

Planning and Rights of Way Panel (WEST)

Tuesday, 25th August, 2015
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Lloyd (Vice Chair)
Councillor Claisse
Councillor L Harris
Councillor Mintoff

Contacts

Democratic Support Officer
Sharon Pearson
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Planning and Development Manager
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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

Public Representations: -At the discretion of the Chair, members of the public may address the meeting 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 2015/16

Planning and Rights of Way - EAST	
2015	2016
23 June 2015	19 January 2016
4 August	1 March
15 September	12 April
27 October	
8 December	

Planning and Rights of Way - WEST	
2015	2016
2 June 2015	9 February 2016
14 July	22 March
25 August	3 May
6 October	
17 November	
22 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 - 8)

To approve and sign as a correct record the Minutes of the meeting held on 14 July 2015 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 14 BASSETT CRESCENT WEST, 15/01181/FUL (Pages 9 - 16)

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

6 172 BASSETT GREEN ROAD, 15/01184/FUL (Pages 17 - 30)

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

7 LAND TO REAR OF 72-76 BRIDGE ROAD, 15/01107/FUL (Pages 31 - 60)

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

8 78 MALMESBURY ROAD, 15/01205/FUL (Pages 61 - 78)

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

9 **51 GARFIELD ROAD, 15/01094/FUL** (Pages 79 - 86)

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

Monday, 17 August 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 14 JULY 2015

Present: Councillors Denness (Chair), Claisse (except Minute No 16 and 17),
L Harris, Mintoff and Tucker

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

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

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

RESOLVED that the Minutes of the Meeting held on 2 June 2015 be approved and signed as a correct record.

14. **THE GARDEN COTTAGE, 15/00235/FUL**

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

Subdivision of existing dwelling into two flats (one x two bedroom, one x three bedroom) with single storey extension to the south elevation, porch to the north elevation, alterations to the roof and changes to windows (resubmission).

Mr Darlington (Chair NEBRA Residents Association and Local Resident/objecting) was present and with the consent of the Chair, addressed the meeting.

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

Reasons for Refusal

REASON FOR REFUSAL – Highway Safety

The subdivision of the property into two dwellings is likely to result in the intensification of the access by vehicles which would be to the detriment of highway safety. As such the proposal is contrary to policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review (as amended 2015) and policy CS19 of the adopted LDF Core Strategy (as amended 2015).

REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

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 Amended LDF Core Strategy (2015) as supported by the Habitats Regulations.

15. **32 ARCHERS ROAD, 15/00824/FUL**

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

External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and four x two bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage.

Councillors Moulton and Shields (Ward Councillors/objecting), Ms Dineen (Local Resident/objecting) and Mr Beavan (Applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 11 and an additional paragraph to Recommendation 1 set out in the report as detailed below:

Changes to Recommendation 1

Add paragraph in bold below under the following section of the report;

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

In the event that an amended plan detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management is not submitted and approved within two months of date of the decision the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended Condition

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in

the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

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

Reasons for Refusal

REASON FOR REFUSAL – Highway Safety

The location of the proposed convenience store close in proximity to a school would add to Highway congestion at busy times, likely to result in risk to highway safety. As such the proposal is contrary to policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review (as amended 2015) and policy CS19 of the adopted LDF Core Strategy (as amended 2015).

REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of a Section 106 Agreement the development fails to mitigate its impact in the following areas:

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including any necessary Traffic Regulation Orders to facilitate any changes, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- (ii) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- (iii) Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iv) The submission, approval and implementation of (i) a Construction Traffic Management Plan and (ii) post Construction Servicing Management Plan setting out the delivery times and other measures to prevent conflicts with neighbouring users of the road network so as to mitigate against the impact of development accordance with policy CS18 and CS25 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

This reason for refusal could be resolved when an acceptable scheme is presented to the Local Planning Authority

16. **253 PORTSWOOD ROAD, 14/01981/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a variation of a condition of a previous planning permission reference 13/01745/FUL at the above address.

