

Planning and Rights of Way Panel (WEST)

Tuesday, 16th September,
2014

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Lewzey (Chair)
Councillor Lloyd (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mintoff

Contacts

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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

Public Representations:- At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest. Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Priorities

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

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

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

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

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

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

Dates of Meetings: Municipal Year 2014/15

Planning and Rights of Way - EAST	
2014	2015
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

Planning and Rights of Way - WEST	
2014	2015
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
14 October	
11 November	
9 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

(ii) Sponsorship:

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

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

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

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

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

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

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

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 22 July 2014 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 10 LUMSDEN AVENUE SO15 5EL 14/01238/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.

6 20 ELMSLEIGH GARDENS SO16 3GF 14/00994/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 3 RIDGEMOUNT ROAD SO16 7FG 14/01110/FUL

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

8 59 LILAC ROAD SO16 3DA 14/00677/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, 8 September 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 22 JULY 2014

Present: Councillors Shields (Chair), Lloyd (Vice-Chair), Claisse, L Harris and Mintoff

Apologies: Councillor Lewzey

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

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

As Councillor Lewzey had temporarily resigned for the purposes of this meeting, the Panel was required to appoint a Chair.

RESOLVED that Councillor Shields be elected Chair for the purposes of this meeting.

The Panel noted the resignation of Councillor Fitzhenry, and the appointment of Councillor Claisse in place thereof in accordance with the provisions of Council Procedure Rule 4.3.

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

RESOLVED that the Minutes of the Meeting held on 24 June 2014 be approved and signed as a correct record.

12. **LAND AT VERMONT CLOSE - 14/00429/OUT**

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. Erection of two new buildings ranging in height from two storeys to four storeys, to provide 26 student flats (120 bedrooms), with associated refuse, cycle store and parking following demolition of existing workshop/stores (outline application seeking approval for access, layout, scale and appearance).

Ms Hauser (applicant), Mr Wiles (Agent), Mr Hinsley (Consultant to Developer), Mr Simons, Mr Cotton, Mrs Desai (local residents / objecting), Mr Hamer (Chairman Hollyhill Neighbourhood Association/objecting) and Councillor B Harris (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) that the Planning and Development Manager be given delegated powers to grant planning permission subject to the completion of a S106 legal agreement, the

- conditions in the report, an amendment to Recommendation 1, clause (i) as set out below and the deletion of Conditions 11 and 12;
- (ii) that in the event that the S106 legal agreement is not completed within two months from the date of this Planning Meeting, delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S106 legal agreement mitigation measures listed in the report; and
 - (iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Amended Recommendation 1, Clause (i)

- (i) 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);

RECORDED VOTE to grant the application:-

FOR: Councillors Shields, Lloyd and Mintoff

AGAINST: Councillors Claisse and L Harris

13. **21 WESTROW GARDENS - 14/00709/FUL**

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

Change of use from a Dwelling House (Class C3) to either a Dwelling House (Class C3) and/or a three-bed House in Multiple Occupation (Class C4).

Dr Qaiyoom (applicant), Mr Clegg (local resident/objecting), and Councillor Parnell (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that Planning Permission be granted subject to the conditions listed in the report, and the amended condition and additional condition set out below.

Amended Condition

04 APPROVAL CONDITION - Occupancy Restriction [Performance condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 3 individual residents shall at anytime occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

REASON

In order that the Local Planning Authority may exercise further control in this locality given the surrounding context and character and to reduce the potential impact of the development.

Additional Condition

08 APPROVAL CONDITION - Personal Consent Limited to the Applicant Whilst Owner of the Property - Performance Condition

The use of the property for C4 purposes and the ability to flip between C3 and C4 Uses as permitted by Condition 3 of this consent shall be strictly limited to when the applicant Dr Shabana Qaiyoom is the owner of the property. The C4 use shall cease immediately and the property be returned to a C3 dwelling on the date Dr Shabana Qaiyoom ceases to own the property.

REASON

The assessment of the impact of the C4 use operating from this property included the applicants own personal circumstances as owner of both the application site and the adjacent property and the immediate proximity for management of the site in the interests of the amenities of the area.

RECORDED VOTE to grant the application:-

FOR: Councillors Shields, Lloyd and Mintoff

AGAINST: Councillors Claisse and L Harris

14. **79C MILTON ROAD - 14/00857/FUL**

The Panel noted that this application had been withdrawn.

15. **10-11 PALMERSTON ROAD - 14/00935/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.

Alterations and conversion of existing Public House to create 9 flats (4 x studio, 4 x 1-bedroom, 1 x 2-bedroom) with associated works.

Mr Wiles (Agent) was present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) that the Planning and Development Manager be given delegated powers to grant planning permission subject to the completion of a S106 legal agreement, the conditions listed in the report and the additional condition set out below;
- (ii) that in the event that the S106 legal agreement is not completed within two months from the date of this Planning Meeting, delegated authority be given to the Planning and Development Manager to refuse the application for failure to secure the provisions of the S106 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.

Additional Condition

11 APPROVAL CONDITION - Means of enclosure within rear courtyard - Pre-Occupation Condition

Prior to first occupation of any of the units hereby approved a means of enclosure shall be provided within the rear courtyard in accordance with details to be first agreed in writing with the Local Planning Authority. The means of enclosure shall be positioned and designed so as to prevent occupiers of other flats within the block from gaining close proximity to the rear facing windows of the basement flats.

REASON

In order to protect the private amenities of the occupiers of the basement flats.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 16 September 2014 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JH/AA	CAP	5	14/01238/Ful. 10 Lumsden Avenue SO15 5EL
6	SB/AA	CAP	5	14/00994/Ful. 20 Elmsleigh Gardens SO16 3GF
7	JF/AA	CAP	5	14/01110/Ful. 3 Ridgemount Road SO16 7FG
8	JF/AA	CAP	5	14/00677/FUL. 59 Lilac Road SO16 3DA

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

AA – Andy Amery
SB – Stuart Brooks
JH – Jo Hall
JF – John Fanning

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Agenda Item 5

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

Application address: 10 Lumsden Avenue SO15 5EL			
Proposed development: Change Of Use From A C3 Dwelling House To A 5-Bed House In Multiple Occupation (Hmo, Class C4)			
Application number	14/01238/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	19/09/2014	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Members and five or more letters of objection have been received	Ward Councillors	Cllr Brian Parnell Cllr David Shields Cllr Jeremy Moulton

Applicant: Dr Helen Smith	Agent: NA
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for Granting Permission

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

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	3	40m radius plan
2	HMO percentage calculations		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site consists of a semi-detached residential family dwellinghouse over 3 storeys (including loft conversion) within the Freemantle Ward of Southampton.
- 1.2 The area is very close to Shirley Town Centre and is characterised by mostly family dwellings occupied by single households but also with a mix of flats and commercial properties. The site is close to a car sales garage on Lumsden Avenue.

2.0 Proposal

- 2.1 The application seeks to change the use from a C3 family house to a C4 house in multiple occupation. In practice, this means applying for a flexible use between C3 and C4 in order to allow for the property to be let to both sharers and single households for a period of 10 years. On the 10 year date from determination, the permanent use would become that which it is used as on that date.
- 2.2 It is proposed that the site will accommodate up to 5 residents although a C4 HMO can include up to 6 residents.

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 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.

4.0 Relevant Planning History

- 4.1 No planning history for this site.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **27** representations have been received from surrounding residents. The following is a summary of the points raised:

Noise and disturbance

Response: Whilst it is acknowledge that there is a higher chance of noise disturbance due to increased comings and goings associated with HMO's, very few are subject to noise notices due to harmful disturbance. There area is close to the Shirley Town Centre so frequent pedestrian movement is characteristic. However, the environmental health department can deal with harmful noise nuisance should this arise.

Traffic parking and road safety

Response: The Highways team have indicated that there is not highway safety issue. On-street parking is in high demand in the area due to dropped kerbs leading to driveways for residents' on-site parking provisions. A parking survey has been requested.

Transient tenants/ less vested interest/ impact on community

Response: HMO tenants are less likely to engage in the community. However, such housing is an important need in the city. Therefore the impact on the community and the need for housing needs to be balance, hence the requirement for compliance with the HMO SPD threshold limit. Compliance suggest a limit amount of HMO's within the area and therefore limited impact on the community as a whole.

Character/ Family area

Response: The properties here are mainly family houses. This suggests that the area would not be significantly impacted upon by the introduction of an HMO in terms of concentration. Notwithstanding this, the character of the area should not be adversely impacted upon. It is judged that there is a mix of uses in this area of Lumsden Avenue and is close to local amenities.

Examples of over concentration in other areas

Response: Some areas of the city do have high concentrations of HMO such as the Polygon. The HMO SPD seeks to avoid this happening in other areas by limiting the amount of HMO's allowed within an area.

Poor maintenance

Response: The Council cannot control how an individual maintains their property. However, this is a recognised issue with some HMO properties. The limited number within a certain area limits the potential impact of this on the visual appearance of the streetscene.

Loss of family home

Response: There is no net loss of a family unit as defined by policy CS16 (at least 3 bedrooms with direct access to private amenity space). The property will physically remain a family unit and can be used as such due to a flexible C3/C4 use.

Loft conversion

Response: Some loft conversions can be dealt with under permitted development. We have not received a complaint that suggests the contrary. However, this could be raised with the enforcement team should residents believe the works are unlawful.

Refuse issues/ Fly-tipping

Response: Bin storage will need to be provided on site to comply with the council's standards and a condition can be applied to ensure that bins are not left on the public highway.

Licensing

Response: This is not a planning matter and is dealt with by the HMO Licensing team.

Increased population density

Response: This site is a high accessibility area, close to amenities and public transport, an area where high densities is deemed acceptable. However, there is not increase in dwellings and no limit to how many people can live together as one household under C3 use.

Consultation Responses

- 5.2 **SCC Highways** - The proposed development does not consist of increase in floor space and is difficult to foretell which use will generate more vehicular trips. Lumsden Avenue does not contain any parking restrictions and is within an area where on-street parking does appear to be in high demand. Most of the properties along Lumsden Avenue benefit from off-street parking which may be a reason for the high demand of on-street parking due to the number dropped kerbs.

As it is an existing situation, regardless if there is a potential increase in on-street parking, I cannot consider it to be a highway safety concern due to the straight-natured geometry of the road and the fact that the development will not be introducing any new impact on the highway. However, I can confirm it will create a harmful impact on the amenity for the local residents. Because of this, I cannot recommend refusal due to the lack of highway safety grounds but will recommend a parking survey (in the shape of the Lambeth Model) to be conducted in order to allow a better assessment of the current parking demands and to see if there is capacity for any potential overspill.

