

Planning and Rights of Way Panel (WEST)

Tuesday, 27th January,
2015
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

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

Contacts

Democratic Support Officer
Pat Wood
Tel: 023 8083 2302
Email: pat.wood@southampton.gov.uk

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

PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

Public Representations: -At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

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:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting

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

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

Dates of Meetings: Municipal Year 2014/15

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

Planning and Rights of Way - WEST	
2014	2015
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
Wednesday 15 October	
11 November	
9 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

(ii) Sponsorship:

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

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

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

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

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

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

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

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 9 December 2014 and to deal with any matters arising, attached.

5 THE SOUTHAMPTON (3 FIELD CLOSE) TREE PRESERVATION ORDER 2014

(Pages 5 - 22)

Report of the Head of Regulatory and City Services regarding an objection to the implementation of The Southampton (3 Field Close) Tree Preservation Order 2014, attached.

6 THE SOUTHAMPTON (64 BASSETT GREEN ROAD) TREE PRESERVATION ORDER 2014 (Pages 23 - 40)

Report of the Head of Regulatory and City Services regarding an objection to the implementation of The Southampton (64 Bassett Green Road) Tree Preservation Order 2014, attached.

CONSIDERATION OF PLANNING APPLICATIONS

7 LAND ADJACENT TO GARDEN COTTAGE, BASSETT WOOD DRIVE SO16 3PT 14/01688/FUL (Pages 45 - 56)

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

8 **117 PRINCE OF WALES AVENUE SO15 4LS 14/01590/FUL** (Pages 57 - 66)

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

9 **106 WATERLOO ROAD, SO15 3BT 14/01694/MMA** (Pages 67 - 76)

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, 19 January 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 9 DECEMBER 2014

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

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

RESOLVED that the Minutes of the Meeting held on 11 November 2014 be approved and signed as a correct record.

30. **248 PRIORY ROAD 14/01558/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.

Mr Henderson (Agent), Mr Cluett (local resident/objecting) and Councillor O'Neill (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

Redevelopment of the site. Demolition of existing buildings and construction a 3 bedroom detached house; a pair of 2 bedroom semi-detached houses; and a block of 7 flats (total 10 dwellings) with associated access, parking, gardens, bike and bin stores. (Outline application seeking approval for Access, Layout and Scale).

The presenting officer reported that Condition 18 should read:-

18. APPROVAL CONDITION - Means of site enclosure [Pre-Occupation Condition]
Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority.
The submission shall include details of any raised boundary treatment along the northern boundary with 250 Priory Road resulting from raised site levels to provide safe pedestrian access and egress during a flood event and unless otherwise agreed in writing with the LPA the boundary treatment along the northern boundary shall comprise a brick wall. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

The presenting officer further reported that an additional delegation, Recommendation 3, be made to the Planning and Development Manager:-

3. That the Planning and Development Manager be given delegated powers to receive amended/additional plans to show raised site levels to demonstrate safe pedestrian access and egress during a flood event. The amended/additional plans should include site sections to allow assessment of the relationship with 250 Priory Road.

The planning officer reported that under the Section 106 Legal Agreement, the head of term (ii) be deleted due to a change in legislation. The Panel agreed a new Head of Term be added to read "Submission and implementation of a construction management plan to include details of construction vehicle parking and construction vehicle routing."

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

Reasons for Refusal

Insufficient family housing provision

The development fails to make adequate family housing provision by only providing 1 x 3-bed dwelling (with insufficient amenity space provision for a detached house) on a site capable of providing 30% of total dwellings (gross) as family homes. The area is residential in character with a low to medium density and predominantly comprises family housing. No evidence has been put forward to demonstrate that 30% family housing would be unviable and, therefore, the development would be contrary to policy CS16 of the adopted LDF Core Strategy (January 2010) in that it fails to contribute towards creating a mixed and balanced community.

Overdevelopment

The proposal represents an overdevelopment of the site by failing to provide sufficient private amenity space and parking to meet the needs of the development. The development fails to provide sufficient private amenity space for the housing within Blocks A and B which would be out of keeping with the spatial character of the area and would fail to provide an acceptable residential environment for future occupiers. Furthermore the proposal is considered to provide an inadequate amount of car parking for a development which includes 2 and 3-bedroom dwellings within an area of standard accessibility (as defined by the Council's Parking Standards SPD). Having regard to the existing take-up of on-street parking adjoining the site and in the absence of an on-street parking survey, taken with the likely amount of car ownership it is considered that car parking overspill from the development would impact negatively on the amenities of those living in Priory Road and adjoining streets. The development proposal is thereby contrary to 'saved' policies SDP1 and SDP7 of the adopted City of Southampton Local Plan Review (March 2006) and policy CS13, CS16 and CS19 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the adopted Parking Standards SPD (September 2011) and Sections 4.4 and 5 of the Council's adopted Residential Design Guide SPD (2006).

31. **92 THIRLMERE ROAD SO16 9FN 14/01515/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.

Mrs Rooker (local resident/objecting and representing two other local residents) was present and with the consent of the Chair, addressed the meeting.

Erection of a 2 Storey, 3 X Bed Semi-Detached House.

The presenting officer reported that two more objections had been received regarding removal of top soil, potential land stability, loss of wildlife and overdevelopment of site. He stated that Councillor Pope had also raised concerns regarding the process which had been followed and the unresolved issue of the sewer.

The presenting officer stated that paragraph 4.2 should read “..... detached garage – refused 03/11/2005” and that paragraph 6.4.2 should read “There are no side windows in the property so there would not be an **overlooking** issue ...”.

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 or a S111 agreement to secure a financial contribution of £172 per new residential unit to fund a mitigation scheme known as the Solent Disturbance Mitigation Project (SDMP), the conditions listed in the report and the additional condition set out below;
- (ii) that in the event that the legal agreement is not completed by 25/02/2015 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the S106 legal agreement or S111 legal agreement.

Additional Condition

13 APPROVAL CONDITION - Occupation as C3 Dwelling - Performance Condition

The dwelling hereby approved shall only be occupied as a C3 Dwelling as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason

To protect the character and amenity of the area and nearby residents given the location of the site at the end of a quiet terrace served by pedestrian access only.

RECORDED VOTE to grant planning permission.

FOR: Councillors Lewzey, Claisse, Harris and Lloyd
ABSTAINED: Councillor Mintoff

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL (WEST)		
SUBJECT:	THE SOUTHAMPTON (3 FIELD CLOSE) TREE PRESERVATION ORDER 2014		
DATE OF DECISION:	27 JANUARY 2015		
REPORT OF:	HEAD OF REGULATORY AND CITY SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	James Palmer	Tel: 023 8083 4029
	E-mail:	James.palmer@southampton.gov.uk	
Director	Name:	Stuart Love	Tel: 023 8091 7713
	E-mail:	stuart.love@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
This report covers the objection to The Southampton (3 Field Close) Tree Preservation Order 2014. The order was made on the 6th August 2014. It protects a Silver Birch at the bottom of 3 Field Close rear garden.	
RECOMMENDATIONS:	
	(i) To confirm The Southampton (3 Field Close) Tree Preservation Order 2014 without modifications (See Appendix 1)
REASONS FOR REPORT RECOMMENDATIONS	
1.	This is a prominent feature for both residents within Field Close and along Bassett Green Road. The loss of this tree would have a detrimental impact on the local environment and its enjoyment by the public.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	To not confirm this order - If the TPO is not confirmed, without legal protection the long term retention of the tree is uncertain.
DETAIL (Including consultation carried out)	
3.	Upon making The Southampton (3 Field Close) Tree Preservation Order 2014, which covers one Silver Birch tree in the rear garden of 3 Field Close, an objection was made by the property owner.
4.	The objection was received via email (Appendix 2) dated 28 th August 2014. The objection to the TPO was as follows: <ul style="list-style-type: none"> i. Tree is blocking light to 64 Bassett Green Road ii. Safety concerns in the event of tree failure iii. Leaves and seeds blocking gutters and covering house interior
5.	A letter providing additional information was sent on the 1 st September 2014 (Appendix 3) and included a copy of the TEMPO form (Tree Evaluation Method for Preservation Orders) (Appendix 4).

6.	A site visit was carried out to discuss the issues surrounding The Southampton (3 Field Close) Tree Preservation Order 2014 the property owner wished to hold the objection to the order.
7.	The property owner confirmed the objection on 22 nd September 2014 (Appendix 5).
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
8.	If The Southampton (3 Field Close) Tree Preservation Order 2014 is confirmed, there will be the cost of administering the service of the confirmed Order and any subsequent tree work applications.
<u>Property/Other</u>	
9.	If The Southampton (3 Field Close) Tree Preservation Order 2014 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonable foreseeable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
10.	In accordance with the Constitution, there is officer delegation giving them the power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.
<u>Other Legal Implications:</u>	
11.	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law.
12.	In so far as the tree is on, or serves a private residential property, the making or confirmation of a TPO could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law, and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).
POLICY FRAMEWORK IMPLICATIONS	
13.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Swaythling Ward

<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	The Southampton (3 Field Close) Tree Preservation Order 2014
2.	Objection Email
3.	Response letter to objector
4.	Evaluation Method for Tree Preservation Orders
5.	Confirmed Objection
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
Other Background Documents	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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Form of Tree Preservation Order

Town and Country Planning Act 1990

The Southampton (3 Field Close) Tree Preservation Order 2014

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

Citation

1. This Order may be cited as The Southampton (3 Field Close) Tree Preservation Order 2014

Interpretation

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

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

Effect

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

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

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

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

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

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 6th August 2014

Signed on behalf of the SOUTHAMPTON CITY COUNCIL

A handwritten signature in black ink, appearing to read "J. H. A. Spade". The signature is written in a cursive style with a long horizontal stroke at the end.

