

Planning and Rights of Way Panel (EAST)

Tuesday, 13th January 2015
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
Tel: 023 8083 3569
Email: susan.lawrence@southampton.gov.uk

Planning and Development Manager
Simon Rowberry
Tel: 023 8083 2044
Email: simon.rowberry@southampton.gov.uk

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

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

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

3 STATEMENT FROM THE CHAIR

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

To approve and sign as a correct record the Minutes of the meeting held on 25th November 2014 and to deal with any matters arising, attached.

5 TREE FELLING IN RIVER WALK (Pages 5 - 22)

Report of Head of Regulatory and City Services regarding a request from local residents for the removal of alternate trees to allow for light to the properties on River Walk, attached.

CONSIDERATION OF PLANNING APPLICATIONS

6 1 SQUIRES WALK 14/01651/FUL

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

7 BURLINGTON MANSIONS, 333-347 SHIRLEY ROAD 14/01588/FUL

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 BEDFORD HOUSE, AMOY STREET 14/01778/FUL

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 33 SWANMORE AVENUE 14/01585/FUL

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

Monday, 5 January 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2014

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

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

RESOLVED that the minutes of the meeting held on 28th October 2014 be approved and signed as a correct record.

32. **32A THOROLD ROAD TREE PRESERVATION ORDER**

The Panel considered the report of the Head of Regulatory and City Services regarding an appeal against The Southampton (32a Thorold Road) Tree Preservation Order 2014 which protects one Lime tree in the front garden of 32a Thorold Road.

Mr Maggs (local resident / objecting) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that The Southampton (32a Thorold Road) Tree Preservation Order 2014 be confirmed without modifications.

RECORDED VOTE:

FOR: Councillors Denness, Fitzhenry, Hecks and Tucker

ABSTAINED: Councillor Lewzey

33. **LAND BETWEEN SHOP LANE AND BURSLEDON ROAD/BOTLEY ROAD JUNCTION - 14/01520/FUL**

Subdivision of land to form two plots for use by travelling show people including storage for vehicles, up to 12 caravans and associated equipment.

The Panel noted that the application had been withdrawn by the applicant.

34. **12-18 HULSE ROAD, SO15 2JX - 14/01446/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. 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.

Adam O'Brien (applicant) and Councillor Moulton (ward councillor / supporting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED:

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement and the conditions listed in the report;
- (ii) that in the event that the legal agreement is not completed within two months of the Panel decision, 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; and
- (iii) 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.

35. **34 AND 36 BLENHEIM GARDENS SO17 3RQ - 14/01505/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.

Erection of a detached, two-storey, three bed dwelling with associated cycle and bin storage and parking, with access from Merton Road.

Mrs Harbhajan Kaur Benning (applicant), Graham Cole (local resident / objecting) and Councillor Claisse (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED:

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement or Section 111 and the conditions listed in the report; and
- (ii) that in the event that the legal agreement not be completed within three months of the Panel decision 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.

RECORDED VOTE:

FOR: Councillors Fitzhenry, Lewzey and Tucker

AGAINST: Councillor Denness

ABSTAINED: Councillor Hecks

36. **104 OBELISK ROAD - 14/01491/FUL**

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

Erection of a single-storey side extension and two-storey rear extension (resubmission of 14/00561/FUL).

Sarah Adamson (applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported late correspondence from Councillor Payne giving support to the application.

The Panel noted an amendment to the Reason for Refusal to reflect that the impact on residential amenity was on one neighbouring property not two as stated in the report.

RESOLVED that conditional planning permission be granted subject to the conditions set out below:

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

The development works to 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).

2. APPROVAL CONDITION - Materials to match [Performance Condition]

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

REASON:

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

3. 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 to be inserted in the development permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties.

4. 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 to 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.

5. APPROVAL CONDITION - Approved Plans

The development hereby permitted to 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.

37. **119 NORTH EAST ROAD SO19 8AJ - 14/01631/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.

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.

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

38. **33 SWANMORE AVENUE SO19 1BL - 14/01585/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.

Installation of a Velux window to north elevation, and opening windows 1.7m above finished floor level within side Dormer.

RESOLVED that this item be deferred to a future meeting of the Panel to allow for further public consultation following the receipt of amended plans.

Agenda Item 5

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	TREE FELLING IN RIVER WALK		
DATE OF DECISION:	13 JANUARY 2015		
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 request from the Townhill Park Residents Association (TPRA) to have selected highway trees, owned by Southampton City Council, removed from River Walk to increase light to their properties.	
RECOMMENDATION:	
	To keep all of the trees along River Walk and continue to manage the trees in accordance with Southampton's Tree Operational Risk Management System (STORMS).
REASONS FOR REPORT RECOMMENDATION	
1.	None of the trees are dead, dying or dangerous and they can be safely retained by appropriate pruning, in accordance with STORMS and current best practice, as and when the need arises. Such works usually involve crown lifting to keep the highway and footpath clear and pruning canopies that significantly encroach onto properties
2.	The trees are positioned on the northern side of the properties and do not cause any significant direct shading.
3.	The removal of any of the trees would be detrimental to the amenity of the area.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
4.	Removing alternate trees to front of properties 1 to 10 (house side only) The work would result in an unbalanced distribution of trees along River Walk, be detrimental to the visual amenity the trees provide and would have a negative impact to the environment. There is no evidence to support the increase in ambient light that would result from this action.

5.	<p>Removing alternate trees along the length of River Walk (house side only).</p> <p>Removing alternate trees along the entire length of River Walk would keep a balance in the planting. This option may increase the background light that reaches the properties, but to an unknown amount. It would result in the removal of 18 trees and have a negative impact on the environmental benefits the trees provide. To implement this option would cost in the region of £12,000 (circa 6.6% of annual tree maintenance budget) and additional funding would be required to ensure that other more important health and safety works can be completed elsewhere.</p>
6.	<p>Pollarding.</p> <p>Pollarding is an extreme form of crown reduction that is usually carried out on prominent trees with significant defects to enable their safe retention. In this case pollarding is not appropriate and would result in unsightly-looking trees in the winter. Additionally, pollarding creates numerous pruning wounds which could lead to infection by pathogens and result in a decay and possible death. Any re-growth from these points will have a weaker attachment point and may suffer failure in the future. Pollarded trees will need to be re-pollarded on a regular cycle, determined by re-growth rates, usually every two to three years with resultant cost implications.</p>
7.	<p>Crown Reduction.</p> <p>Reducing the canopy of the trees would result in a natural responsive burst of regenerative growth. The growth would make the canopy denser and block out more ambient light .The trees will require regular reductions to keep them to a given size, usually every three to 10 years dependent on re-growth rates. This work would be detrimental to the trees health and have cost implications.</p>
8.	<p>Removing alternate trees on both sides of River Walk</p> <p>The option to remove trees on both sides of River Walk would have a negative impact on the environmental benefits the trees provide. The impact to the environment would outweigh the slight increase in ambient light levels that may be achieved if the removal of the trees on both sides of the Walk were allowed.</p>
DETAIL	
9.	<p>The avenue of mature Hornbeams are a unique feature within the City and as such provides a significant visual amenity to the wider public. (Appendix 1) The removal of a selected number of trees would upset the balance of the planting and would have a detrimental impact to the visual amenity and the environment.</p>
10.	<p>The main issue is the loss of ambient light to the front of the properties. The trees are positioned to the north-west of the properties in River Walk, being aligned north-east to south-west, and therefore do not block direct sunlight until late evening in the summer months. There is no data to demonstrate how much ambient light level would increase within the front of the properties, if the trees were removed.</p>

11.	There have been several complaints from the residents over a number of years regarding the trees shading the properties (See previous history summery sheet – Appendix 2) Where possible, work has been carried out to remedy the issues raised by the residents. Recently, the City Council has been contacted by the Townhill Park Residents Association (TPRA) who have requested that some action is taken to resolve the light issues.
12.	In 2013, the TPRA conducted their own survey of the residents to ask their opinion of how to manage the trees (See Appendix 3). The general response was to keep all of the trees but significantly cut back the canopies to improve natural daylight.
13.	The trees have been regularly managed to reduce the encroachment over the footpath and properties. (See Google Street View Picture – Appendix 4)
14.	Properties 4 to 10 are the closest to the trees and the residents state that the trees are overly oppressive and shade their properties. The distance from the front of the property to the edge of the bulk of canopy is approximately 6m.
15.	A letter from Southampton City Council was sent to all residents of River Walk to gauge their response (Appendix 5). The letter explained that the trees are growing on the northern side of their properties and as such are not causing significant direct shading. There has been no evidence to support that the felling of selected trees would increase the ambient light levels. In the letter, the following three management options were given:
16.	<u>Option A</u> Do nothing – Do not fell any trees but ensure they are continued to be are maintained under the Southampton Tree Operational Risk Management System (STORMS) in good health and safety following their routine regular inspections. (No additional cost to the City Council as the current management of the trees is funded).
17.	<u>Option B</u> Remove alternate trees to the front of the properties who are closest, which would be from property 1 to 10 (the trees on the park side would not be felled). The remaining trees from number 11 to 23 River Walk would not be removed. This option would give space between the remaining trees and may allow more ambient light to penetrate the adjacent properties. (Approximate cost £6000).
18.	<u>Option C</u> Remove alternate trees (excluding the trees on the park side) along the entire length of River Walk, so as to keep the balance of tree spacing equal. (Approximate cost £12,200).
19.	The City Council received six responses from the 27 properties consulted (equivalent to 22.2% of the properties consulted). The results are: Option A. 2 votes (7.4% of the properties consulted); Option B. 1 vote (3.7% of the properties consulted); Option C. 1 vote (3.7% of the properties consulted).

	<p>One property responded but did not select an option (equivalent to 3.7% of the properties consulted)</p> <p>One property responded but opted for option B and C. (equivalent to 3.7% of the properties consulted)</p> <p>77.7% of residents did not give any feedback.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
20.	If the Council complete options B or C, there will be a financial cost implication to have the work completed. Option B would be approximately £6,000 and option C would be approximately £12,200.
<u>Property/Other</u>	
21.	If approved and trees are subsequently removed for shading issues, this may set a precedent for future cases. Currently, within the terms of STORMS, it is not Council practice to prune trees for reasons of light.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
22.	In accordance with the Constitution any decision relating to Council trees, unless delegated, will be determined by the Planning Panel.
<u>Other Legal Implications:</u>	
23.	The "right to light" is often quoted in relation to trees cutting out light to adjacent property. Whilst there is an established right in the case of new buildings obstructing light (Rights of Light Act 1959), there is no clear precedent that trees cutting out light can infringe a persons' "right to light".
POLICY FRAMEWORK IMPLICATIONS	
24.	NONE
KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Bitterne Park
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1	River Walk Photo from November 2014.
2	Enquiry History of River Walk.
3	TPRA Survey letter.
4	Google street view from 2008 and 2012.
5	Southampton City Council letter sent to all residents of River Walk.
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	

This page is intentionally left blank

Agenda Item 5

Appendix 1



This page is intentionally left blank

Appendix 2.