The following conditions should be applied

- Details of the proposed cycle store for 5 cycles to be submitted and agreed upon in writing by the local planning authority

5.3 **SCC Housing** – No objections in principle to the change of use. The applicant has already been advised of works required to bring the property to the standard required.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are: the principle of the development; the character of the area; the residential amenity of future occupiers; impact on nearby residents and; parking and highway safety.

6.2 Principle of Development

The principle of an HMO use on this site needs to be assessed against the HMO SPD to determine whether there is already a concentration of such properties within the area. In combination with this, the impact of an HMO on the character and amenity of the area and its residents needs to be assessed. These issues are discussed below.

6.3 Character of the area

6.3.1 The character of the area is mixed with a high level of single family households together with subdivided properties, retail units with flats above and other commercial uses such as a local car sales garage.

6.3.2 The aim of the HMO SPD is to achieve a mix of households with the city in order to meet different housing needs whilst protecting the interests of other residents, business owners and landlords. The demand for HMO housing is high with the city, mostly by young single people both students and professionals, those on low incomes and other groups such as migrants. Whilst there is also a demand for family housing, there would be no net loss of a family house in this case as the property would still be capable of being used as such by means of a flexible C4/C3 permission. The property could thereby be rented to either sharers or families. CS16 defines a family unit as having at least 3 bedrooms with direct access to private useable amenity space for the sole use for the unit.

6.3.3 In order to avoid a high level of concentration with a particular area of the city which can have a detrimental impact on the local community, the HMO SPD applies a threshold within a certain area (40m radius from front door of the property) to limit the amount of HMOs and to encourage an even distribution across the city. The threshold with the Freemantle ward is 20% in order to limit the negative impacts on HMO concentration on the character of the area and the local community in terms of noise, traffic, waste and other issues.

6.3.4 The information on the amount of HMO's with the 40m radius is inconclusive. However, the indicative information available from council tax and environmental health records appear to show that there is only one other HMO within the 40m radius, 1 Newlands Avenue. Objectors have stated that 20 Lumsden Avenue is already an HMO however this falls outside of the survey area. With the introduction of a second HMO the percentage within the area would be 10%,

below the threshold of 20% (see Appendix 2).

6.3.5 Previous appeal decisions have addressed concerns relating to HMO residents being more likely to leave bins outside on the highway and poor maintenance of the properties. However, these have related to leafy, open and quiet residential areas. This area, very close to a Town Centre and with a mixed use nature, is materially different from these areas previously protected by inspectors.

6.3.6 Therefore, in accordance with the HMO SPD, the tipping point of the amount of HMOs in an area which would lead to a harmful impact on the character of the area has not been exceeded. It is therefore judged that this area is capable of accommodating an HMO, providing much needed housing to the city, helping to spread the concentration more evenly whilst limiting the impact on the character of the area.

6.4 Residential amenity of occupiers

6.4.1 The property has been assessed by the Private Sector Housing team who are content with the change of use proposals and have made the applicant aware of the alterations that needs to be made in order to meet the licensing standards. The room sizes, shared facilities and amenity space available is sufficient to provide a good quality living environment for future occupiers.

6.5 Impact on amenity of nearby residents

6.5.1 There are no physical works proposed which would have an impact on neighbouring residential amenities such as light, outlook and privacy. However, there is the potential for increased comings and goings associated with multiple people living as single households. The area is close to public transport links and local amenities in Shirley Road and Shirley High Street and is within 100m of Shirley Town Centre. The area is therefore already likely to attract significant movement both pedestrian and vehicular. It is not judged hat the addition of a limited number of single residents is likely to significantly change this current arrangement.

6.5.2 Noise disturbance is a common concern with HMO properties. However, the HMO SPD outlines the fact that at the time of writing of the SPD, only 0.5% of the HMO housing stock in the city had been subject to noise notices. Whilst it is recognised that residents fear that there is an increased chance of noise disturbance and it taken into consideration, it is not judged to warrant refusal of the application due to the location close to a busy town centre. Noise complaints can be dealt with by the relevant authority (Environmental Health) should issues arise.

6.6 Parking and highway safety

6.6.1 The Highway team have indicated that there would be no safety issue as a result of the application. Parking would therefore be an amenity consideration rather than one of safety. A parking survey has been requested in order to access the impact on the locality.

6.6.2 It is noted that the on-street parking provision is somewhat limited by the dropped kerbs of properties within the street. This suggests that residents have off-street parking and therefore the on-street provision is likely to be used as overspill for households with multiple vehicles, for visitors to the area and for shoppers nearby. It is therefore judged that whilst parking pressures may increase, the

residential amenity of residents is unlikely to be significant effected.

- 6.6.3 The application form shows that there are 5 parking spaces already available on site. Having conducted a site visit, it is not judged that the site is capable of holding 5 cars on site. Therefore, the on-site parking provision should be limited to 3 in order to comply with the maximum allowance under the Parking Standards SPD. In addition, it is claimed the 5 cycle space area provide. However, this has not been indicated on the plans. Evidence of this as well as refuse storage will need to be secured by condition.

7.0 Summary

- 7.1 Overall, it is judged that on the balance of probability based on the information available to the council at the time of writing, there is a limited amount of HMO's within the area and therefore the creation of an addition HMO would not exceed the threshold of 20% in the area. On this basis, the application complies with the HMO SPD helping to provide a site for an important housing need whilst limiting the impact on the area due to the low level of HMOs in the area thereby creating a balance between households. The living environment would be satisfactory for both neighbours and future occupiers of the property.

8.0 Conclusion

- 8.1 The application is recommended for approval subject to conditions.

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

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

JOAHAL for 16/09/14 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 - 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.

03. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

The "dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. For the avoidance of doubt, if a C4 use is instituted and subsequently reverts to C3 use and is in that use on 22 July 2024, planning permission will be required to convert to Class C4 use thereafter.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

04. APPROVAL CONDITION - Cycle storage facilities [Pre-Occupation Condition]

Prior to the first occupation of the site as an C4 dwelling, details of cycle storage facilities to conform to the Local Planning Authorities standards of one space per resident shall be provided and agreed upon in writing by the Local Planning Authority . Such parking and storage shall thereafter be permanently maintained for that purpose. In the avoidance of doubt this means that 5 secure, lockable cycle parking spaces shall be provided on site.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

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

Before the works commence 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 - Refuse storage and collection [Performance Condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored on the public footpath or highway and shall be stored in accordance with the details to be approved under condition X.

Reason:

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

07. Note to Applicant - Pre-Commencement and/or Pre-Occupation Conditions

Your attention is drawn to the pre-commencement and or pre-occupation conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal

application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

00. Reason for Granting Permission

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

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation SPD (Adopted - March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

Appendix 2 - HMO Percentage Calculations

	Council Tax	Environmental Health	Electoral Role	Other/Comments
Lumsden Avenue				
1	x	x	x	2 flats
3	x	x	x	2 flats
5	x	x	x	
7	x	x	x	
9	x	x	x	
11	x	x	x	2 flats
13	x	x	x	
15	x	x	x	
17	x	x	x	
4	x	x	-	
6	x	x	3	
8	x	x*	x	*No info since 2010
10	x	x	x	
12	x	x	x	
14	x	x	x	
16	x	x	x	
18	x	x	3	
Newlands Avenue				
1	✓	x	x	
3	x	x	x	
5	x	x	x	
7	x	x	x	
9	x	x	x	
11	x	x	x	
13	x	x	-	
Shirley Road				
291	x	x	-	Flat above shop
293	x	x	x	2 flats plus house
295	x	x	3	Flat above shop
297	x	x	-	Flat above shop
299	x	x	-	Flat above shop

Existing HMO's – 1

Proposed amount of HMO's – 2

Amount of property which can be counted (flats discounted) – 21

Maximum threshold within the Freemantle Ward = 20%

Current HMO percentage = 4%

Proposed HMO percentage = 10%

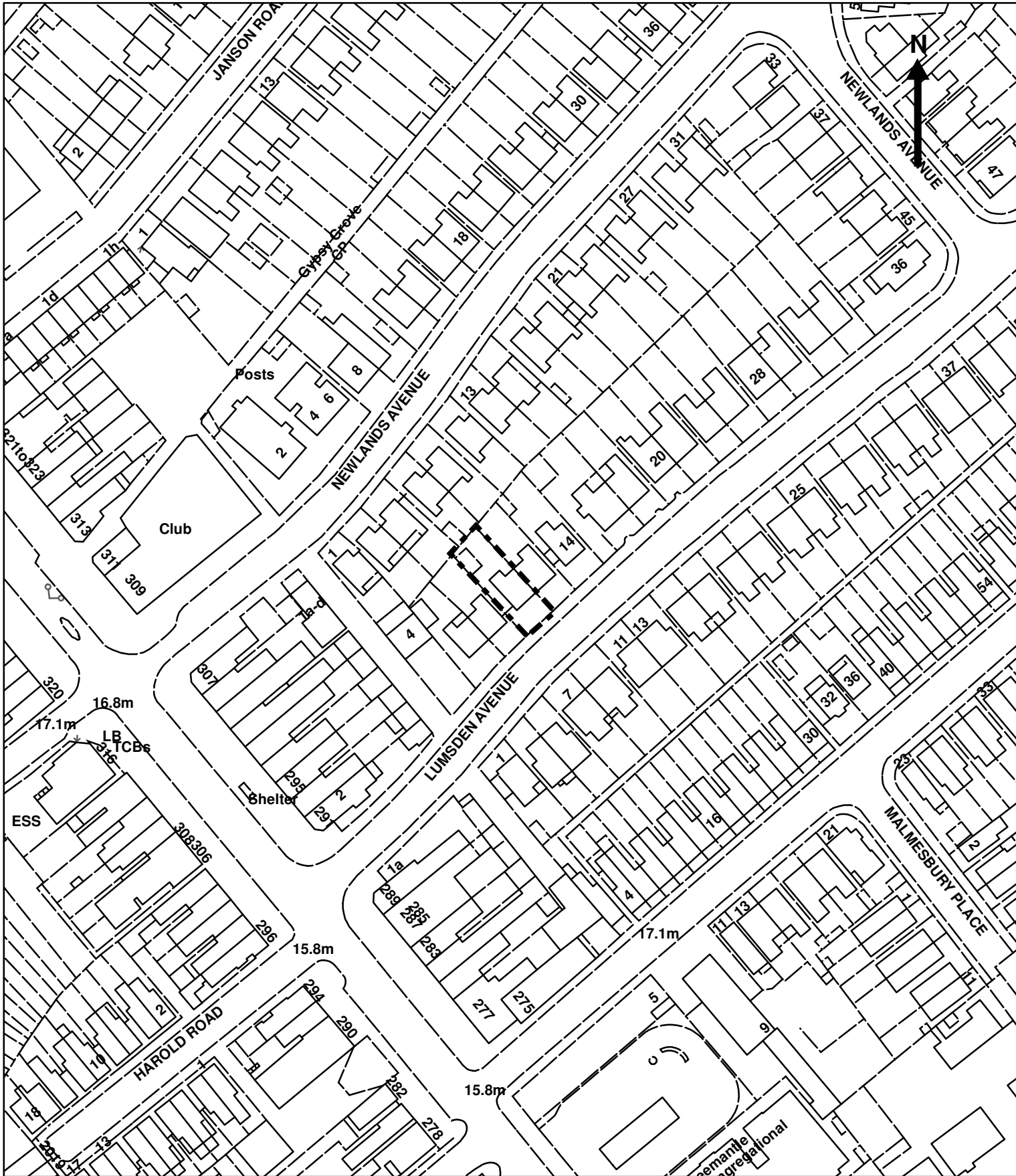
Appendix 3 – 40m Radius Plan



Scale: 1:1,250



14/01238/FUL



Scale: 1:1,250

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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 16 September 2014
Planning Application Report of the Planning and Development Manager**