Authorised by the Council to sign in that behalf

SCHEDULE 1

The Southampton (3 Field Close) Tree Preservation Order 2014

Individual Trees (encircled black on the map)

No on Map	Description	Situation
T1	Birch	3 Field Close – at the bottom of the rear garden

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

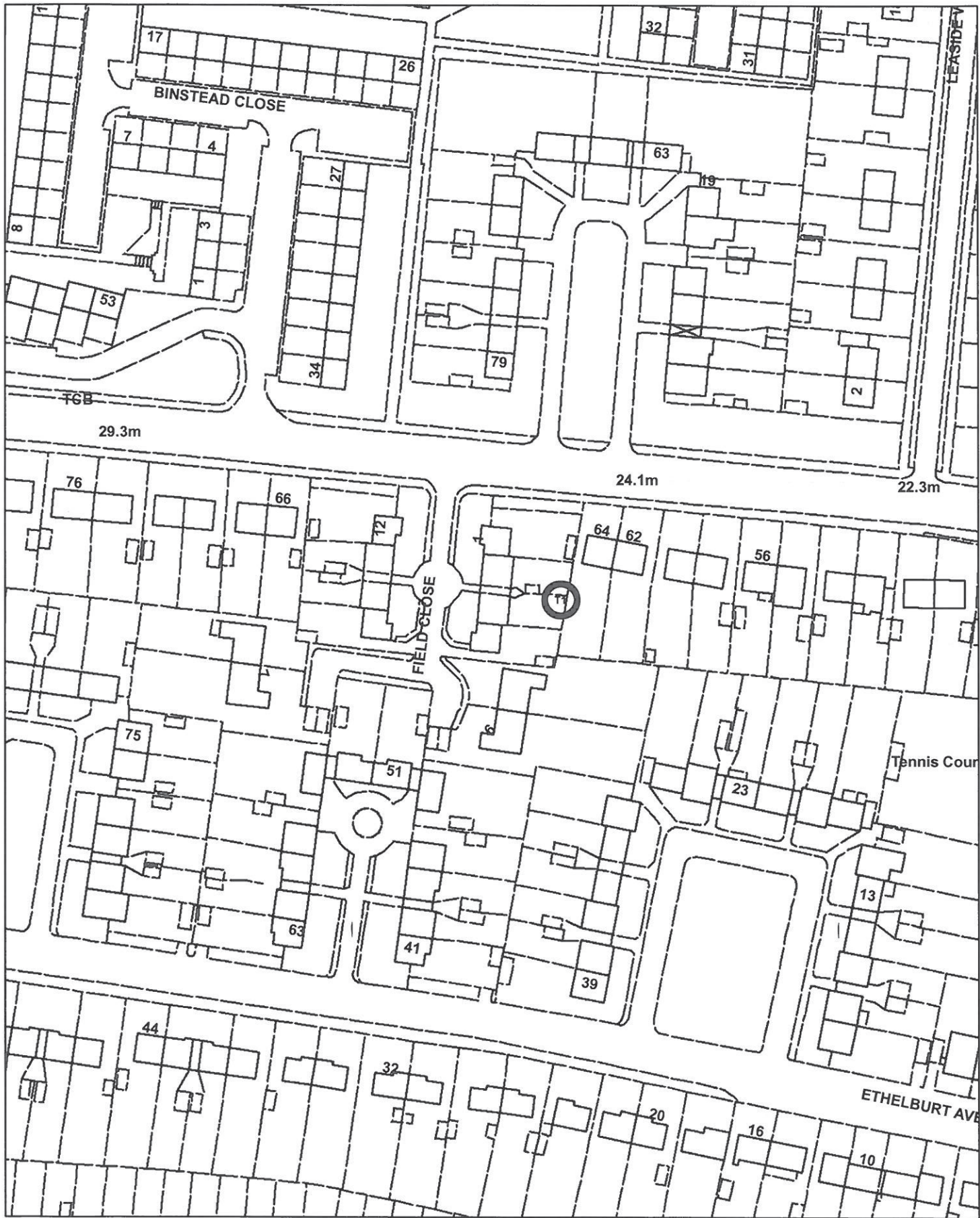
No on Map	Description	Situation
	NONE	

Woodlands (within a continuous black line on the map)

No on Map	Description	Situation
	NONE	

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

No on Map	Description	Situation
	NONE	



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Jon Dyer-Slade
 Head of City Services
 Place Directorate
 Southampton City Council
 3rd Floor One Guildhall Square
 Southampton SO14 7FP

The Southampton (3 Field Close) Tree Preservation Order 2014.	
TPO Ref: T2-621	Department: Trees team
Drawn: JP	Scale: 1:1,250

- Key
- Individual Trees
 - Group
 - Woodland
 - Area
 - Not TPO'd

Agenda Item 5

Appendix 2

Attn: James Palmer

Dear Mr Palmer,

I'd like to object to the Tree Preservation Order that has recently been provisionally placed on the Birch tree (T1 on the map) adjacent to my property.

As I mentioned in reference to T2-260 let me make it clear that my intention has always been to replace this nuisance tree with another tree of a different species (I'm thinking of an apple, pear or cherry tree).

This particular tree was, I believe, self seeded quite a number of years ago and was not part of the original plan or design envisaged by Herbert Collins when the Ethelbert Avenue Estate was built. It is not particularly visible from the road and, being surrounded by private gardens I do not believe it's replacement with a fruit tree would have "a detrimental impact on the amenity of the area and the enjoyment by the public".

This Birch tree is within a few metres of my kitchen with it's roots actually causing disturbance to my garden ground surface and damaging the fence line and previous fence panels. It's position is approximately to the South West of my property which is the direction from which the prevailing winds come. I am most concerned that this tree is in a position to topple onto my property in a future storm with the high winds suffered a few months ago resulting in a large number of small branches and twigs falling onto my property and garden. Fortunately no damage was done on this occasion.

Quite apart from it's proximity to the actual building there is the issue of the leaves and seeds which seem to almost continually be shed by the Birch tree. These constantly clog the gutters and drains of not only my property but as far as 62 & 60 Bassett Green Road and 4 Field Close (these are some of the neighbours I have spoken with about this issue). The seeds are so fine that for several months a year it is virtually impossible to have windows or doors open to the rear or side of my property without the interior being covered in seeds. This is quite apart from being unable to use the patio area and other outside space for eating or drinking because of the falling seeds. I have taken numerous photographs and have attached a couple to give an idea of the issues faced.

The other issue with the Birch tree is it's height. Even on the longest Summer days my patio area and most of my garden is in shade with this shade going on to cover a large area of the decking at 62 Basset Green Road to the extent that they have created another outdoors seating area to the rear of their garage in order that they may take advantage of the Summer sun!

I firmly believe that the replacement of this nuisance Birch tree with a fruit tree would not only benefit the local wildlife with it's flowers in Spring and harvest of fruit before the Winter months, but would also benefit the local residents with it's attractive blossoms, fruit and of course the ability to have doors and windows open without a massive incursion of leaves and seeds! This would be completely aside from the benefit of restored full use of garden facilities for my neighbours and I.

I have spoken to the other local residents on a couple of occasions as well as

I have canvassed my neighbours regarding the replacement of this tree as I have regarding the Ash under T2-620 and have not encountered any objections, rather there is a feeling that this tree is a nuisance for local residents. I have also spoken with the householder of 3 Field Close in whose garden the Birch tree sits and he is quite happy for the Birch to be replaced with fruit tree. In fact, a couple of local residents are content to share in the cost because of the overall benefit for the immediate area.

As I mentioned in my previous email, I hope you can appreciate that I do not wish to remove 'trees' as such - just this particular nuisance tree! I am more than happy for any planning permission granted to be conditional upon the planting of a replacement (preferably fruit) tree.

I am quite open to having a chat face to face regarding this issue and can make myself available if you wish to visit and inspect the tree in question with it's surrounding area. I am also available should you wish to discuss this or request any additional information by phone on xxxxxxxx.

Apologies that this has turned into a bit of an essay but I wanted to give as much information as possible!

I would be interested in your thoughts and look forward to hearing from you shortly.

Regards

PLACE DIRECTORATE

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

Direct dial: 023 8083 3005
Our ref: T2-620/621
Email: trees@southampton.gov.uk
Please ask for: James Palmer

01 September 2014

Re: The Southampton (64 Bassett Green Road) Tree Preservation Order 2014.

I am writing with response to your emails sent on the 28th and 29th August regarding the Southampton (64 Bassett Green Road) Tree Preservation Order 2014

I have divided this letter into 2 halves making it easier to relate to your previous emails.

T2-620

When applying Tree Preservation Orders the Local Authority look at the current benefits and location of the tree regardless if it was planted, self seeded or envisaged by the original planners. Although it was not originally envisaged by the original planners the Council feels that the tree in question currently contributes to the surrounding area and no evidence has been provided that shows any structural damage in the trees vicinity.

A industry standard form is completed when assessing trees for Tree Preservation Orders, this is known as a TEMPO form (Tree Evaluation Method for Protection Orders) When completing a TEMPO form, I always give a conservative assessment, that way I feel that the final score is a fair assessment of the tree that the general public would be in agreement. The TEMPO form for both trees produced a score of 15 (Definitely Merits TPO) for the Common Ash and 12 (TPO Defensible) for the Silver Birch I have included a copy of these for your reference.

The Ash tree that is located at the rear of your property offers good visual amenity to a majority of your neighbours and can be see from these rear gardens and Field Close itself. This tree offers a large green area that smaller species would not be able to match. Species such as Apple and Cherry can produce large quantities of both fruit and blossom which visually may be

pleasing but given your original issues with falling natural debris this would not be a suitable solution.

I can see from your email that you have been under pressure to remove or reduce this tree. A Tree Preservation Order does not stop works being carried out. It only ensures that work applied for is reasonable and not detrimental to the tree's health or reduces its life expectancy. If you wished to prune this tree and the works as mentioned are reasonable there is no reason why it would be rejected.

With regards to injury from pruning the tree, it is always advised to employ a professional Arborist for any such work as they have the correct training and expertise to carry out such work in a safe controlled manner.

T2-621

The Birch tree within 3 Field Close does only offer a small amount of visual amenity from the main road but does contribute significantly to the rear gardens of the surrounding area. As previously mentioned I understand your thoughts regarding replacing the trees with smaller specimens such as Apple and Cherry but given the original issues of falling natural debris this would not be suitable.

Tree roots will most likely be present within your garden; this may lead to surface disturbance to lawns and such surfaces and is common with a majority of tree species. Regarding fence panels and the fence line, no evidence has been provided of any such damage. If this tree was causing damage it would be worth contacting your insurance company and notifying the tree owner as the tree is not within your property.

If a property owner has a tree on their land it is their responsibility to keep it in a safe condition as they have a 'Duty of Care' to do so. Therefore your neighbor should ensure that it is checked and maintained in order to avoid such incidents as wind throw or failure. If tree related damage was to occur to your property it would be advisable to contact the tree owner and insurance company.

Trees will produce natural debris throughout the year. This will range from leaves, seeds, deadwood through to fruit. Southampton City Council cannot reasonably accept the removal of trees due to reasons such as this. Management and maintenance of such things as gutters and drains is the most suitable solution. If these trees were to be removed under these grounds it would then become acceptable to do so anywhere where trees were causing similar issues in Southampton.

The "right to light" is often quoted in relation to trees cutting out light to adjacent property. Whilst there is an established right in the case of new buildings obstructing light there is no clear precedent that trees cutting out light can infringe a person's "right to light". As mentioned in your email your neighbors have created a solution to their lack of summer sun and ideas like this are the most suitable solution. This is very similar to natural debris issues

if Southampton City Council would allow a tree to be felled due to light issues it would be become acceptable to do so throughout Southampton.