Enquiry History of River Walk

Over the past years there have been multiple enquiries from the residents of River Walk in relation to the blocking light, encroachment over the garden, low branches and other safety related issues.

Where possible, whilst taking in to account the city councils policy on removing or heavily pruning healthy trees for blocking light, work has been undertaken to relieve the issues raised. The City Council have continued to maintain the trees for Health & Safety in accordance with the agreed risk management system STORMS (Southampton Tree Operational Risk Management System)

November 2003. A letter was sent to all residents of River Walk to gain the opinion of residents over the proposal to remove alternate trees along the length of River Walk.

December 2003 – A letter was sent to all residents informing them of the outcome of the November consultation. From the 25 letters sent, there were 12 replies. 4 Residents wanted to have trees felled and 8 wanted to leave the trees as they were. As the majority of responses were in support of not felling the trees, this was the relayed back to the residents.

2005 – 2013. There were further requests from residents requesting that trees be removed or reduced so as to allow more light to the properties, along with other H&S issues. Where appropriate, work was undertaken to resolve the issues raised.

2009 – The trees to the front of number 4 to 11 had the canopies reduced back away from the properties and reduced to give space between adjoining trees.

October 2013 – TPRA contacted the City Council with a request that something be done with the trees (Confirm ref 50011603). It was considered that the best approach was to have the matter addressed at a Planning & Rights of Way Panel as the City Council tree team do not have the delegated power to remove healthy trees.

This page is intentionally left blank

Appendix 3.

Townhill Park
Southampton
SO18 2RD

Ms. Hannah Chalmers
Senior Tree Officer
Southampton City Council

2nd December 2013

Dear Hannah

River Walk – Hornbeam Tree Problems

Thank you for your emailed letter of 21st November, in which I appreciate your open and honest response to our previous communications. It is now quite clear that the responsibility to move forward with these issues rests with the residents and obviously within the constraints mentioned within your email, we as TPRA will continue to support the residents and press for satisfactory agreements between all parties.

I now write following upon the conclusion of our residents survey. Please find appended within this letter a summary table of the resident's responses. Of the 27 homes surveyed we have had positive feedback of 22 homes, which is extremely encouraging and quite clearly reveals that there is genuine concern over the encroachment of the offending trees and a desire to see the situation resolved amicably.

In response to your reply to our posed question of what is reasonable concerning the resident's rights to reasonable enjoyment of their respective properties, and your statement that the council has no legal obligation to prune the trees to improve light. I would counter this argument with the fact that there was apparently no discussion with the residents on the choice or species of trees chosen to replace the diseased Elm trees, and consequently the residents now have to deal with the fact that the trees have out grown the environment in which they are planted.

The local authority must accept its responsibility for this poor selection process, for as you are fully aware common hornbeam when naturally grown are massive, excluding all other plants beneath them with expected heights of mature trees reaching 20 metres. What is being requested by the residents is **considered entirely reasonable** through seeking the council's assistance in dealing with this problem as ownership and maintenance of the trees remains the council's responsibility. As previously mentioned this seemingly only affects properties at the lower end of the road which suffer the worst light restrictions to their homes as the proximity of the trees to these houses in some cases are within 7 meters.

During our discussions with the residents it was also reported that there is definitely a safety problem at night due to the fact that the tree foliage is now obscuring the street lighting to such an extent that the lighting is rendered ineffective. Tree roots have severely affected the pavements creating tripping hazards which are not always apparent in the reduced lighting and the residents are fearful of the possibility of pedestrian accidental injury.

Other issues raised relate to tree branches below the required safety height of 2.5Metres are causing obstructions to driveway access with potential to damage commercial vans.

In addition several residents have registered major concerns which relate to an existing problem with root damage to the storm water drains. This issue has been previously reported to SCC as following upon their

insurer's investigation it became apparent the drains had collapsed on council owned land and that the responsibility to repair lay with the local authority. To date no action has been taken by SCC.

In an attempt to move all these matters forward to a positive conclusion. I fully appreciate the restrictions faced by the SCC in relationship to budgetary constraints, and in recognition that the majority of residents surveyed are in favour of tree retention we seek a constructive dialogue with SCC to agree future tree management options.

We would as previously suggested, and acknowledged by your response, now seek to arrange a site meeting with representatives of TPRA to discuss these issues with the view of reaching agreements to put to all residents at a subsequent open meeting. We are completely flexible with date/time of this meeting, which we could fit around your diary commitments and perhaps you could offer up some options for consideration.

Townhill Park Residents Association – River Walk Questionnaire/Survey Feedback Record

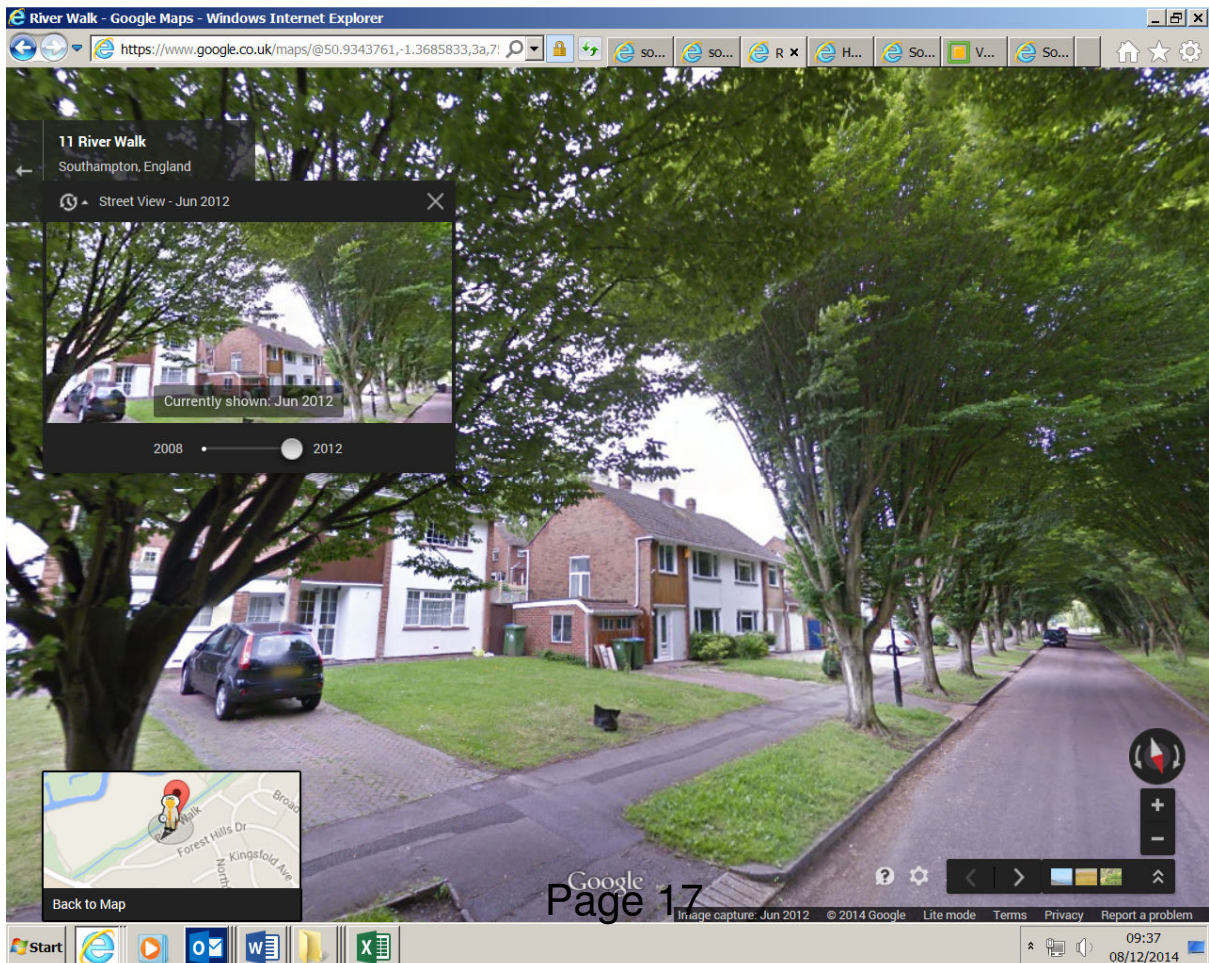
Questions Asked	Yes	No	N/A
Would you wish to see removal of any of the offending trees	24%	71%	5%
Does the existing foliage of the trees effect your quality of life and or enjoyment of your property	76%	24%	
Have you experienced significant reduction of light levels due to the tree growth over the past few years, or since you were last consulted by SCC	62%	34%	5%
Were you consulted over the introduction of the STORMS management policy of trees by Southampton City Council	10%	90%	
Would you appreciate a constructive dialogue with SCC where you would be able to question the Tree's Team over future management plans for the offending trees	81%	19%	
Do you consider the local council have listened to your concerns and acted fairly in dealing with your issues	10%	76%	14%
Do you want the offending trees to be significantly cut back to improve natural light to your properties	62%	33%	5%
Were you informed from the outset of the replacement for the diseased Elm Tree's as to the likely mature height and spread of the common hornbeam trees as selected by SCC	5%	66%	29%
Additional Optional Comments Received			
Health & Safety Issue at night, very dark due to obscured street lighting with possibility of personal injury			
Trees contain loads of Dead Branches- that fall risking possible injury, or damage to parked vehicles.			
Rainwater storm drains are reported as being seriously affected/damaged by tree root invasion.			
Concerns expressed over possible root damage to house foundations- reassurances being sought from SCC			

I sincerely hope that results of our survey as indicated above conclusively reveal the total strength of feeling held by the residents in relationship to these trees, which like it or not these trees are oppressive when compared to their environment and close proximity to the domestic homes. We look forward to receiving your response to our letter and to your agreement to meet with us shortly

May I take this opportunity to thank you for your positive response and look forward to meeting with you at your earliest convenience for as previously mentioned to do nothing is not an option.



June 2012



This page is intentionally left blank

Appendix 5.

Resident
River Walk
Southampton
SO18 2DP

Direct dial: 023 8083 3005
Please ask for: Gary Claydon-Bone
Our ref: 50011603
Date: 10 December 2014

RE: Hornbeam Trees along River Walk

Over the years there have been numerous complaints made with regard to the line of Fastigate Hornbeam trees growing in the grass verge along River Walk.

The essence of the complaints are that the trees block light, cause obstruction to the road and footpath and have canopies which extend within close proximity of some of the properties. These trees do have a very dense canopy which has grown together, due to the close spacing in which they were planted.

The trees are to the north of the properties and therefore do not block the sun although the sheer size and proximity to some of the houses will cause some loss of ambient light. Any works therefore will only reduce visual impact, not shading. The trees are regularly inspected and any health and safety works are undertaken. This includes crown lifting to raise the canopy above the road and footpath where necessary.