Application address: 20 Elmsleigh Gardens SO16 3GF			
Proposed development: Part two storey, part single storey side and rear extensions to existing HMO [resubmission of 14/00379/FUL]			
Application number	14/00994/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	12.08.2014	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides

Applicant: Mr Singh	Agent: Sanders Design Services Ltd - Fao Mr Neil Sanders
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that the occupancy of the property by one additional person will not materially affect the character of the local area in terms of the balance of households in the local community, whilst not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. Furthermore, the scale and projection of the physical form will not adversely affect the character of the local area and amenity of the local residents. 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.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached			
1	Development Plan Policies	2	Planning history
3	Previous decision notice and plans		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located on the north east side of Elmsleigh Gardens to the north of Burgess Road within the Bassett ward. This attractive residential street is comprised of detached and semi-detached dwellings with a mix of styles, and a mature landscaping.
- 1.2 The site contains a 2 storey detached dwelling, well set back from the street with a side driveway leading to a garage. The property is established as a small HMO (class C4) with 4 bedrooms (the former lounge is used as a bedroom), and communal facilities including a bathroom, kitchen, diner, and toilets. The foundations for permission 13/00215/FUL have been laid out to the rear.

2.0 Proposal

- 2.1 This application is a resubmission of recently refused application 14/00379/FUL which itself was a resubmission of an approved application 13/00215/Ful. This application is a 'half-way house' between the approved and refused schemes and seeks permission for a part two storey, part single storey side and rear extensions to provide additional living accommodation for the existing HMO.
- 2.2 Similar to that approved under permission 13/00215/FUL, the ground floor will be reconfigured to provide 2 additional bedrooms and further shared living space, whilst the first floor rear bedrooms will be extended, and wash facilities will be added.
- 2.3 The changes to the physical form as approved under permission 13/00215/FUL involves the first floor element extending the full width of the rear to enlarge a bedroom, and a new first floor element to the side containing ensuite and shower facilities. The changes to the refused scheme show a reduction in width of the enlarged first floor bedroom by 1.2m closest to the side boundary which brings it along the same alignment as that originally approved. The plans for the 2 previous applications are appended to **Appendix 3**.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

- 3.3 Following the Article 4 direction coming into effect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application has been assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23rd March 2012 and, therefore, the threshold does not apply in this case as there will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

4.0 Relevant Planning History

- 4.1 The full planning history is set out in **Appendix 2**. Permission has already been granted by the Planning Committee in April 2013 (ref no. 13/00215/FUL) to extend the property at ground and first floor level to increase from 4 to 5 bedrooms. A subsequent application (ref no. 14/00379/FUL) earlier in 2014 was refused by Officer's under delegated powers. The plans and decision notice for both of these applications are appended to **Appendix 3**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **16** representations (10 objections and 6 support) have been received from surrounding residents, including a referral request by 2 local Ward Cllrs. The following is a summary of the points raised:

5.1.2 Comment

Overdevelopment. Visually out of character and the scale of development is excessive. The occupiers will have insufficient garden space.

Response

The proposed 2 storey extension is sufficiently set back from front wall of the dwelling to appear subservient in size. The additional massing at first floor level to accommodate bathrooms is not significantly different in scale and projection to the previous approval. The footprint of the building size of remains as approved and the amenity space is sufficient to meet the Council's standards.

5.1.3 Comment

The reduction in size of the 2 storey rear extension is insufficient to address the reasons for refusal under 14/00379/FUL.

Response

With the removal of the cat slide projection, the scale and projection of the extension will not be significantly different to the extension already approved

when viewed from the garden of no. 18.

5.1.4 Comment

The building is too close to the neighbour's boundary given the layout and density of the building.

Response

There is no minimum separation distance specified under planning guidelines when extending adjacent to a neighbour's boundary. A judgement is made by the Planning Officer whether the proximity and scale of the physical structure will harm the neighbour's amenity. Any concerns with regards to maintenance and access to the party wall is dealt with under separate legislation i.e. Party Wall Act and Building Regulations.

5.1.5 Comment

Over-intensification of use leading to noise and disturbance from increased comings and goings and vehicle activity. Excessive number of HMOs and increase in concentration causing social/environmental problems and imbalance of family households in the community.

Response

The concentration and number of HMOs will not be changed. The Government considers that there is no harm to amenity and character caused by increasing the occupiers up to 6 persons within the existing C4 use class (small HMO), given that this would not normally be a material change of use.

5.1.6 Comment

Elmsleigh Gardens is within the Zone 9 Residents Parking Scheme and is used for short term parking by visitors to the University. Insufficient off street parking from increased demand and reduced driveway parking, leading to further pressure on on-street parking.

Response

The Highway Officer has raised no concerns with regards to the impact on parking and highway safety. Please see section 6.6 of the report.

5.1.7 Comment

The building will be internally adapted to accommodate more students.

Response

The applicant can have up to 6 occupiers within the C4 class, however, if this exceeds this number then they would need to apply for planning permission to change the use to a large HMO. An informative has been included to remind the applicant.

5.1.8 Comment

The current tenants are well behaved, however, future tenants may behave differently.

Response

The enforcement of anti-social behaviour and noise disturbance is controlled under separate legislation.

5.1.9 Comment

Visually intrusive to outlook, and loss of light and privacy to neighbouring occupiers.

Response

The physical form is not considered to be excessive given its scale and projection in proximity to the neighbour's common boundary. The most private areas of the neighbour's gardens will not be directly overlooked.

5.1.10 Comment

Application form incorrectly states that occupiers of no. 18 were consulted by the applicant.

Response

It is good practice, however, not obligatory for the applicant to consult the neighbour's prior to submitting the application.

5.1.11 Comments in Support of the Application

-Small scale residential extension in keeping with character and surroundings, where a number of properties have already been extended. The side extension is the only part visible from the street and is well set back, especially compared to the extension at no. 22 which is built to the front. This a small change to previous permission.

-The dwelling is being retained rather than converted to flats.

-The applicant has the right to build a single storey rear extension to 8m, however, it has been opted to built a smaller extension.

-People living in a HMO have been stereotyped.

-Complies with Council's planning guidelines

-No harm to neighbour's amenity

-The landlord and tenants well maintain the property

-No over intensification of use and overdevelopment. The majority of the development could be built under permitted development.

-Good design. The side access has been retained to the rear garden for bins.

Investing in improving the property which improves the appearance of the street, and better designed in comparison to surrounding properties such as no. 22.

Improvement of living facilities.

-The proposal overcomes the previous reasons for refusal.

-No further increase in footprint or loss of amenity space and therefore no water further run off

Consultation Responses

5.2 **SCC Highways** - 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 the character and amenity of the surrounding area;

-Impact on amenity of neighbouring occupiers;

-Impact on highway safety;

-Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 The property has been occupied as a small HMO (class C4) under permitted development rights prior to 23rd March 2012. Under application 13/00215/FUL, the applicant has provided a 12 month signed tenancy agreement for 4 tenants from 1st July 2011 to 30th June 2012, and 1st July 2012 to 30th June 2013.

6.2.2 The 10% threshold within the Bassett Ward does not apply as the HMO is already established as a small HMO on 23rd March 2012, and there will be no increase in the concentration of HMOs (section 6.7 of the HMO SPD refers).

6.2.3 An additional occupant does not result in a material change of use of the property, which will remain as a small HMO. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs. As such, no survey of existing HMOs in the surrounding area has been carried out as the threshold limit does not apply.

6.3.2 The approval of application 13/00215/FUL determined that the increase from 4 to 5 bedrooms would cause no harm to the character and amenity of the local area. There is no material difference to the intensification of use between the previous permission, given that there is no increase in the number of bedrooms, and the only change to the accommodation involves an extension to the first floor bedroom (see appendix 3), and reconfiguration of the same on the ground floor.

6.3.3 Although the first floor bedrooms are being increased in size, the number of bedrooms will be unchanged compared to permission 13/00215/FUL, and number of occupants will not increase above that permitted under the existing HMO C4 use class. The intensification of use in terms of the activities associated with upto 6 persons within the C4 use class is not deemed to be harmful by the Government. There is no control over the type of tenants living within an existing C4 use. It is therefore considered that there will be no further significant impact on the character and amenity of the local area.

6.4.4 When viewed within the street scene, in comparison to permission 13/00215/FUL the only significant addition visually is the small first floor side element (shower and ensuite). This element is set back sufficiently from the front wall to appear subservient to the host dwelling.

6.5 Impact on amenity of neighbouring occupiers

6.5.1 The principle of extending the property within the existing C4 HMO use was accepted under the previous permission. The previous application 14/00379/FUL was refused by Officer's solely on the grounds of the physical impact on the neighbouring occupiers at 18 Elmsleigh Gardens.

6.5.2 It is considered that the changes made are sufficient to address the Officer's previous concerns, by stepping away the first floor extension so it does not encroach past the existing flank wall of the host dwelling. The scale and projection of this element is no different to the first floor extension approved under permission 13/00215/FUL. The side first floor extension does not harm the outlook of the garden of no. 18, given that the massing does not project past the rear wall of the neighbour's property.

6.5.3 The impact of the first floor extension on the outlook and light of 22 Elmsleigh Gardens was previously supported by Officer's under application 14/00379/FUL. No changes have been made to this element of the proposed extension. The projection and scale of proposed first floor extension is sufficiently set back 1m from the common boundary of no. 22, and it projects 1.5m beyond the existing rear wall of no. 22.