I hope that my explanation has satisfied your concerns over the implementation of the order, but if you are not satisfied, you will need to inform me so I can arrange for your objection to be heard at the next available panel meeting. I have included a form for you to complete to declare your intention.

Yours Sincerely

James Palmer
City Tree Officer

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

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

Date:	05/08/14	Surveyor: James Palmer
Tree details		
TPO Ref:	Tree/Group No:	Species: Silver Birch
Owner (if known): 3 Field Close		
Location: Rear garden of 3 Field Close (Birch)		

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

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

Score & Notes 3

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

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

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

Score & Notes 2

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

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

Score & Notes 3

d) Other factors

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

- | | | |
|--|---|-------------------------------|
| 5) Principal components of arboricultural features, or veteran trees | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Score & Notes
 1 </td> </tr> </table> | Score & Notes
1 |
| Score & Notes
1 | | |
| 4) Tree groups, or members of groups important for their cohesion | | |
| 3) Trees with identifiable historic, commemorative or habit importance | | |
| 2) Trees of particularly good form, especially if rare or unusual | | |
| 1) Trees with none of the above additional redeeming features | | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | | | |
|---|---|---|
| 5) Immediate threat to tree | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Score & Notes
 3- Conservation area notification to fell </td> </tr> </table> | Score & Notes
3- Conservation area notification to fell |
| Score & Notes
3- Conservation area notification to fell | | |
| 3) Foreseeable threat to tree | | |
| 2) Perceived threat to tree | | |
| 1) Precautionary only. | | |

Part 3: Decision guide

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

Add Scores for Total: 12

Decision: TPO Defensible

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Tree Preservation Order - Objection Response

Name:	[REDACTED]
Address:	[REDACTED]
TPO Name	The Southampton (64 Bassett Green Road) Tree Preservation Order 2014
TPO Ref.	T2-620/621

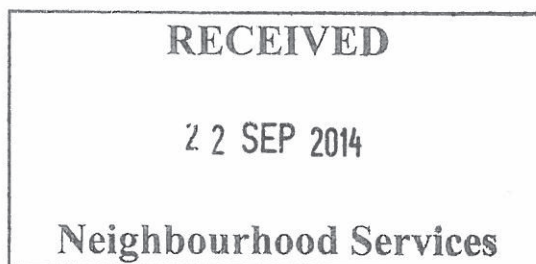
Please
Tick

I/we now wish to retract my/our objection to the above Tree Preservation Order	<input type="checkbox"/>
--	--------------------------

I/we wish to uphold my/our objection to the above Tree Preservation Order * <i>IN PARTICULAR RE: T2-621</i>	<input checked="" type="checkbox"/>
--	-------------------------------------

*If you do wish to uphold your objection the case will be heard by the Planning and Rights of Way Panel. This is a panel of City Councillors who will assess your objection along with a report from the Tree Officer and make a decision whether to modify the order, revoke the order entirely or keep it as it is. You will be notified in good time of the date of the next panel hearing and will be invited to make a representation if you wish to.

Please return the completed form to The Tree Team, Southampton City Council, 3rd Floor, One Guildhall Square, Southampton. SO14 7FP.



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Agenda Item 6

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL (WEST)		
SUBJECT:	THE SOUTHAMPTON (64 BASSETT GREEN ROAD) TREE PRESERVATION ORDER 2014		
DATE OF DECISION:	27 JANUARY 2015		
REPORT OF:	HEAD OF REGULATORY AND CITY SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	James Palmer	Tel: 023 8083 4029
	E-mail:	James.palmer@southampton.gov.uk	
Director	Name:	Stuart Love	Tel: 023 8091 7713
	E-mail:	stuart.love@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
This report covers the objection to The Southampton (64 Bassett Green Road) Tree Preservation Order 2014. The order was made on the 6th August 2014. It protects a large Ash tree at the bottom of 64 Bassett Green Roads rear garden.	
RECOMMENDATIONS:	
(i)	To confirm The Southampton (64 Bassett Green Road) Tree Preservation Order 2014 without modifications (See Appendix 1)
REASONS FOR REPORT RECOMMENDATIONS	
1.	This is a prominent feature for both residents within Field Close and along Bassett Green Road. The loss of this tree would have a detrimental impact on the local environment and its enjoyment by the public.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	To not confirm this order - If the TPO is not confirmed, without legal protection the long term retention of the tree is uncertain.
DETAIL (Including consultation carried out)	
3.	Upon making The Southampton (64 Bassett Green Road) Tree Preservation Order 2014, which covers one Ash tree in the rear garden of Bassett Green Road, an objection was made by the property owner.
4.	The objection was received via email (Appendix 2) dated 28 th August 2014. The objection to the TPO was as follows: <ul style="list-style-type: none"> i. Property owner has been under pressure from neighbours to remove this tree, a Tree Preservation Order would prevent the property owner from removing it
5.	A letter providing additional information was sent on the 1 st September 2014 (Appendix 3) and included a copy of the TEMPO form (Tree Evaluation Method for Protection Orders) (Appendix 4).

6.	A site visit was carried out to discuss the issues surrounding The Southampton (64 Bassett Green Road) Tree Preservation Order 2014 the property owner wished to hold the objection to the order.
7.	The property owner confirmed the objection on 22 nd September 2014 (Appendix 5).
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
8.	If The Southampton (64 Bassett Green Road) Tree Preservation Order 2014 is confirmed, there will be the cost of administering the service of the confirmed Order and any subsequent tree work applications.
<u>Property/Other</u>	
9.	If The Southampton (64 Bassett Green Road) Tree Preservation Order 2014 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonable foreseeable.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
10.	In accordance with the Constitution, there is officer delegation giving them the power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.
<u>Other Legal Implications:</u>	
11.	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law.
12.	In so far as the tree is on, or serves a private residential property, the making or confirmation of a TPO could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law, and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).
POLICY FRAMEWORK IMPLICATIONS	
13.	None.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Swaythling Ward

<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	The Southampton (64 Bassett Green Road) Tree Preservation Order 2014
2.	Objection Email
3.	Letter to Objection
4.	Evaluation Method for Tree Preservation Orders
5.	Confirmed Objection
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
Other Background Documents	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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Form of Tree Preservation Order

Town and Country Planning Act 1990

The Southampton (64 Bassett Green Road) Tree Preservation Order 2014

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

Citation

1. This Order may be cited as The Southampton (64 Bassett Green Road) Tree Preservation Order 2014

Interpretation

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

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

Effect

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

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

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

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

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

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 6th August 2014

Signed on behalf of the SOUTHAMPTON CITY COUNCIL

A handwritten signature in black ink, appearing to read "J. H. A. Spade". The signature is written in a cursive style with a long horizontal stroke at the end.

Authorised by the Council to sign in that behalf

SCHEDULE 1

The Southampton (64 Bassett Green Road) Tree Preservation Order 2014

Individual Trees (encircled black on the map)

No on Map	Description	Situation
T1	Ash	64 Bassett Green Road – at the bottom of the rear garden

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

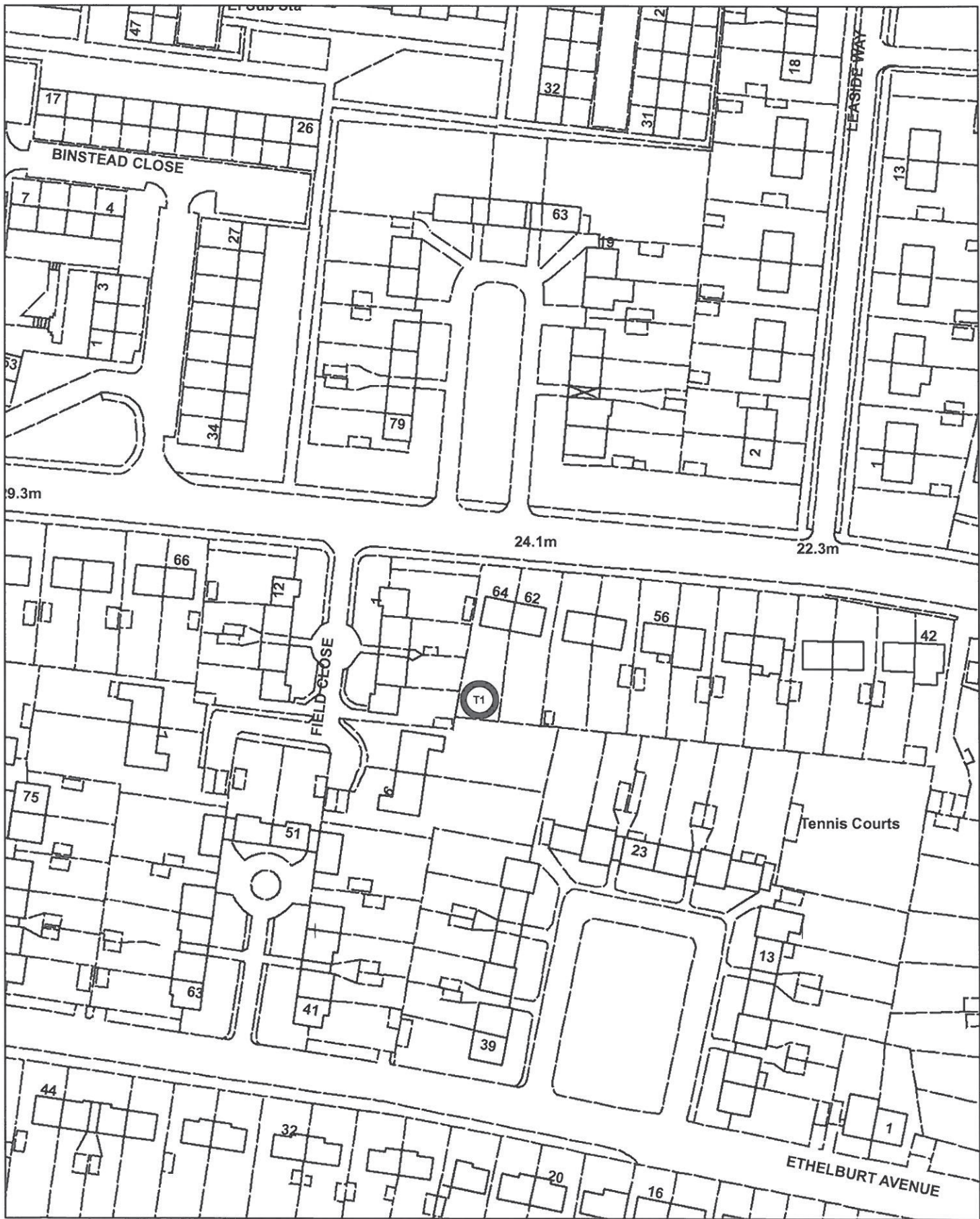
No on Map	Description	Situation
	NONE	

Woodlands (within a continuous black line on the map)

No on Map	Description	Situation
	NONE	

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

No on Map	Description	Situation
	NONE	



© Crown copyright and database rights 2014 Ordnance Survey 100019679
 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

- Key**
- Individual Trees
 - Group
 - Woodland
 - Area
 - Not TPO'd

The Southampton (64 Bassett Green Road) Tree Preservation Order 2014	
TPO Ref: T2-620	Department: Trees team
Drawn: JP	Scale: 1:1,250



Jon Dyer-Slade
 Head of City Services
 Place Directorate
 Southampton City Council
 3rd Floor One Guildhall Square
 Southampton SO14 7FP

Agenda Item 6

Appendix 2

Attn: James Palmer

Dear Mr Palmer,

I'd like to object to the Tree Preservation Order that has recently been provisionally placed on the Ash tree (T1 on the map) on my property.