The Council do not consider crown reduction of all the trees as an option. This species of tree would not be one suitable to reduce whilst maintaining an attractive feature in the area. The reduction work would also only provide a short term solution to the perceived shading issues as the trees will naturally put on profuse growth in reaction to the pruning. This would very quickly make the trees denser and more likely to block ambient light, which in turn would mean that the trees would require a cyclical management regime of reductions to maintain them at a desired size. This costly exercise would be detrimental to the trees health and is not financially sustainable.

The Council therefore considers there to be three management options, and these are as follows.

- A. Do nothing – Do not fell any trees but ensure they are continued to be maintained under the Southampton Tree Operational Risk Management System (STORMS) in good health and safety following their routine regular inspections. (No additional cost to the City Council as the current management of the trees is funded)
- B. Remove alternate trees to the front of the properties who are closest, which would be from property 1 to 10 (the trees on the park side would not be felled). The remaining trees from number 11 to 23 River Walk would not be removed. This option would give space between the remaining trees and may allow more ambient light to penetrate the adjacent properties. (Approximate cost £6000)
- C. Remove alternate trees (excluding the trees on the park side) along the entire length of River Walk, so as to keep the balance of tree spacing equal. (Approximate cost £12,200)

Options B & C are not part of the City Council's health and safety management of the Council's trees and therefore would require additional funding. The felling of these trees would be considered a low priority for budget spend and health & safety works will be prioritised above this work. Therefore, even if agreed, the works could only be undertaken if an additional source of funding can be found.

The above management proposals will be put forward to a Planning & Rights of Way Panel meeting for the elected members to vote on. I am therefore writing to you to ask your opinion on the suggested management options.

Once we have the opinion of the residents of River Walk, any comments received can be summarised in the panel report to give the members a clearer idea on the resident's views.

Please respond by the **20th December 2014**, stating whether you **support** or **object** to any of the above management proposals.

You can contact the trees team in writing by using the address at the top of this letter. Alternatively you can contact the tree team by email at trees@southampton.gov.uk.

If you require any further information regarding this matter, please do not hesitate to contact the tree team.

Yours sincerely

Gary Claydon-Bone
City Tree Officer
trees@southampton.gov.uk

If you would like this letter sent to you in another format or language, please contact the number at the top of this letter.

This page is intentionally left blank

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 13 January 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	SB	CAP	5	14/01651/FUL 1 Squires Walk
7	MP	DEL	15	14/01588/FUL Burlington Mansions, 333-347 Shirley Road
8	MP	DEL	15	14/01778/FUL Bedford House, Amoy Street
9	JF	CAP	5	14/01585/FUL 33 Swanmore Avenue

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

SH – Stephen Harrison

RP – Richard Plume

AA – Andy Amery

AL - Anna Lee

AG – Andy Gregory

MP – Mat Pidgeon

SB – Stuart Brooks

LG – Laura Grimason

NP – Nathan Pearce

JF – John Fanning

DN – David Nip

JH – Joanne Hall

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

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

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

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

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
 - (f) I.H.T. - Traffic Impact Assessment Guidelines
 - (g) Freight Transport Association - Design for deliveries
 - (h) DETR Traffic Advisory Leaflets (various)
6. Planning related Government Circulars in most common use
- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
 - (b) Environmental Impact Assessment 2/99
 - (c) Planning Controls over Demolition 10/95
 - (d) Planning and Affordable Housing 6/98
 - (e) Prevention of Dereliction through the Planning System 2/98
 - (f) Air Quality and Land Use Planning 10/97
 - (g) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
 - (b) National Planning Policy Guidance Suite
8. Other Published Documents
- (a) Planning for Daylight and Sunlight - DOE
 - (b) Coast and Countryside Conservation Policy - HCC
 - (c) The influence of trees on house foundations in clay soils - BREDK
 - (d) Survey and Analysis - Landscape and Development HCC
 - (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
 - (f) Shopping Policies in South Hampshire - HCC
 - (g) Buildings at Risk Register SCC (1998)
 - (h) Southampton City Safety Audit (1998)
 - (i) Urban Capacity Study 2005 – 2011 (March 2006)
 - (j) Strategic Housing Land Availability Assessment (March 2013)
9. Other Statutes
- a) Crime and Disorder Act 1998
 - b) Human Rights Act 1998

Agenda Item 6

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13 January 2015
Planning Application Report of the Planning and Development Manager

Application address: 1 Squires Walk SO19 9GJ			
Proposed development: Change of use from Residential (Class C3) to a Dental Practice (Class D1) (Departure from the Local Plan)			
Application number	14/01651/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	01.12.2014	Ward	Woolston
Reason for Panel Referral:	Departure from the Development Plan with one or more objections. Request by Ward Member / five or more letters of objection.	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: Mrs A Brogan	Agent: Ddpc Limited
--------------------------------	----------------------------

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	No
---	-----------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Notwithstanding the requirements of Policy CS16, the use is considered to have greater benefits to the local community in terms of relocating and improving existing health facilities above the loss of a family dwelling within the City's housing stock. Whilst, it is also considered that the proposed use would not adversely affect the character and amenity, and highway safety of the local area. 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, SDP10, SDP11, SDP16, H6 of the City of Southampton Local Plan Review (March 2006) and CS10, CS13, CS16, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Letter from the Dental Association

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located within Woolston on the corner with Weston Lane. The site consists of a two storey detached family dwelling (three bedrooms) with off street parking.
- 1.2 The local area is characterised by mixed style of residential properties. The site backs onto the Weston Lane Centre for Healthy Living to the north west.

2.0 Proposal

- 2.1 Without any external alterations, it is proposed to change the use of the family dwelling into a dental surgery with three treatment rooms. This is a departure from the Local Plan.
- 2.2 The operating hours will be during the day Monday to Saturday 09.00 to 18.00. The dentist currently practices within the adjacent Health Centre with two treatment rooms.

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 loss of a family dwelling to a dental practice would constitute a departure from the Local Plan, in particular the requirements of policy CS16 of the Core Strategy. However, criteria (iv) of Policy H6 of the Local Plan Review 2006 states that an exception could be made where the use would provide ‘*a necessary or desirable community facility designed to meet an identified need in the neighbourhood*’.
- 3.3 Core Strategy Policy CS 16 Housing Mix and Type is principally concerned with the provision of a mix of housing types and more sustainable and balanced communities. Point 2 of Policy CS 16 refers to no net loss of family homes on sites capable of providing a mix of residential units unless there are overriding policy considerations justifying this loss.
- 3.4 Core Strategy Policy CS 10 “A Healthy City” requires new and relocated health

facilities to be in accessible locations where there is demonstrated need and should be linked to community hubs where appropriate.

- 3.5 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 There is no relevant history.

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 (10.10.14) and erecting a site notice (10.10.14). At the time of writing the report **19** representations have been received (17 objections and 2 support). The following is a summary of the points raised:

Comment

Impact on increased traffic, road safety and obstruction to free flow of traffic, and pressure on on-street parking. There is already a dental practice in the local Health Centre which has a regularly full car park. This causes parking problems in the local area.

Response

The Highway Officer has not objected to the impact on highway safety from the traffic generation associated with the proposed use.

Comment

The occupier of 2 Squires Walk is not opposed to the principle of change of use, however, shares the same concerns with local residents with regards to parking overspill.

Response

Noted. See response above regards parking issues.

Comment

Commercial use is not appropriate for residential area.

Response

The use would provide a facility serving the residential neighbourhood within which it is located. It is fairly common across the City for dental practices to be housed within former residential properties. In this instance the site is in immediate proximity to the existing health centre

Consultation Responses

5.2 **SCC Highways** - No objection.

5.3 **SCC Policy** – No objection.

5.4 **SCC Environmental Health (Pollution and Safety)** - 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
- Impact on character and amenity of the local area
- Impact on highway safety

6.2 Principle of Development

6.2.1 In principle, the conversion of the family dwelling into a non-residential community use should be balanced against the Council's policy to resist loss of a family dwelling and the community benefit from providing such a local health facility. It is not uncommon to have non-residential institution uses, such as a Dental Practice, within a predominantly residential area which provides a community benefit. The letter from the British Dental Association (see attached to **Appendix 2**) clearly sets out the need for such facilities (3000 NHS patient list) and the justification to relocate.

6.3 Impact on character and amenity of the local area

6.3.1 Although the property will function very differently to a family home, the nature of the proposed use is not considered to be intrusive to the neighbouring occupiers in terms of causing excessive noise disturbance from its associated activities. In particular, given that the use will be focused during the daytime, and the property is on the corner and detached from its neighbours.

6.3.2 The local area is predominantly characterised by residential properties with the large health centre adjacent to the rear of Squires Walk. It is not uncharacteristic within these areas in the City to have non-residential institutional uses to provide a community benefit and, therefore, the proposed use would not be considered out of character with the surrounding area.

6.4 Impact on highway safety

6.4.1 The proposed dental surgery will increase in capacity by including an additional treatment room. The current practice operates with two treatment rooms over a floor space of 100sqm (without including circulation and reception area). This similarly equates to the floor area of the new practice.

6.4.2 With the Dental Practice relocating from the Health Centre, the Highway Officer has commented that the parking situation there may improve, not change, or worsen. They consider that the introduction of the proposed use would not detrimentally affect highway safety, although a Traffic Regulation Order (TRO) for double yellow lines on the corner of Squire Walk and Weston Lane would help

reduce pressure on vehicle sightlines exiting the road. This applicant has agreed to secure the TRO with the Highways team prior to the implementation of the change of use, whereby the permission would be validated if the change of use was implemented prior to the TRO being in place. It is considered that it is appropriate and reasonable to secure this by condition.

- 6.4.3 With regards to the residents' concerns on the traffic generation and parking pressure, they further consider this to be an amenity issue which would not be so detrimental that it amounts to highway safety problems within the surrounding residential streets.

7.0 Summary

- 7.1 As such, the proposed use is considered to have greater benefits to the local community in terms of relocating and improving existing health facilities above the loss of a family dwelling within the City's housing stock. It is an exceptional circumstance which is clearly identified within the Council's adopted policy criteria. It is also considered that the proposed use would not adversely affect the character and amenity, and highway safety of the local area.

8.0 Conclusion

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with current guidance and policies of the Council and, therefore, can be recommended for 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 13/01/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - Change of Use - Scope and Limitation within same Class

The use of the buildings and land hereby approved shall be limited to a dental practice as provided for and shall not be used for any other use within Class D1 of the Town and Country (Use Classes Order) 1987. Should that use cease the authorised use of the property should immediately return to a C3 Dwelling.

REASON:

In recognition of the limited parking facilities available on the site for other forms of use within the same use class and the intended periods of use of the building that lies within this residential area.

03. APPROVAL CONDITION - Installation of Traffic Regulation Order (TRO) [Grampian Condition - Prior to Change of Use

Prior to the first commencement of the use hereby approved a Traffic Regulation Order securing parking restrictions at the junction of Squires Walk and Weston Lane shall be gained and implemented.

REASON

In the interests of the protecting highway safety.

04. 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 details have been submitted and agreed in writing by the Local Planning Authority for a secure, covered space with cycle stands has been provided for 1 bicycle to be stored. The cycle store hereby approved shall thereafter be retained on site for those purposes.

