

Planning and Rights of Way Panel (WEST)

Tuesday, 24th March, 2015
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 and 4 - Civic
Centre

This meeting is open to the public

Members

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

Contacts

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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

Public Representations: -At the discretion of the Chair, members of the public may address the meeting 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 24 February 2015 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 3 ST JAMES ROAD, SO15 5FB 15/00097/FUL (Pages 9 - 22)

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

6 29 JANSON ROAD, SO15 5FU 14/01959/FUL (Pages 23 - 36)

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

7 LAND ADJACENT TO 42 BURGESS ROAD, SO16 7AB 14/01767/FUL (Pages 37 - 48)

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

Monday, 16 March 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2015

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

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

RESOLVED that the Minutes of the Meeting held on 27 January 2015 be approved and signed as a correct record.

40. **28A BEDFORD PLACE, SO15 2DB 15/00047/FUL**

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

Application for variation of Conditions 9 (roof terrace hours) and 10 (no sound amplifying equipment) of planning permission 03/00219/FUL to extend hours of use of roof terrace until 23.00 seven days a week and to allow music on roof terrace until 22.00 seven days a week.

Mrs Barter, Ms Baker (local residents/objecting) and Mr Shearman (Agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that six further objections had been received although they were on the same subject matters as had previously been raised.

RESOLVED that Planning Permission be granted subject to the conditions listed in the report.

41. **43 MARSHALL SQUARE, SO15 2PB 14/01817/FUL**

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

Change of use from C3 residential to C4 house in multiple occupation (retrospective).

Ms Gates, Ms Baker (local residents/objecting) and Councillor Shields and Moulton (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer read out a letter from the applicant who was unable to be present at the meeting.

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

Reason for Refusal - Impact on Character and Amenity

The use of the property as a Class C4 HMO given the terraced nature of the property and the existing on-road parking demands within Marshall Square would be detrimental

to both the residential amenities of adjoining occupiers and the character and amenity of the wider area due to the activities associated with the intensification in the use of the property. The proposal would therefore be contrary to Policies SDP1 and H4 of the adopted City of Southampton Local Plan Review (2006) as supported by the Council's adopted Houses in Multiple Occupation SPD (March 2012).

RECORDED VOTE to refuse planning permission

FOR: Councillors Claisse, Harris, Lloyd and Mintoff

AGAINST: Councillor Lewzey

42. **27 KING EDWARD AVENUE, SO16 4DN 14/01531/FUL**

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

Change of use from a dwelling house (Class C3) to a 5-bed house in multiple occupation (HMO - Class C4).

Councillor Denness (Ward Councillor/objecting), Councillor Galton (Ward Councillor/supporting) and Mr White (Applicant) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that Planning Permission be granted subject to the conditions listed in the report.

RECORDED VOTE to grant planning permission

FOR: Councillors Claisse, Lewzey and Lloyd

AGAINST: Councillors Harris and Mintoff

43. **TANNERS BROOK PRIMARY SCHOOL, ELMES DRIVE SO15 4PF 14/02000/R3CFL**

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

Erection of a single storey pre-school building to enable relocation of the existing Tanners Brook Community Association and Pre School within the grounds of Tanners Brook Primary School (revised application).

Councillor Jeffery (Ward Councillor/supporting), Councillors Galton, Denness and Thorpe (Ward Councillors) and Mr Floyd (Applicant) were present and with the consent of the Chair, addressed the meeting.

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

Additional Condition

22. APPROVAL CONDITION - Non-opening windows within the south east elevation

All windows installed within the south east elevation shall be fixed and non-opening unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the residential amenities of the occupiers of nearby residential properties along Munro Crescent.

Clerk's Note: Members also questioned whether a condition could be imposed to restrict the use of sound amplified equipment within the rear amenity area to the south of the proposed building, adjacent to the boundary of the properties along Munro Crescent and this was agreed at the meeting. However, subsequently, this area has been found to be outside the application boundary and it would not therefore be possible to impose such a condition. The Local Planning Authority are satisfied that Condition 18 and Condition 22 (above) would be sufficient to mitigate issues relating to noise and therefore address the concerns expressed by Members in this respect.

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Agenda Annex

**PLANNING AND RIGHTS OF WAY PANEL (WEST)
INDEX OF PLANNING APPLICATIONS FOR DECISION**

DATE: 24 March 2015 - 6pm

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

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	MP	CAP	5	15/00097/FUL 3 St James Rd, SO15 5FB
6	LG	CAP	5	14/01959/FUL 29 Janson Road, SO15 5FU
7	AG	REF	5	14/01767/FUL Land adjacent to 42 Burgess Road, SO16 7AB

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

MP – Mat Pidgeon

LG – Laura Grimason

AG - Andy Gregory

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 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) - 24 March 2015
Planning Application Report of the Planning and Development Manager**

Application address: 3 St James Road, SO15 5FB			
Proposed development: Erection of a single storey rear extension and change of use from A1 (retail) to mixed A1 (retail-opening hours as existing) and A4 (drinking establishment- opening hours Wednesday-Friday 16:00-22:00 and Saturday-Sunday 12:00-22:00) with external garden area and associated alterations including detached cycle store.			
Application number	15/00097/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	19.03.2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received.	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Mr Rai	Agent: Sanders Design Services Ltd
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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 Planning Permission

The proposed drinking establishment is considered to be a compatible use within this Local Centre location and will add to its vitality and viability. Due to the modest nature of the proposal it is not considered that undue noise and disturbance will result and therefore the proposal will not harm the amenity of the area or the residential amenity enjoyed by the occupiers of neighbouring dwellings. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, REI6 and REI7 of the City of Southampton Local Plan Review (March 2006) and CS3 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full: Conditionally approve

1 The site and its context

- 1.1 The application site comprises a retail (Class A1 use) unit within St. James Road Local Centre. The local centre contains mainly Class 'A' Uses on the ground floor of properties with residential units above. Within the Local Centre there is a chemist, a coffee shop, hot food takeaways, a convenience store, a watch service centre, a laundrette and a bakery.
- 1.2 The application property is currently in use as an off licence, there is access to the rear of the site (from where the first floor residential accommodation is accessed) and to the rear there is a small garden area.

2 Proposal

- 2.1 The application seeks a change of use from retail (Class A1) use to a mixed use drinking establishment (Class A4) and retail (Class A1) use. The development includes the subdivision of the existing shop unit although an internal door for staff use will allow movement between the two units. Alterations to the shop front, external decking and a single storey rear extension will facilitate the change of use. External seating is proposed within the rear garden and to the front of the building for use by the customers. The internal floor area for the drinking establishment is approximately 43 square metres.
- 2.2 Drinks to be sold on site between the hours of 16:00 - 22:00 Wednesday - Friday and 12:00 - 22:00 Saturday and Sunday. The outside drinking areas (to the front and rear) will close at 21:00 meaning that no customers can drink outside past 21:00.
- 2.3 The applicant has provided the following information:
 - The premises is to be operated as a micro pub specialising in the selling of cask beer and selling a small selection of specialised bottle beers and wine.
 - Beer will be cooled using a water cooler and water jackets, the only plant items will be the cooling unit and the fridge for bottled beer which exists at present.
 - Hot food will not be cooked or served but bar snacks will be provided.
 - The bins are to be stored within the rear service yard.
 - Currently deliveries occur daily up to approximately 6pm. This is not proposed to change and combined deliveries for both businesses will take place.
 - The internal and external areas will be covered by CCTV.
 - Drinkaware, Think 21 and Pub Watch have been considered and will be signed up to should permission be granted.