Variation of condition 4 of planning permission reference 13/01745/FUL to allow the restaurant/cafe premises to open between 07:00 hours and midnight on any day.

Mr Vinson and Mrs Jameson (Residents/objecting), Dr Buckle (Chair, Portswood Residents Association/objecting), Councillor O'Neill (Ward Councillor/objecting) and Mr Ahmed (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 and the amended condition set out below.

Amended Condition

APPROVAL CONDITION - Noise mitigation

Before the hours of operation hereby approved come into effect, the details of noise mitigation for the external plant equipment shall be submitted and agreed in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter prior to the hours of operation approved come into effect.

Reason:

In the interests of protecting the residential amenities of neighbouring occupiers and as the submitted External Plant Noise Assessment refers to works requiring planning permission in their own right (LPA ref: 14/01941/FUL)

Councillor Claisse declared a personal interest in the above application and withdrew from the Meeting for the consideration of this item.

17. **253 PORTSWOOD ROAD, 14/01941/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.

Retention of a single storey rear extension and associated air conditioning units.

Mr Vinson and Mrs Jameson (Local Residents/objecting), Dr Buckle (Chair, Portswood Residents Association), Councillor O'Neill (Ward Councillor/objecting) and Mr Ahmed (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 Denness and Tucker
AGAINST: Councillor Harris
ABSTAINED: Councillor Mintoff

Councillor Claisse declared a personal interest in the above application and withdrew from the Meeting for the consideration of this item.

18. **383 SHIRLEY ROAD, 15/00770/FUL**

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

Change of use of the ground floor from financial and professional services (Class A2) to drinking establishment (Class A4).

Mr Dunn (Local Resident/supporting) and Mr Rai (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.

19. **119A-123 BITTERNE ROAD WEST, 15/01037/FUL**

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

Erection of single storey side extensions to form additional retail floor space and storage space (resubmission of 14/01845/FUL), together with alterations to the existing shop front, including an ATM and a new refuse compound.

Ms Williams and Mr Hughes (Local Residents/objecting) and Councillor Fuller (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

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

Additional Conditions

APPROVAL CONDITION - existing means of enclosure

The existing metal fence adjacent to the site's northern boundary with residential neighbours at 18 to 22 Chafen Road (ie. beyond the north elevation of the extension hereby approved) and the existing fence line and gate to the east of the existing building that links to the east boundary of the site shall be retained and maintained as currently erected whilst the premises are within the approved commercial use. Prior to

the completion of the extension hereby approved, the gate shall be secured with a lock and thereafter retained and maintained.

Reason:

In the interests of protecting the residential amenities and security of the neighbouring occupiers within Chafen Road.

APPROVAL CONDITION - Parking spaces

Prior to the commencement of development, details shall be submitted and approved in writing by the Local Planning Authority showing the siting of a minimum of 5 customer parking spaces on the forecourt. The development shall thereafter be implemented in accordance with the approved parking layout and thereafter retained.

Reason:

In the interests of protecting the amenities of the nearby residents in Chafen Road from overspill parking preventing the residents from conveniently parking near their residence.

Amended Condition

APPROVAL CONDITION – CCTV [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of the CCTV system on site shall be submitted to and approved in writing by the Local Planning Authority. The submission shall review the existing CCTV system to take into account the extension and ATM hereby approved. Any alterations to the CCTV system that are required shall be implemented before the extension hereby approved first comes into use and thereafter maintained and retained.

Reason:

In the interests of reducing opportunities for crime and anti-social behaviour.

20. **238 HILL LANE, 15/00973/FUL**

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

Erection of a two storey rear extension, installation of solar panels and front porch canopy.

Mr Miles (Local Resident/objecting) and Mr Driver de Valle (Applicant's Representative) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that this item be deferred to allow the applicant to amend the plans to address the Panel's concerns.