REASON:

To encourage cycling as an alternative form of transport.

05. APPROVAL CONDITION - Refuse and Recycling [Pre-Commencement Condition]

Prior to the first occupation of the use hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

REASON: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

06. APPROVAL CONDITION - Hours of Use [Performance Condition]

The uses hereby permitted shall not operate outside the following hours:

Monday to Saturday 09.00 hours to 18.00 hours (9.00am to 6.00pm)

REASON:

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

Application 14/01651/FUL
APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS10	A Healthy City
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
H6	Housing Retention

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

This page is intentionally left blank

20th November 2014

Dear Mr Brooks

Ref: 1 Squires Walk, Southampton, SO19 9GJ (planning ref 14/01651/FUL)

Further to an enquiry regarding this application I write in order to offer our support.

Dr Brogan is looking to improve the environment in which they provide dental treatments and services to the local population. Patient safety is of upmost important and our member is understandably concerned that the current arrangement within the NHS Weston clinic is far from satisfactory. Due to a lack of space the dental practice and Sexual Transmitted Decease clinic have to share rooms.

To mix children and family dental patients with S.T.D. patients within the same reception and waiting facilities is not the ideal family environment. The current environment may well be off putting to some of the local residents in need of dental care. They would like to create a patient centred dental practice which is welcoming for all members of the local community.

We understand that the current NHS clinic is at its capacity and there is neither the budget or the space to relocate the NHS dental practice patients or STD patients to another area within the premises, and so Dr Brogan has made the decision to relocate the entire 3000 NHS patient list to a new local and more appropriate premises close by.

This particular dental practice is an important community service helping over 3000 patients, many of which are children, so I think you can appreciate the urgency of the need.

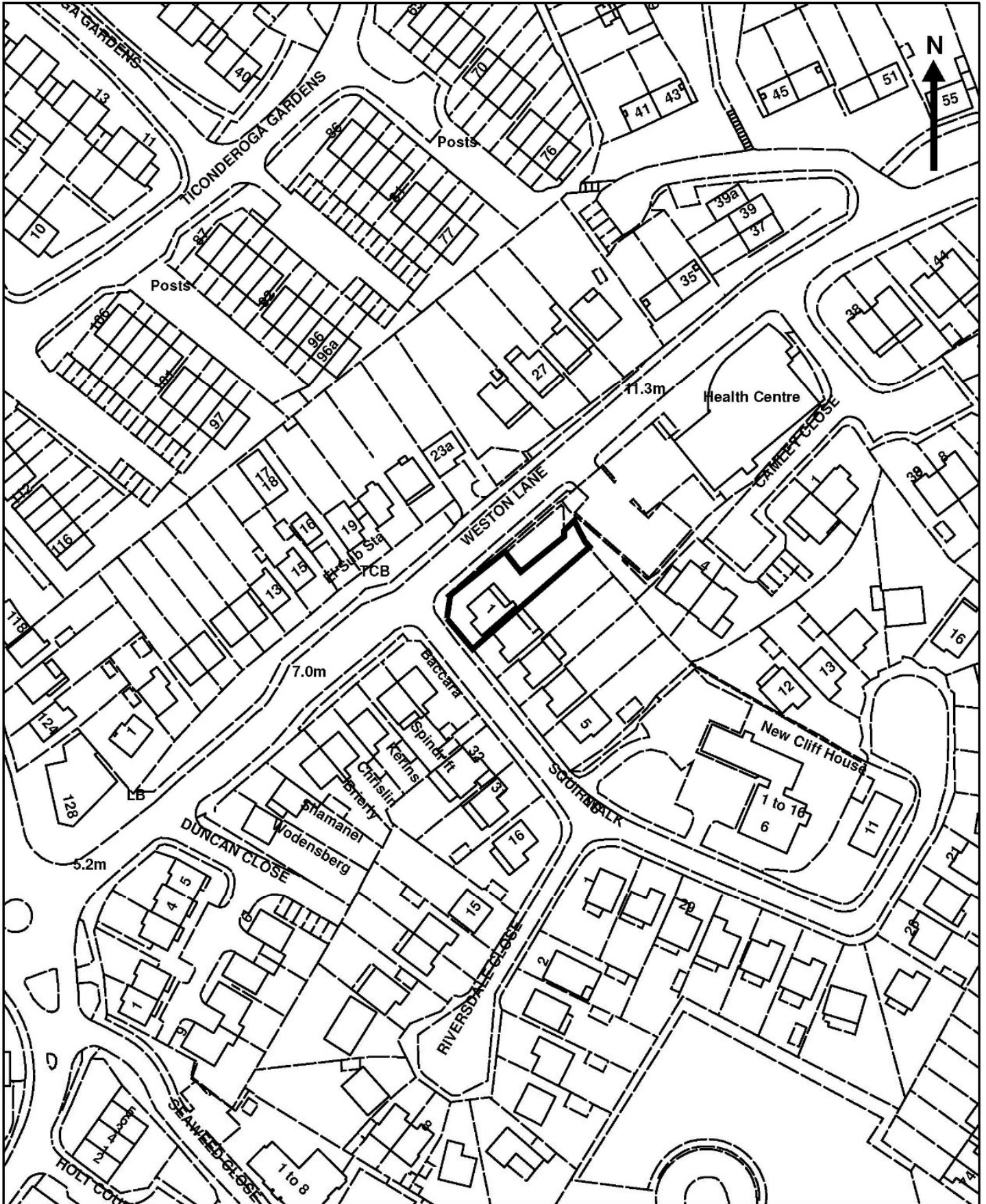
Therefore in light of the above and for the dental wellbeing of the local community we would like to ask you to be kind enough to recommend this application for approval.

Yours sincerely



Paula Slinger
Practice Management Consultant (NHS & Business)

This page is intentionally left blank



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

This page is intentionally left blank

Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13 January 2015
Planning Application Report of the Planning and Development Manager**

Application address: Burlington Mansions, Shirley Road			
Proposed development: Formation of an additional storey to the building to provide 10 x two bedroom flats and erection of a cycle and bin storage building at the rear			
Application number	14/01588/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	05.01.2015	Ward	Shirley
Reason for Panel Referral:	Major application, request by Ward Member / five or more letters of objection have been received.	Ward Councillors	Cllr Coombs Cllr Kaur Cllr Chaloner

Applicant: Mr Raj Roath	Agent: Studio Four Architects
--------------------------------	--------------------------------------

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	-----

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 including the impact on the surrounding character and amenity, the living environment provided for the residents, lack of the inclusion of family dwellings and failure to achieve code level 4 of the code for sustainable homes have been considered and are not judged to have sufficient weight to justify a refusal of the application. The positive aspects of the development, namely the provision of housing units and efficient use of the site outweigh the negative. Where applicable conditions have been applied in order to satisfy these matters. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted.

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, H1, H2, H5 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	2	Relevant 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 to secure:
 - i. Financial contributions towards site specific transport improvements 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. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iv. Financial contribution towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - v. A refuse management plan to ensure arrangements are in place for the removal of refuse and recycling from the property.
2. In the event that the legal agreement is not completed by 13/03/2015 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 consists of a three-storey building which has 8 commercial units on the ground floor and 20 flats above. The commercial units include financial and professional services and retail uses. The roof of the building contains a number of telecommunications installations. To the rear of the site is a service yard area which contains car parking and refuse storage. The site lies within Shirley Town Centre which has a varied character whilst Janson Road to the rear of the site has a more suburban and residential character.

2 Proposal

- 2.1 The application proposes to construct an additional storey to the roof of the building which would provide 10 additional flats to the 20 which already exist on the site. The additional storey would have a flat roof design and is set back from the front parapet of the building, so that each proposed flat would be served by a balcony. Improved arrangements for cycle, refuse and recycling storage would be provided to the rear of the building.

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 are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 In December 2009 planning permission was refused for an identical scheme to that which is currently proposed. Planning permission was refused because the applicant did not sign the Section 106 legal agreement which was required to mitigate against the direct impact of the development. The application would have been approved had the agreement been signed as the principle and details of the scheme had been approved by the Planning and Rights of Way Panel on the 24th November 2009 subject to the agreement being signed by the applicant.
- 4.2 The application reference number was 09/00779/FUL and the scheme was refused as the applicant failed to enter into a Section 106 legal agreement which was required to mitigate the direct impact of the development. Financial contributions were sought for:
- Provision and maintenance of open space.
 - Children’s play area and equipment.
 - Site specific transport/highway.
 - Strategic transport/highway network.
 - Highway Condition survey.
 - Waste Management plan.
- 4.3 A planning application was also refused in 2000 which sought a roof extension to provide 10 additional flats. The reason for refusal was also based on the failure of the applicant to enter in to a Section 106 legal agreement.

4.4 All relevant planning history is listed and attached in **Appendix 2** to this report.

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 (10.10.2014) and erecting a site notice (10.10.2014). The publicity exercise also identified that the development proposal represents a departure from the development plan as the development is unlikely to achieve code level 4 of the code for sustainable homes. At the time of writing the report 17 representations have been received from surrounding residents and Councillors Kaur and Moulton. The following is a summary of the points raised:

5.2 **Parking and traffic issues** - The introduction of additional residential units would result in increased traffic congestion on already busy roads and an increase in on-road car parking which would have a detrimental impact on highway safety, in particular on the Janson Road, Shirley Road junction. Position relative to public transport does not adequately accommodate travel needs for residents. Use of the vacant garage to the rear for parking would help to alleviate local parking pressure. Contribution towards a decline in air quality.

RESPONSE: The Highways Development Management Team have not objected to the proposal. For a detailed response to the highways concerns raised please refer to paragraphs 5.10 and 6.17 of this report.

5.3 **Visual impact** - The additional storey of accommodation will appear harmful when viewed from properties on nearby roads. When telecommunications equipment is added to the building it will have an adverse impact on the character of the area. Impact on local identity and a negative change in character.

RESPONSE: Any telecommunications equipment added to the new roof of the building (if approval is granted) will require additional planning permission. The design does not differ from the previous scheme which was not refused on the basis of visual impact.

5.4 **Environmental issues** - There is a lack of waste management for the existing development which will be exacerbated. Increased refuse generation would contribute towards the untidy nature of the site.

RESPONSE: The management of refuse on site can be improved by a refuse management plan to be required by the legal agreement. The planning enforcement team have been notified to investigate potential breach of previous permissions. It is the responsibility of the Environmental Health Team to investigate environmental problems. The Environmental Health Team have been notified of the concerns raised.

5.5 **Increased residential density** - The area is beginning to suffer associated social impacts caused by increasing residential density, noise, confrontation caused by parking pressure etc.

RESPONSE: Planning decisions need to be made with reasonable behaviour in

mind. In addition the scheme was not refused previously on this matter and there has not been a significant change in material circumstances in the neighbourhood to justify refusal.