3 Relevant Planning Policy

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

statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 There have been two successful applications for the installation of shop fronts at the property, one in 1972 and one in 1982.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 6th February 2015. At the time of writing the report **91 representations** have been received from surrounding residents. Cllrs Parnell, Shields and Moulton have also responded to the consultation exercise. **36 letters raise objection** to the proposal and **55 letters have been received in support**. The following is a summary of the points raised:

- 5.2 Supporters raise the following:

- The local centre would benefit from a micro pub given that there are few public houses nearby.
- Many of the supporters use the off licence and know the current shop owner well and thus expect the business to be operated responsibly.
- In the recent past many local pubs are closing down; a venture of this kind should be commended.
- The venue will provide a valuable meeting space and will benefit community spirit by providing a new location for socialising with other members of the local community.
- Added foot fall to the site will also enhance local businesses in St. James Road Local Centre.
- The closing time proposed is not considered late and therefore will avoid causing disruption to local residents.
- The use is likened to the 'Butchers Hook' micro brewery in Bitterne Triangle which in the view of many adds character to the neighbourhood and operates very differently to bars and city centre public houses which generate more noise and disturbance.
- It is in the interest of the licence holder to operate reasonably so that the local population are not disturbed given that they are the target customer base for the business.
- Customers are more likely to walk to a micro pub rather than drive.
- The support the current off licence gives to local breweries and the business model for the micro pub is enthusiastically promoted by many of the supporters.
- The micro pub will provide a much needed alternative to the public houses on Shirley High Street.

- 5.3 **RESPONSE:** From reading the letters of support it is clear that there is a strong feeling in the local community that there is scope for a business of this nature in the Local Centre. Many of the letters have been received from members of the public who currently use the off licence and they note that the current manager has considerably improved the business since first taking it over approximately two years ago.

Emphasis is placed on the nature of the business that being principally for local real ales and wines rather than as a budget off licence. In addition the supporters, in their vast majority, have the impression that the future micro pub, if approved, will be managed responsibly by the current manager and that small independent businesses of this nature should be encouraged by the Council.

5.4 Objectors raise the following:

- Concerns regarding car parking impact have been raised. **RESPONSE:** Additional parking pressure is considered unlikely to be significantly harmful. The premises is of small scale and it is unlikely that many private vehicle trips will be generated by it due to the nature of the use. The primary customer base is also expected to be members of the public residing within the local neighbourhood.
- Highways safety will suffer as a consequence of additional parking pressure. **RESPONSE:** The Highways Development Management Team have no objection to the proposal and have discussed highways safety as part of their consultation response.
- Noise/anti-social behaviour is a concern raised including noise from customers sitting outside on the frontage and within the rear garden area. If closing time is 22:00 members of the public will still be finishing their drinks at 22:30. Neighbours to the rear will 'inevitably be affected' by noise and disturbance due to the potential use of the garden 5 days per week until 22:00. **RESPONSE:** The drinking establishment would be of small scale due to the size of the building and the way the existing unit is to be subdivided. Use of the garden and frontage seating area could give rise to noise however the hours of operation are limited so that noise would not be generated late at night or early in the morning. The site is located within a local centre within which policy RE16 of the Adopted Local Plan permits A4 uses. Separate legislation is used to control noise disturbance and it is the Environmental Health Teams responsibility to monitor and control harmful noise impacts. Should the manager of the micro pub allow excessive noise disturbance to occur the Councils licensing team will have the opportunity to revoke the sale of alcohol licence. Planning conditions can be used to control opening hours and when the garden and frontage seating areas can be used.
- Objectors point out that there is a large difference between managing the sale of alcohol within an off licence and a drinking establishment. **RESPONSE:** Whilst the micro pub would be a new venture for the manager of the off licence there is no reason to suspect that the management of the micro pub would not be responsible. It would be unreasonable to oppose the development on this basis. Again if the micro pub is poorly operated the licensing team has the opportunity to prevent further sale of alcohol on the premises.
- Concern is raised over the potential for crime. **RESPONSE:** The link between a micro pub and crime is unfounded.
- The development would result in added foot fall through the area at night when customers leave the premises after closing. **RESPONSE:** Added foot fall through the area may result however provided customers leaving the micro pub behave reasonably there is no reason to expect significant harm as a result. Furthermore the small scale nature of the premises and likely dispersion of customers (potentially leaving in different directions) leads to Officers considering that any

harm caused to local residents will not be significant.

- The health impact of second hand smoke has been identified. RESPONSE: Separate legislation manages smoking in public spaces. The Environmental Health Team have not raised concerns regarding public health.
- Objectors have raised the point that they believe that when Atherley Estate was sold for housing there was a covenant clause that no public house for drinking of alcohol would be allowed and by signing the property purchase documents land owners are signing up to the agreement. Objectors consider the proposal to be unlawful. The objectors consider that the Council have the responsibility to inspect title deeds in lawful regard to the conditions. RESPONSE: This is a legal matter which the applicant has been made aware of. It falls outside of the scope of planning considerations and thus is not material to the determination of the planning application.
- Objection raised on the basis of proximity to schools. RESPONSE: A well operated micro-brewery will not negatively impact nearby schools.
- Extensions to the hours of operation are inevitable and thus the scheme creates the opportunity for more disturbance at night. RESPONSE: If planning permission is granted should the management seek in the future to lengthen the opening hours subsequent planning applications will need to be applied for and the Council will have the opportunity to consider the acceptability of the revised opening hours.
- Extent of the consultation exercise has been criticised by some members of the community who would have expected to have received a consultation letter. RESPONSE: The Council have carried out the consultation exercise in accordance with departmental procedures and its statutory responsibility has been fulfilled. In addition to letters of consultation being sent to the residential occupiers living close to the site, and in particular those members of the public most likely to be affected by the proposal, a site notice was erected.

5.5 Consultation Responses

5.6 **Cllr Parnell** has passed on the thoughts of a concerned member of the public and raises concern regarding noise, parking pressure and health implications of passive smoking. Cllr Parnell has also brought the covenant clause on Atherley Estate to the attention of the Planning Department and also plans to speak at planning panel. RESPONSE: The matters which are raised by Cllr Parnell have been responded to above in section 5.4.

5.7 **Cllr Shields** is not aware of any licensing application for the use and as such notes that adequate safeguards in terms of opening hours, noise nuisance and parking are not secured. Also Cllr Shields is concerned that if permission is granted it would imply that the Council consent to a licensing application. RESPONSE: Planning and licensing are two separate functions carried out by the Council. Each are administered independently of each other. Should planning permission be granted it does not automatically lead to a licence being approved.

5.8 **Cllr Moulton** has also made a representation, he does not object but has requested the application be determined at planning panel due to wider public interest, he has

also suggested conditions regarding hours of operation and boundary treatment should permission be granted.

5.9 **SCC Highways:** This site lies within a small parade of shops which have a small parking layby forward of it. The parking area is well used, and there is some parking which extends beyond this, in front of nearby housing. On street parking in itself does not cause highway safety issues, mostly the complaint associated with parking is more an amenity one. The use due to its nature, will attract walking trips. Vehicle borne trips which will be generated are not considered to offer a highway safety problem, and are likely to occur when the other shops and businesses in adjacent premises are closed, therefore during a time of lower demand in the immediate vicinity.

5.10 **SCC Environmental Health (Pollution & Safety):** No Objection: it is recommended that conditions along the following lines are imposed if the application is successful:-

1. There should be no amplified music or live music externally.

2. No drinks or food to be sold after 10pm and the external areas to be fully vacated by 22:00 Monday to Sunday.

RESPONSE: The Applicant has agreed to ensure that the outside areas are vacated after 21:00 to address concerns raised by local residents/objectors.

5.11 **Crime Prevention Design Advisor, Hampshire Constabulary:** The Police have accepted that a licence be granted to this premises for the opening times stated in the application, however should you be minded to approve this application, it is considered more appropriate that the outside drinking areas are restricted to 9pm and that tables and chairs at the front of the building are removed and stored at this time. The reason being is the concern for potential noise and disturbance in the outside drinking areas and the effect this may have on the nearby residents. Details of the proposed CCTV system is required before I can comment further. RESPONSE: The Applicant has agreed to the use of CCTV and amended drawings show the likely position of cameras. A condition can be used to ensure CCTV is incorporated and will give the Crime Prevention Design Advisor the opportunity to review the system.

6 **Planning Consideration Key Issues**

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

- Principle of development.
- Impact on local character.
- Impact on neighbouring properties (noise, disturbance and visual impact).
- Highways, parking and servicing.