6.6 Impact on highway safety

6.6.1 The Highway Officer has commented that the proposed development generates minimal material change since the previous permission (13/00215/FUL) and, therefore, they have no further objection to the impact on highway safety and parking.

6.6.2 The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed is unchanged. In addition, there seems to be off-road parking on the forecourt for two vehicles. Our maximum parking standards for a 5 bed HMO is 3 spaces; with 2 on site and the potential of a permit parking space, this complies with our parking policy.

6.7 Standard of living conditions for future residents

6.7.1 It is considered that the proposed layout of accommodation will provide an acceptable residential environment in terms of access to outlook, light and privacy. The area of remaining amenity space will be approximately 90 square metres with a length of 10 metres. This is equivalent to the minimum standards in the Council's Residential Design Guide for a detached dwelling. The communal spaces, including the lounge, will be retained by condition.

7.0 Summary

7.1 In summary, the revisions to the proposal following the refusal of application 14/00379/FUL have overcome the Officer's previous concerns. The reduced projection of the first floor element will ensure that the outlook, light and privacy of the neighbouring occupiers will be safeguarded. The scale and physical form of the proposed development would be in keeping with the proportions and character of the original property. Furthermore, the additional development and

intensification by 1 person would sufficiently protect the character and amenity of the local area, whilst improving the facilities for the existing occupiers.

8.0 Conclusion

8.1 In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval. The same conditions from permission 13/00215/FUL have been reapplied.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

SB for 16/09/14 PROW Panel

PLANNING CONDITIONS

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

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

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

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

Reason:

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

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

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

Reason:

To protect the amenities of the adjoining residential properties

04. APPROVAL CONDITION - Retention of communal spaces

The rooms labelled lounge and kitchen on the ground floor layout shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained for communal purposes only whilst the property is in C4 use.

REASON

To ensure that a suitable communal facilities are provided for the residents.

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

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

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

06. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Informative

The applicant can have up to 6 occupiers within the C4 class, however, if this exceeds this number then you would need to apply for planning permission to the change the use to a large HMO.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS16	Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

13/00215/FUL - Part two storey, part single storey side and rear extensions to existing C4 HMO - Conditional Approved by Planning Panel

14/00379/FUL - Part two storey, part single storey side and rear extensions to existing House of Multiple Occupation (resubmission) - Refused



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Sanders Design Services Ltd
Mr Neil Sanders
95 Cedar Road
Hythe
Southampton
SO45 3PX

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: Part two storey, part single storey side and rear extensions to existing House of Multiple Occupation (resubmission)

Site Address: 20 Elmsleigh Gardens Southampton SO16 3GF

Application No: 14/00379/FUL

For the following reason(s):

01.REASON FOR REFUSAL - Impact on residential amenity

The scale and massing of the proposed extension by reason of its height (to eaves and ridge level) and rearward depth of projection in close proximity to the common boundary of 18 Elmsleigh Gardens represents an unneighbourly form of development, resulting in an undue loss of outlook and visual dominance when viewed from the neighbour's most useable and private area of their garden. As such the proposal will have an unacceptable impact on residential amenity and therefore contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the guidance set out in paragraph 2.2.1 to 2.2.2 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).


Chris Lyons
Planning & Development Manager

22 May 2014

For any further enquiries please contact:
Stuart Brooks

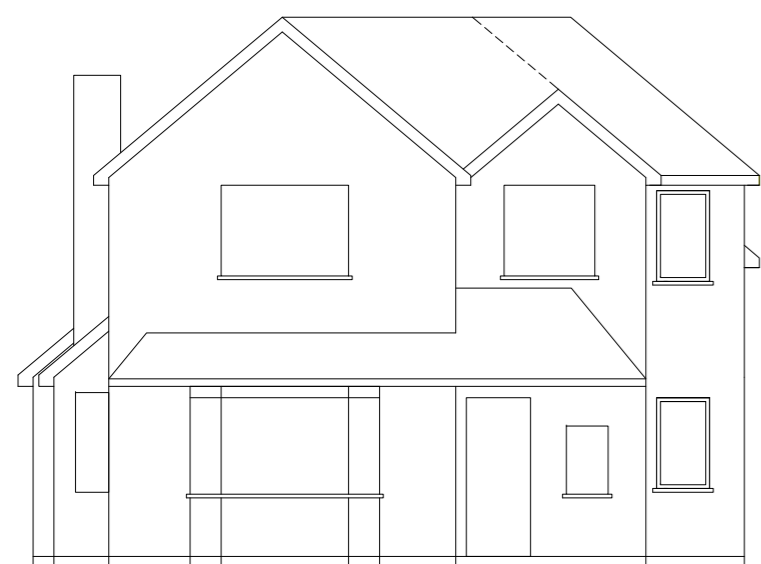
IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
SING SHT3 REVISION X		General Plan	05.03.2014	Refused
SING SHT 2 REVISION X		General Plan	05.03.2014	Refused

Materials to match existing

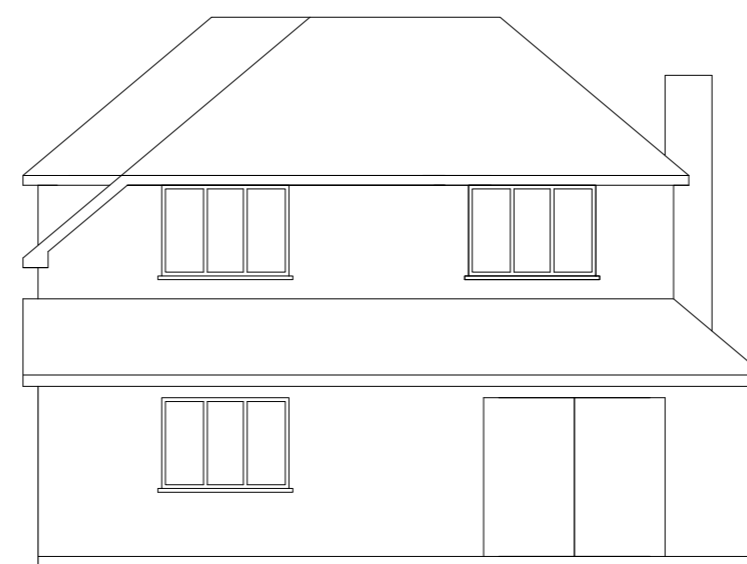
Notes
 All dimensions and details to be checked on site by builder prior to commencement of works.
 This plan must not be acted upon until it has been approved by the Local Authority.
 Client to conform to party wall act of 1996 if required.



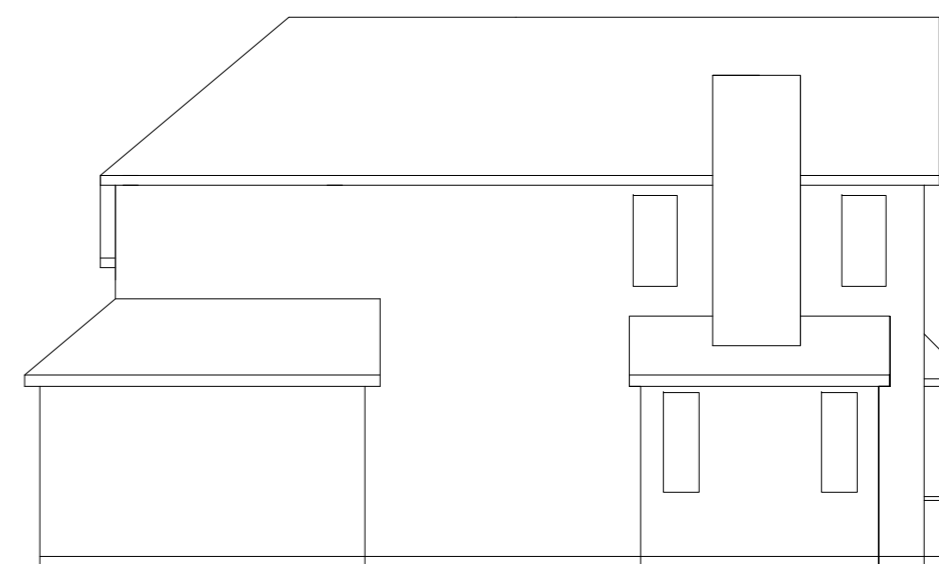
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 Scale 1:100



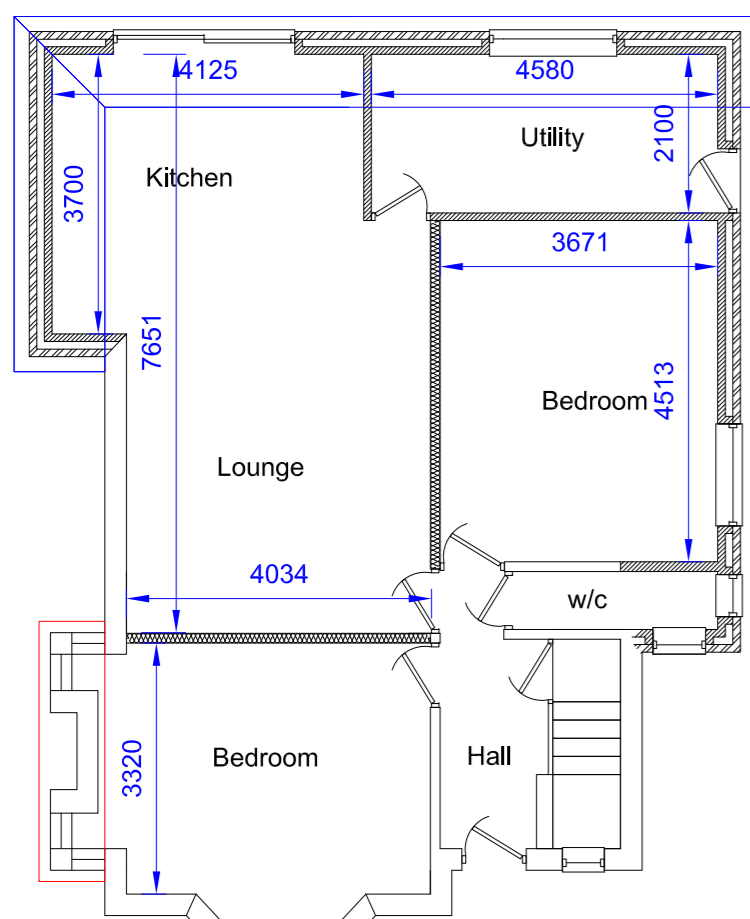
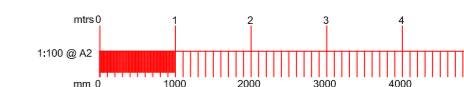
Side View
 Scale 1:100