5.6 **Consultation Responses:**

5.7 **SCC - Sustainability Team** – Developments such as this, which involve changes to an existing building to create new dwellings, mean that it is not fully possible to follow the energy hierarchy. The developer has clearly followed the hierarchy as much as is possible by following a fabric-first approach with high levels of insulation, energy efficiency and airtightness. Following this, low and zero carbon (LZC) energy has been assessed, with a decision to invest in solar PV for this scheme, which seems an entirely suitable technology. Overall, the development is proposing a fabric-first approach to its sustainable design strategy, which is highly commended. Compared to the previous assessment, the revisions increase the score from 62.02 to 65.84. This is 2.16 short of the level 4 threshold.

5.8 **SCC Historic Environment** – No objection.

5.9 **SCC Housing** - As the scheme comprises 10 additional dwellings the affordable housing requirement from the proposed development is 20% (CS15- sites of 5-14 units = 20%). The affordable housing requirement is therefore two dwellings.

5.10 **SCC Highways** – The site is located on the corner of Shirley Road and Janson Road. Parking is controlled by double yellow lines at the junction, but beyond this there is unrestricted parking. The demand on this parking is high, which is confirmed by the parking survey undertaken by the applicant, although some spaces were found in the study area. However, high parking demand does not have to impact on highway safety, as parking can create traffic calming by slowing traffic due to restricted width.

5.11 Servicing for the Co-operative retail store will not be materially impacted by this development, as it takes place from the double yellow lines to the side of the shop. Planning conditions are required for bin and cycle storage, the arrangements for which need to be amended slightly.

5.12 **Southern Water** – Details of the proposed means of foul water disposal and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. Formal permission must also be sought for connection to the public sewerage system.

6 **Planning Consideration Key Issues**

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

- Principle of development;
- Changes to the planning policy framework;
- Character and design;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and
- Parking and highways issues

Principle of Development

- 6.2 The application site lies within Shirley Town Centre within an area of Secondary Retail frontage. Policy H1 (iii) of the Local Plan supports the redevelopment of commercial premises to provide residential on upper floors within town centre locations and the Council's normal considerations in respect of quality of development, protection of the character of the area and the amenities of neighbouring occupiers apply as required by Policies SDP1, SDP7 and SDP9.
- 6.3 The creation of additional residential accommodation is acceptable and accords with policies contained within the development plan. The level of development fits within the density parameters for this town centre location. The provision of residential accommodation over commercial units within the town centre is supported by Policy H1 of the Local Plan and Policy REI4 recognises that residential on upper floors helps to improve the mix of uses within recognised centres.
- 6.4 Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy sets a minimum density of 100 dwellings per hectare for new residential development in high accessibility areas. The area of the site proposed for development is 1283 sq.m (0.13 ha). With the addition of 10 dwellings the density would be 230 units per hectare. The scheme therefore meets the council's density requirements.
- 6.5 Since the decision was made in 2009 there has not been a material change in circumstances that alter the previous consideration of the remaining matters discussed below.

Changes to the planning policy framework

- 6.6 The two most significant changes to planning policy that have occurred since 2009 is the adoption of the Core Strategy in 2010 and the introduction of the National Planning Policy Framework (NPPF). The introduction of the NPPF has not brought about any significant changes that lead to a change in Officers recommendation. With the adoption of the Core Strategy there has been an important change in policy that needs to be examined in the context of the development.
- 6.7 Core Strategy Policy CS16 seeks a target of 30% family housing on sites where 10 or more residential properties are proposed. The scheme does not include family housing however given the constraints of the site; namely the height of the accommodation on the third floor of this commercial building, the location on a busy road and lack of available garden space it is considered that the site is not conducive to family housing.
- 6.8 Core Strategy Policy CS20 requires development to improve energy efficiency and sustainability. In doing so the Council have adopted the Code for Sustainable Homes as a means of measuring improvement. Since 2010 new residential development has been required to achieve level 3 of the code. Code level 3 was required for the previous scheme that was refused due to the failure of the applicant to sign the legal agreement. Since 2012 new residential development has been required to achieve level 4. However, the proposed development is unlikely to be able to achieve this standard. The Council's sustainability team have reviewed the

detailed report submitted by the applicant and acknowledge the difficulties the development will have in achieving level 4.

- 6.9 Since the original submission the sustainability report has been amended following discussions between the applicant and the Councils Sustainability Team. The dialogue has achieved an improvement to the sustainability of the development meaning that the scheme almost achieves code level 4. The Sustainability Team agree that the standard achieved is reasonable given the constraints of the development. Thus support can be given to the proposal on the basis of the information currently received. Bespoke conditions have been recommended to ensure the development achieves the targets set out in the amended sustainability report.

Character and design

- 6.10 The proposal to add an additional floor of residential accommodation would be acceptable in scale and massing terms; there is four storey development opposite the application site and a general variation in storey heights on Shirley Road which would ensure the proposed height of the building would not appear out of keeping. The additional storey would be set back from the front parapet of the building and articulated by variations in the height of the extension and contrasting bands of material treatment. This chosen design approach provides relief to the massing of the extension and reinforces the individual plot widths within the building. Overall it is considered that the proposed development would assist in rejuvenating the appearance of the existing building within the street scene.
- 6.11 Replacement telecommunications equipment on the new roof will require separate planning permission.

The impact on existing residential amenity

- 6.12 There is approximately 45 metres between the proposed addition and the residential properties in Janson Road. The proposed alteration would therefore not impact on the amenities of the occupiers of the properties on Janson Road. The nearest residential properties within Shirley Road are positioned across a public highway and having regard to the spatial separation it is considered that the proposal will not have a harmful impact on these properties.

The quality of residential environment for future occupants

- 6.13 The proposal will retain and extend the existing light wells which provide daylighting to habitable rooms in the existing flats below. This ensures that the roof addition does not reduce the amount of daylight able to penetrate the rooms served by the light wells.
- 6.14 Each proposed flat would have access to a balcony and the height of the building would ensure that the individual balconies benefit from a good degree of privacy and separation from the busy Shirley Road. The balconies are of sufficient size to provide sitting out areas for prospective residents.
- 6.15 The existing flats within the building do not have an adequate area for the storage of refuse and recycling. The application proposes a purpose built store which would provide increased capacity for existing residents and additional capacity for the

proposed residents. In addition to this a designated store for bulky goods refuse would also be provided. This would represent a much improved situation to what currently exists.

Parking and highways issues

- 6.16 The location of the development is within a highly sustainable location where the dependence on private motor vehicles is not necessary. Shirley Road is one of the busiest bus corridors in the city and within a very short walk of the site there are a good range of shopping and other facilities. No additional car parking spaces would be provided for the additional flats and this is considered to be acceptable. It is noted that a previous application which was refused in 2000 included a reason for refusal relating to insufficient car parking provision. Local planning policies regarding car parking provision in new residential developments have changed since this time and the proposal is in accordance with current car parking policies. Secure refuse and cycle storage would be provided for the additional flats.
- 6.17 It is acknowledged that new residential accommodation can lead to parking pressure within areas where development takes place. The location of the site in question does not have parking permit restrictions in place and therefore should any occupants of the proposed flats own vehicles there is likely to be an impact on local amenity through on street parking pressure. However the proposal does provide housing units which the city has a high demand for and therefore the scheme would help to meet the Councils housing targets. In addition the location is highly accessible and it is quite possible that occupants of the proposed flats will not be car owners. Furthermore since the previous scheme was refused in 2009 there have been no identifiable changes in local circumstances which would justify the addition of a new reason for refusal based on the impact on local amenity due to increased parking pressure as a result of the proposed development.

7 Summary

- 7.1 The proposed development provides additional residential accommodation which will contribute towards achieving the City's housing target within a high accessibility area.

8 Conclusion

- 8.1 By securing the matters set out in the recommendations section of this report by the completion of a Section 106 Legal Agreement, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Planning and Development Manager.

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

1. (a) (b) (c) (d) 2. (b) (c) (d) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

MP3 for 13/01/2015 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 External Materials [pre-commencement condition]

Notwithstanding the submitted information, no development shall take place until details (and samples where required) of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. These details shall include bricks, mortar, roof tiles, cladding and fenestration. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and to secure a harmonious form of development.

03. APPROVAL CONDITION - Refuse & Recycling Bin Storage [Performance condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

04. APPROVAL CONDITION - Cycle Storage [performance condition]

Cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

REASON:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

05. APPROVAL CONDITION – Drainage and Foul Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the proposed means of foul water disposal and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

To ensure the proposal does not increase the likelihood of flooding in the vicinity of the site.

06. APPROVAL CONDITION – Lighting Scheme [pre-commencement condition]

Prior to the commencement of the development hereby approved a detailed lighting scheme shall be submitted to the Local Planning Authority for approval. This shall include details of the lighting of the entrances to the building, cycle and refuse store. The scheme shall be implemented in accordance with the approved details prior to the development first coming into occupation.

REASON

To secure a safe and attractive environment for users of the site

07. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

08. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

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

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 a score of 65.84 - 67.64 (If the submitted score is less than 67.64 then a written statement must also be submitted setting out the justification for this) 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 or unless otherwise agreed in writing by the LPA.

REASON:

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

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

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum at minimum a score of 65.84 - 67.64 (If the submitted score is less than 67.64 then a written statement must also be submitted setting out the justification for this) 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 or unless otherwise agreed in writing by the LPA.

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).

INFORMATIVE NOTE TO APPLICANT:

Replacement telecommunications equipment on the new roof will require separate planning permission.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & 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
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

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

09/00779/FUL

Refused 29.12.2009

Formation of an additional storey to the building to provide 10 x 2 bedroom flats and erection of a cycle and bin storage building at the rear

REFUSAL REASON - Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review (March 2006) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

A) A financial contribution towards the provision and maintenance of open space in accordance with policy CLT5 of the revised deposit of the Local Plan and applicable SPG;

B) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the revised deposit of the Local Plan and applicable SPG;

C) A financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;

D) A financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

(E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase; and,

(F) In the absence of a Waste Management plan to address the arrangements for the removal of refuse and recycling containers to a collection point contrary to policy SDP1 and H7 of the Local Plan.

07/00298/FUL

Conditionally Approved 30.04.07

Erection of six antennae, two dishes and two cabinets on roof

01/00091/TCC

Conditionally Approved 12.02.01

Installation of 6 antennae, 2 microwave dishes, and 2 equipment cabinets on the roof

00/01194/FUL

Refused 13.12.00

Erection of 3rd floor extension to provide 10 flats - 3 two bed and 7 one bed

Reasons for refusal are as follows:

01.

The development fails to provide adequate provision on site for the parking of vehicles in a satisfactory manner and to the standard required by the Local Planning Authority, thereby creating congestion on the adjoining highway and inconvenience to other road users. It would therefore be contrary to Policy GP1 (x) (xv) and T33 of the City of Southampton Local Plan.

02.

The applicant failed to provide a financial contribution to off-site highway works and is therefore contrary to Policy GP1 (xvii) of the City of Southampton Local Plan.

03.

The application has failed to make provision for an element of affordable housing on the site in accordance with Policy H2 of the City of Southampton Local Plan.

04.