6.2 Principle of Development

- 6.3 The proposed site is a good location for such a facility in order to serve the local community due to the commercial nature of this section of St James Road which is characterised by ground floor shops of various uses as well as residential properties. Local Plan policies support the proposal. REI6 deals with local centres of which this area is one and supports A1 and A4 uses, appropriate leisure, social and community uses; and uses that provide employment.
- 6.4 Policy REI6 identifies that smaller shopping centres like St James Road local centre play an important role in catering for day to day needs of local residents and since they are associated with a catchment area which generally lies within walking or cycling distance, they tend to be relied upon by local residents without access to a car, and people with disabilities.
- 6.5 The site is located within a local centre where A4 uses are allowed by policy REI6 (as stated above). Policy REI7 (Food and Drink Uses) also states that A4 uses are permitted in local centres provided that appropriate planning conditions are imposed to prevent the generation of any undue noise directly arising from the use.
- 6.6 Furthermore the micro-brewery use would add visual interest and contribute to the vitality and future viability of the local centre. The micro-brewery also has the potential to provide a community hub as it will be available to host small community meetings. This complies with Core Strategy policy CS3 which identifies that local centres should capitalise on opportunities for enhancement.
- 6.7 The Council seeks to encourage small local businesses wherever possible and it is clear from the National Planning Policy Framework that planning decisions should give weight to the economic benefit of development.
- 6.8 The proposal complies with the NPPF, the adopted Core Strategy and the Local Plan review and therefore the principle of the scheme is acceptable.

6.9 Impact of the shop front on character.

- 6.10 Local Plan Policy REI8 deals with shop fronts stating that they should be proportionate to the building and street and respect the character of the area. The A1 section of the unit would be accessed separately giving the impression of a separate unit which may be beneficial to the spatial characteristics of the street scene. The development also results in an active street frontage. The proposed changes to the shop front comply with policy REI8.

6.11 Potential impact on neighbouring properties (noise and disturbance).

- 6.12 The main planning issue raised by objectors to the scheme is the potential impact on neighbouring properties with regard to noise. The Council acknowledge that there is potential for the visitors to the site to sit outside to both the front and within the rear garden and thus those customers will generate activity and some noise. The impact is likely to be greatest when the weather is fine and more customers choose to sit outside.
- 6.13 It is appreciated that general activity associated with customers sitting outside can have an impact on neighbours, particularly those on the opposite side of St. James

Road, occupiers of properties backing onto the site and occupiers of accommodation at first floor level. However provided customers behave reasonably it is considered that the impact would not seriously affect residential amenity.

- 6.14 When coming to this conclusion Officers have given consideration to the location. As the site is within a local centre background noise is expected to be higher than wholly residential areas where no other uses are located. There are also other evening uses (hot food takeaways and convenience store) located within the Local Centre which generate activity in the evening.
- 6.15 The assessment has also taken account of the controls that are available to the Council which aim to prevent significant impact to neighbours. These controls include limiting the hours of operation and control of noise generating uses through environmental health legislation as well as the management of licensing agreements as managed by the Environmental Health and Police Licensing Teams.
- 6.16 In this particular case the Applicant has agreed to close the outside seating areas at 21:00 and the establishment would not be open to customers after 22:00. The Applicant has also stated that he will sign up to the Drinkaware, Think 21 and Pub Watch schemes.
- 6.17 Another mitigating factor is the small scale nature of the use which is unlikely to accommodate large numbers of customers on a regular basis each night of the week. During periods of poor and cold weather customers are also less likely to sit outside further reducing the potential for significant harm.
- 6.18 Whilst the proposal may result in added foot fall through the area as a consequence of customers leaving the micro pub, provided that those customers behave reasonably there is no reason to expect significant disturbance. In addition the relative small scale nature of the use and hours of operation; and likely dispersion of customers (potentially leaving in a number of different directions) leads Officers to consider that harm caused to local residents will not be significant.
- 6.19 In terms of the physical impact of the development it is judged that the single storey rear extension (formed to create additional storage for the off licence) and the raised decking area will not harm neighbouring amenity. The extension to the rear would measure 3.5m by 4.5m and would not be visible from the street; and due to its single storey scale and the depth of the neighbouring property, it is unlikely to have any significant impact on neighbouring amenity. Both ground floor uses of the neighbouring properties at 1 and 5 St. James Road are not residential and boundary treatment is proposed to ensure that there would be no overlooking of other properties by customers using the outdoor area.
- 6.20 Parking
- 6.21 The primary method of travel to the business is expected to be on foot. If customers do arrive by car parking will be accommodated by the parking areas to the front of the row of shops and in the nearby streets. Whilst it is acknowledged that the business may lead to some parking pressure within areas where development takes place the impact is not judged to be significantly harmful and not sufficient to justify refusal.
- 6.22 Highways Development Management have also confirmed that there are no associated highways safety concerns with the scheme. The location is also

accessible by public transport and the current delivery arrangements can accommodate the A4 units requirements as well as the existing A1 off licence use.

7.0 Summary

7.1 From the consultation exercise it is clear that there has been a large amount of public interest associated with the proposal. It is also fairly rare for the Council to receive so many letters of support however that said there have also been a fairly large number of objections received. Careful consideration of the points by the objectors and supporters, as well as other material considerations discussed above have led to the recommendation to support the scheme with conditions to control the development where needed in the interests of local amenity.

8.0 Conclusion

8.1 Taking account of the physical circumstances of the proposal in terms of the size of the commercial unit, its location, available controls over the development (hours of operation, Environmental Health and licensing), reasonable behaviour from customers and responsible management it is considered that significant harm to neighbouring occupants is not likely to occur and with the imposition of relevant planning conditions the scheme can be supported.

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

1a, b, c, d, 2 b, d, 7 a, b, 9 a, b.

MP3 for 24/03/2015 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

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

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

Reason:

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

04. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A lighting scheme including relevant plans shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the use hereby approved. The lighting scheme shall identify methods used to prevent light spill into neighbouring properties and prevent lights shining into neighbouring gardens and windows. The installation must be maintained in accordance with the agreed scheme.

Reason:

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

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, Control of amplified equipment - [Performance Condition]

At no time shall sound amplifying equipment or acoustic instruments be used or installed which would generate noise audible from the boundary of the nearest noise sensitive property to the building hereby approved unless otherwise agreed in writing with local Planning Authority.

Reason:

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

07. APPROVAL CONDITION, Cycle and Refuse Storage Facilities [Pre-Occupation Condition]

The approved cycle and refuse storage layout shall be constructed in accordance with the approved plans and cycle storage shall be constructed in accordance with Council standards (being covered and lockable) prior to the first occupation of the hereby approved development. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport and in the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties.

08. APPROVAL CONDITION - Hours of Operation (drinks). [Performance Condition]

The A4 'drinking establishment' to which this permission relates shall only operate in accordance with the following hours:

Customers will only be permitted on the premises between the hours of 16:00 - 22:00 Wednesday - Friday and 12:00 - 22:00 Saturday and Sunday.

Customers will only be permitted to use the outside drinking areas between the hours of 16:00 - 21:00 Wednesday - Friday and 12:00 - 21:00 on Saturdays and Sundays.

Reason:

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

09. APPROVAL CONDITION - CCTV system [Pre-occupation condition]

Before the first occupation of the development details of a scheme for a CCTV system to cover the inside and outside areas of the establishment shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use of the development first commencing. It shall be maintained in working order and operated at all times when the premises is open.

Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

Reason:

In the interests of crime reduction and customer/staff safety.

10. APPROVAL CONDITION, Boundary Treatment [Pre-Occupation Condition]

Unless otherwise agreed in writing, before occupation of the development hereby approved full details of all proposed boundary treatment (including the boundary to the front, adjacent to the highway; and the rear boundary treatment which will divide the garden from neighbouring gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall subsequently be installed to the specification as approved prior to first occupation and retained thereafter whilst the property is being used as a drinking establishment in use class A4.

Reason:

To protect the amenities and privacy of occupiers of the adjoining property

11. APPROVAL CONDITION, Deliveries [Performance Condition]

No deliveries shall take place associated with the A4 drinking establishment use between the hours of 18:00 and 08:00 on any day.