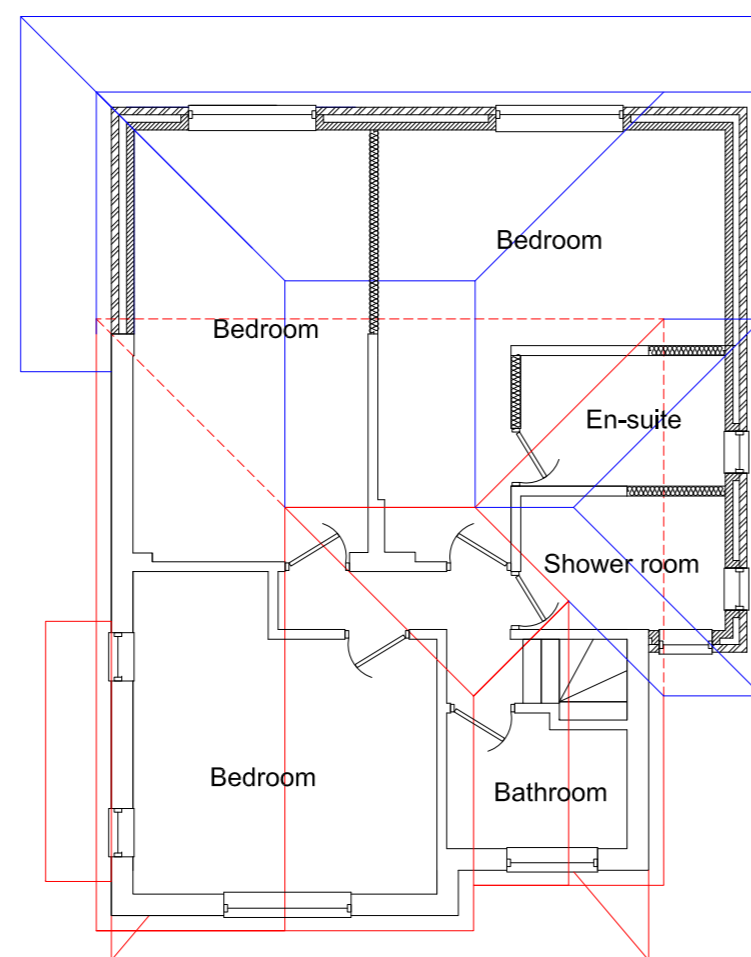
Rear View
 Scale 1:100



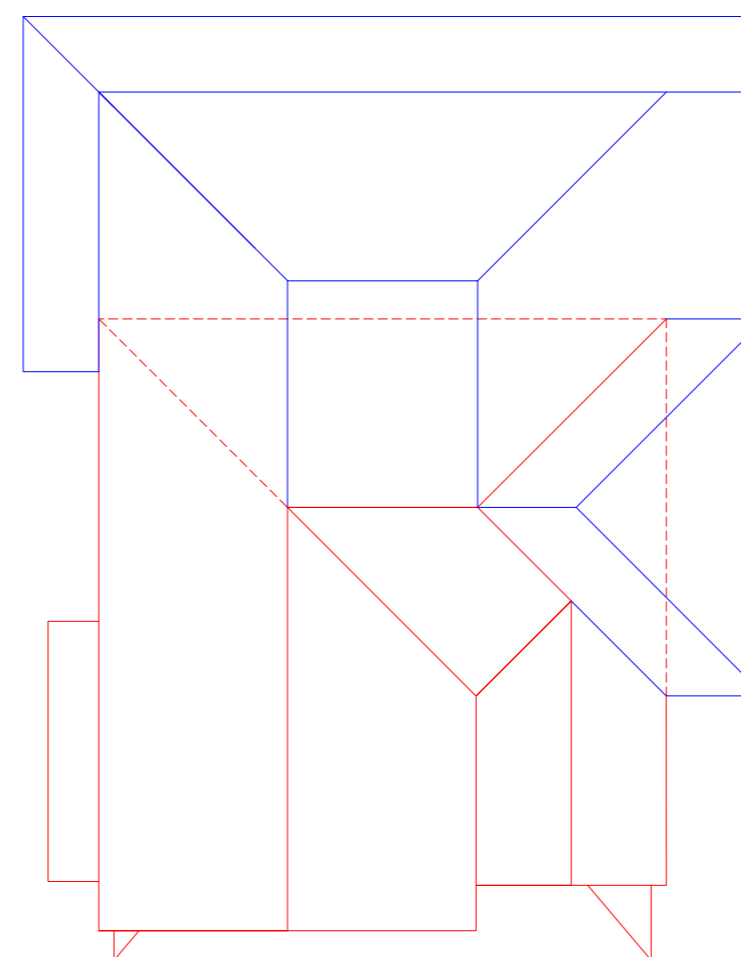
Side View
 Scale 1:100



Ground Floor Plan
 Scale 1:100



First Floor Plan
 Scale 1:100



Roof Plan
 Scale 1:100

B		
A		
	Date	Revisions
Drawing Title. Proposed		
SITE ADDRESS Mr Singh 20 Elmsleigh Gardens Southampton Hampshire SO16 3GF		CLIENT ADDRESS
Scale.	as noted	PAPER SIZE A2
Date.	March 2014	Drawn by. R.N.S.
Sanders Design Services LTD		
95 Cedar Road Hythe Southampton SO45 3PX		tel 023 8020 7195 fax 023 8020 7195 mobile 07833 912992 e-mail robert@sanders1993.fsnet.co.uk
Drawing No	sing Sht 2	Revision x



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Sanders Design Services Ltd
Mr Neil Sanders
95 Cedar Road
Hythe
Southampton SO45 3PX

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Part two storey, part single storey side and rear extensions to existing C4 HMO

Site Address: 20 Elmsleigh Gardens Southampton SO16 3GF

Application No: 13/00215/FUL

Subject to the following conditions.

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

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

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

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

Reason:

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

03.APPROVAL CONDITION - No other windows or doors other than approved

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

Reason:

To protect the amenities of the adjoining residential properties

04.APPROVAL CONDITION - Retention of communal spaces

The rooms labelled lounge and kitchen on the ground floor layout shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained for communal purposes only whilst the property is in C4 use.

REASON

To ensure that a suitable communal facilities are provided for the residents.

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

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

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

06.APPROVAL CONDITION - Residential - Permitted Development Restriction

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 F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the potential for increased surface water run off from a high concentration of Houses in Multiple Occupation in the local area, and in the interests of protecting the visual amenity of the local area.

07.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.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. It is considered that the occupancy of the property by one additional person will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. 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.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development

Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

INFORMATIVE

The applicant is reminded that any intensification of the use beyond C4 would require planning permission.



Chris Lyons
Planning & Development Manager

26 April 2013

If you have any further enquiries please contact:
Stuart Brooks

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
SING SHT 3 REVISION X		General Plan	05.02.2013	Approved
SING SHT 2 REVISION X		General Plan	05.02.2013	Approved

Notes
 All dimensions and details to be checked on site by builder prior to commencement of works.
 This plan must not be acted upon until it has been approved by the Local Authority.
 Client to conform to party wall act of 1996 if required.

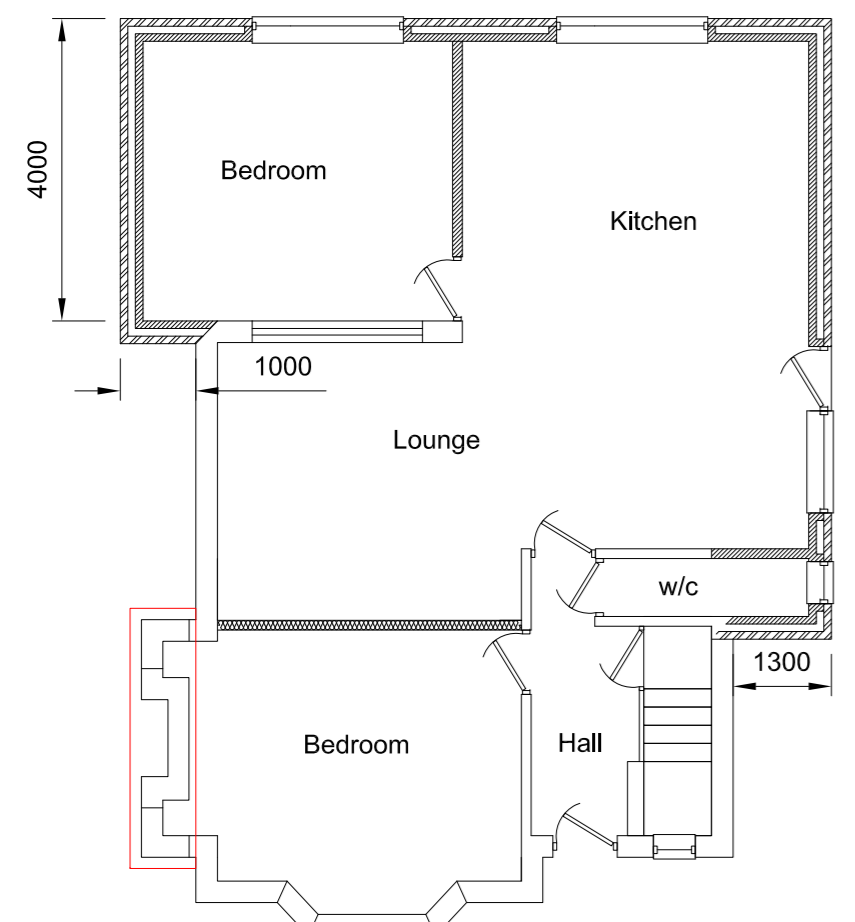


Front View
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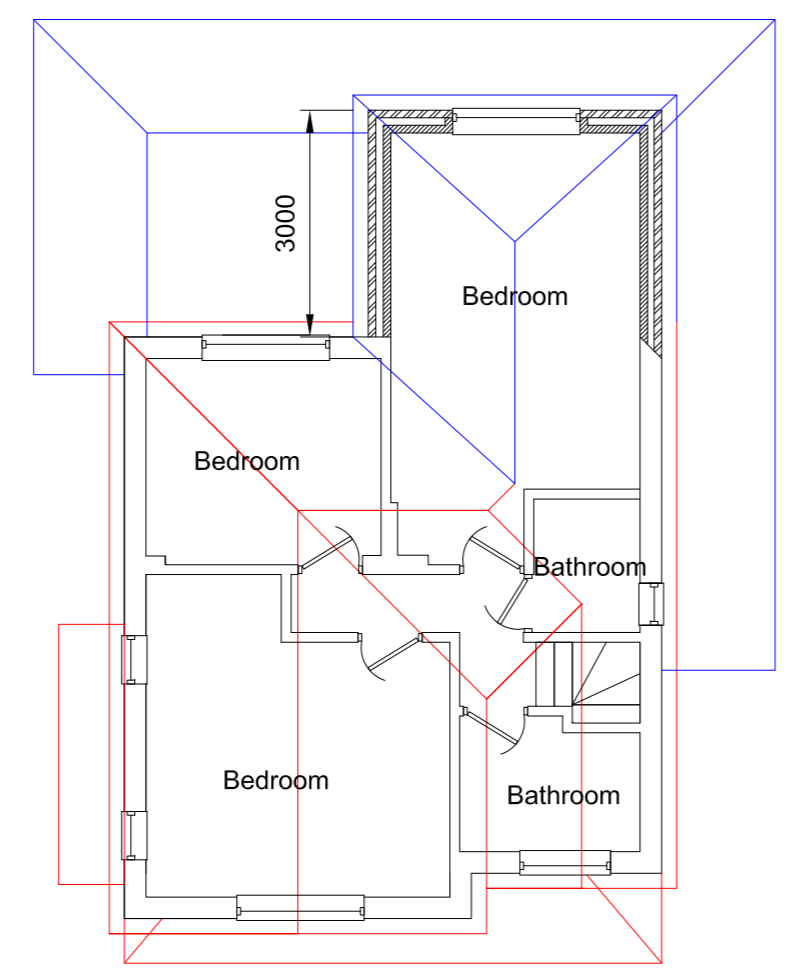
Side View
 Scale 1:100