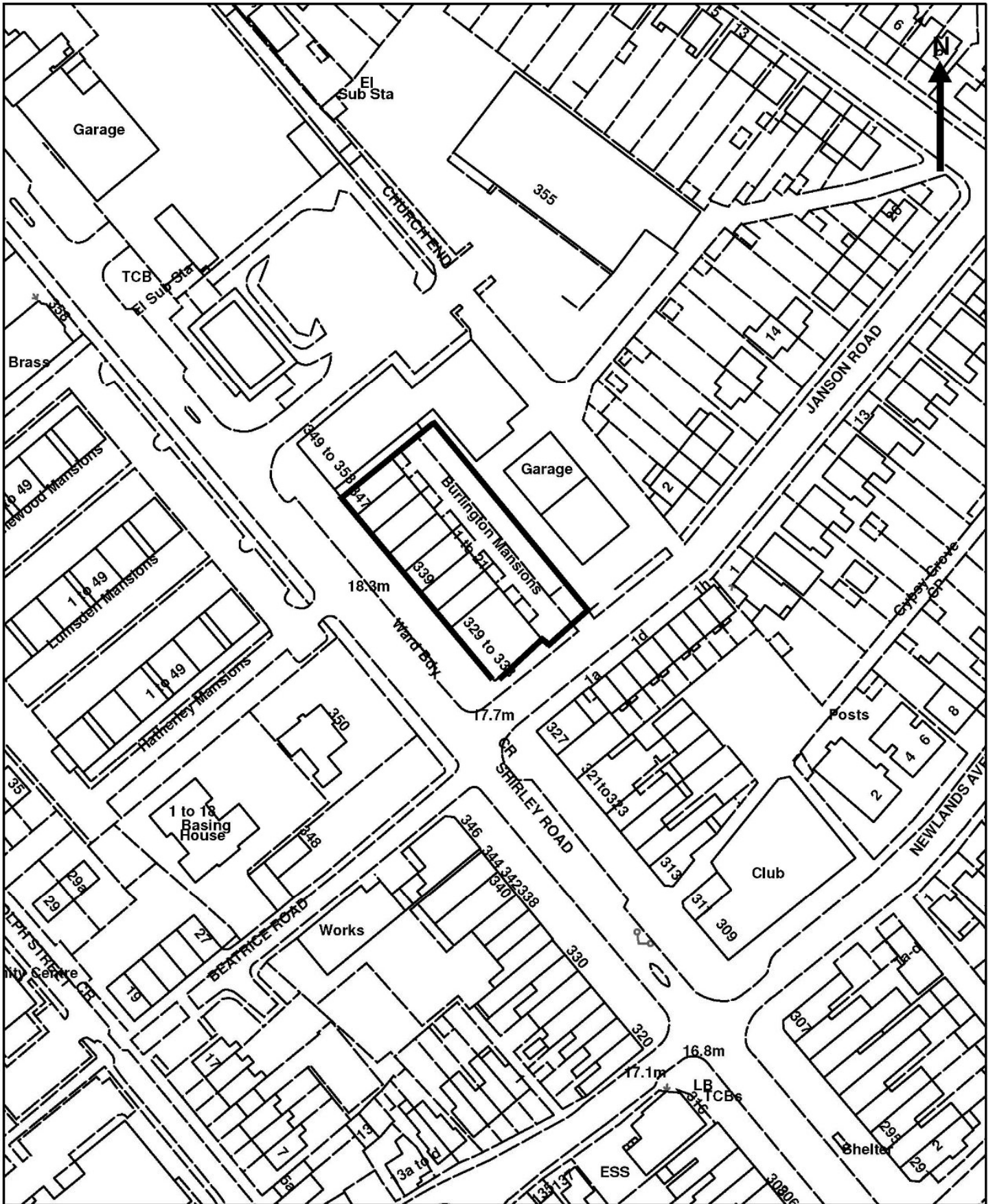
The development fails to provide adequate provision for the storage of bicycles on site, in a safe and secure manner and to the standard required by the Local Planning Authority and is therefore contrary to the Southampton City Council Cycling Plan 2000.

05.

The development fails to provide adequate amenity space for the likely inhabitants of the flats and is therefore contrary to Policy GP1(viii) of the City of Southampton Local Plan.

06.

Notwithstanding the above the scheme fails to provide adequate facilities for the storage and disposal of refuse associated with the flats or demonstrate that the scheme can satisfactorily accommodate such facilities the lack of which would be detrimental to local amenity.



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679



This page is intentionally left blank

Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13 January 2015
Planning Application Report of the Planning and Development Manager**

Application address: Bedford House, Amoy Street, SO15 2DR			
Proposed development: Redevelopment of the site to provide 18 x two-storey houses (14 x three bedroom, 4 x two bedroom) with associated access and parking.			
Application number	14/01778/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	28.01.2015	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Noon Cllr Tucker Cllr Bogle

Applicant: Culvadene Properties Ltd	Agent: Tony Oldfield Architects Ltd
--	--

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	-----

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including parking pressure, impact on neighbouring amenity, design and character 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 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).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP17, SDP22, HE1, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) Policies CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached	
1	Development Plan Policies
2	Planning History

Recommendation in Full

Conditionally approve

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. A financial contribution towards site specific transport improvements 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. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iv. The submission, approval and implementation of a Carbon Management Plan setting out how the 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).
- v. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), Policies SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).
- vi. An obligation to preclude future residents being issued with car parking permits.

2. In the event that the legal agreement is not completed by 28.01.2015 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 comprises a part single and part two-storey, flat-roof building which previously provided a day centre for the mentally ill but is now vacant. The site is accessed from Amoy Street. Beyond the eastern site boundary lie public car parks but apart from this, the site is neighboured by residential properties and gardens.
- 1.2 Immediately to the south of the site and to the eastern end of Amoy Street is the boundary of the Carlton Crescent Conservation Area. The surrounding area is residential in character and typically comprises two-storey, terraced and semi-detached housing.

2 Proposal

- 2.1 The application seeks planning permission for the demolition of the existing building on site and the construction of 18 two storey houses.
- 2.2 The development is formed of two terraced rows and a pair of semi-detached dwellings which would provide a mixture of two and three bedroom accommodation. In terms of scale the development will be of modest two storey height with no accommodation being proposed within the roof space.
- 2.3 It is not proposed to link Henry Street to the south of the site with Amoy Street. A strip of land was retained in the Council's ownership as a 'ransom strip' between the site and Henry Street to prevent such a connection being made in the future. A total of 19 car parking spaces are proposed.

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 The site is not allocated for a particular use or development within the Development Plan. The site lies within an area of high accessibility for public transport.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 Planning permission was originally granted for the construction of a day care centre in 1975 (reference 1473/C1).
- 4.2 Outline planning permission was refused in 2013 for the re-development of the site and provision of 10 x two and two and a half storey houses with associated car parking and storage. Two reasons for refusal were listed. The first reason was added due to the impact of the development on the character and residential amenity of the area; the second reason related to the failure of the applicant to enter into a section 106 legal agreement.
- 4.3 The full details of the two reasons for refusal are listed at Appendix 2.

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 (07/11/2014) and erecting a site notice (07/11/2014). At the time of writing the report 11 letters of representation have been received including objections from three local ward members and the City of Southampton Society. The following is a summary of the points raised:

- 5.2 ***The development is closer than the Council's separation distances permit to properties on Canton Street which back onto the site and would therefore have a harmful impact on privacy and would appear dominant when viewed from neighbouring properties.***

5.3 Response

The proposed houses to the south of the site would be 21 metres from the main rear building line of the rear elevations of properties on Canton Street. Some of the properties on Canton Street which back onto the site do however have two storey rear projections that include habitable room windows. For these properties the separation distance reduces to 17 metres. The rear elevation of the proposed dwellings are positioned approximately 9 metres off of the boundary with rear neighbouring properties.

- 5.4 Given the inner city location of the development where shorter than average rear garden depths and back to back distances already exist the proposal is supported in terms of its impact on the character of the area. As such whilst the relationship of the development with the properties on Canton Street does not strictly meet the recommended distances set out in the Residential Design Guide (RDG) the proposal is considered acceptable as the RDG makes allowances for inner city locations and allows the standards to be applied with flexibility.

- 5.5 ***Increased competition for on-street car parking spaces in the locality. Maximum parking standards. Eligibility for parking permits.***

5.6 Response

The surrounding streets are within a Controlled Parking Zone and the Section 106 Agreement associated with the application would prevent future occupants of the development from being issued with parking permits. As such, it is not considered that the proposal would generate harmful overspill car parking on the surrounding streets. The development complies with the Council's parking standards by not

exceeding the maximum.

5.7 Each dwelling would be served by its own allocated car parking space (controlled by planning conditions) and one visitor parking space is provided. Having regard to the accessibility of the site to public transport and local facilities, it is not considered that the proposal would place undue pressure on existing on-street car parking. The restriction of car parking permits is also considered to assist in ameliorating this issue. In addition as the site is located within a high accessibility area, car ownership is not necessary to access shops and amenities associated with the City centre.

5.8 ***The proposal would lead to a loss of six on-street car parking spaces on Canton Street.***

5.9 Response

No off-road car parking spaces would be removed as a result of this planning application.

5.10 ***How will visitors attend the site as parking in the area is restricted by a controlled parking permit scheme?***

5.11 Response

The options available to visitors to the site will be no different from that of visitors to other properties in the area or indeed the City where parking controls are in place. Parking restrictions clearly have an impact on visitors who choose to travel by private motor vehicle. The site is located within a highly accessible area with alternative travel modes available to visitors.

5.12 ***Overdevelopment of the site.***

5.13 Response

The proposal seeks to make an efficient use of the site and provide housing. The accessibility of the location allows for a high density scheme, however at 59 dwellings per ha the density proposed is less than the 100 dwellings per ha target set out by policy. The decision to provide a high percentage of family housing was chosen in response to the surrounding character. The design and layout of the development is judged to have carefully balanced relevant policies and design standards at the same time as considering local residential amenity. Officers consider that an acceptable balance has been achieved. The density of the development (59 dwellings per ha) is acceptable given its context and as such is compliant with Policy CS5.

5.14 ***Layout, scale and proportions should respect existing buildings and integrate into the community. The scheme fails to comply with Policy SDP9 as it would not respect the surroundings in terms of scale, massing and visual impact.***

5.15 Response

The design of the scheme in terms of layout, scale and proportions of the buildings is judged to integrate acceptably with the pattern of development within the local area. The Victorian Street pattern and plot widths have been replaced. The design is therefore considered to be compatible with the character of the local area which is dominated by Victorian era streets and houses. The proposal would also replace

a large building which pays no respect to the surrounding character and form of development.

5.16 The proposal seeks to replicate the historic Victorian street pattern and the housing design is a modern interpretation of a Victorian terraced row with additional space provided for parking (at the cost of more housing). The height of the buildings also respect the surrounding residential properties (two-storey height). The development is judged to be compliant with Policy SDP9. The roof pitch is also relatively shallow and it respects neighbouring roof design.