21. **121-127 REDBRIDGE ROAD, 15/00189/FUL**

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

Erection of a detached, single-storey structure for use as a jet wash facility.

Mr Hanscomb (Applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that due to a typographical error, conditions 4, 5 and 6 should be renumbered as 3, 4 and 5 respectively.

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

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Agenda Annex

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

DATE: 25th August 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
	JF	REF	5	15/01181/FUL 14 Bassett Crescent West
	AC/SB	CAP	5	15/01184/FUL 172 Bassett Green Rd
	SB	CAP	5	15/01107/FUL Land to r/o 72-76 Bridge Rd
	MP	CAP	5	15/01205/FUL 78 Malmesbury Rd
	KA/JT	CAP	5	15/01094/FUL 51 Garfield Rd

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

JF – John Fanning
MP – Mat Pidgeon

AC – Anna Coombes
KA – Kiaran Amery

JT – Stuart Brooks
JT – Jenna Turner

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

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 Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)

3. Statutory Plans in Preparation
 - (a) Emerging Bassett Neighbourhood Plan (Post Examination) (2015)

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. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. 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)

Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 25th August 2015
Planning Application Report of the Planning and Development Manager**

Application address: 14 Bassett Crescent West			
Proposed development: Erection of a two-storey rear extension, single storey front and side extension and carport			
Application number	15/01181/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	27.07.15	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides
Referred by :	Cllr L Harris	Reason:	No objections from local residents and not out of character

Applicant: Richard Ojany	Agent: Mr Mike Free
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Reason for refusal - Unneighbourly and impact on amenity

The proposed development results in an internal habitable room having neither adequate outlook or natural light and which represents a poor layout and living environment for occupiers of the property. Furthermore the outlook that is available from the contrived window solution would look directly towards the external private amenity space of the adjacent dwelling at 16 Bassett Crescent West, representing an unneighbourly form of development. Therefore the development is contrary to saved policies SPD1(i), SDP7(i) and SDP9(v) of the adopted City of Southampton Local Plan Review (March 2006), CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Residential Design Guide (September 2006) with particular reference to section 2.2.1-2.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Refuse

1.0 The site and its context

- 1.1 The application site is occupied by a detached residential dwelling in an area typified by large detached residential dwellings.
- 1.2 The surrounding area has a mix of different building form and styles, though the typical layout of detached dwellings situated with large garden plots characterises the surrounding street scene.

2.0 Proposal

- 2.1 The application proposes a number of modifications to the original dwelling under this single application. A single-storey element is proposed to the front, stretching the full width of the building. A single storey side extension is also proposed, replacing an existing structure.
- 2.2 In addition, a two-storey rear extension is proposed, also stretching the full width of the property.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 A previous application (identical with the exception of a first floor room previously labelled as a bedroom now being labelled as a gym, with an otherwise identical floor layout and built form) was refused under planning application reference 15/00206/FUL on 22.04.2015. The previous reason for refusal is outlined in **Appendix 2**.

5.0 Consultation Responses and Notification Representations

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

5.2 The 6 letters received were from a total of 4 different properties; 5 of the letters were submitted by the applicant and consisted of a standard pro-forma letter template and contained no comment on the merits of the application. One resident submitted an additional letter raising a number of points. The following is a summary of the points raised:

5.3 Pro-forma circulated letter (5 letters from 4 addresses) comment:
Request for application to be heard at Panel.

5.4 Individual letter (from neighbour who also signed one of the letters above) comment:

Broad support for aesthetic impact of proposal. Highlight trees within application site. Raise concern regarding impacts of development on land instability of neighbouring occupiers. With particular reference to single storey side element of proposal, concern about proximity to boundary and resulting impacts of construction works on footings, electrical cabling and drains. Development should not overhang boundary.

Response:

These issues would primarily be addressed under building regulations. Any damage caused as part of building works within the application site would be a civil issue between the relevant parties. The applicant has signed Certificate A stating that they do not intend to develop over any land which another party has an interest in.