Reason:

To protect the amenities of occupiers of the adjoining property.

12. APPROVAL CONDITION, Glass Storage [Performance Condition]

Except for on bin collection day no storage of glass (for recycling purposes) shall take place outside of the building.

Reason:

To protect the amenities of occupiers of the adjoining property.

13. APPROVAL CONDITION, Limitation of A4 use [Performance Condition]

The A4 use to which the permission relates shall occupy the footprint of the commercial unit as set out in the approved plans. No further encroachment into the footprint area of the neighbouring off licence without further planning permission shall occur.

Reason:

To control the development and ensure the scale of operation is acceptable given proximity to neighbouring residential properties.

14. APPROVAL CONDITION - Restricted use of flat roof and garden area [Performance Condition]

The roof area of the extension hereby approved and the garden space provided as part of the development shall not be used for storage purposes associated with the A4 use hereby approved.

Reason:

In order to protect the amenity of adjoining occupiers.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS24	Access to Jobs

City of Southampton Local Plan Review – (March 2006)

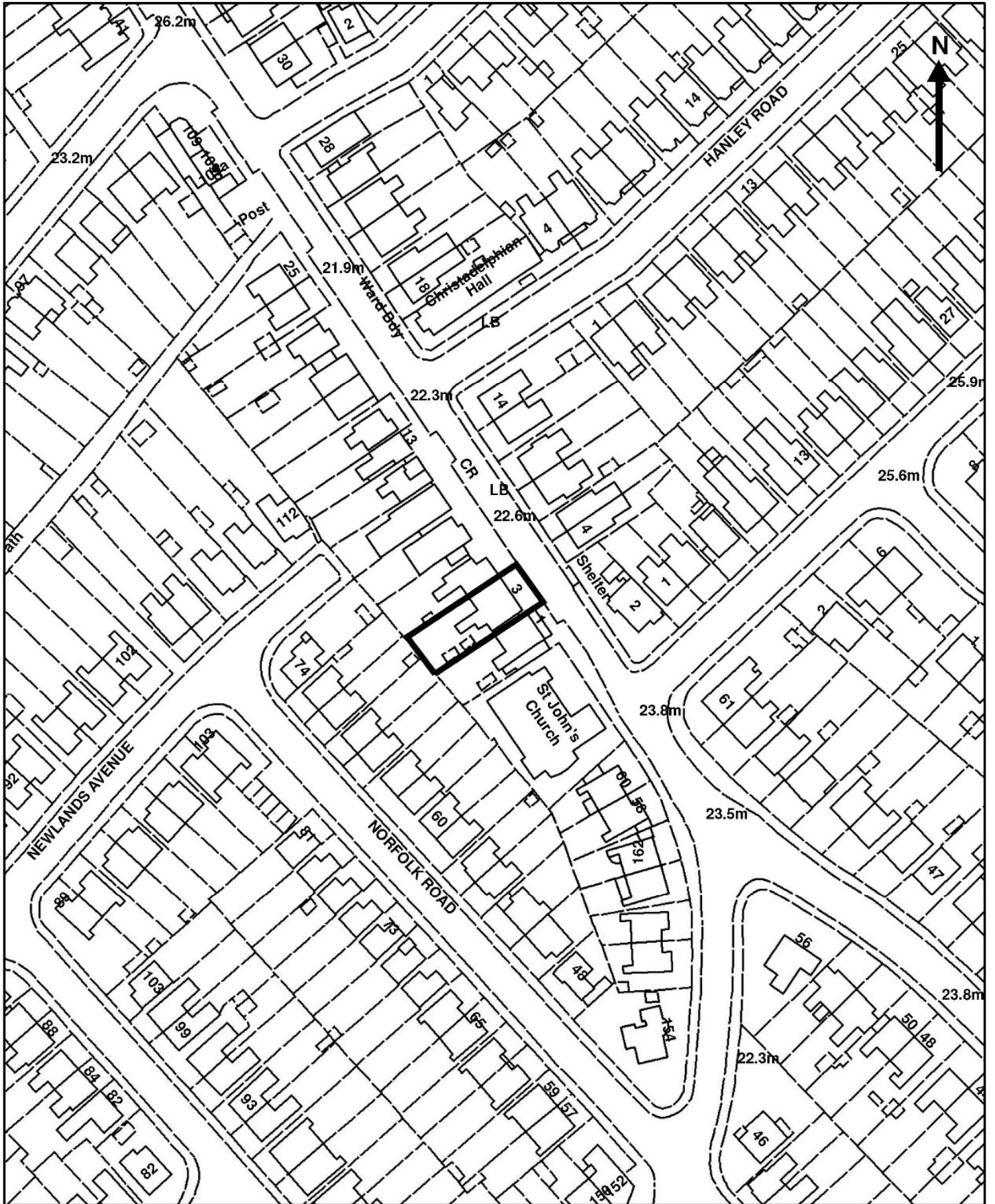
SDP1	Quality of Development
SDP10	Safety & Security
SDP16	Noise
SDP17	Lighting
CLT15	Night Time Uses in Town, District and Local Centres
REI6	Local Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)



Scale: 1:1,250

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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) - 24 March 2015
Planning Application Report of the Planning and Development Manager**

Application address: 29 Janson Road, Southampton, SO15 5FU			
Proposed development: Change Of Use To A Large House In Multiple Occupation (Retrospective).			
Application number	14/01959/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	19/01/2015	Ward	Shirley
Reason for Panel Referral	Five or more letters of objection have been received	Ward Councillors	Cllr Coombs Cllr Kaur Cllr Chaloner

Applicant: Mr Dosanjh	Agent: Sanders Design Services Ltd
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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 proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the city's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highway safety and meets the requirements of the Council's adopted Housing in Multiple Occupation SPD (2012). This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted

Policies - SDP1, SDP7, SDP10, of the City of Southampton Local Plan Review (March 2006); CS4, CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the HMO SPD; and the Parking Standards SPD.

Appendix attached			
1	Development Plan Policies	2	HMO Calculation

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two storey semi-detached dwellinghouse located on the south side of Janson Road. This property is located within a predominantly residential area, although Janson Road leads onto Shirley Road and its local shops, facilities and transport links.

2.0 Proposal

- 2.1 The application property is currently occupied as a Sui Generis House in Multiple Occupation (HMO) and has been licensed as such since March 2011. Retrospective planning permission for this use is now sought and, following the submission of an amended plan to reduce the occupancy the property would comprise a kitchen, lounge, lobby and 2 bedrooms at ground floor level; 4 bedrooms and a bathroom at first floor level; and 1 bedroom within the roofspace (i.e. 7 bedrooms in total).
- 2.2 There is an area of hard standing to the front of this property however this does not benefit from access via a dropped kerb.

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 application falls to be determined against saved Local Plan Policy H4 and the Council’s current HMP SPD (2012). A full list of 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 In 2011, conditional approval (ref.11/01600/FUL) was granted for the construction of a single storey rear extension. In 2014, the Planning Enforcement team investigated this property following a complaint regarding unauthorised use. At this time, it was found that the property was occupied as a Sui Generis HMO.

5.0 Consultation Responses and Notification Representations

- 5.1 At the time of writing the report **7 representations** have been received from surrounding residents (including 2 representations from 27 Janson Road next door). The following is a summary of the points raised:
- 5.2 The surrounding area is characterised by single family properties and the proposed use would be contrary to the character of the area.

Response:

The character of the area is residential. However, the HMO SPD discusses the need to support mixed and balanced communities whilst meeting the City's housing need. It is accepted that concentrations of HMOs can harm the character of an area and the SPD seeks to manage the growth and location of new HMOs. The Planning Considerations section of this report provides further analysis with regards the impacts of the proposed HMO in this context.

- 5.3 The proposed use would place extra pressure on local services.

Response:

The application site is located in close proximity to Shirley Town Centre (approximately 180m away from Shirley High Street). This town centre is intended to meet the needs of those living in close proximity. The application is not considered likely to place additional strain on local services within the district centre.