At the outset let me make it clear that my intention has always been to replace this nuisance tree with another tree of a different species (I'm thinking of an apple, pear or cherry tree).

This particular tree was, I believe, planted some years ago by the son of a previous owner of this property and was not part of the original plan or design envisaged by Herbert Collins when the Ethelbert Avenue Estate was built. It is not particularly visible from the road and, being surrounded by private gardens I do not believe it's replacement with a fruit tree would have "a detrimental impact on the amenity of the area and the enjoyment by the public".

In fact I believe that the replacement of this Ash tree with a fruit tree would be of benefit for not only the local wildlife with it's flowers in Spring and harvest of fruit before the lean Winter months, but would also benefit the local residents with it's attractive blossoms in Spring and lower height allowing more light into neighbouring gardens and lack of dense overhanging foliage in the Summer months.

I have been under pressure from neighbours for some time to have this tree replaced (or at the very least reduced in height) with one neighbour in particular actually suffering a fairly significant injury whilst attempting to remove overhanging branches which were impacting the enjoyment of their garden. I have canvassed my neighbours regarding the replacement of this tree and have not encountered any objections, rather there is a feeling that this tree is a nuisance for various local residents.

I hope you can appreciate that I do not wish to remove 'trees' as such - just this particular nuisance tree! I am more than happy for any planning permission granted to be conditional upon the planting of a replacement (preferably fruit) tree.

I am quite open to having a chat face to face regarding this issue and can make myself available if you wish to visit and inspect the tree in question with it's surrounding area. I am also available should you wish to discuss this or request any additional information by phone on xxxxxxx.

The same comments apply to another local tree under T2-621 but I will write under separately regarding that issue.

I would be interested in your thoughts and look forward to hearing from you shortly.

Regards

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PLACE DIRECTORATE

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

Direct dial: 023 8083 3005
Our ref: T2-620/621
Email: trees@southampton.gov.uk
Please ask for: James Palmer

01 September 2014

Re: The Southampton (64 Bassett Green Road) Tree Preservation Order 2014.

I am writing with response to your emails sent on the 28th and 29th August regarding the Southampton (64 Bassett Green Road) Tree Preservation Order 2014

I have divided this letter into 2 halves making it easier to relate to your previous emails.

T2-620

When applying Tree Preservation Orders the Local Authority look at the current benefits and location of the tree regardless if it was planted, self seeded or envisaged by the original planners. Although it was not originally envisaged by the original planners the Council feels that the tree in question currently contributes to the surrounding area and no evidence has been provided that shows any structural damage in the trees vicinity.

A industry standard form is completed when assessing trees for Tree Preservation Orders, this is known as a TEMPO form (Tree Evaluation Method for Protection Orders) When completing a TEMPO form, I always give a conservative assessment, that way I feel that the final score is a fair assessment of the tree that the general public would be in agreement. The TEMPO form for both trees produced a score of 15 (Definitely Merits TPO) for the Common Ash and 12 (TPO Defensible) for the Silver Birch I have included a copy of these for your reference.

The Ash tree that is located at the rear of your property offers good visual amenity to a majority of your neighbours and can be see from these rear gardens and Field Close itself. This tree offers a large green area that smaller species would not be able to match. Species such as Apple and Cherry can produce large quantities of both fruit and blossom which visually may be

pleasing but given your original issues with falling natural debris this would not be a suitable solution.

I can see from your email that you have been under pressure to remove or reduce this tree. A Tree Preservation Order does not stop works being carried out. It only ensures that work applied for is reasonable and not detrimental to the tree's health or reduces its life expectancy. If you wished to prune this tree and the works as mentioned are reasonable there is no reason why it would be rejected.

With regards to injury from pruning the tree, it is always advised to employ a professional Arborist for any such work as they have the correct training and expertise to carry out such work in a safe controlled manner.

T2-621

The Birch tree within 3 Field Close does only offer a small amount of visual amenity from the main road but does contribute significantly to the rear gardens of the surrounding area. As previously mentioned I understand your thoughts regarding replacing the trees with smaller specimens such as Apple and Cherry but given the original issues of falling natural debris this would not be suitable.

Tree roots will most likely be present within your garden; this may lead to surface disturbance to lawns and such surfaces and is common with a majority of tree species. Regarding fence panels and the fence line, no evidence has been provided of any such damage. If this tree was causing damage it would be worth contacting your insurance company and notifying the tree owner as the tree is not within your property.

If a property owner has a tree on their land it is their responsibility to keep it in a safe condition as they have a 'Duty of Care' to do so. Therefore your neighbor should ensure that it is checked and maintained in order to avoid such incidents as wind throw or failure. If tree related damage was to occur to your property it would be advisable to contact the tree owner and insurance company.

Trees will produce natural debris throughout the year. This will range from leaves, seeds, deadwood through to fruit. Southampton City Council cannot reasonably accept the removal of trees due to reasons such as this. Management and maintenance of such things as gutters and drains is the most suitable solution. If these trees were to be removed under these grounds it would then become acceptable to do so anywhere where trees were causing similar issues in Southampton.

The "right to light" is often quoted in relation to trees cutting out light to adjacent property. Whilst there is an established right in the case of new buildings obstructing light there is no clear precedent that trees cutting out light can infringe a person's "right to light". As mentioned in your email your neighbors have created a solution to their lack of summer sun and ideas like this are the most suitable solution. This is very similar to natural debris issues

if Southampton City Council would allow a tree to be felled due to light issues it would be become acceptable to do so throughout Southampton.

I hope that my explanation has satisfied your concerns over the implementation of the order, but if you are not satisfied, you will need to inform me so I can arrange for your objection to be heard at the next available panel meeting. I have included a form for you to complete to declare your intention.

Yours Sincerely

James Palmer
City Tree Officer

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

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

Date:	05/08/14	Surveyor: James Palmer
Tree details		
TPO Ref:	Tree/Group No:	Species: Common Ash
Owner (if known): 64 Bassett Green Road		
Location: Rear garden of 64 Bassett Green Road		

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

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

Score & Notes 3

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

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

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

Score & Notes 4

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

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

Score & Notes 4

d) Other factors

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

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

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

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

Part 3: Decision guide

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

Add Scores for Total: 15

Decision: Definitely Merits TPO
--

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Tree Preservation Order - Objection Response

Name:	[REDACTED]
Address:	[REDACTED]
TPO Name	The Southampton (64 Bassett Green Road) Tree Preservation Order 2014
TPO Ref.	T2-620/621

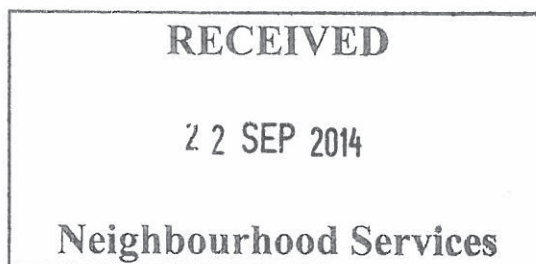
Please
Tick

I/we now wish to retract my/our objection to the above Tree Preservation Order	<input type="checkbox"/>
--	--------------------------

I/we wish to uphold my/our objection to the above Tree Preservation Order * <i>IN PARTICULAR RE: T2-621</i>	<input checked="" type="checkbox"/>
--	-------------------------------------

*If you do wish to uphold your objection the case will be heard by the Planning and Rights of Way Panel. This is a panel of City Councillors who will assess your objection along with a report from the Tree Officer and make a decision whether to modify the order, revoke the order entirely or keep it as it is. You will be notified in good time of the date of the next panel hearing and will be invited to make a representation if you wish to.

Please return the completed form to The Tree Team, Southampton City Council, 3rd Floor, One Guildhall Square, Southampton. SO14 7FP.



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Agenda Annex

Planning and Rights of Way Panel (WEST) INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 27th January 2015 - 6pm

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

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
7	AL	REF	5	14/01688/FUL Land adjacent Garden Cottage, Bassett Wood Drive, SO16 3PT
8	JH/AA	CAP	5	14/01590/FUL 117 Prince Of Wales Avenue, SO15 4LS
9	JF	CAP	5	14/01694/MMA 106 Waterloo Road, SO15 3BT

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

AL - Anna Lee

JF – John Fanning

JH – Jo Hall

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

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

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

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

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

5. Documents relating to Highways and Traffic

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

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

Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) - 27 January 2015
Planning Application Report of the Planning and Development Manager**

Application address: Land adjacent to Garden Cottage, Bassett Wood Drive, SO16 3PT			
Proposed development: Erection of a four bedroom detached dwelling to the rear of property.			
Application number	14/01688/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	10.12.2014	Ward	Bassett
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider public interest	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides

Applicant: Mr M Holmes	Agent: Concept Design & Planning
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Recommendation Summary	To recommend refusal to the Planning Inspectorate
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Had the appeal for non-determination not been lodged ahead of the Panel meeting the application would have been recommended by officers for refusal, therefore approval is sought from the Panel to recommend refusal to the Planning Inspectorate for the following reasons:

01. REASON FOR REFUSAL – Highway safety

The introduction of a four bed dwelling, extra hardstanding and parking, would lead to an intensified use of the existing access onto Bassett Wood Drive and the track road leading to the application site. The access track road is currently unmade, narrow, poorly lit and, due to the lack of passing points for vehicles, would lead to conflicts resulting from vehicles having to reverse in order to pass each other. The insufficient sightlines around the bends due to the narrowness of the track, the poor lighting conditions and overgrown greenery exacerbates the unsuitability of the track. In addition, there is no formal separation between vehicular and foot/cycle traffic leading to further issues of highway safety. As a result the proposal results in a unsafe development in highway safety terms due to the poor access and therefore the development is considered contrary to saved policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review

and Core Strategy policies CS18 and CS19 as supported by Section 5 of the Council's approved Residential Design Guide SPD (2006).