5.5 Cllr L Harris Comment:

Given previous refusal requested referral to Panel. No objection to proposal given lack of objection from neighbouring properties and did not consider the proposal to be out of character.

5.6 Consultation Responses

5.7 **Trees** – It is not considered the proposed construction is likely to have an impact on protected trees, subject to the imposition of suitable conditions requiring safeguarding of trees during construction and restricting the storage of materials within the tree canopy.

6.0 Planning Consideration Key Issues

6.1 The application proposes an extension to an existing residential dwelling. The proposal would not represent a change of use of the site and would retain the property as a family dwelling in an area typified by such residential uses. As such the main considerations will be the specific acceptability of the design in relation to the site, the character of the host dwelling, neighbouring amenity and the amenity of the occupants of the host dwelling.

6.2 Front extension

6.2.1 The application site has an existing single-storey garage with adjacent car port protruding to the front of the property. A number of nearby properties have similar protruding single-storey front elements although the application site is somewhat separated from the neighbouring properties to the north by heavily vegetated boundary treatments.

6.2.2 The application proposes a full width single storey front extension as habitable accommodation, an increased car port and larger dual pitch roof form. The neighbouring property to the south is set significantly forward of the application site, mitigating the impact of the forward projection of the extension in terms of the context of the surrounding street scene. Given the existing layout and design of properties in the surrounding area it is not considered that the proposed alteration would have a harmful impact in terms of the character of the host dwelling.

6.3 Side extension

6.3.1 The single storey side extension is judged to be relatively minor in scale and is broadly considered to be similar in terms of its impacts when compared to the existing single storey side extension.

6.4 Rear extension

6.4.1 The two-storey is very sizable, particularly taking into account the existing layout of properties, with the property to the south at number 12 already set significantly forward of the property in the application site. The current relationship between these properties means that the existing house already protrudes across the 45 degree line from the neighbouring occupier. The impact of the two-storey element is somewhat mitigated due to the fact that the application site is positioned to the north of the property at number 12, reducing concerns in terms of the creation of an overshadowing form of development. In addition, the garden of the neighbouring property is reasonably large, somewhat mitigating concerns in terms of the creation of an overbearing form of development. Given that the existing depth of projection is already so significantly beyond the 45 degree line on balance it is not felt that the projection of the additional depth proposed would result in substantial additional harm when compared to the existing situation.

6.4.2 As shown in Plan 13 the proposed extension does not cut across a 45 degree line drawn from the nearest habitable room windows of number 16. However, Plan 13 does highlight that the proposed extension results in the removal of a rear facing window serving one of the first floor bedrooms.

6.4.3 It is proposed to replace this window with a protruding bay window at first floor level. This window would primarily look out into the flank wall of the neighbouring building set 2.5m from the window. Due to its positioning within the room the remaining outlook would look directly into the neighbouring garden and only oblique views into the application site itself. While a condition could be imposed requiring that this window be obscured to reduce overlooking this would significantly reduce the usability and outlook that this window provides to the room. Furthermore, the window would rely on the neighbouring site for daylight which is poor planning since it can prejudice sites from development in the future. On this basis it is not considered that such a condition would be reasonable. As such it is considered that the proposed window would be harmful to the amenities of the host and neighbouring occupiers in terms of outlook and overlooking respectively.

6.4.4 Notwithstanding that this room has been relabelled as 'Gym' rather than as a bedroom under the previous refused application, it is considered that the room remains a habitable room and the harmful impacts identified in the previous

reason for refusal remain.

7.0 Summary

7.1 The application proposes a significant degree of extension to the existing dwelling to the front, side and rear. The resulting design and layout has a harmful impact on the amenities of both occupants of the host dwelling and the amenities of neighbouring occupiers.