Rear View
 Scale 1:100

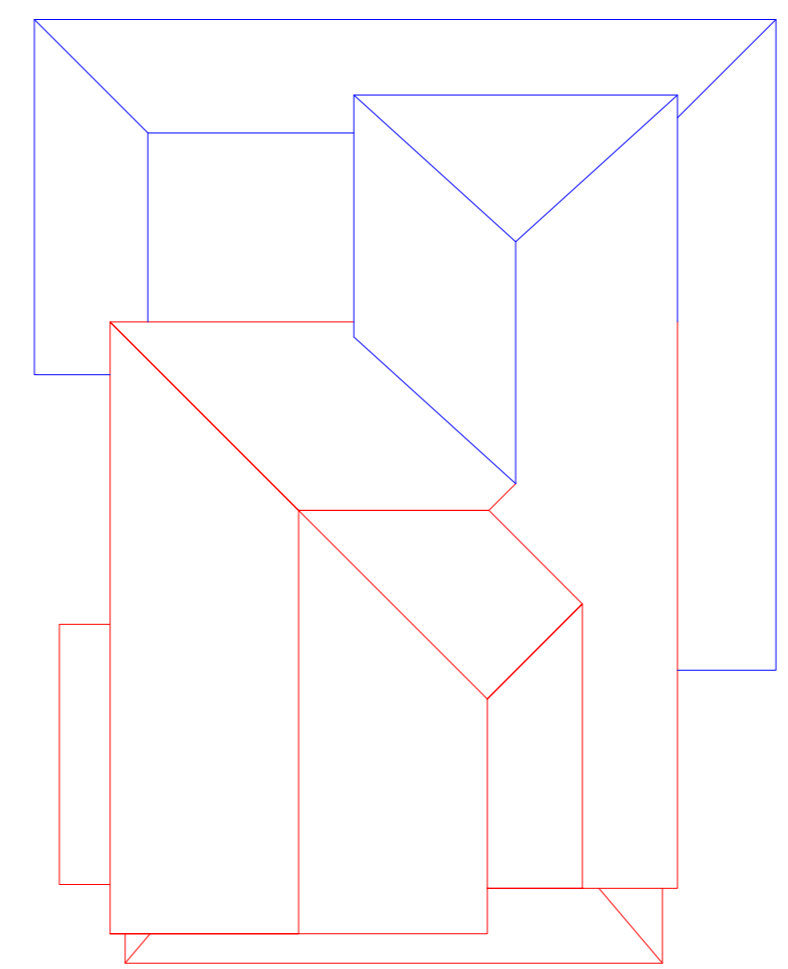
Side View
 Scale 1:100



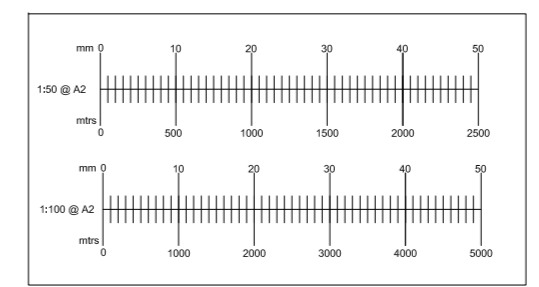
Ground Floor Plan
 Scale 1:100



First Floor Plan
 Scale 1:100

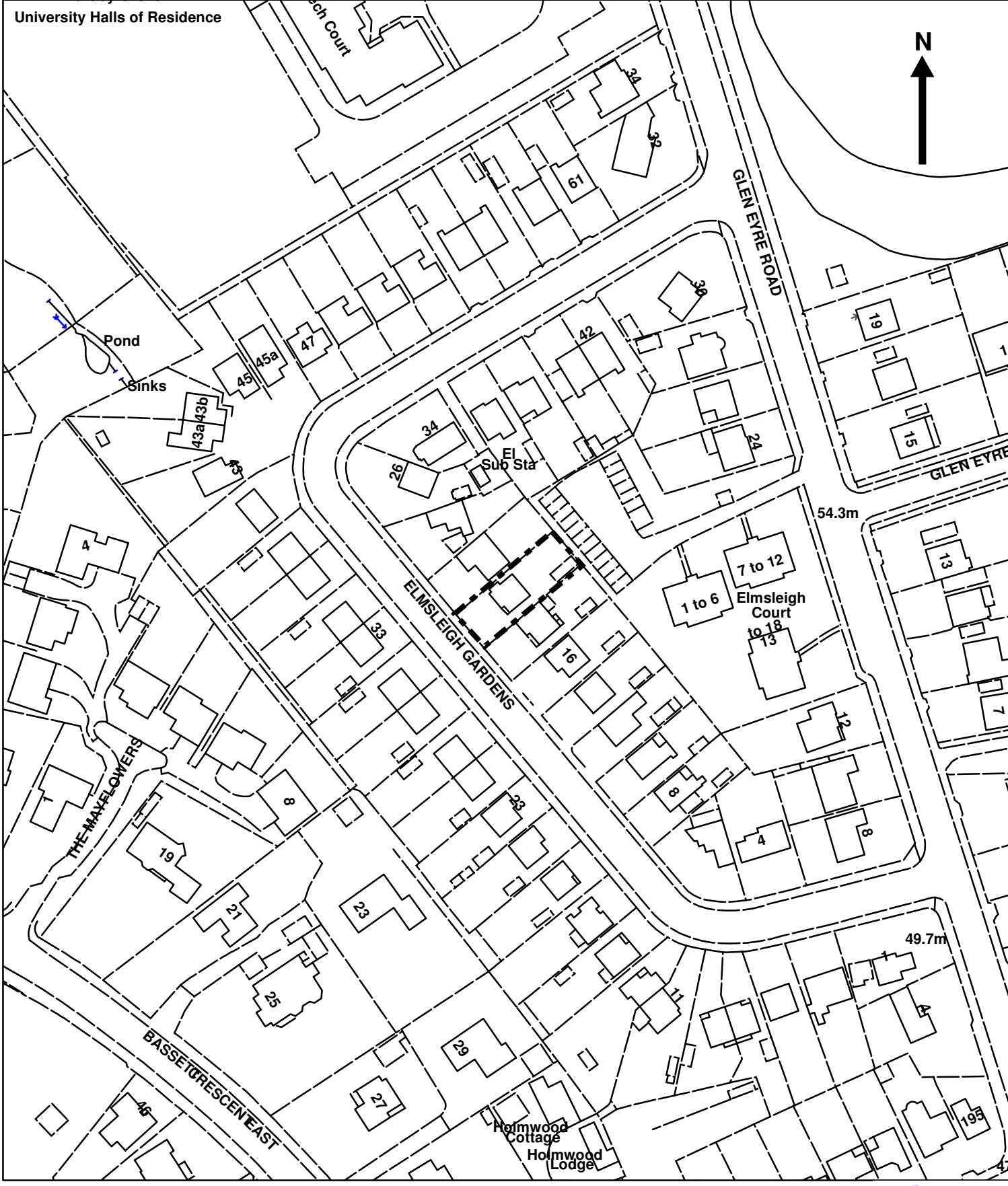


Roof Plan
 Scale 1:100



B		
A		
	Date	Revisions
Drawing Title. Proposed		
SITE ADDRESS Mr Singh 20 Elmsleigh Gardens Southampton Hampshire SO16 3GF		CLIENT ADDRESS
Scale.	as noted	PAPER SIZE A2
Date.	February 2013	Drawn by. R.N.S.
Sanders Design Services LTD		
95 Cedar Road Hythe Southampton SO45 3PX		tel 023 8020 7195 fax 023 8020 7195 mobile 07833 912992 e-mail robert@sanders1993.fsnet.co.uk
Drawing No	sing Sht 2	Revision X

University Halls of Residence



Scale: 1:1,250

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Agenda Item 7

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

Application address: 3 Ridgemount Avenue SO16 7FG			
Proposed development: Erection Of Single-Storey And Two-Storey Extensions.			
Application number	14/01110/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	03/09/14	Ward	Bassett
Reason for Panel Referral:	Request by five or more representation letters (contrary to officer recommendation) have been received	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides

Applicant: Mr H Mabood	Agent: Concept Design & Planning - Fao Mr Rob Wiles
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
---	------------

Reason for granting Permission

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

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

Appendix attached			
1	Development Plan Policies		
2	Site history		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is occupied by a large detached dwelling in Bassett Ward. The plot occupies a corner position between Bassett Avenue and Ridgemount Avenue, also sharing a boundary with properties on Ridgemount Lane and in proximity to properties on Greenbank Crescent. There is a significant drop in site levels to the east of the site.
- 1.2 The site benefits from a number of mature developed trees, primarily around the boundary of the site. The large host dwelling fronts onto Ridgemount Avenue and is set away from the immediate boundaries of the site.

2.0 Proposal

- 2.1 The application proposes significant extensions to the original dwelling, increasing the property from a 4-bed to a 9-bed dwelling. A two-storey/first floor extension has been proposed to the north of the property, along with a single-storey side extension to the west of the property.
- 2.2 The north of the property currently has a single storey protrusion, with a hipped roof, covering roughly half the width of the dwelling. The application proposes replacing this to a similar depth with a two-storey rear extension with a dual hip roof form.
- 2.3 It is proposed that the existing single storey protrusion to the west side of the property will be removed and replaced with a single storey extension running almost the full length of the property.