02. REASON FOR REFUSAL - Section 106 Agreement to secure planning obligations.

In the absence of a completed Section 106 legal agreement to support the development the application scheme fails to mitigate against its wider direct impacts in the following areas:

- a) Failure to secure an appropriate scheme for private refuse collection to prevent issues of highway safety in line with policy SDP1(i) of the adopted LDF Core Strategy (2010) and CS13 and CS25 of the adopted LDF Core Strategy (2010) and section 9 of the Residential Design guide (2006).
- b) Financial contribution towards the Solent Disturbance Mitigation Project (SDMP) or alternative provision to reduce impacts upon the Solent Special Protection Areas in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended).

Background

As the application has not been determined within the required eight week period, and the applicant was made aware that it was to be recommended for refusal to Panel, an appeal for non-determination has been submitted to the Planning Inspectorate on 18th December 2014. Therefore, the Planning Inspectorate will be making the final decision on the application. The Panel can only recommend a decision and if the Officer recommendation is agreed additional reasons for refusal can be suggested by the Panel, but the Local Planning Authority can only advise the Planning Inspectorate of what the decision would have been in these circumstances.

This application would have been recommended for planning refusal following an objection from the Council's Highways Officer. Rather than advising the Planning Inspectorate of the Council's opinion it is considered necessary for the Panel to consider the scheme in light of the local representations that seek to add additional reasons for refusal. This report considers that the subdivision of the plot and the principle of residential development is acceptable, and would not necessarily harm the character of the area. This is at odds with the responses received from third parties and it is for the Panel to decide whether or not they would want the Inspector to assess any additional reasons for refusal (contrary to officer's consideration).

1.0 The site and its context

- 1.1 The site forms part of the garden of a property known as 'Garden Cottage'. The track way to site is accessed from Redwood Way/ Basset Green Road. The track way is long, narrow and in the ownership of the City Council and, although not a designated public right of way, it is used by the public and has been for many years. It serves two properties; Garden Cottage and Oak House.
- 1.2 The track and the land on the other side of the track is designated in the Local Plan as public open space. The application site lies within 4 metres of the Bassett Wood Greenway Site of Importance for Nature Conservation (SINC), which is designated for ancient woodland and semi-improved grassland. These habitats are likely to support a range of protected species including bats. The site has been cleared leaving only the boundary trees. Within the site are two pine trees

which are protected by Tree Preservation Orders (TPO). One lies on the northern boundary close to the track and the other is located on the eastern boundary adjacent to the Redwood Way.

- 1.3 The property at Garden Cottage will remain and the associated garden will be sub-divided in order to provide the additional unit.

2.0 Proposal

- 2.1 The proposal seeks to subdivide the site leaving Garden Cottage with a car parking area to the front and a usable garden to the rear. The scheme has been designed to prevent direct overlooking into Garden Cottage by orienting the property to face the track. Window louvres are proposed to prevent direct overlooking into the front elevation of Garden Cottage. Onsite parking for 2 cars spaces per unit are provided within a shared car parking area. Furthermore, on land owned the Council but leased to the site owner a further four visitor spaces are provided. Each property has cycle and refuse storage.
- 2.2 Following the receipt of amended plans the ground floor is formed of four bedrooms and two bathrooms. A kitchen/diner and lounge are proposed at first floor level. The proposed external materials would be a mixture of vertical timber cladding and stone brickwork, grey UPVC windows and sliding timber louvres with a modern design proposed.
- 2.3 Amended plans have been submitted by the applicant ahead of this report being considered. As these involve an amended 'red line', revised ownership certificate and would require further local notification they have not been accepted and do not form part of this recommendation.

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 | 13/01571/FUL
22.04.2014
Subdivision of existing dwelling into two flats (1 x 2-bed, 1 x 3-bed), with single storey extension to south elevation, porch to north elevation, and alteration to roof. Replacement window with door on west elevation and additional window.
(Reasons for refusal as set out in Appendix 2) | Refused |
| 4.2 | 920143/W | Conditionally Approved |

13.04.1992

Construction of new roof to form accommodation at 1st floor level.

4.3 1622/W21 Refused
06.09.1983

Erection of 2 detached bungalows on land opposite garden cottage.

(Reasons for refusal as set out in Appendix 2)

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 (24.10.2014). At the time of writing the report **129** representations (including the use of a standard pro-forma objection letter) have been received from surrounding residents including one from the North East Bassett Residents Association NEBRA. The following is a summary of the points raised:

5.2 Sub-division of a residential garden is contrary to Central Government Guidance as set out in the NPPF.

Response

The NPPF does state that Council's should 'resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. However, it does not state that development in residential gardens should not be allowed. Instead, an assessment of the scheme and its context is required in order to assess the impact of development on the character of the area.

5.3 The narrowness of the track would lead to issues of highway safety.

Response

Agreed. The suitability of the track is a highway safety issue and forms a reason for refusal as part of this recommendation.

5.4 Design and mass is out of character due to its modern design.

Response

The properties within the vicinity do not have a uniform character and vary in style and design. The site is well screened and can, in the opinion of officers, support further development in principle without harming the character of the area.

5.5 The proposal would lead to traffic congestion issues on Redwood Way and Bassett Wood Drive.

Response

No objection has been raised from highway officers on this basis. The site will result in additional trips and, whilst the existing access isn't considered suitable for this level of intensification, there is little if any evidence to suggest congestion will result.

5.6 The construction of the dwelling would lead to damage in the form of wear and tear on the track

Response

The impact on the track in terms of wear and tear is a civil matter and not a planning issue.

5.7 **The proposal would detract from the greenway and the wildlife that live there.**

Response

No objection has been raised by the Planning Ecologist on these grounds.

5.8 **The proposal results in insufficient car parking to serve the development and Garden Cottage**

Response

Sufficient car parking has been provided and Highway officer have not raised an objection.

5.9 **The proposal results in a loss of privacy to neighbouring properties.**

Response

The adopted privacy distances are met with adjacent properties. Although the distance between the property at Garden Cottage and the new dwelling is less than the 21m metres, as set out in the Residential Design Guide, the design of the windows with louvres prevents direct overlooking. Had the application been recommended for approval a planning condition could have secured the louvres for the lifetime of the development.

5.10 **The refuse storage is going to cause issues of highway safety**

Response

Refuse collection currently takes place from Bassett Green Close as the access track is not suited. In this case to address previous concerns about refuse collection the applicants propose a private refuse collection, which could have been secured by a S106 legal agreement.

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

Response

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

5.12 **The site area is incorrect**

Response

The site area has been checked and the application form and plans are correct.

Consultation Responses

5.13 **SCC Highways – Objection raised.**

Due to the introduction of a new separate dwelling, the level of vehicular trips using the access and track road will increase. The width of the track road is very narrow and the increase in vehicular trips along it is of highway safety concern especially as pedestrians/cyclists use the track. There should also be a vehicular passing point provided as there is an increase in traffic movements as a new unit is introduced. Upon visiting the site, it was clear that should there be a conflict between two vehicles it would result in one car having to reverse. The lack of street lighting poses a highway safety concern especially for other road users. If possible, the track should be widened to accommodate the passing of a pedestrian/cyclist and a vehicle and/or passing point(s) along the track especially at the bend where sightlines are worst. It is understood that there are site constraints especially along the track road but highway safety should not be compromised especially as the track road is used by the public. The applicant

has suggested a private collection for the refuse which is acceptable but this will need to be secured a Section 106 or a Grampian condition whichever is deemed more appropriate. For the reasons above, refusal is recommended.

- 5.14 **SCC Sustainability Team** – No objection. Suggests conditions to secure code level 4.
- 5.15 **SCC Environmental Health (Pollution & Safety)**
No objection subject to conditions being imposed.
- 5.16 **SCC Environmental Health (Contaminated Land)**
No objections at this stage subject to conditions restricting the risk of land contamination being imposed.
- 5.17 **SCC Ecology** – No objection Raised
The application has been amended to remove the windows at first floor on the west elevation and therefore this reduces the risk of light pollution adversely affecting the woodland in the adjacent SINC so the objection previously raised has been removed.
- 5.18 **SCC Trees – No objection raised**
There are significant trees on and offsite that are constraints to development. Full arboricultural information including an arboricultural method statement and tree protection information with any special engineering measures detailed will be need to be secured via condition.
- 5.19 **Southern Water** – No objection subject to an informative requiring connection to the public sewerage system.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of redeveloping this site for residential purposes;
 - Design and amenity;
 - Highway safety
 - Ecology/Tree issues
 - Development Mitigation
- 6.2 Principle of Development
- 6.2.1 The application site is not an allocated site within the Council's Development Plan, but it is located within a residential area with properties which greatly vary in size and style. The site lies in an area defined as requiring a low density which should generally accord to providing 35-50 dwellings per hectare. The proposal provides a genuine family sized unit with private garden. The density of the development is 20 dwellings per hectare which is lower than the density set out in policy CS5 for this area and consistent with the character of the area. In addition, the proposal will also help towards meeting the Council's housing supply requirements as set out in policy CS4.
- 6.2.2 The local context has dwellings which vary greatly in size, architectural style and

type of residential property. The proposal does result in a subdivision of the site involving the redevelopment of garden land but it is carried out in an appropriate manner as sufficient space is provided for both units in terms of amenity space and car parking. The NPPF in section 6 (Delivering a wide choice of high quality homes) paragraph 54 does not state that building in garden land should be resisted but, instead, states that the Local Authority should consider whether or not the proposal would cause 'harm to the local area'. The introduction of a unit in the manner proposed is deemed acceptable as it complies with policy in terms of density and provides a sufficient level of amenity for the existing and proposed dwellings.

6.3. Design, Density and Amenity

6.3.1 The proposed design of the dwelling is modern and attractive in design. As stated the properties within the area all differ and are not uniform so the modern nature of the dwelling would not detract from the character of the area. The development site is screened with existing and proposed trees and landscaping. The scale of development is appropriate as it is two storey in line with adjacent neighbouring properties. The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties.

6.3.2 As indicated above, the development has sought to restrict views to the south by proposing window louvres at first floor. It is considered critical to protect neighbouring habitable rooms (kitchen/diner and bedroom windows). In terms of the properties at Bassett Green Drive and Redwood Way the distance and dense boundary treatment surrounding the site would prevent a harmful impact. With respect to the amenities of the future occupiers the proposal provides a unit with habitable rooms that have sufficient outlook and light received. The amenity space is sufficient and usable so meets the amenity requirements set out in the Residential Design guidance. The scheme has therefore been assessed as compliant with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity.