8.0 Conclusion

8.1 For the reasons discussed above, 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)(b)(c)(d), 2(b)(d), 4(f), 7(a), 8(a)(e), 9(b)

JF1 for 25/08/15 PROW Panel

Reason for refusal - Unneighbourly and impact on amenity

The proposed development results in an internal habitable room having neither adequate outlook or natural light and which represents a poor layout and living environment for occupiers of the property. Furthermore the outlook that is available from the contrived window solution would look directly towards the external private amenity space of the adjacent dwelling at 16 Bassett Crescent West, representing an unneighbourly form of development. Therefore the development is contrary to saved policies SPD1(i), SDP7(i) and SDP9(v) of the adopted City of Southampton Local Plan Review (March 2006), CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Residential Design Guide (September 2006) with particular reference to section 2.2.1-2.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

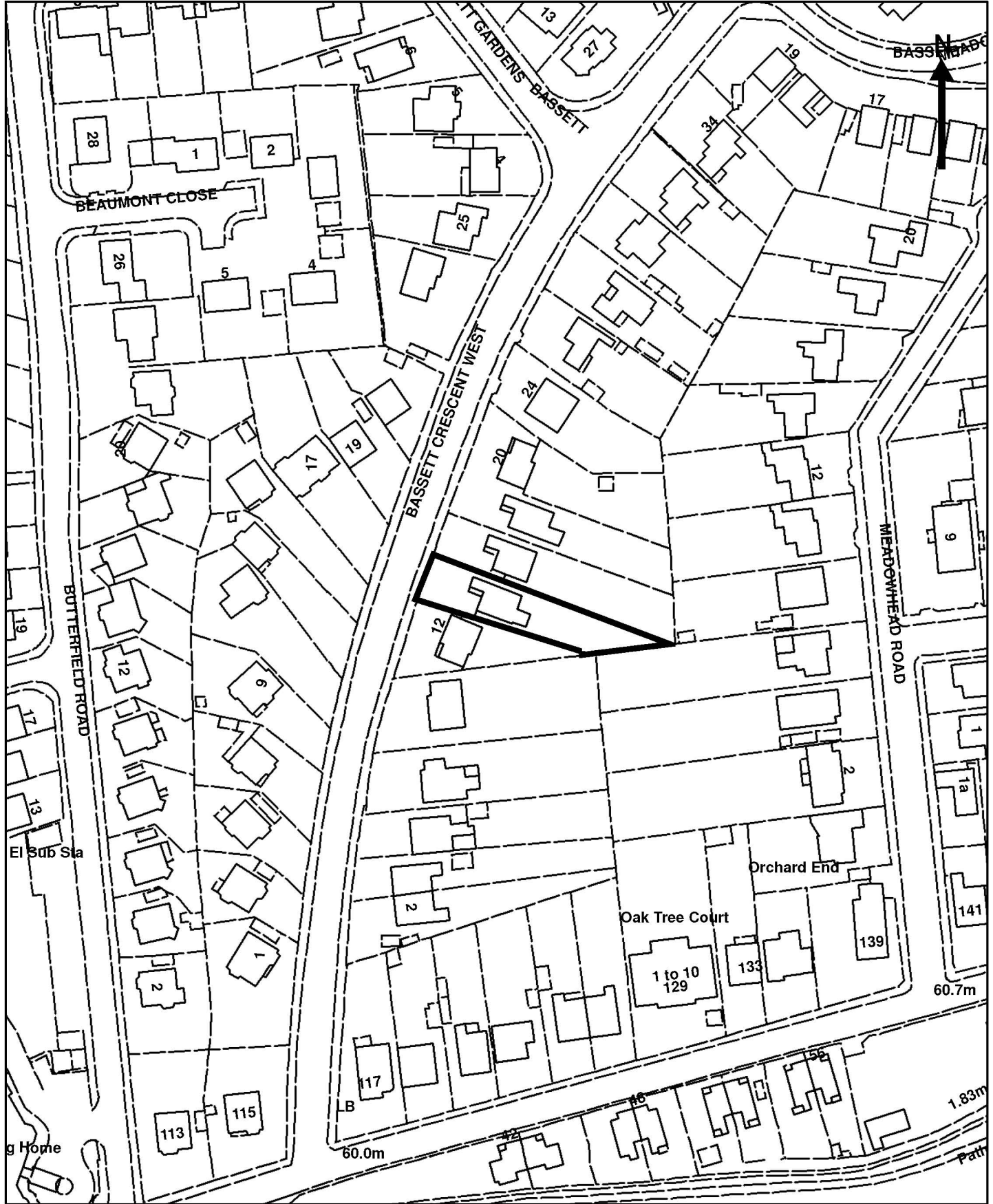
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