3.0 Relevant Planning Policy

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

accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 A large outbuilding with a garage and self contained annexe, positioned to the north-east of the current building, was conditionally approved on 21.12.2012.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **6** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.2
- Proposed extension will be overbearing and overshadowing when viewed from neighbouring properties (particularly with reference to change in site levels)
 - Trees will not provide sufficient screening
 - The submitted information regarding trees is insufficient
 - The extension should be relocated to the east side of the dwelling
 - The increase from 4 to 9 bedrooms would be overdevelopment and out of character with the surrounding neighbourhood
 - The physical scale of the proposed extension would be dominant and out of character with surrounding properties
 - The extension will allow overlooking of neighbouring properties
 - The extension will exacerbate the impact of the previously approved outbuilding

5.3 Consultation Responses

5.4 **SCC Trees** - No objection.

5.5 **CIL** - The proposal is over 100m² and as such is CIL liable. Provided certain criteria are met (i.e. the dwelling will be occupied as the applicants main residence) then an exemption may be applied for.

6.0 Planning Consideration Key Issues

6.1 The application will need to be judged on the acceptability of design in relation to the site, the host dwellings character, neighbouring amenity and the amenity of occupants of the host dwelling.

6.2 The surrounding area is characterised by large detached dwellings situated in large plots, often well screened with trees and vegetation. The application site itself is larger than most other dwellings in the area and is situated in a larger than average plot.

6.3 The extension works are proposed to the north and west elevations of the property, with the extension to the west being single storey in nature. The dwelling faces onto Ridgemount Avenue to the south. Given the position and orientation of the extension, notwithstanding its relatively large scale, it is considered that the

proposal will have a minimal impact on the overall character and appearance of the dwelling within the immediate street scene.

- 6.4 Although the development is significant in scale, given the size of the original dwelling and the overall footprint of the plot, it is not felt that the intrinsic scale of the proposed extension is out of character with that of existing dwelling. Furthermore, with reference to the hipped roof design and set down from the ridge line of the main dwelling, it is not considered that the design of the proposed extension is unacceptable.
- 6.5 The application proposes the conversion of some existing loft space from a gym to 2 bedrooms, with these rooms served by a number of velux windows. While not ideal, on balance it is felt that these rooms will be adequately served by access to natural light such that a reason for refusal would not be justified on these grounds. The other rooms are all considered to benefit from sufficient outlook and the site retains sufficient amenity space for the occupants of the host dwelling.
- 6.6 As such, the main remaining consideration is the impact of the proposal on the amenity of neighbouring occupiers. As noted in section 5.2, there has been significant concern from local residents in terms of overbearing, overshadowing and overlooking.
- 6.7 To the north, the development has increased in both scale and width, including a number of new habitable room windows facing towards the garden of the neighbouring property at 2 Ridgemount Lane.
- 6.8 In order to ensure privacy, section 2.2.7 of the RDG outlines that there should be a minimum set back of 12.5m between a 2 storey wall and the 2 storey side wall of another dwelling, with the distance increase by 1m for every 1m change in ground level where the side wall is located on higher ground. The single storey element to the east is roughly 13m from the boundary of the site, with the two-storey development being over 16m from the boundary. To the north where there is no change in site levels, the two-storey element is over 16m from the boundary of the site.
- 6.9 On balance, given the large set back of the development within the boundary of the site, even taking into account the change in site levels to the west, it is not felt that the proposed development will cause sufficient harm to justify refusing the application on the grounds of the creation of an overbearing, overshadowing or overlooking form of development.
- 6.10 The application proposes an increase in potential occupation given the increase from a 4-bed dwelling to a 9-bed dwelling (along with the previously approved garage/annexe). However, this application does not propose any change of use of the dwelling and is understood to remain as a large single family dwelling. Any application for a change of use would have to be considered on its merits at the time of submission.

7.0 Summary

- 7.1 Taking into account the design, scale and siting of the proposed development, it is not considered that the proposals will have a significantly harmful impact on the

character or appearance of the host dwelling or the amenities of nearby residential properties.

8.0 Conclusion

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

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

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

JF1 for 16/09/14 PROW Panel

PLANNING CONDITIONS

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

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

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

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

Reason:

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

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

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

Reason:

To protect the amenities of the adjoining residential properties.

04. APPROVAL CONDITION - 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.

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

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

Reason:

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

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

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

Reason:

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

07. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

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

Other Relevant Guidance

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

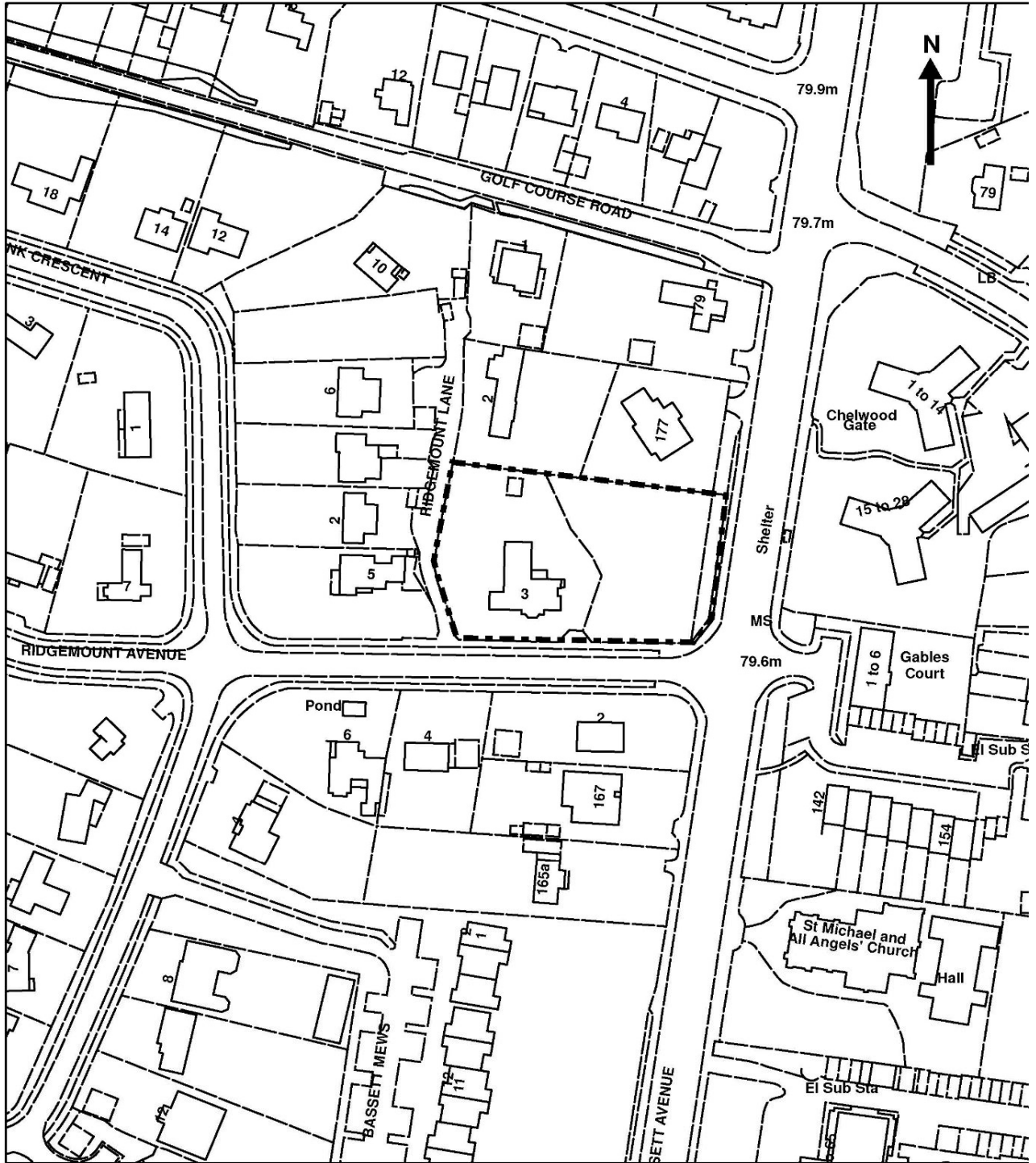
Application 14/01110/FUL

APPENDIX 2

Relevant Planning History

12/01697/FUL, Erection of a double garage with a self-contained annex above
Conditionally Approved, 21.12.2012

14/01110/FUL



Scale: 1:1,250

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Agenda Item 8

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

Application address: 59 Lilac Road SO16 3DA			
Proposed development: Erection of a two storey side and part two storey/part single storey rear extension to facilitate conversion of 5-bedroom HMO to 1 x 3-bedroom flat (Class C3/C4) and 1 x 3-bedroom flat (Class C3) with associated cycle and refuse storage (description amended)			
Application number	14/00677/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	27.06.2014	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides

Applicant: Mr Sukhdev Sihota	Agent: Achieve - Town Planning And Urban Design Ltd
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Yes
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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 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, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP16, H1, H2, H4 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		
2	Site history		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application site comprises a semi-detached two storey property in a residential area characterised by semi-detached properties. The property is located at the end of the road adjacent to a public footpath which links Lilac Road with Bluebell Road and Violet Road. The public footpath is also adjacent to the neighbouring college.

2.0 Proposal

2.1 The application proposes a part two-storey, part single-storey side and rear extension to facilitate conversion of the property to 2 flats.

2.2 The amended scheme proposes that the ground floor flat will be used for Class C3/C4, while the upstairs flat will be used for Class C3 only.

2.3 The garden of the property will be split between the two flats, with access for the ground floor flat through the main dwelling. The first floor would be accessed through a single storey lobby to the side with access through to the rear garden. There is also a gate proposed onto the footpath accessible to both properties.

3.0 Relevant Planning Policy

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

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 A planning application was refused for 'Erection of an attached two-storey, three-bed dwelling with associated bin and cycle storage' on 26/01/2012 under 11/01913/FUL.
- 4.2 The application was refused on the grounds of the dominance and impact of the character on the surrounding area, the impact of the physical alterations on neighbouring occupiers and the loss of garden space. The current application has been altered significantly from the previously refused scheme and an assessment will need to be made as to if the previous reasons for refusal have been addressed.