6.4 Highway Safety

6.4.1 All new development is expected to be served by an appropriate and safe access. Due to the narrowness of access to the site and the length of the access way the introduction of a further unit without improvement to the track way in terms of passing bays, widening of the access and improving the road surface would result in issues of highway safety. The unmade condition of the track and poor visibility exacerbates the highway safety concern. Two cars using the track at the same time would not be able to pass each other and it is likely to result in one vehicle having to reserve down an unsafe track to allow the other car to pass. The existing properties that use the site are historic and the previous application to subdivide Garden Cottage into two units was not refused on highway safety grounds relating to the track. The refused scheme sought to provide two units with a total of five bedrooms (which is the same number of bedrooms that currently exist at Garden Cottage) so therefore the number of trips to and from the site would not have increased and therefore no objection was raised on those grounds to the previous scheme. This scheme seeks to provide a further four

bedrooms, which would intensify and increase the number of trips to and from the site and therefore lead to conflict between the existing users of the track both in terms of the pedestrians and car users. In its current form the access is not deemed suitable for the proposed intensification of use.

- 6.4.2 The provision of 2 spaces (for both properties) with a further 4 visitor spaces exceeds with the Council's maximum car parking standards (The maximum permissible for this level of development is 6 spaces). Sufficient storage has been provided for the refuse bins and bicycle storage. That said, the scheme fails to meet the requirements of Local Plan Policy SDP4.

6.5 Ecology and Tree issues

- 6.5.1 As the site lies adjacent to a SINC the impact of the property on the woodland area in terms of intensification of the site and trips to and from the site need to be assessed against the potential for impacts upon protected species and local wildlife. The proposed car parking area adjacent to the track is already in situ but this scheme would formalise the situation by providing an area which is bounded by a 1.5 m fence. The proposed fence would prevent any further overspill of parking in the area which is causing damage to the SINC area. A landscaping condition and lighting condition would be imposed if approval was sought to provide a suitable native boundary along the west boundary to reduce the stark impact of the development (as the site has been cleared leaving it very open). In addition a lighting condition would be imposed to control the spillage of light into the area to prevent any harm to any wildlife especially bats. On the basis that the scheme has been altered to remove windows at first floor on the west elevation (to prevent light spillage) and that a fence bounding the car parking area is proposed to prevent overspill, the scheme complies with policy and therefore no objection has been raised. The Council's Ecologist supports the scheme following the receipt of an amended plan.

- 6.5.2 The trees within the site on the boundary provide great amenity value and privacy for the site. Although the proposed dwelling is located away from the trees their protection is key. If the proposal were to be recommended for approval tree protection conditions would be secured to safeguard the trees during development.

6.6 Development mitigation

- 6.6.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate refuse collection as the site does not lie adjacent to a public highway. There is nowhere within the applicant's land that could be used to house refuse bins adjacent to the public highway and, in addition, the travel distance for potential occupiers pushing a bin to a highway is not acceptable (although this is a current situation). If approval was sought a legal agreement would be used to secure a requirement for the land owner to arrange a private refuse collection to prevent issues of highway safety. In addition, the scheme triggers the Community Infrastructure Levy (CIL).

- 6.6.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the

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

7.0 Summary

- 7.1 The site is not allocated for housing but it will assist the City in meeting its housing need. Although officers are satisfied with subdivision of the site and the introduction of a further family dwelling, the resulting highway safety issues that would arise due to the intensification of this poor access do not outweigh the provision of a further unit of accommodation. As such, the application is recommended for refusal on highway safety grounds and failure to enter into a S106 legal agreement.

8.0 Conclusion

- 8.1 The application is recommended for planning refusal.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

ARL for 27/01/2015 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
H1	Housing Supply
TI2	Vehicular Access

Supplementary Planning Guidance

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

Other Relevant Guidance

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

Relevant Planning History

13/01571/FUL

Subdivision of existing dwelling into two flats (1 x 2-bed, 1 x 3-bed), with single storey extension to south elevation, porch to north elevation, and alteration to roof. Replacement window with door on west elevation and additional window.

01.REFUSAL REASON - Impact on safety and convenience of users of the highway

Without a satisfactory location and means for retrieval after collection the proposed intensification in dwellings would result in additional refuse bins being left on the public highway for long periods of time causing an obstruction to users of the public highway which would create a significant risk to highway safety. In addition, due to the excessive distance bins will need to be moved to and from the public highway with no provision of hardstanding (where the bins can stand clear of the public footpath awaiting collection) being provided this application results in an unacceptable development in terms of highway safety and residential amenity. The proposal is therefore considered to prove contrary to the provisions of saved policies SDP1(i), SDP3, SDP10(ii) and SDP11(i) of the City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006) - notably Part 9.

REASON FOR REFUSAL - Impact on residential amenity

The subdivision of the property into two units by virtue of the change of glazing to the window in the south elevation of the building from obscured to clear glass would result in a harmful loss of privacy to the neighbouring property at 20 Bassett Green Drive. As such the proposal will have an unacceptable impact on residential amenity and is, therefore, contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

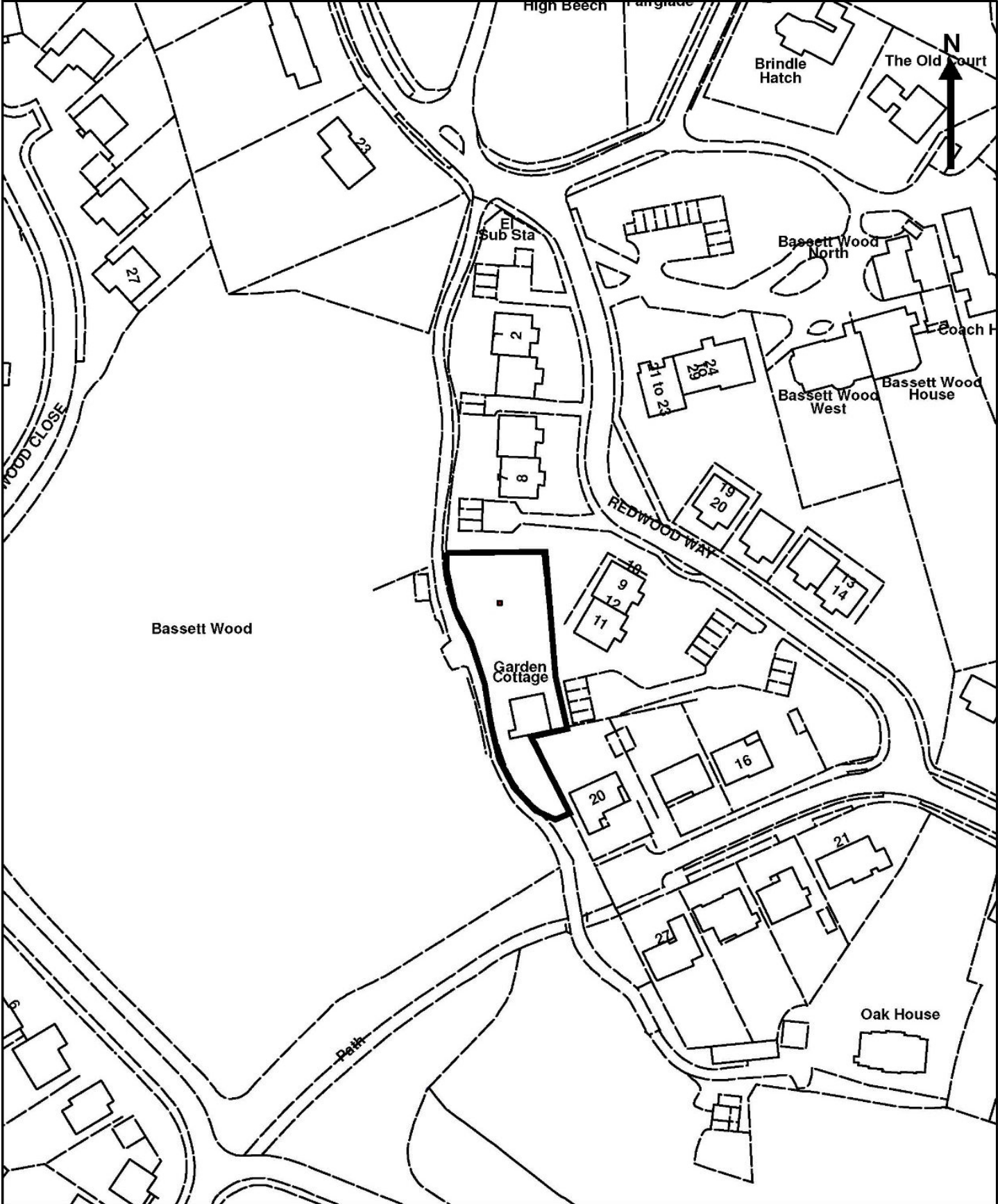
1622/W21

Erection of 2 detached bungalows on land opposite garden cottage.

Reasons for refusal

1.The proposal does not include adequate vehicular or pedestrian access to the public highway and the scheme would therefore lead to the parking of cars on the highway to the detriment of highway safety and does not provide adequate access for service vehicles.

2.The site lies in an area allocated for public open space in the City of Southampton Development Plan and where the Council are currently securing a right of public access. The proposal would detrimental to the character and amenities of the area in which it is intended that the existing land use shall remain public open space.



Scale: 1:1,250

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) – 27 January 2015
Planning Application Report of the Planning and Development Manager**

Application address: 117 Prince Of Wales Avenue SO15 4LS			
Proposed development: Erection Of A 2 - Storey Side Extension To Create A 1 X Bed Annex Following Demolition Of Existing Garage			
Application number	14/01590/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	15/01/2015	Ward	Millbrook
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Denness Cllr Galton Cllr Thorpe

Applicant: Mr Massoud Yeganegy	Agent: Nigel Dyer Associates Ltd
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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 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 consists of a two-storey semi-detached dwellinghouse with small rear garden and larger side garden which has been extended on by virtue of planning consent ref 12/00844/FUL with an annex to the main house. The works are substantially complete but have not been built out in accordance with the approved plans.
- 1.2 The area is characterised by dwellinghouses of a similar scale and design. In addition, the site is close to Oakley Road which has a small parade of shops which back into the application site. Immediately adjacent to the site is a private unmade vehicular access route serving garaging to the rear of properties in Oakley Road.