15/00206/FUL, Erection of replacement single storey front and side extensions and a two storey rear extension following demolition works
Refused, 22.04.2015

Reason for refusal - Unneighbourly and impact on amenity

The proposed development results in an internal habitable room having neither adequate outlook or natural light and which represents a poor layout and living environment for occupiers of the property. Furthermore the outlook that is available from the contrived window solution would look directly towards the external private amenity space of the adjacent dwelling at 16 Bassett Crescent West, representing an unneighbourly form of development. Therefore the development is contrary to saved policies SPD1(i), SDP7(i) and SDP9(v) of the adopted City of Southampton Local Plan Review (March 2006), CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Residential Design Guide (September 2006) with particular reference to section 2.2.1-2.



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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 25th August 2015
Planning Application Report of the Planning and Development Manager**

Application address: 172 Bassett Green Road			
Proposed development: Erection of detached garage (part retrospective)			
Application number	15/01184/FUL	Application type	FUL
Case officer	Anna Coombes	Public speaking time	5 minutes
Last date for determination:	28.07.2015	Ward	Bassett
Reason for Panel Referral:	Five letters of objection have been received	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides

Applicant: Mr and Mrs Heer	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application. 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, SPD4, SDP5, SDP7, SDP9 and SDP16 of the City of Southampton Local Plan Review (as amended 2015) and CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the adopted Residential Design Guide SPD (2006).

Appendix attached			
1	Development Plan Policies	2	14/00840/FUL - Decision Notice

Recommendation Summary	Conditionally Approve
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1.0 Background

- 1.1 This site has been the subject of two recent planning applications concerning extensions to the main dwelling and a detached garage to the rear of the site. The first (13/01938/FUL - Part single storey/part two storey side and rear extensions and detached garage at rear) was refused on 31/01/2014 due to concerns over the layout, scale and massing of the extensions to the main dwelling. The second application (14/00840/FUL - Single storey rear extension two storey side and rear extension and detached garage (resubmission)) was considered to address the reasons for the previous refusal and was granted conditional approval under delegated powers on 10/07/2014. The Planning Officer assessing the applications above was satisfied that the scale and location of the detached garage would not cause harm to the character of the local area, due to the size of the surrounding rear garden. The nature of the use of the garage was also secured by a condition applied to the consent, which limited its use to domestic purposes only and prevented its use as additional living accommodation.
- 1.2 Since the conditional approval in July 2014 the detached garage has been built, but there have been changes from the approved plans in the form of two additional roof lights to the south-western end of the roof and a change in the position of the pedestrian and vehicular doors along the south-eastern elevation, which have swapped ends. These changes were the subject of enforcement investigation in May 2015. The Council's Enforcement Officer visited the application site and advised the applicant to cease works and submit a retrospective planning application to attempt to regularise these changes.

2.0 The site and its context

- 2.1 This application site contains a two-storey detached dwelling in a large spacious plot, with vehicular access from Bassett Green Close to the rear. The surrounding properties fronting Bassett Green Road are mainly two-storey detached dwellings grouped into similar styles, with large rear gardens and a spacious gap to the side boundaries. The properties to the rear, in Bassett Green Close, are mainly characterised by modest sized detached bungalows, at a lower level than the application site, but which are separated from the application site by a road, bounded either side by footpaths and small grass verges.