5.17 ***The scheme is contrary to Policy SDP8 as it fails to integrate into the existing urban structure.***

5.18 Response

Policy SDP8 seeks to ensure that the proposed development integrates with the local environment by ensuring that development relates positively to the public realm. In this case the development includes windows that overlook the public areas of the site and doors are visible from the public realm and thus ensure that natural surveillance is achieved. A small area of defensible space will be provided to the front of each dwelling and there will be a clear distinction between public and private space. Compliance with policy SDP8 is judged to have been achieved.

5.19 ***Roof design differs from the surrounding properties and provides the opportunity for large permitted development extensions.***

5.20 Response

The roof pitch is relatively shallow and is not significantly different to surrounding roofs. Permitted development can be removed by condition should there be concerns regarding future overlooking potential. A condition is recommended.

5.21 ***The proposal does not address the protection of existing trees on the site.***

5.22 Response

Planning conditions can be added to protect trees proposed to be retained on site.

5.23 ***Development is not pedestrian friendly.***

5.24 Response

The layout of the street has been supported by the Highways Development Management Team. The street will create a shared surface for pedestrian and vehicular movement. Drivers will slow on the entrance to the development owing to the traffic calming measures set out on the proposed site plan.

5.25 ***Refuse management.***

5.26 Response

Refuse will be collected from each property rather than a centrally located bin store. Provision has been made on site to the front of each property for two bins, one for general and one for recyclable wastes. The bin storage is integrated into design of the houses to aid collection and improve the appearance of the street scene.

5.27 ***Potential for HMO's.***

- 5.28 Response
Should an owner of a three bedroom dwelling seek to convert the dwelling to an HMO planning permission will be required.
- 5.29 ***Security of the ransom strip is negatively impacted by the proposal. Ransom strip demarcation and boundary.***
- 5.30 Response
The proposal does not seek to alter the ransom strip or boundary treatment between the site and Henry Street. The ransom strip is in the ownership of the City Council and the management is by the property services department. This matter is not a significant material planning consideration.
- 5.31 ***Site management.***
- 5.32 Response
The area of the site that will include the vehicle access and turning head will be adopted by the City Council as Highways Authority. The remaining public spaces within the site will be separately managed by the developer/property owners
- 5.34 ***Rear/side access.***
- 5.35 Response
Lockable gates to the rear access paths can be controlled by an appropriately worded landscaping condition.
- 5.36 ***Site access, demolition and construction.***
- 5.37 Response
A suitable planning condition can be added to ensure that the development will have limited impact on neighbouring amenity during construction and demolition. Site access will be prohibited from Henry Street due to the ransom strip.
- 5.38 ***The proposed dwellings would be very cramped.***
- 5.39 Response
The Council do not have minimum room sizes to apply. The living conditions within each house proposed would meet the councils adopted standards in terms of access to natural light, achieving acceptable outlook from habitable rooms and privacy. Gardens have also been provided which will provide private outdoor space.

Consultation Responses

- 5.40 **SCC Highways** – The development is within the City centre and the on-street parking spaces in the area contain parking restrictions via either resident permit holders (restrictions apply between 08:00-18:00) or pay and display parking [08:00-20:00 (evening charge)]. With parking permit restrictions residents are unlikely to add to local pressure. The site may however generate visitor trips in the evenings.
- 5.41 From the results of the 01:00 survey, Canton Street appears to be the area with the highest parking demand. But with no pedestrian access to the site directly off

Canton Street, visitors have no extra incentive to park on Canton Street compared to Bedford Place and Wilton Avenue where the survey shows more available spaces. The corners of the nearby junctions all contain double yellow lines so any potential increase in parking will not be a highway safety concern.

- 5.42 Visitors during the evening hours will also have the option to use the public car park directly in front of the site and there is parking available in the area after 18:00 – except Canton Street which appears to have reached capacity.
- 5.43 The Highways Team have no objection subject to conditions to secure the detailed design of the road and pedestrian footpath (to adoptable standards), treatment of the hard surfaced “rumble strip” to define turning area close to the corners of the dwellings proposed and the management of construction related vehicles and storage.
- 5.44 **SCC Housing** – No objection. There is a requirement to provide 35% affordable housing units and this should be provided on site. The affordable housing requirement is therefore six dwellings (6.3 rounded down).
- 5.45 **SCC Sustainability Team** – No objection. Suggest conditions to ensure the development attains Level 4 of the Code for Sustainable Homes.
- 5.46 **SCC Historic Environment** - No objection subject to conditions to secure the necessary archaeological investigations.
- 5.47 **SCC Trees** - No objection received.
- 5.48 **SCC Environmental Health (Contaminated Land)** – The proposed land use is sensitive to the effects of land contamination and there are potentially contaminating historic land uses within the locality. Recommend conditions to investigate and neutralise contaminants where necessary.
- 5.49 **SCC Ecology** – No objection subject to conditions to secure ecological mitigation measures and to protect nesting birds in the construction process.
- 5.50 **Southern Water** – No objection subject to conditions to secure details of drainage and measures to protect the public sewer.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - i. Principle of development;
 - ii. Design and impact on character of the area;
 - iii. Impact on residential amenity;
 - iv. Quality of the residential environment proposed; and
 - v. Parking and highways.

Principle of Development

- 6.2 Before the principle of the redevelopment of the existing community building for an alternative use can be accepted, Policy CS3 of the Core Strategy requires an

assessment of the need for the use of the building for community purposes. The support services which previously operated from Bedford House were relocated to alternative premises within the locality when the building was vacated. This took place as part of a strategic review and consolidation of the Council's Day Service provisions. The previously refused application included a review of the availability of community use provision within the vicinity of the application site. This review demonstrated that there is adequate provision for community uses within the area and as such, the principle of the loss of the community facility is acceptable. Whilst the previous application was refused loss of a community asset was not listed as a reason and therefore this issue of principle is judged to have been addressed.

- 6.3 The application would make efficient use of previously developed land to provide housing. The proposal incorporates more than the target level of family homes set out in policy CS16 of the Core Strategy. The proposed residential density at 59 dwellings per hectare is lower than the density range recommended by Policy CS5 of the Core Strategy. However the decision to lower the density in favour of family housing is considered acceptable given the character of the neighbourhood and neighbouring residential amenity. The principle of the redevelopment of the site to provide residential accommodation is therefore considered to be acceptable.

Design and Impact on Character of Area

- 6.4 The key consideration in this respect is whether the overall design, scale and layout of the proposal is in keeping with the character of the area, including the setting of the adjacent conservation area. The proposed layout seeks to replicate the historic street pattern and enable a typical residential street to be created. The buildings are of domestic scale and the form of the houses would be noticeably more in keeping with the surrounding area than the existing building on the site.
- 6.5 Replication of the historic Victorian terrace and street pattern is the most appropriate way to develop the site for residential purposes. Also urban design principles have been achieved including landscape and housing terminating streets formed; public space and doors to properties overlooked by habitable room windows; and prioritisation of pedestrian movement through creation of a homezone by shared surfaces.
- 6.6 Whilst there are no Tree Preservation Orders on or adjacent to the site, the proposed layout enables the retention of the vast majority of existing trees on site which would soften and offer some screening of the development when viewed from neighbouring properties. The terraced properties reflect the prevailing pattern of development within the vicinity of the site and the domestic scale of the properties would also be reflective of the character of the area.

Impact on Residential Amenity

- 6.7 The rear elevation of the southern houses on the site would be 21m from the main rear building line of the rear elevations of properties on Canton Street. In the case of a few of the houses on Canton Street two storey rear extensions have been added and include habitable room windows within the rear elevations of the extensions. Where this occurs the separation distance reduces to 17m for those properties. The properties to the north of the site fronting Wilton Avenue would achieve between 19m and 20m separation to the rear elevations of their projecting "rear additions". The separation distances between the flank wall of the terrace and

the rear elevations of properties on Devonshire Road exceeds the recommended 12.5m as set out in the RDG.

- 6.8 The proposed separation distances are slightly less than the 21m recommended by the RDG, however, the guidance makes it clear that these standards can be applied more flexibly where separation distances are typically tighter within the site's context. The surrounding area does have a fairly dense character and back-to-back separation distances notably less than 21 metres can be observed. As such, the separation distance between the site and neighbouring properties fronting Wilton Avenue and Canton Street is considered to be acceptable in this instance. This is judged to also be the case for the properties that have been extended on Canton Street where the separation distance has been reduced to 17m.

Quality of Residential Environment Proposed

- 6.9 In terms of amenity space, each dwelling would be served by private rear gardens. The floor area and rear depths of the gardens are slightly less than the recommended sizes set out in the RDG; however, garden sizes that are smaller than those recommended by the RDG are a general characteristic of the local area.
- 6.10 The gardens proposed would provide a useable space for prospective occupants. The relationship of the proposed dwellings to one another is considered to create an acceptable residential environment and defensible space is provided to the front of properties and to the street. Cycle and refuse storage can be provided to the required standard and a condition is suggested to secure this.

Parking and Highways

- 6.11 The provision of 19 parking spaces to serve the 18 dwellings complies with the Council's adopted maximum car parking standards. There is no proposal to open Henry Street to traffic and therefore a turning head for refuse vehicles has been created to service the proposed development. The Highways Team have not opposed the parking, servicing or access arrangements.

7 Summary

- 7.1 The proposed development makes good use of previously developed land and provides a genuine mix of accommodation on an edge of City centre site with the emphasis on providing family housing. The proposal successfully responds to the constraints of the site without compromising the existing residential amenity and would have a positive visual impact on the area. The valuable contribution towards achieving the Council's housing targets should also not be ignored when considering the development. Whilst the car parking situation is acknowledged the positive aspects of the proposal outweigh the negative.

8 Conclusion

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for 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), (c), (d), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

MP3 for 13.01.2015 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 - 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),
- Class D (porch),
- Class F (hard surface area)

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 amenities of the area.

03. 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).

04. 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).

05. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

REASON:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

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

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

REASON:

In the interests of highway safety.

07. 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.

08. 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.

09. APPROVAL CONDITION - Bin storage construction - [Performance Condition]

The hereby approved bins stores shall be constructed in accordance with the approved plan titled 'Typical Front Bin Store Details' (drawing number NP14) and shall have level access and flush doorways. The bin storage arrangement as approved shall be constructed in full prior to the occupation of the development hereby approved.

REASON

To safeguard the visual amenity of the development and ensure a development of high visual quality.

10. APPROVAL CONDITION - Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

REASON:

To promote cycling as an alternative mode of transport to the private car

11. 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.

12. APPROVAL CONDITION - Public Sewer Protection Measures [pre-commencement condition]

The developer must advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

REASON

To maintain the integrity of the public sewerage system.

13. APPROVAL CONDITION - Foul and surface water disposal details [Pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

REASON

To ensure adequate provision is made for the disposal of foul and surface water.

14. 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

15. 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 scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

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

16. 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.

17. 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.

18. 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 occupation of the development hereby approved 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.

19. APPROVAL CONDITION - Archaeological evaluation [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.

20. APPROVAL CONDITION ' Archaeological evaluation work programme [Performance Condition]

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

REASON:

To ensure that the archaeological investigation is completed.