- 5.4 The proposed change of use would constitute an overdevelopment of the property.

Response:

It is not considered that the character of the area would be significantly affected by this proposal. Amended plans have been received to ensure that the 7 residents have access to a communal kitchen and lounge area, which can be accommodated within the property without further building works. As room sizes are appropriate and such communal living is achievable the scheme is not considered to represent an over-intensive use of the building.

- 5.5 The proposed use would exacerbate existing parking pressure in the area.

Response:

The highways team have indicated that there would not be a safety issue by allowing a large HMO in this location with nil on-site parking. A parking survey has been provided to explain the impact on any potential overspill. The results were collated in the early hours of 11th and 12th February 2015 and reported an 84% parking stress. This demonstrates that there is sufficient parking within the surrounding area to accommodate the proposed use. Furthermore, this property benefits from excellent access to public transport services due to its proximity to Shirley Town Centre (approximately 180m away from Shirley High Street) and it would be possible for residents to live in this location without the need for car ownership. Furthermore, as the property is currently occupied the parking requirements of the development are already accounted for in these parking surveys.

- 5.6 The proposed use would give rise to increased noise and disturbance for neighbouring occupiers.

Response:

The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwellinghouse. Any noise and disturbance following the grant of permission can be dealt with using other statutory powers.

- 5.7 The shed within the rear garden could potentially be used to occupy additional residents.

Response:

Having undertaken a site visit to the property, it is clear that the outbuilding within the rear garden is intended for cycle storage / general storage purposes only. A number of representations have suggested that this building could potentially be used to provide additional living accommodation. Planning permission would be required to use this outbuilding for residential purposes. Such an application would be unlikely to be supported. As such, this cannot form a consideration in the determination of this application.

- 5.8 The owner of the property has started construction works prior to the determination of this application.

Response:

Works to construct the rear extension at this property are nearing completion. Permission was granted for this extension in 2011 (ref.11/01600/FUL) and the applicant is perfectly within their right to construct this approved development. The construction of this extension does not form part of this application. As such, this cannot form a consideration in the determination of this application.

- 5.9 Permission was previously granted for a rear extension. At the time, it was indicated that this would be to extend the kitchen however this is now shown as two additional bedrooms.

Response:

The approved plans for the permitted extension (ref.11/01600/FUL) indicate that part of the extension would comprise a dining room while the remainder would enlarge the existing lounge. The previous scheme granted permission for a single storey rear extension. How this is used internally did not form a matter for consideration at this time as internal works do not require planning permission. Initially, this application (ref.14/01959/FUL) indicated that the extension previously approved would be used to accommodate two bedrooms. This has however been amended through negotiation with the applicant. As such, this approved extension will now accommodate a lounge and one additional bedroom. Using this extension to accommodate a bedroom and a lounge will be considered as part of this new application.

- 5.10 The previous loft conversion has been carried out without planning permission.

Response:

The loft of this property has been converted to provide additional living accommodation. The only external alteration to facilitate this has been the installation of two rooflights; one within the rear roofslope and one within the side roofslope. To constitute permitted development the side rooflight should be obscure glazed and non-opening however it is clear glazed at the current time. The applicant has been informed of this. This does not however form a determining issue for this application and should not form a reason for refusal.

Consultation Responses

5.11 **SCC Highways – No objection**

The parking survey in my opinion is acceptable. There is a slight lack of photos but as the survey suggest that the on-street parking is near or around full capacity, I do not think more photos would be beneficial. Regarding the dropped kerb application, I personally cannot see how this would work as the site does not have a lot of depth to accommodate a standard parking space (2.4m x 5m). Plus, there are various street furniture along the frontage i.e. lighting column, power/meter box and road sign. Even though the survey suggests that there are not many available on-street spaces available any overspill will cause harm to amenity for the local residents rather than highway safety. However, it is difficult to clearly prove which use (C3 of HMO) will generate more vehicular trips/parking demand and this should not form a reason for refusal in this instance.

5.12 **SCC Housing – No objection following receipt of amended plans**

As a side note, the applicant should be reminded that the Council doesn't encourage the use of fire extinguishers in HMOs as tenants aren't trained to use them and they tend to be misused. The only fire-fighting equipment should be a fire blanket.

6.0 **Planning Consideration Key Issues**

6.1 The determining issues that require consideration relate to;

- a) whether the proposed use is acceptable in principle;
- b) the impact of the proposed use on parking and highways safety; and
- c) the impact of the proposed use on the residential amenities of any adjoining occupiers.

Other policy considerations relate to the provision of cycle parking, car parking and refuse storage and are detailed below.

6.2 **Principle of Development**

6.2.1 The application site is located within the Shirley ward where a 20% HMO threshold applies. As such, if the percentage of HMOs within a 40m radius of the front door of 29 Janson Road exceeds 20%, applications for additional HMOs will be refused for being contrary to policy and creating an over concentration within the affected zone.

6.2.2 As part of the assessment 24 properties were identified within a 40m radius of the application site. Based upon information held by the City Council's Planning, Council Tax and Environmental Health departments, there are currently no other HMOs within this 40m radius and the application therefore introduces the first HMO into the radius. The use of the application site as an HMO means that there would be 4.2% of the current stock identified for this use. This is significantly below the 20% threshold. As such, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle as detailed in the Council's adopted Houses in Multiple Occupation SPD. The tests of 'saved' Local Plan Policy H4 then apply.

6.3 Highways Safety and Parking

6.3.1 Whilst it would appear that there is off road parking at the front of this property (within the front forecourt), this is not served by a dropped kerb and has not been counted. If a dropped kerb were established, there would be one off road parking space at this property.

6.3.2 The applicant has produced a parking survey in the style of the Lambeth Model. Two surveys were undertaken at the following times;

(a) 00:30 to 01:30 on Wednesday 11th February 2015.

(b) 00:30 to 01:30 on Thursday 12th February.

These surveys examined parking provision along Janson Road, part of Cunard Avenue and part of Treeside Road. These surveys have demonstrated that the proposed use could be accommodated within the survey area. Whilst certain areas were identified as being under stress, other areas would be able to accommodate additional parking. The City Council's Highways department have assessed this survey and are satisfied with its findings.

6.3.3 This property is located within a high accessibility area (20 + buses per hour) as indicated in the Parking Standards SPD. Furthermore, it is located within an area of moderate accessibility (Band 3) of the Public Transport Accessibility Map (PTAL) within the Core Strategy. The proximity of this site to Shirley Town Centre (approximately 180m away from Shirley High Street) means that occupiers of the property would benefit from good access to public transport services in addition to local facilities and may not require a car to get around. Furthermore, as the property is currently occupied the parking requirements of the development are already accounted for in these parking surveys.

6.3.4 Having regard to the above information and the nature of the proposed HMO use, it is considered that the proposed use would not be detrimental in amenity terms. The City Council's highways team have raised no highways safety objection to the proposal.

6.4 Residential Amenity

6.4.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

6.4.2 The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwellinghouse. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers. A suitably worded condition will however be imposed to restrict the occupancy to 7 people only and ensure that residents have access to appropriate communal living – including a lounge which is located off the common boundary

with 31 Janson Road.

- 6.4.3 This property benefits from sufficient, usable rear amenity space for the enjoyment of residents and all habitable rooms have an acceptable outlook and access to light.
- 6.4.4 The HMO SPD states that: '... cycle parking spaces to serve the HMO residents should be made available prior to the first occupation of the HMO enclosed within a secure cycle store'. There is an existing outbuilding located to the rear of this property which would provide secure and covered cycle storage for the required number of cycles. This is accessed via a side access way from Janson Road. This proposal would therefore, satisfy policy requirements relating to cycle storage.
- 6.4.5 Refuse and recycling bins tend to be kept either on the front forecourt at the properties within this area. This arrangement will continue at the application site and is considered to be acceptable provided the existing wall is retained to screen these bins. As such, sufficient storage for refuse and recyclable materials will continue to be provided.

