance
SDP10 Safety and Security
SDP16 Noise
REI8 Shopfronts

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

14/01473/ADV, Installation of new signage including 1 x internally-illuminated entrance sign, 1 x externally-illuminated fascia sign, 1 x externally-illuminated post sign, 1 x wall-mounted information sign, 1 x illuminated and 1 x non-illuminated ATM signs and 4 x wall-mounted poster signs.

Conditionally Approved, 24.10.2014

13/01764/FUL, Demolition of the existing Public House (retrospective) and erection of a two-storey building comprising a convenience store (A1 Retail) on the ground floor with three x two-bed flats at first floor level and associated parking and access (affects a right of way) (amendment to previous approval ref. 12/01960/FUL).

Conditionally Approved, 04.03.2014

13/00795/DIS, Application for approval of details reserved by conditions 5 (Materials), 8 (Material Storage), 10 (Noise and Vibration) and 12 (Landscaping and boundary treatment) of planning permission reference 12/01960/FUL.

No Objection, 15.07.2013

13/00719/FUL, Installation of a door to side elevation and an ATM to front elevation

Conditionally Approved, 20.06.2013

13/00718/FUL, Application for variation of Condition 18 of planning permission reference 12/01960/FUL to vary opening hours of retail unit to 06.00-23.00 Monday-Sunday and public holidays.

Conditionally Approved, 20.06.2013

12/01960/FUL, Two-storey and first floor rear and side extensions to enable conversion from public house to convenience store (A1 Retail) on ground floor with 3 x two bed flats at first floor level (affects a right of way).

Conditionally Approved, 24.04.2013

14/01631/FUL



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Agenda Item 11

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

Application address: 33 Swanmore Avenue SO19 1BL			
Proposed development: Installation of Velux window to north elevation, and opening windows 1.7m above finished floor level within side Dormer.			
Application number	14/01585/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	25/11/14	Ward	Sholing
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Blatchford Cllr Jeffery Cllr Hecks

Applicant: Mr and Mrs Hugh and Karen Fancett	Agent:
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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	Site history		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site contains a family dwelling house. The property is located in a residential area characterised by dwelling houses. The site is situated at the end of a cul-de-sac at an angle to the main lines of development.

2.0 Proposal

2.1 The application proposes two windows at ground floor level, one Velux window in the north facing roof slope and some alterations to the design of previously approved windows in the north facing Dormer.

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 was submitted under 14/00020/FUL for extensions and roof alterations to facilitate additional accommodation in the existing dwelling. This application was refused on 20.02.2014 and a subsequent appeal dismissed.

4.2 Following this refusal a proposal with an amended design was submitted under application 14/00394/FUL for 'Single storey side and rear extension, and Dormer window and Velux windows to facilitate loft conversion'. A number of conditions were imposed under this consent, including a condition restricting the installation of additional windows without further planning permission.

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 (10/10/14). At the time of writing the report **1** representation have been received from surrounding residents. The following is a summary of the points raised:

5.2

- The application has been submitted retrospectively and the applicants have purposefully applied for amendments over several applications to improve the chances of the application being successful.

5.3 Comment: The applicant has a right to submit a retrospective application if they wish to do so. The current application will be considered on its own merits as part

of the comprehensive development and applying retrospectively has not improved or worsened their chance of gaining consent.