3.0 Proposal

- 3.1 The proposal seeks to regularise a breach in planning control of previous planning consent 14/00840/FUL, which concerns alterations to the detached garage at the rear of the application site; namely the addition of two roof lights to the south-western end of the roof, nearest Bassett Green Close, and the swapped positions of the one x pedestrian and two x vehicular doors along the south-eastern elevation. The small window previously approved on the south-eastern elevation has been omitted, but the window on the north-eastern elevation, facing the main dwelling, remains the same as previously approved. The size and location of the detached garage and the access to Bassett Green Close also remain the same as previously approved.

4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out in **Appendix 1**.
- 4.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

5.0 Relevant Planning History

- 5.1 A summary of the relevant planning history is set out in **Appendix 2** of this report. Of particular relevance to this application is the approval, last year of a single-storey rear extension, two-storey side and rear extension and detached garage (application 14/00840/FUL). The decision notice for this application is also included in **Appendix 2** and of relevance to this application are the following conditions:

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

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

Reason:

To protect the amenities of the adjoining residential properties.

APPROVAL CONDITION 05 - Use of garage - domestic ancillary use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

6.0 Consultation Responses and Notification Representations

6.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which involved notifying adjoining and nearby landowners. At the time of writing the report **16** individual representations have been received from surrounding residents including one from the North East Bassett Residents Association (NEBRA). It is worth noting that 11 of these representations were copies of template letters with only the names and addresses changed, meaning that there were only 5 unique letters of representation. The following is a summary of the planning related points raised:

6.2 Increased parking and traffic problems on Bassett Green Close.

Response

The detached garage and associated driveway actually provide an increase in parking spaces available within the application site from those available previously. It is understood that there have been parking and traffic problems during the construction of this development, but this is considered to be short term and some disruption is to be expected when any construction work is undertaken. Furthermore, the Council's Highways officers have not raised objections to this, or the previous application.

6.3 The new arrangement of windows and doors results in a loss of privacy to neighbouring properties.

Response

The two newly inserted roof lights are located towards the ridge line, approximately 3 metres above floor level. As such, it is not considered that these would cause an increase in overlooking, as they are located above eye level. The fact that the pedestrian door to the detached garage has moved closer to the neighbouring properties along Bassett Green Close is not considered to increase the chances of the occupier overlooking these neighbouring properties, any more than the previously approved proposal of having the vehicular doors in this location. There are no windows on the rear elevation directly facing Bassett Green Close, or on the side elevations facing neighbouring properties.

6.4 Increased noise impact resulting from the workshop being located nearer to Bassett Green Close.

Response

The potential noise generated by domestic use of the detached garage would not be out of character for a rear garden location. The use of the detached garage can be controlled by conditions applied to the planning consent. If consent for this application is granted, and the applicant breaches this condition by using the garage as additional accommodation, then the Council's Enforcement Team have powers to control this. It is also considered that the current separation distances, and the fact that the road runs between neighbouring properties on Bassett Green Close and the detached garage, prevent any harmful impact.

6.5 The garage could be used as additional accommodation.

Response

The use of the detached garage can be controlled by conditions applied to the planning consent. If consent for this application is granted, and the applicant breaches this condition by using the garage as additional accommodation, then the Council's Enforcement Team have powers to control this.

6.6 **Visual impact of the detached garage.**

Response

The visual impact of the detached garage was considered under previous planning applications 13/01938/FUL and 14/00840/FUL and was not considered to be harmful to the character of the property, or of the local area.

6.7 **The applicant's construction team continued to work when they were advised to cease works.**

Response

Works completed after the applicant was advised to cease works were done at the applicant's own risk. A retrospective planning application to regularise the breaches in planning control was submitted as requested by the Council's Enforcement Officer.

6.8 **Consultation Responses**

6.9 **SCC Highways** – The proposed changes to the original consented scheme make no material difference between the two designs in highway terms, therefore there are no highway objections.