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 (13/05/14). At the time of writing the report 1 representation has been received from surrounding residents. The following is a summary of the points raised:

- The property forms the end of the road and the proposed extension would damage this element of the design
- The extension is ugly
- The subdivision of the property would make the area more crowded
- Would harm amenity of neighbouring properties in terms of overshadowing

Consultation Responses

- 5.2 **SCC Highways** - No objection.
- 5.3 **SCC Sustainability Team** - No objection provided relevant sustainability conditions are imposed to meet the requirements of CS20.
- 5.4 **SCC Environmental Health** - No objection.
- 5.5 **Community Infrastructure Levy** - The development is CIL liable as the proposal creates additional self contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq m on the Gross Internal Area of the extension.
- 5.6 **North Southampton Community Forum** -
- The footprint, massing and design of the proposal is not proportional to the scale of the original dwelling and would harm the character of the property when view from the road and neighbouring footpath.
 - The allowance of the proposal may set a harmful precedent, leading to cumulative harm to the overall area.
 - Insufficient parking is provided, particularly with reference to the increase in intensity of occupation and accessibility/location of the site.
 - The internal layout provides a poor quality living environment for the occupants of the site.

5.7 **East Bassett Residents Association -**

- The scale and design of the proposed extension is out of character with the property and surrounding area.
- Original property is in use as an HMO; the additional intensification of use is excessive and harmful of the amenities of neighbouring properties.
- The property appear to have been in use as an HMO prior to 23rd March 2012 and as such cannot apply for a flexible C3/C4 use

Note: While existing HMOs do not benefit from a flexible use automatically, they can apply to do so as the applicant has done under this application.

- If the property is split into 2 flats, the applicant must apply for a new Class C4 use for both of them.
- The proposal breaches the 10% threshold for Bassett Ward.

Note: Following amendments to the proposed scheme, the application proposes a net gain of a single Class C3 unit and the retention of the existing Class C4 use (with flexible consent for Class C3 and Class C4). With reference to the HMO SPD, where an existing HMO is being extended or altered the threshold criteria will not be applied.

- Parking provision is inadequate
- Residents Parking Scheme covers Lilac Road, with areas of double yellow lines
- Two doors should be provided between toilets and kitchens.
- The cycle store for the ground floor flat is only accessible through the flat.

Note: Following amended plans access is now available via the footpath.

- The access via the public footpath is considered unacceptable.
- Windows overlooking Cantell playing field are considered unacceptable.
- The house has undergone a period of deterioration and is currently in a dilapidated state. No additional landscaping has been proposed.
- There is no need for further student accommodation in the city.

5.8 **Cllr B Harris** - Objection on the grounds of overdevelopment, not in character with the surrounding area and failure to comply with the HMO SPD.

5.9 **Cllr Hannides** - Objection on the grounds of excessive density of occupation and potential precedent.

6.0 **Planning Consideration Key Issues**

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

6.2 **Principle of Development**

The application proposes the subdivision of the existing Class C4 use to provide a 3-bed variable Class C3/C4 use at ground floor level and a new independent 3-bed Class C3 dwelling at first floor level. Following the amendments to the application no new Class C4 uses are proposed and as such the threshold criteria has not been applied to this application. While the new dwelling would not be classified as a family home under Policy CS16 as

the access to the amenity space runs through a small communal area, the creation of new dwellings is broadly supported. As such the main assessment is the associated impacts of the use and the works required to facilitate the subdivision.

6.3 Character

The application proposes a sizable extension to the original dwelling, somewhat similar to the previously refused scheme under 11/01913/FUL. However, there have been a number of alterations. The proposal has been set back further from the front of the property and the height of the extension reduced. The width of the two-storey element to the side has also been reduced, with a greater set back from the neighbouring footpath. Overall, it is felt that these alterations have significantly reduced the visual intrusion of the extension into the surrounding street scene, both from Lilac Road and the adjoining footpath. On balance, it is felt that the scale and design of the proposed extension do not cause significant harm to the character of the host dwelling or surrounding area.

6.4 Impact on amenities of neighbouring occupiers

The site is situated to the north of the conjoined residential property at 57 Lilac Road. The extension immediately adjoining the boundary is single-storey in scale, with the two-storey element set well back from the boundary and in adherence to the 45 degree rule (as outlined in the Residential Design Guide). With reference to these issues, it is felt that the proposal will not have a significantly harmful impact on the amenities of the neighbouring property at 57 in terms of the creation of an overbearing or overshadowing form of development.

An objection has been raised to side facing windows looking onto the neighbouring playing field. Given the visually open nature of the boundary treatment to this field, it is not felt that the proposal will represent any significant difference when compared to the existing situation in terms of overlooking this site.

6.5 Intensity of residential occupation

The application proposes an increase in the residential occupation on the site of one additional unit, which equates to around 37 dwellings per hectare. This is in line with Policy CS5 for a low density area, and it actually slightly less than the surrounding area in Lilac Road due to the large plot currently occupied by 59.

The application proposes the addition of a single Class C3 residential unit. The rooms immediately adjoining the neighbouring residential property at first floor level are all occupied as bedrooms, with the communal living room situated on the opposite site.

The application form states that one parking space will be retained on site.

The Southampton City Council Parking SPD and HMO SPD would allow a maximum provision of 4 parking spaces to serve 1x 3-bed HMO and 1x 3-bed Class C3 unit. It is noted that Lilac Road already has a number of parking restrictions in place to prevent any overspill parking, including a permit holder scheme and double yellow lines directly outside the property. The application proposes cycle stores for each flat and in addition, the site is 0.2 miles from Burgess Road, one of the main arterial routes through the city.

On balance and taking into account the existing features to control potential overspill parking, it is not felt that the addition of a single residential dwelling would have a significantly harmful impact on the surrounding area.

6.6 Amenity of occupants

Following the submission of amended plans, the occupants of both the ground floor and first floor flat will have access to a communal space via the footpath adjoining the site. This communal space will be the only access for the first floor flat to their amenity space to the rear, while the ground floor flat will have an additional direct access. While the secondary access from the footpath and associated design features are not ideal, on balance it is not felt that such significant harm is caused so as to justify refusing the application on these grounds.

The occupants of the first floor flat are considered to have adequate access to outlook and daylight and retain sufficient private amenity space for their use. In terms of the ground floor flat, the site still retains ample garden space for the use of both units. The fencing arrangement does reduce the outlook to 'Bedroom 4' of the ground floor flat, although taking into account the height of the fence and orientation of the properties it is not felt that this would be sufficient to justify a reason for refusal in its own right.

The downstairs unit has a single large communal room serving as a kitchen, lounge and dining room. While some elements of the room are set well back from windows serving the rearmost lounge space, these are the kitchen and diner elements. On balance it is not considered that the lack of access to light in this room causes such significant harm as to justify a reason for refusal.

7.0 Summary

7.1 The current C4 property could be occupied by up to 6 individuals, while the application proposes 1x3-bed C3 dwelling and 1x3-bed C3/C4 dwelling. The application proposes a significant alteration to the original property. While there are some issues, broadly it is felt that the majority could be successfully managed through the use of conditions.

8.0 Conclusion

8.1 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)(vv)(qq), 6(a)(c), 7(a)

JF1 for 16/09/14 PROW Panel

Planning Conditions

CONDITIONS for 14/00677/FUL

00. 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 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, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP16, H1, H2, H4 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

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

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

Reason:

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

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

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the northern/first floor side elevation/ extension elevations / roof covering other than those illustrated on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenity and privacy of the adjacent property.

04. APPROVAL CONDITION - Window specification limitations [Performance Condition]

The side facing ground floor window on the side elevation facing north-west shall be non-opening and fitted with obscure or tinted glass. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.

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

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

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

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

06. APPROVAL CONDITION - Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

07. APPROVAL CONDITION - Permitted change between Class C3 and Class C4 (time limited)

The 3-bed ground floor flat hereby permitted (and not the first floor 3-bed flat) shall be able to change between a residential dwelling (Class C3) and a House in Multiple Occupation (Class C4) for a period of up to 10 years from the date on which this decision is issued unless otherwise agreed in writing by the Local Planning Authority. After this period the occupied use on that date will become the lawful use of the property.

Reason:

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

08. APPROVAL CONDITION - Refuse and Cycle Stores [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved the proposed cycle and refuse stores shall be provided in accordance with the details submitted. They shall be permanently maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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.

09. APPROVAL CONDITION - Means of Enclosure and Amenity Space

Prior to first occupation of the flatted units hereby approved all new means of enclosure and the areas of amenity space shall be provided in a fully completed and ready to use condition and thereafter be retained and maintained for the use by the occupiers of the flats.

REASON

To ensure appropriate facilities are available for occupiers of the flats at all times.

10. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Note to Applicant

1. Note to Applicant - Community Infrastructure Liability (Approval)

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD (March 2012)

Other Relevant Guidance

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

Relevant Planning History

11/01913/FUL, Erection of an attached two-storey, three-bed dwelling with associated bin and cycle storage
Refused, 26.01.2012

REASON FOR REFUSAL - Unacceptable erosion of character.

The proposal would be out of keeping with the established pattern of development in the area due to the design of the property and the formation of a terrace of three houses thereby unbalancing the existing semi-detached pair of houses. The scheme would result in an unduly dominant structure in the street scene when viewed from the northern end of Lilac Road and from the public footpath to the north of the site. As such the proposal would erode the spatial character of the area. The development is therefore considered contrary to Policies SDP1 (i - particularly the guidance of paragraphs 2.3.2, 2.3.3, 2.3.6, 2.3.8 and 2.3.9 of the approved Residential Design Guide SPD [September 2006]), SDP7 (iii), (iv), (v) and SDP9 (i), (v) of the saved City of Southampton Local Plan Review (March 2006); and CS13 of the adopted City of Southampton Local Development Framework Core Strategy (January 2010).

REFUSAL REASON - Impact on neighbouring amenity.

The design of the dwelling in terms of its two storey scale, bulk and position on the boundary with number 59 Lilac Road, will appear dominant when viewed from the neighbours garden and as such will harm visual amenity currently enjoyed by those occupants. In addition the location of the windows at first floor level would result in a development which reduces the sense of privacy currently enjoyed by the occupants of the neighbouring property whilst enjoying their private gardens. As such the proposal is contrary to policies SDP1 (i - particularly the guidance of paragraphs 2.2.18 of the approved Residential Design Guide SPD [September 2006]), SDP9 (v) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010).

REFUSAL REASON - Protection of private residential gardens.

The proposed development involves building on garden land which forms an important amenity space for an existing dwelling house and is not previously developed land. As such and having regard to the advice of Planning Policy Statement 3 (Housing, published June 2010), the proposals are considered to represent an overdevelopment of the site and would prove contrary to the following adopted Development Plan policies and supplementary planning guidance for Southampton:- City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 [(i) particularly the guidance of Sections 3.2 and 3.9 of the Residential Design Guide (September 2006)] SDP7 (iv) , SDP9 (i) and (v) and CS4, CS5 and CS13. City of Southampton Core Strategy (January 2010)

14/00677/FUL



Scale: 1:1,250

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