7.0 Summary

- 7.1 The use of this property as an HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

8.0 Conclusion

- 8.1 To conclude, this proposal is considered to have an acceptable impact and can therefore, be recommended for conditional approval.

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

1(a), 1(b), 1(c), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 24/03/15 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 - Number of occupiers [Performance Condition]

The number of occupiers within the property, in connection with the change of use hereby permitted, shall not exceed 7 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

03. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor rooms annotated on the submitted floor plans as the 'kitchen' and the 'lounge' shall remain as communal space for the occupiers of the dwelling throughout the occupation of the buildings and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

04. APPROVAL CONDITION: Retention of front boundary wall

The front boundary wall shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To provide adequate screening for refuse storage associated with the proposed use in the interests of visual amenity.

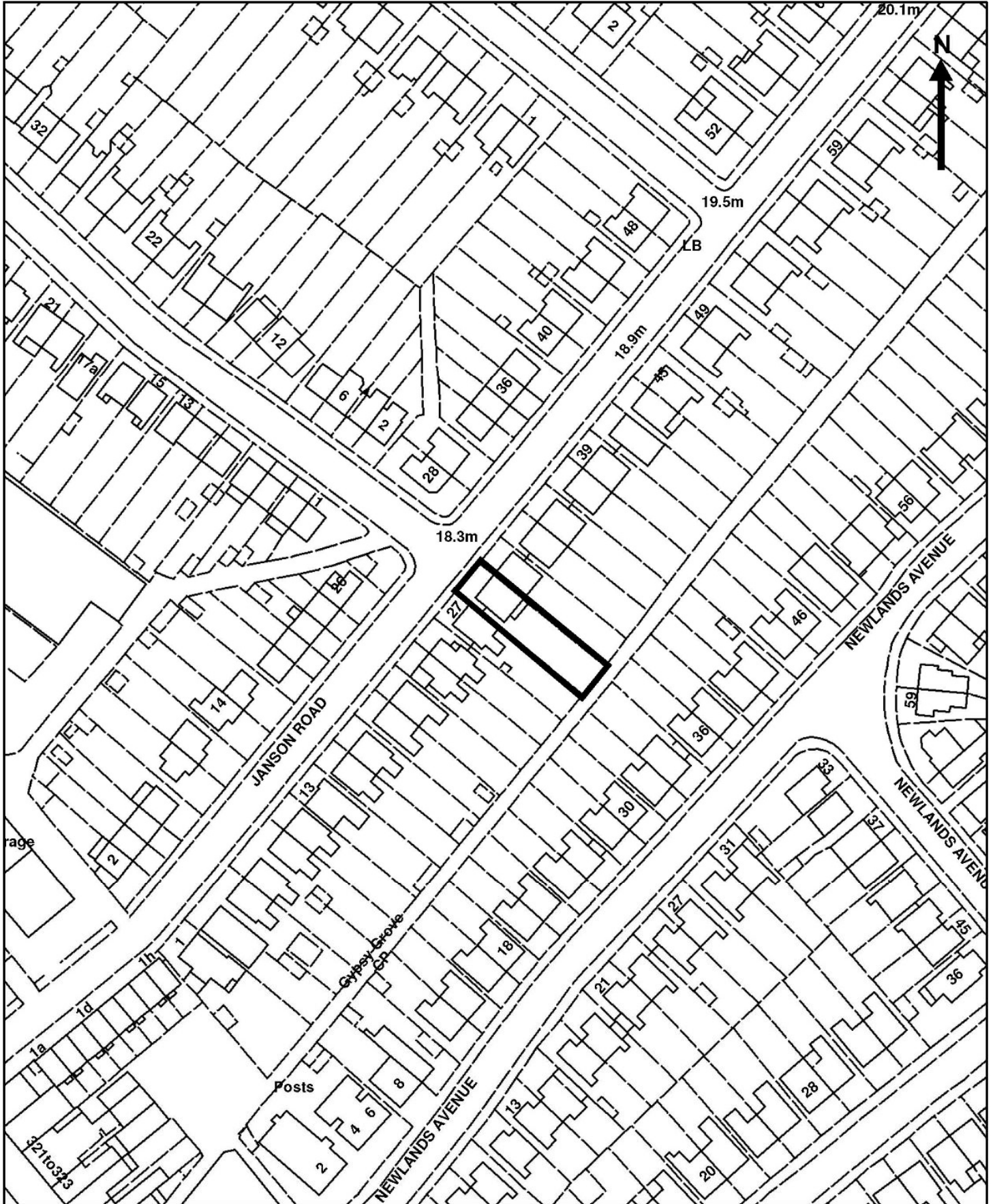
Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Fire Extinguishers

As a side note, the applicant should be reminded that the Council doesn't encourage the use of fire extinguishers in HMOs as tenants aren't trained to use them and they tend to be misused. The only fire-fighting equipment should be a fire blanket.

14/01959/FUL



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Application 14/01959/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) – 24 March 2015
Planning Application Report of the Planning and Development Manager**

Application address: Land Adjacent to 42 Burgess Road, SO16 7AB			
Proposed development: Erection Of A Part 2-Storey, Part Single Storey, 2-Bed Detached House With Associated Parking And Cycle/Refuse Storage			
Application number	14/01767/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	OVER 24.12.14	Ward	Bassett
Reason for Panel Referral:	Request by Ward Cllr Hannides and more than 5 objections which raise concerns in addition to the officer refusal reason on tree impact.	Ward Councillors	Cllr Hannides Cllr B Harris Cllr L Harris

Applicant: Mr Peter Radford	Agent: Mr Adi Puplampu
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Yes, if the officer recommendation is not supported.
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Appendix attached			
1	Development Plan Policies		

Recommendation in Full - Refuse

Reasons for Refusal

01. REASON FOR REFUSAL – Impact of trees on amenity space

The proposed development would harmfully encroach into the root protection area and canopy spread of adjacent trees within Southampton Common which have significant public amenity value. The incursion of the proposed dwelling into the root protection area of T6 (oak) would be greater than the existing outbuildings on site and would place this tree at greater risk. Furthermore the proposed dwelling and amenity space would be subject to shade and potential debris from the overhanging trees and this would introduce additional and unreasonable pressure for the cutting back and/or removal of overhanging branches of these trees to the possible detriment of the character and amenities of the area. As such it is considered that the proposals does not accord with policies SDP1 (i) and (ii), SDP7 (i) and (ii) and H7 (iii) of the adopted City of Southampton Local Plan (2006)

and as supported by the Council's approved Residential Design Guide SPD 2006 (specifically section 4.4 and paragraphs 4.8.7 and 4.8.8).

02. REASON FOR REFUSAL - SPA Mitigation

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

1.0 **The site and its context**

- 1.1 The application site has an area of 0.031 hectares and comprises garden land to the side of 42 Burgess Road. The site has a narrow elongated shape and fronts Burgess Road and Southampton Common (protected public open space) bounds the site to the south. Mature trees which are protected by The Southampton (Common / Burgess Road) Tree Preservation Order 2009 are located on or adjacent to the southern boundary and overhang the site. 42 Burgess Road comprises a semi-detached property with a narrow patio to the rear and a grassed amenity area to the side. A detached single-storey garage and portacabin is located within the side garden.
- 1.2 The plot has two vehicular access points which allows vehicles to drive in and out without turning on site. The site is enclosed by a wall and fencing to Burgess Road. The public footway narrows to the front of the site. Restrictions are in place to prevent parking within Burgess Road. Burgess Road is predominantly residential in character.

2.0 **Proposal**

- 2.1 The application seeks to erect a part two-storey part single-storey detached dwelling in the side garden area following demolition of the existing garage and removal of the Portacabin.
- 2.2 The proposed dwelling has a contemporary design with asymmetric roof pitch and would be finished in face brick and timber cladding. The internal layout would include lounge/dining, kitchen, bathroom and a bedroom on the ground floor with a second bedroom at first floor level.
- 2.3 The proposed dwelling has a narrow garden in the western part of the site (13m in length/65 sqm in area) which includes a decked area and cycle store.
- 2.4 The proposed plot sub-division incorporates a central parking area, and on-site turning area, accommodating 3 parking spaces for the existing and proposed dwellings.