- 5.4 • Amended plans were submitted during the application process
- 5.5 Comment: The application was validated on 30th September. Amended plans were submitted on 8th October to include ground floor windows and roof lights.
- 5.6 • The roof tiles used do not match the existing (as conditioned under the previous application).
- 5.7 Comment: It is the officer's assessment from undertaking a site visit that the tiles used in the Dormer appear to match those used on the existing roof. On this basis it is considered that the condition has been complied with.
- 5.8 • The windows were conditioned to be obscured and this has not taken place. The proposed new Velux will not be obscured
- 5.9 Comment: The windows were all obscured as of a site visit on 03/11/14.
- 5.10 • There are trees near the property not declared on the application form
- 5.11 Comment: The trees are not protected. On balance, given the nature of the application, it is not considered that this lack of information has been detrimental to the determination of the application.
- 5.12 • Nearby residents have not been given sufficient notification of the application.
- 5.13 Comment: Neighbours of adjoining properties and all those who have objected to previous applications were sent notification letters on 2nd October. In addition a site notice was erected on 10th October 2014. It is considered that the Council has met its statutory obligations in terms of notifying local residents
- 5.14 • The application should not be determined prior to the target deadline.
- 5.15 Comment: Once the consultation deadline for an application has passed, the Local Planning Authority should aim to issue a decision as soon as possible. The target deadline is a date before which a decision should have been made - not a date before which a decision shouldn't be made. Purposefully delaying the issuing of a decision once all of the relevant information is available would be unreasonable behaviour. Following the determination of this application at Panel a decision should be issued as soon as possible.
- 5.16 **Consultation Responses**
- 5.17 **Cllr Jeffery** - Concern regarding overlooking impact on neighbouring properties.

6.0 Planning Consideration Key Issues

- 6.1 The application proposes the installation/modification of a number of windows. All of the proposed works could be completed under permitted development if the rights to modify windows has not been restricted under a previous application. The imposition of this condition does not mean that additional windows or alterations are intrinsically unacceptable but that it was considered potential harm would need to be assessed by the submission of an application.
- 6.2 The application proposes a reduction in the size of two windows (both obscured) in the existing Dormer, increasing their sill height to 1.7m from the floor of the room they serve. An additional Velux window is also proposed in this roof slope which is also obscured and situated 1.7m from the floor (it is noted that this window does not serve a habitable room but rather loft space with a boiler).
- 6.3 The application also proposes two roof lights in the roof of the existing side extension. At ground floor level the application also proposes two side facing windows to the rear facing north and south.
- 6.4 Under the previous consent a condition was imposed, restricting against the installation of additional windows without prior written consent of the Local Planning Authority. The existing windows in the Dormer were also restricted to be non-opening 1.7m from the floor of the room they serve and obscured. Given that the redesigned windows are obscured and are situated so that the minimum sill height is 1.7m from the floor of the room they serve, it is not considered that the proposal will be significantly harmful when compared to the existing consent.
- 6.5 The proposed new Velux window does not serve a habitable room, is obscured and is situated such that direct overlooking of neighbouring amenity space will be obscured by the bulk of the Dormer.
- 6.6 Any potential harm from the proposed ground floor windows is considered to be sufficiently mitigated by the existing boundary treatments which block any potential sightlines.

7.0 Summary

- 7.1 The proposed alterations are considered relatively minor in scale and are not considered to represent a significant increase in the potential for overlooking when compared to the previous approval, subject to the imposition of suitable conditions controlling the development.

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), 9(b)

JF1 for 25/11/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Obscured windows [Performance Condition]

The north facing windows in the Dormer window and adjacent north facing Velux window hereby approved (shown on Drg No. SK07 'C') shall be obscured. The windows shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenity and privacy of neighbouring occupiers.

02. 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 and 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

14/00394/FUL, Single storey side and rear extension, and Dormer window and Velux windows to facilitate loft conversion.
Conditionally Approved, 22.04.2014

Condition 3

APPROVAL CONDITION - Obscured windows [Performance Condition]

The north facing windows in the Dormer window hereby approved (shown on Drg No. SK07 'A' and serving the rooms labelled as 'Bedroom 3', 'En-suite' and staircase on Drg No. SK05) shall be obscured and non-opening 1.7m from the floor of the room they serve. The windows shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenity and privacy of neighbouring occupiers.