21. APPROVAL CONDITION - Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

REASON:

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

22. APPROVAL CONDITION - Lighting and security for rear access [Pre-Commencement Condition]

Before the development first comes into occupation a security and lighting scheme, to include lighting and secure locking gates to the passage ways required to access rear gardens) shall be submitted to the Local Planning Authority and approved in writing. The scheme shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties and to secure a satisfactory residential environment.

23. 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

24. 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, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme once agreed.

REASON

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

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

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples to be used for external walls, windows, doors, bin storage areas and the roof of the proposed dwellings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, bricks and tiles, drainage goods, soffit and fascias and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

REASON:

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

26. 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

27. 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.

28. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]

Precise details of the method and programming of the demolition of the existing property which includes measures to suppress dust, shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of the amenity of adjacent residential properties.

29. APPROVAL CONDITION - surface treatment and protection measures, (Pre-occupation condition)

Details showing the materials, treatment and protection measures used for the turning area (rumble strip) shall be submitted to and agreed upon in writing by the local planning authority. The works shall be carried out in accordance with the approved details before the first occupation of the development.

REASON

In the interests of highways safety and protection of buildings.

30. 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.

Application 14/01778/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & 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
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP17	Lighting
SDP22	Contaminated Land
HE1	New Development in Conservation Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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

Relevant Planning History

12/00381/OUT - Re-development of the site, demolition of the existing building and provision of 10 x 2 and 2.5 storey houses (8 x 3-beds, and 2 x 2-beds) with associated car parking and storage (outline application seeking approval for access, layout and scale).

Refusal reason - Impact on Character and Residential Amenity

The creation of a vehicular access route through the site which links Amoy Street to Canton Street would have a harmful impact on the character and community of Canton Street which is currently a quiet cul-de-sac. There are other solutions to refuse collection arrangements which could be pursued and which would not adversely impact on the amenities of the residents of Canton Street and business within Henry Street. The proposal would therefore prove contrary to the provisions of saved policy SDP1 (i) of the City of Southampton Local Plan Review 2006 and policy CS13 (2) of the Southampton Core Strategy Development Plan Document 2010.

Refusal reason - Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

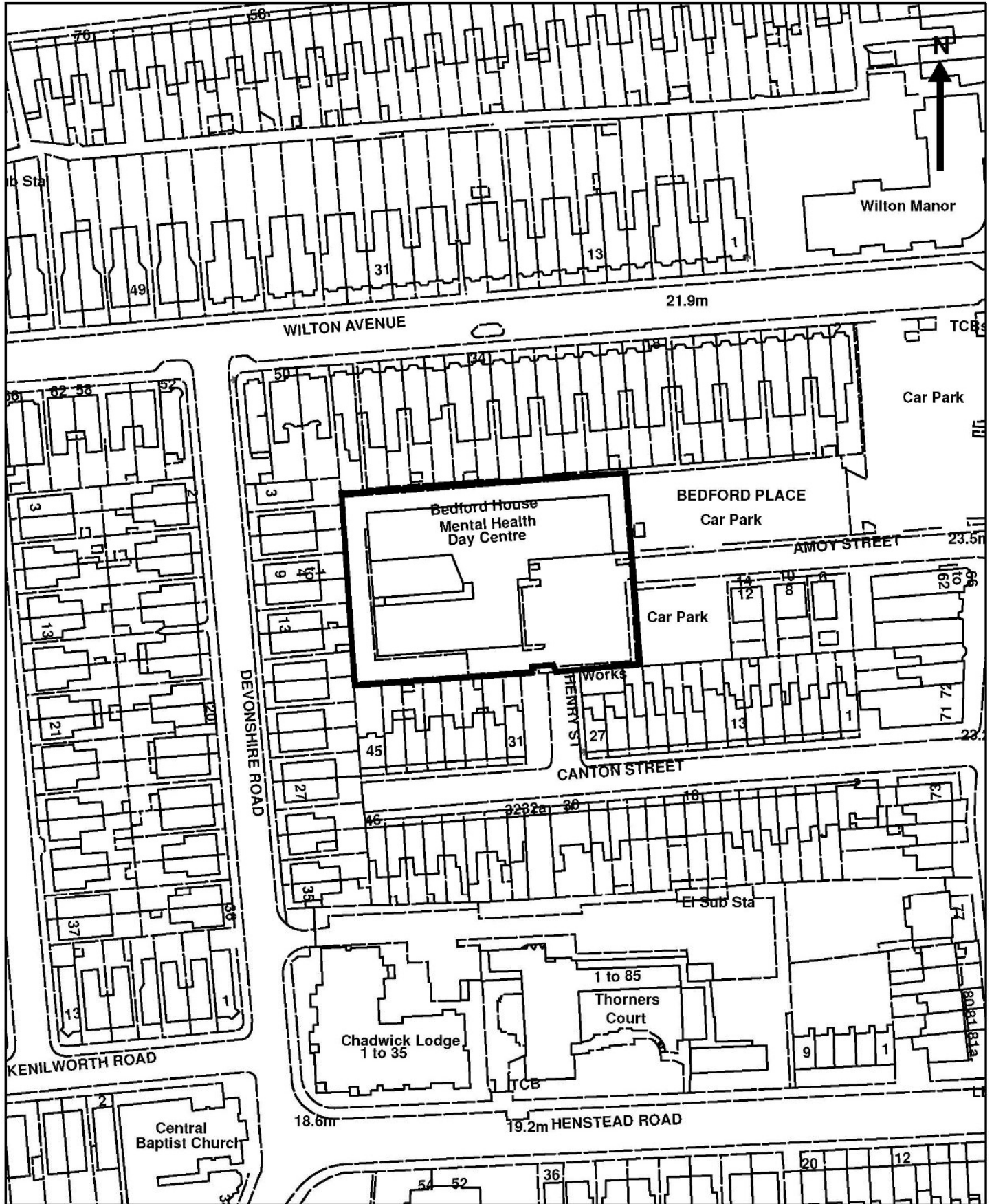
- a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010)
- b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.
- c) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.
- d) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

e) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.

g) In the absence of a mechanism for preventing future residents of the development from receiving car parking permits for adjoining Controlled Parking Zones, the proposal is likely to result in overspill car parking which would represent harm to the amenities of neighbouring residents, contrary to saved policy SDP1 of the Local Plan Review 2006.

h) In the absence of a contribution towards improvements to the public realm within the City centre, the proposal would prove contrary to policies CS13 and CS25 of the Core Strategy 2010 and the adopted SPG relating to Planning Obligations (2005).



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679



This page is intentionally left blank

Agenda Item 9

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:
---	---------------

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

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

Note

The application was deferred from a previous Panel meeting due to the description of development being amended to include the proposed ground floor side facing windows, allowing additional time for a re-consultation exercise notifying neighbouring residents of the alteration. This re-consultation took place on 24th November 2014.

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/the applicants have purposefully applied piecemeal 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 noted that this is not a relevant issue in the determination of the current application. Notwithstanding this, the condition requires that the materials used in the proposed Dormer match those used in the existing dwelling. Planning permission is not required for a dwelling to re-tile their roof. While the applicant was doing the necessary roof alterations they appear to have chosen to re-tile their roof using new tiles. 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 On balance 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 & 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.,

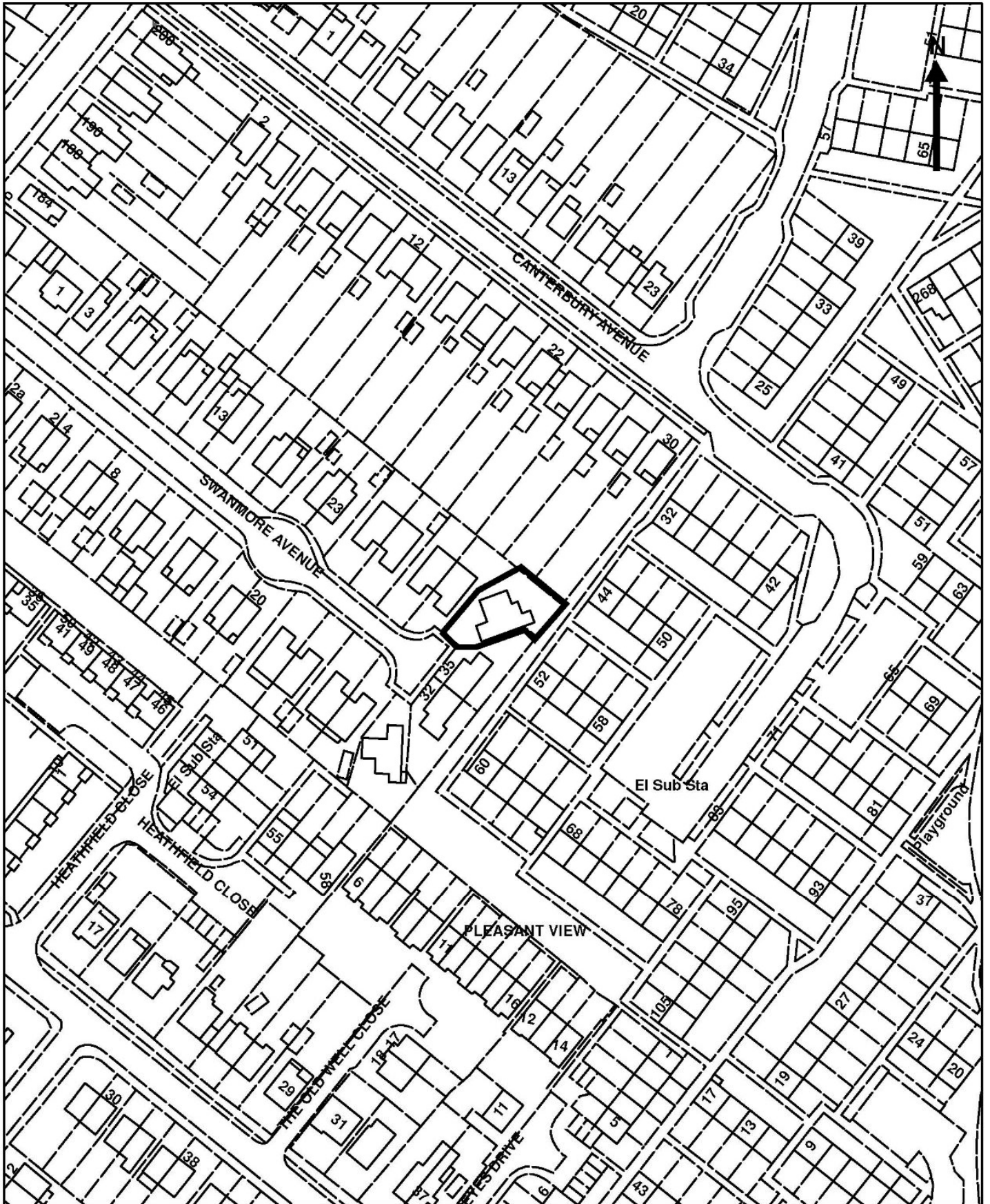
Reason:

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



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679