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 Planning permission was granted on 14.06.1994 for the erection of a 2-storey rear extension (SCC Ref 940413/W).

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 (11.11.14). At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.1.1 **The site is too small to accommodate such a large building and coupled with the proposed level of hardstanding would represent a site overdevelopment.**
Officer Response - Noted, see considerations sections below.
- 5.1.2 **The constraints of the site (tree impact and depth and shape of the plot) have resulted in a clumsy, contrived design solution which seeks to squeeze far too much development into this narrow plot, adjacent to a sensitive location.**
Officer Response - Agreed, see tree officer comments and considerations section below.
- 5.1.3 **The existing garage and proposed building considered to encroach into the common and its historic bank.**
Officer Response - The development will not lead to increased harm and a sufficient separation distance has been provided.
- 5.1.4 **The proposal would be subject to the usual planning conditions requiring fencing along the boundary which would damage the boundary bank.**
Officer Response - Design solutions would need to be considered to ensure that any fence posts do not encroach into the bank.
- 5.1.5 **The proposed 1.8m close boarded fence would cause harmful visual impact from within the common and would damage the boundary bank.**
Officer Response - Close boarded fencing would not be visually harmful to the woodland setting and the existing tree will help to filter views.

- 5.1.6 **The proposed development could not be implemented without resulting in damage to the root structure of adjacent trees within the common placing those adjacent trees at risk.**
Officer Response - Agreed, see tree officer comments.
- 5.1.7 **Pedestrian safety concerns because the footway to the front of the site is too narrow.**
Officer Response - Residents could cross Burgess Road to find safe access along this busy route.
- 5.1.8 **The boundary fence to the front would need to be designed to ensure adequate driver sight lines.**
Officer Response - Agreed, see highway officer comment.
- 5.1.9 **The development will lead to increased on-street parking pressures in surrounding streets.**
Officer Response - There are existing parking controls in place to prevent harmful parking overspill.
- 5.1.10 **The proposal represents a cramped form of development and the design, whilst interesting and not unattractive is not really in keeping with the surrounding properties.**
Officer Response - See considerations section below.
- 5.1.11 **The proposed dwelling would restrict views of the common from the road**
Officer Response - Trees would still be visible behind the proposed dwelling

Consultation Responses

5.2 SCC Tree Team – Objection

Trees to the south of the site are protected under TPO Number: T2-515
 TPO Description: The Southampton (Common / Burgess Road) Tree Preservation Order 2009. The proposal will mean significant incursion into the root protection areas in particular for Trees 3, 5 and 7, all category B trees in good condition. This incursion represents a reduction in potential gaseous and aqueous exchange that will impact on the trees' long term viability. Access pruning for construction will be necessary removing lower limbs on the north side very close to the stem.

This will result in opening wounds on the shaded north part of the stem where cooler, moist conditions will be favourable for fungal and bacterial pathogen ingress. Increased pressure for future pruning for clearance and for light is foreseeable. The position of the proposal is too close to existing, protected trees to be acceptable for the following reasons:

1. The incursion in to the root protection area of tree 6 is extreme with the proposal being wholly within the potential rooting area – in my opinion clearly more that would be deemed acceptable within the current British Standard.
2. There is inadequate space to allow construction, particularly near the stem of T6.

3. The presence of a shipping container cannot be counted as existing hard standing as it is raised off the ground and will allow gaseous and, so some extent aqueous exchange that will be removed if replaced with a formal structure such as that proposed
4. The existing garage foundation is of unknown quality and depth: without investigation it is impossible to state that it will be sufficient to support a two story dwelling. There is the potential that additional works will be necessary to bring it up to serviceable standard for the new build.
5. The proposal is extremely close to existing, established trees: the garage is already close to T6, but a garage will not prompt the same levels of concern that a dwelling can be expected to generate, given the increased value of the target. This may well lead to pressure for future pruning.
6. Other locations along Burgess Road have increased the distance between structures and the belt of trees that forms the northern border of the common. This has led to a Tree Preservation Order being placed on the remaining strip. Although not directly related to this application, I believe this sets what is a 'desirable' distance of many metres more than is available here.
7. The site will be in heavy shade through the main part of the day, being to the north of this established tree belt. It is believed that this will lead to future requests for pruning in an attempt to increase light levels. Even the removal of epicormic growth from the stems (which will establish both as the tree ages and as a response to the heavy lifting that has taken place in the past) will have a detrimental effect on the overall health of the tree.
8. The proposal will be highly visible from the northern end of a public footpath and will alter the current rural feel of the location. Any attempt at screening will increase the enclosed feel of the proposed site.

5.3 **SCC Ecology** – No objection

The application site lies adjacent to Southampton Common which is a Site of Special Scientific Interest (SSSI) and Registered Common Land. The SSSI is designated for exceptional populations of amphibians and a range of semi-natural habitats.

The applicant has demonstrated that the footprint of the proposed dwelling does not encroach into the SSSI or the Registered Common Land and the Council's ecologist is satisfied that there will not be any adverse impacts on the designated sites once it has been built. The Council's ecologist would, however, like to see details construction methods to ensure that the boundary bank is protected during the construction phase.

The proposed dwelling lies more than 500m from the principal breeding pond of the great crested newt, *Triturus cristatus*, one of the key species for which the SSSI was designated and also a European Protected Species, and as a consequence adverse impacts are highly unlikely. The adjacent woodland is, however, likely to provide suitable foraging habitat for a range of bat species which are also European Protected Species. Bats are highly sensitive to light which can deter them from utilising foraging habitats and roosts.

The absence of windows at the first floor level on the southern elevation has largely minimised the risk of disturbance to bats from light pollution however, care will need to be taken to ensure that external lighting at ground floor level is designed to focus light where it is required and minimise light spill onto the

adjacent vegetation.

- 5.4 **SCC Highways** - No objection subject to a condition to secure adequate driver sightlines by lowering the boundary adjacent to the site entrance. Furthermore conditions are recommended to secure wheel washing facilities and to ensure temporary contractors buildings, plant and stacks of materials and equipment associated with the development are stored on site and not on the public highway.
- 5.5 **SCC Sustainability** – The applicant has submitted a Sustainability Checklist showing that this is a new build scheme and Code for Sustainable Homes pre-assessment estimator is required. However, they have not submitted the pre-assessment itself. There is a reasonably detailed section of the Design and Access Statement which addresses sustainability however there is question marks over the appropriateness of Pv panels on this shaded site. The provision of permeable paving is welcomed. If officers are minded to recommend approval then conditions should be added to ensure the development aims to meet level 4 of the Code for Sustainable Homes
- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to a condition to secure appropriate glazing to prevent adverse noise nuisance from traffic. Conditions are also recommended to control hours of work and to prevent bonfires.
- 5.7 **CIL** – The development is CIL liable as the proposal creates a self contained residential unit. The charge will be levied at £70 per sq m on Gross Internal Area on the new unit. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.
- 5.8 **Southern Water** - Should this application receive planning approval, an informative is needed regarding connection to the public sewer.
- 5.9 **Natural England** – No objection subject to the securing of financial contributions to mitigate against solent recreational disturbance.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- 1) Principle
 - 2) Impact on character
 - 3) Residential Environment
 - 4) Residential amenity
 - 5) Trees
 - 6) Highways
 - 7) Infrastructure

6.2 Principle of Development

- 6.2.1 Windfall housing development on garden land is acceptable in principle and accords with the policies within the development and central government's guidance (through the National Planning Policy Framework) to promote sustainable and efficient use of land for housing development providing the character of an area and residential amenity is not compromised. However the Council has a 5 year housing land supply as demonstrated within the SHLAA (Strategic Housing Land Availability Assessment) which means that housing delivery on windfall sites does not necessarily outweigh other concerns such as harmful impact on nearby trees.
- 6.2.2 The development has a density level of 32.2 hectares per hectare (dph) which fits within the low density parameters for this area of 35-50dph as set out within policy CS5 of the Core Strategy.