Condition 4

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

Condition 5

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:

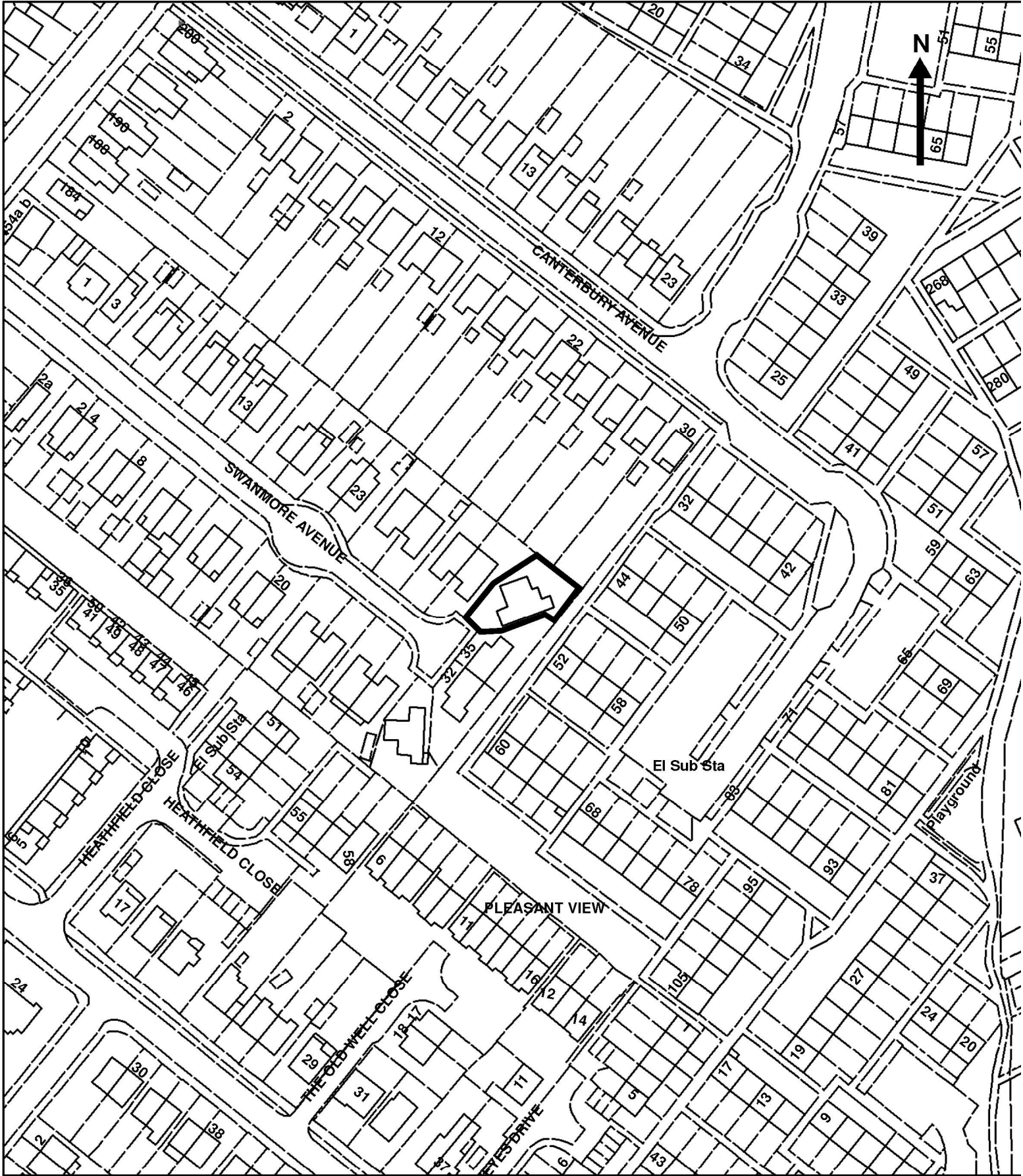
*Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,*

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.

14/00020/FUL, Erection of single-storey front, side and rear extensions plus roof extension with side Dormer windows to facilitate loft conversion.
Refused, 20.02.2014
Appeal Dismissed, 25.04.2014

14/01585/FUL



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