2.0 Proposal

- 2.1 As the extension has been built out not in accordance with the approved plans, this application seeks to regularise the works as they are on site. This includes an increased width of around 400mm and a brick built enclosed porch to the side, north facing elevation, rather than the originally approved canopy only porch. There are no other alterations to the approved scheme.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

- 4.1 See Section 6.2 and **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 Overdevelopment – Response: the principle of development on this part of the site has already been accepted by consent ref 12/00844/FUL.
- 5.3 Road safety/traffic/parking – Response: It is not judged that the small amount of additional bulk will cause a highway safety, traffic or parking issue.
- 5.4 Overlooking – Response: there are no new windows which need to be considered

as they windows in the extension have permission under ref 12/00844/FUL. To protect privacy, a condition is recommended in order to restrict other windows being inserted.

- 5.5 Out of character – Response: Whilst the side extension does somewhat unbalance the appearance of the semi-detached pair, the previous consent is extant and is a material planning consideration. The alterations to the approved scheme do not significantly alter the impact of the development.
- 5.6 Property values – Response: The potential impact on property prices is not a material planning consideration which can be taken into account when assessing the application.
- 5.7 Encroaching on shared access route – Response: the applicants have shown the extension to be within the site itself. It is impossible to tell on site where the boundary lies and land ownership is not in itself a planning matter. The applicant has served certificate A stating that the works are wholly on or within land that they own. Having not received any evidence to contradict the applicant's claims, the application is taken on face value. Land ownership is a civil matter.
- 5.8 Extension is already built out – Response: whilst it is recognised the extension is already substantially complete, this does not automatically mean the application will be approved and neighbour comments are still taken into account within the application process.
- 5.9 **Consultation Responses**
- 5.10 **SCC Sustainability Team** – The annex is connected to the existing house through an internal door. As such, it should be treated as an extension rather than a new build unit therefore not required to meet any level of the Code for Sustainable Homes. The use of the development solely as an annex should be secured through an appropriately worded condition.
- 5.11 **SCC Environmental Health (Pollution & Safety)** - I have no objection to this application.
- 5.12 **SCC Environmental Health (Contaminated Land)** - The department considers the proposed land use as being sensitive to the effects of land contamination. If planning permission is granted, the following conditions are recommended: Unsuspected Contamination and Land Gas Hazard assessments.
- 5.13 **Southern Water** – A formal application to connect to the sewer.

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 and site history and; the impact on the appearance of the building and character of the area.
- 6.2 Principle of Development and Site History
- 6.2.1 09/00688/FUL: An application for a side extension was granted in 2009 demonstrating the acceptable principle of this type of development on site.

- 6.2.2 11/01871/FUL: In 2011, an application was refused for a separate dwelling being built to the side of no. 117 due to lack of garden space for the new and existing houses, the scale and design of the proposal and on highway safety concerns due to its size limiting site lines from the access road.
- 6.2.3 12/00844/FUL: The implemented consent was granted in 2012 and sets out the principle of an annex in this location with access to the side elevation rather than the front to maintain its appearance as an extension. In addition, there is access between the two parts of the property internally and the absence of a kitchen within the extension to maintain the dependence of the unit on the main house.
- 6.2.4 12/01326/FUL: Another application for a separate dwelling was refused in 2012 on design and overdevelopment meaning a lack of garden space and amenity needed for a family dwelling.
- 6.2.5 The history shows that the annex is acceptable in principle as it retained a parasitic link to the main house where a separate dwelling would not provide sufficient amenity for residents. Its impact on the nearby sites, layout, access, highways have already been considered acceptable under ref 12/00844/FUL. This history is an important material consideration as the council's development policies have not changed during this time and as the 2012 consent for the extension is extant and implemented. The remainder of the report will therefore only consider the changes from the original consent.

6.3 Character and appearance

- 6.3.1 An application for the annex approved in 2012. However, during its construction it has been highlighted to the council that the annex has been built wider and with a more substantial porch than was originally granted consent.
- 6.3.2 The width has increased by approximately 400mm which given the scale of the property and extension is minimal and would not have a significant impact on the appearance of the building than that already granted. The addition of the porch adds additional bulk to the extension at ground floor level but is mitigated by the height of the boundary fence at 1.8m limiting its view when traveling along Prince of Wales Avenue and a 1.2m hedge to the front, softening the view from neighbouring properties. The porch is situated to the side of the extension rather than the front meaning there is a lack of an active street frontage to the annex and giving the appearance of an extension rather than another dwelling. The window design, proposed materials matching the existing house and access route are unchanged.
- 6.3.3 Neighbours have shown concern that the extension has been built over the boundary of the site and the adjacent access route to the garages of properties on Oakley Road. It is not possible to tell where the boundary lies when visiting the site. The applicants have shown that the extension lies within the boundary of the site on the submitted plans and with a lack of evidence to the contrary, the LPA should decide the application on the information submitted.

7.0 Summary

- 7.1 Overall, the changes to the approved scheme are minor and mitigated by the good quality proposed boundary treatment which can be secured by condition. On balance it is judged that the additions are not significant to warrant refusal of the

application.

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

JOAHAL for 27/01/2015 PROW Panel

PLANNING CONDITIONS

01. 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.

02. 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.

03. APPROVAL CONDITION - Limitation of use of extension as separate Annex [Performance Condition]

The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling house. The dwelling house as extended shall only be used as a single unit of residential accommodation and shall not be subdivided, separated or altered in any way so as to create two or more separate units of accommodation without the grant of further specific permission from the Local Planning authority.

Reason

To avoid any unacceptable subdivision of the dwelling house which would be unlikely to satisfy either adopted Council planning policies.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below

shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class F (hard surface area)

Class G (heating fuel store)

or Class H (satellite antenna or dish)

Reason:

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

Note to Applicant - Southern Water Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterborne, Hampshire, SO21 2SW (tel. 0330 303 0119) or www.southernwater.co.uk.

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)

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

12/01326/FUL - Erection of a 2-storey, 1-bed house on the north side of the existing building - CAP 25.10.2012

12/00844/FUL - Erection of A 2 - Storey Side Extension To Create A 1 - Bed Annex Following Demolition Of Existing Garage. CAP - 22.10.2012

11/01871/FUL - Erection of an attached, two-storey, two-bed dwelling with associated cycle storage and amenity space, following demolition of existing garage. REF - 27.01.2012

1. Refusal Reason – Inappropriate development.

The proposed development, by reason of its design, scale and massing would appear unduly dominant, be out of character with and result in the erosion of the spatial characteristics and distinct pattern of development within the Prince of Wales Avenue street scene resulting in a disproportionate development that would unbalance the appearance of the semi-detached pair and erode the space between the rear of dwellings on Oakley Road and the application site. This would be to the detriment of the uniform character and appearance of the area and the residential amenity of neighbouring properties contrary to Policy CS13 of the Southampton Core Strategy (January 2010) and 'saved' policies SDP1 (i), SDP7 and SDP9 (i) of the City of Southampton Local Plan Review (March 2006) as supported by the approved Residential Design Guide Supplementary Planning Document (September 2006).

2. Refusal Reason - Poor residential environment

The Local Planning Authority is not satisfied that appropriate and satisfactory living conditions would be created for the proposed dwelling or retain the existing residential amenity currently enjoyed by occupants of 117 Prince of Wales Avenue. This is by reason of the proposals

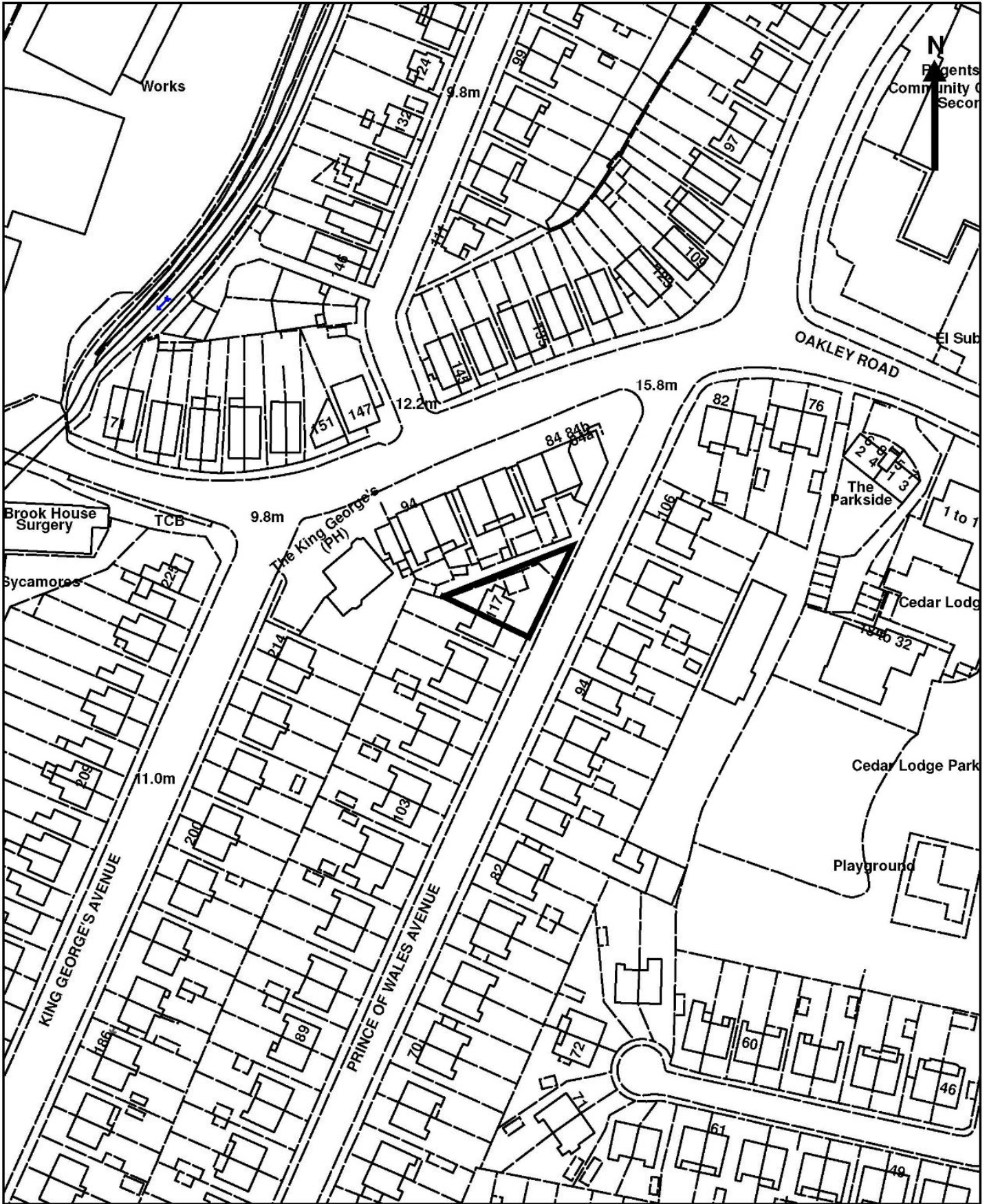
- i) failure to provide sufficient amenity space for the proposed and existing dwelling as required by paragraph 2.3.14 of the adopted Residential Design Guide
- ii) the position of the windows serving the kitchen/dinning room and their close proximity to the boundary treatment resulting in a poor outlook and light to this room.
- iii) The accumulation of outbuildings, including cycle and refuse storage to the properties frontage.