6.3 Impact on the Character and Appearance of the Area and Design

- 6.3.1 The introduction of part single-storey and part two-storey development into this side garden will not harm the street scene. Furthermore the size and shape of plots within the area is varied. The spacing between buildings on the northern side of Burgess Road is much tighter and spacing on the southern side varies. It should be noted that the garden is already occupied by a garage with pitched roof and portacabin. The building will not appear unduly dominant with a limited amount of first floor space which is set back from the road frontage and has a height of 6m. The area is not so homogeneous that it cannot accommodate design variety, as indicated in the appeal decision for a contemporary dwelling at 141 Burgess Road. The use of timber cladding would be suitable with the woodland backdrop from the Common. The development will not be adversely harmful to the character of the Common having regard to the position of existing housing to the north of the Common. The trees within the common would filter views of the proposed house.

6.4 Residential Environment

- 6.4.1 The proposed plot sub-division will not adversely harm the amenities of the existing property. The development would be located to the side of the existing house and therefore would not obstruct outlook and daylighting to habitable rooms. Furthermore the development will be set away from the retained garden area of 42 Burgess Road and would not lead to harmful overlooking or shading of the garden space. The layout would retain a 10m length / 70sqm garden for the existing property and is therefore compliant with the standards set out within the Residential Design Guide SPD for a semi-detached property. During the officer site visit it was noted that the land which is the subject of this application did not appear to be laid out and managed as usable garden space, but this could change.
- 6.4.2 The proposed dwelling and its garden area would be subject to shade from the line of protected mature trees to the south. However the degree of shade will not be unreasonably harmful with the property receiving morning and afternoon, east and west sunlight. Furthermore regard is had to an appeal decision at 44-46 Burgess Road which deemed the degree of shading not to be harmful to the rear garden area. The proposed garden is considered sufficient in size for a 2-bed

property with a length of 14m and an approximate area of 70 sqm. The proposed dwelling is provided with east-west outlook.

6.5 Impact on neighbouring residential amenities

6.5.1 The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to 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.

6.6 Impact on Trees and the Common Boundary Bank

6.6.1 Objection has been received from the Council's Tree Officer because the proposed development would harmfully encroach into the root protection area and canopy spread of adjacent trees within Southampton Common which are protected by The Southampton (Common / Burgess Road) Tree Preservation Order 2009 and have significant amenity value. The incursion of the proposed dwelling into the root protection area of T6 (oak) would be greater than the existing outbuildings on site and would place this tree at greater risk. Furthermore the proposed dwelling and amenity space would be subject to shade and potential debris from the overhanging trees and this would introduce additional and unreasonable pressure for the cutting back and/or removal of overhanging branches of these trees to the possible detriment of the character and amenities of the area. Loss or significant pruning to these mature amenity trees would be harmful to the character and appearance of the area and setting of the common.

6.6.2 The layout has been amended to ensure the development is pulled 30cm from the common boundary bank, which reflects a court decision which determined that 1 foot gap between the boundary bank and new development is a sufficient maintenance gap. The design of any boundary fencing would need to be carefully considered to ensure it would not harm the boundary bank.

6.7 Highways

6.7.1 The application site is within an area, which is defined as a "low" accessibility zone. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. Therefore careful consideration needs to be made of the implications of the proposed number of spaces. The scheme proposed three spaces (two for the proposed dwelling and one for the existing property) which accords with the Council's maximum parking standards. The combined maximum permissible would be four spaces. There is no national or local policy requirement for the developer to design in visitor parking. Parking restrictions exist within the area to prevent any harmful parking overspill or increased on-street parking pressures. The height of the boundary adjacent to the site access will need to be altered to ensure adequate driver sight lines. Sufficient bin and cycle storage has been made.

6.8 Solent Disturbance Mitigation

6.8.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura

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

7.0 Summary

7.1 The merits of windfall housing delivery is not considered to outweigh the harm to adjacent trees within the Common. The Council has a 5 year housing land supply and is not reliant on meeting housing need on windfall sites if other concerns prevail. In this case the proposed dwelling would harm local trees which contribute to the character of the area and should be resisted for the reasons given by the Council's Tree Officer.

8.0 Conclusion

8.1 The application is recommended for refusal

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 24/03/15 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
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)

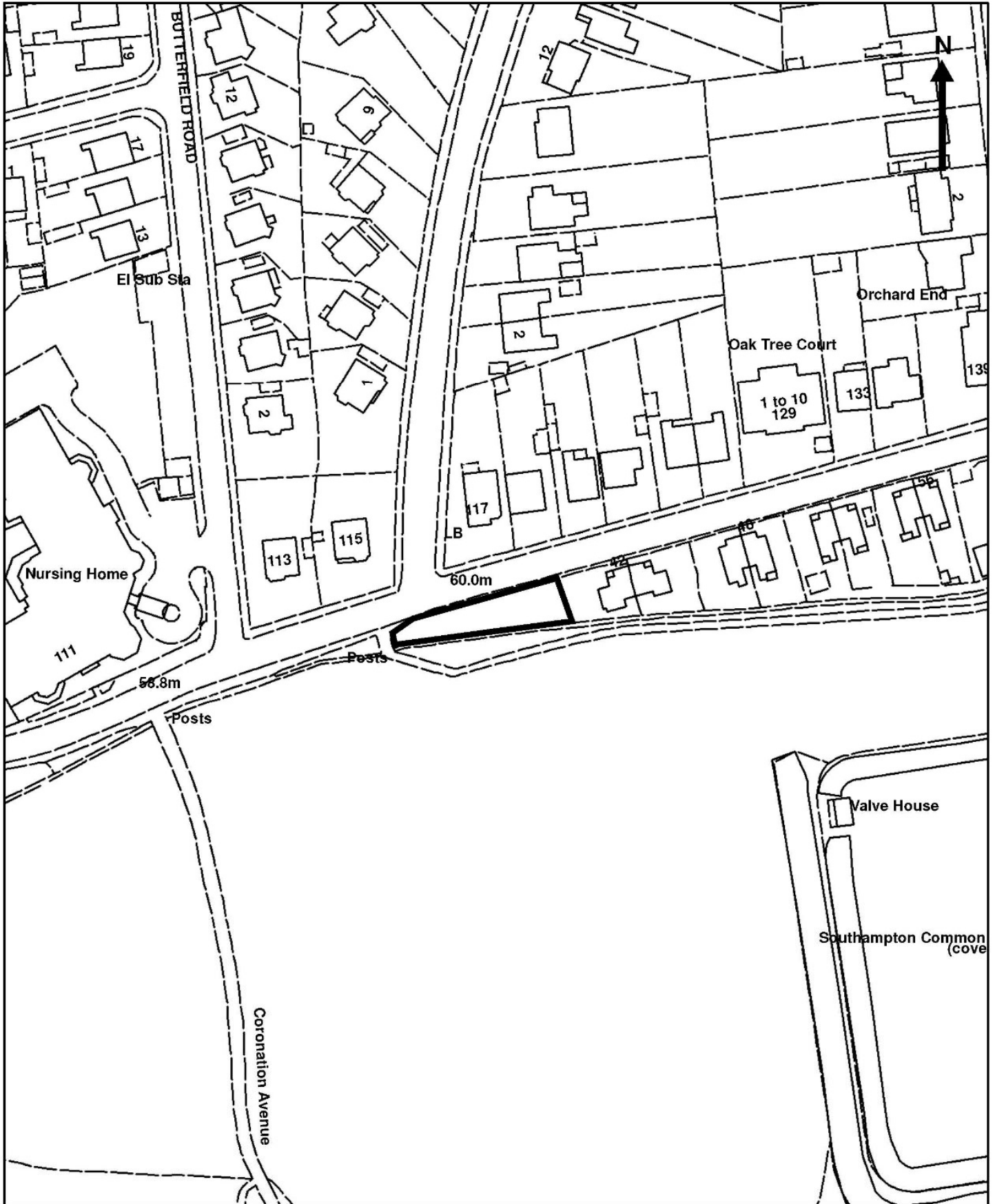
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
NE4	Protected Species
CLT3	Protection of Open Spaces
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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



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