It is judged that such an arrangement is symptomatic of over development and results in an unacceptable poor residential environment for future occupants of the site contrary to the principle of saved policy SDP1 (i) of the City of Southampton Local Plan review (March 2006) and policy CS13 (11) of the adopted Core Strategy as supported by paragraphs 2.2.1 2.3.13 – 2.3.14 of the Residential Design Guide.

3. Refusal reason: Highway safety

The proposed development would obstruct existing vehicular site lines to the adjacent access road to the detriment of users of the adjacent highway contrary to saved policy SDP1 (i) of the City of Southampton Local Plan Review.

09/00688/FUL -Two storey side extension, and demolition of detached garage - CAP - 02.09.2009.



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Agenda Item 9

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) – 27 January 2015
Planning Application Report of the Planning and Development Manager

Application address: 106 Waterloo Road, SO15 3BT			
Proposed development: Minor Material Amendment Sought To Planning Permission Ref 12/00457/Ful For Alterations To Roof Of Rear Single Storey Extension			
Application number	14/01694/MMA	Application type	MMA
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	27/1/15	Ward	Freemantle
Reason for Panel Referral:	Request by Cllrs Parnell and Moulton in support of objection made by local residents	Ward Councillors	Cllr Moulton Cllr Parnell Cllr Shields

Applicant: Property Link	Agent: Mr Balbinder Heer
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7 and H1 of the City of Southampton Local Plan Review - Adopted March 2006.

Policies CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy - 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 lies towards the western end of Waterloo Road on its southern side. The surrounding area is predominately residential in nature, although a

school, public house and church are situated in immediate proximity to the property on the opposite side of the road. There is a wide range of building types and styles in the surrounding street scene in terms of scale, massing and materials.

- 1.2 The property subject to the current application was originally a single residential dwelling and has relatively recently been converted to flats with the benefit of planning permission. The property has historically benefitted from a relatively long single storey projection the rear, running most of the length of the site in immediate proximity to the boundary.

2.0 Proposal

- 2.1 The application proposes an amendment to the design of the roof of this 'extension' and seeks to remove and rectify works that have already been undertaken without planning permission.
- 2.2 The unauthorised alterations raised the height of the structure to 4.2m (along with other alterations, see section 4).
- 2.3 Following an enforcement investigation the applicant submitted an application (13/00678MMA) to lower the roof to a height of 3.1m on the boundary, with a flat roof element which dropped down via a mono-pitch roof 2.4m from the boundary. This was approved by Panel in September 2013. However, these works have still to be undertaken.
- 2.4 This application proposes an alternative roof design, with a parapet wall 3m high on the boundary. From a valley gutter, the roof forms a dual pitch design rising to a ridge of 3.4m set 2.1 from the boundary.

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 On 9th May 2011 planning application reference 11/00441/FUL for the 'Conversion of existing 4 bedroom house to three flats (comprising 1 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom) **with replacement single storey rear extension**, bin and cycle storage' was conditionally approved, following the statutory consultation period.

- 4.2 On 29th June 2012 planning application reference 12/00457/FUL for 'Erection of a part first floor **part single storey rear extension** to facilitate conversion of existing 4-bed house into 5 flats (comprising a 1x3-bed, 2x2-bed, and 2x1-bed) with associated cycle/refuse storage' was conditionally approved, following the statutory consultation period.
- 4.3 An Enforcement Officer first visited the site on 6th December 2012 in response to an enquiry from a local Councilor (on behalf of a local resident). A further site visit took place on 10th December 2012, once full access to the site had been arranged. During these visits it was noted that the development had not been implemented wholly in accordance with the approved plans. The as built scheme had raised the roof height of the single storey rear element of the scheme by approximately 1m above that which was approved, directly along the boundary with the property at number 104.
- 4.4 In order to rectify this, an application was submitted and has been approved under planning application reference 13/00678/MMA as set out above. As those approved works have yet to be undertaken the situation on site remains unauthorised. Should this application be approved it is recommended that a condition be imposed and enforced requiring the works to be undertaken within an agreed timeframe.
- 4.5 For information, it may be recalled that previous discussions have taken place on this site with regard to the side extension abutting the neighboring property at 104. The originally approved side extension had a width of 1.2m and was physically separate from the neighboring property. However, the extension was built with a width of 1.4m and involved the attaching of flashing onto the adjoining property. This matter was taken to the Planning and Rights of Way Panel on 20th August 2013. A determination was made to pursue enforcement action in relation to the unauthorised works to the side elevation. A notice to this effect was served on 21st November 2013. This notice has been complied with to the satisfaction of the enforcement team.

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 (31/10/14). At the time of writing the report **4** representations have been received from surrounding residents. The following is a summary of the points raised:

- Loss of light/overshadowing
- Poor design/unsightly
- Existing building work on site has been of low quality/visual quality of development is poor
- Too near boundary
- Proposal does not constitute a minor material amendment

Comment: Works have already been carried out/Applicant is seeking to retrospectively regularise works.

Response: The application proposes a built form which is different from the existing unauthorised structure. Regardless, the council has a duty to consider applications

put before them.

Comment: The roof is 1m/1.2m higher than previously approved scheme

Response: This is incorrect. The existing (unauthorised) structure is 1.1m higher than the roof authorised under 13/00678/MMA. The application proposes an amended roof design - this design would be lower on the immediate boundary than the existing approved scheme. See section 2 for further details.

Comment: The issue has been ongoing for a number of years and remains unresolved

Response: As highlighted in section 4, there have been a number of issues with this site and compliance with the approved plans. See section 6.

Comment: Overlooking

Response: The application is solely for a modified roof design to the single storey rear element and does not include any additional windows.

Comment: No plans for development made available to comment or object against.

Response: A consultation exercise was undertaken, with letters sent to local residents and a site notice posted. Plans have been available to the public both at Gateway on request and via the Council Public Access system.

Comment: A number of the objections appear to relate to the structure as built, rather than the structure as proposed under this planning application.

Response: One of the objection letters included an enclosed Building Surveyor report and 57 pages of various email correspondence. For clarity, in this section I have only summarised the contents of the cover letter dated 29th October 2014, which relates directly to this application.

5.2 **Consultation Responses**

5.3 **Cllr Parnell** - Objection in support of comments made by local residents

5.4 **Cllr Moulton** – Objection in support of comments made by local residents

6.0 **Planning Consideration Key Issues**

6.1 The application proposes an alteration to the previously approved roof design. Notwithstanding the unauthorised works which have taken place, this application must be considered on its individual merits and assessed accordingly with regard to relevant local and national policies.

6.2 The application proposes a reduction in height on the immediate boundary when compared to both the original and amended design. While the ridgeline of the dual pitch roof somewhat increases the maximum height of the structure, on balance, it is not felt that this would have a significantly harmful effect when compared to the original situation given the set back from the boundary. As such, it is not considered that the proposal will cause significant additional harm in terms of the introduction of an overshadowing or overbearing form of development when compared to the

original or amended roof form.

- 6.3 Overall the structure will remain similar in form and massing to the currently approved scheme and is not judged to otherwise cause harm to the character or amenities of the local area.
- 6.4 With reference to the comments made in section 5, it is noted that the unauthorised roof alterations increasing the height of the extension on the boundary have been in place for some time. In order to pursue a timely resolution to this issue a condition is recommended requiring that the alteration works proceed within a defined time limit.
- 7.0 Summary**
- 7.1 On balance it is not considered that the proposed alterations will cause significant additional harm when compared to the previously approved and original residential environment. Where necessary, it is considered that relevant conditions can address potential harm.
- 8.0 Conclusion**
- 8.1 For the reasons discussed above, it is recommended that the application is conditionally approved.

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

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

JF1 for 27/01/15 PROW Panel

PLANNING CONDITIONS

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

Within six months of the date of this decision the physical alterations to the roof of the single storey rear protrusion hereby approved shall be carried out in accordance with the approved plan.

Reason:

As the approved works will regularise a breach of planning control to mitigate the impact on neighbouring amenity and to ensure such alterations take place in a timely fashion.

02. APPROVAL CONDITION - Materials [Performance Condition]

The development shall be carried out in accordance with the external materials schedule as shown on drawing no. 09.1613.002 Rev P3 under 12/00457/FUL.

The UPVC window design shall be as shown on the approved plans and the artificial slate to be used on the rear extension shall closely match the original slate on the existing building.

Reason:

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 - Front boundary wall

The existing front boundary wall shall be retained. In the event the wall becomes damaged it should be repaired or replaced with a wall which closely matches the height and appearance of the existing wall.

Reason:

In the interests of the visual amenities of the area and to screen the bin storage areas in the front garden.

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

Within six months of the date of this decision, written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions [as required in core strategy policy CS20] over part L of the Building Regulations shall be submitted to the Local Planning Authority and agreed in writing. 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.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

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 - Refuse & Recycling Bin Storage - [Performance Condition]

Within six months of the date of this decision, bin storage shall be laid out with a level approach in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

Reason:

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

07. APPROVAL CONDITION - Cycle storage [Performance Condition]

Within six months of the date of this decision, secure, covered space shall be laid out within the site for a minimum of 3 bicycles to be stored in accordance with the approved plans. The cycle storage shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport

08. 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.

09. APPROVAL CONDITION - Garden space layout [Performance Condition]

Within six months of the date of this decision, the gardens for each flat as shown on approved drawing number 09.1613.002 Revision P3 shall be provided and made available for use. Thereafter the whole of the gardens shall be retained for the use of the individual flats.

Reason:

To ensure adequate amenity space is made available for each flat and to comply with Core Strategy Policy CS 16.

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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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

Relevant Planning History

13/00133/ENBOC

Breach of Condition Notice issued 21.12.13

13/00678/MMA, Minor material amendment application for planning application

12/00457/FUL (condition 2) for raising of the rear roof height (retrospective)

Conditionally Approved, 16.09.2013

12/00457/FUL, Erection of a part first floor part single storey rear extension to facilitate conversion of existing 4-bed house into 5 flats (comprising a 1x3-bed, 2x2-bed, and 2x1-bed) with associated cycle/refuse storage.

Conditionally Approved, 29.06.2012

11/00441/FUL, Conversion of existing 4 bedroom house to three flats (comprising 1 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom) with replacement single storey rear extension, bin and cycle storage.

Conditionally Approved, 09.05.2011

14/01694/MMA



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