7.0 **Planning Consideration Key Issues**

7.1 As the principle of development for this detached garage has already been established under previous planning consent 14/00840/FUL, the key issues for consideration in the determination of this retrospective planning application are:

- Design and amenity
- Highway safety

7.2 Design and Amenity

7.2.1 The proposed changes to the previously approved detached garage are considered to have a minimal visual impact, as they mainly concern a re-positioning of doors that have been previously approved. The new roof lights to the south-western end of the roof will be visible from Bassett Green Close, but they are not considered to cause harm to the character of the property, or the local area.

7.2.2 The additional roof lights proposed on the detached garage are not considered to give rise to additional overlooking or loss of privacy, due to the separation distance and orientation in relation to neighbouring properties. The use of the garage was controlled to domestic use only under the previous planning consent, and it would be recommended to re-apply this condition to the current application, if consent is granted. It is considered that the potential noise generated by domestic use of the garage would not be out of character for the area, as there are surrounding rear gardens with other outbuildings and it is a reasonable assumption that these could also be used as domestic workshops without the need for planning permission. In terms of the neighbouring properties to the rear, along Bassett Green Close, it is considered that the current separation distances, and the fact that the road runs between these neighbouring properties and the detached garage, prevent any harmful impact.

7.2.3 With respect to the amenities of the occupiers of the main dwelling, there is ample rear garden remaining and there are sufficient parking spaces provided within the proposed garage and driveway at the rear of the property.

7.3 Highway safety

7.3.1 Highway Officers have reviewed this scheme, both under the previously approved application 14/00840/FUL and this current, retrospective application. On both occasions they have returned a comment of no objections. In light of this, it is considered that the proposed access and driveway to the rear of the application site is acceptable.

8.0 Summary

8.1 Officers are satisfied that the repositioning of the doors on the south-eastern elevation and the introduction of new windows to the roof do not result in a loss of privacy for neighbouring properties, and that the nature of the use of the garage can be controlled by condition, therefore limiting the potential noise and traffic impacts for neighbouring properties.

9.0 Conclusion

9.1 As such, the application is recommended for approval subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AC for 11/08/2015 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 - Materials to match [Performance Condition]

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

Reason:

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting

that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

05. APPROVAL CONDITION - Use of garage - domestic ancillary use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

06. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP4 Development Access
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP16 Noise

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

14/00840/FUL Conditionally Approved 10.07.2014
Single storey rear extension two storey side and rear extension and detached garage (resubmission). (**See notice below**).

13/01938/FUL Refused 31.01.2014
Part single storey/part two storey side and rear extensions and detached garage at rear.
Reason for refusal:
The layout, scale and massing of the proposed front and rear extensions in terms of the width, forward and rear projection, and taller ridge level of the front gable would be a disproportionate and obtrusive addition to the appearance and character of the original dwelling. Furthermore, the extensions would erode the spacious feel and characteristic visual gaps to the sides of the property and, therefore, adversely harm the established character of the local area. As such the development will have an unacceptable impact on visual amenity.

12/01678/FUL Refused 19.12.2012
Formation of a vehicular access with block paving to allow for car parking at the front.

1563/W18 Conditionally Approved
18.12.1979
Erection of single storey side extension.

1061/28 Permitted 12.04.1955
Erection of house and garage.

Decision Notice for application no 14/00840/FUL

14/00840/FUL/5162



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

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

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Single storey rear extension two storey side and rear extension and detached garage (resubmission)

Site Address: 172 Bassett Green Road Southampton SO16 3LW

Application No: 14/00840/FUL

Subject to the following conditions.

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

To protect the amenities of the adjoining residential properties.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

05.APPROVAL CONDITION - Use of garage - domestic ancillary use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

06.APPROVAL CONDITION - Approved Plans

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

Reason:

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

Reason for granting Planning Permission

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

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

Note to Applicant - Community Infrastructure Liability (Approval)

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



Chris Lyons
Planning & Development Manager

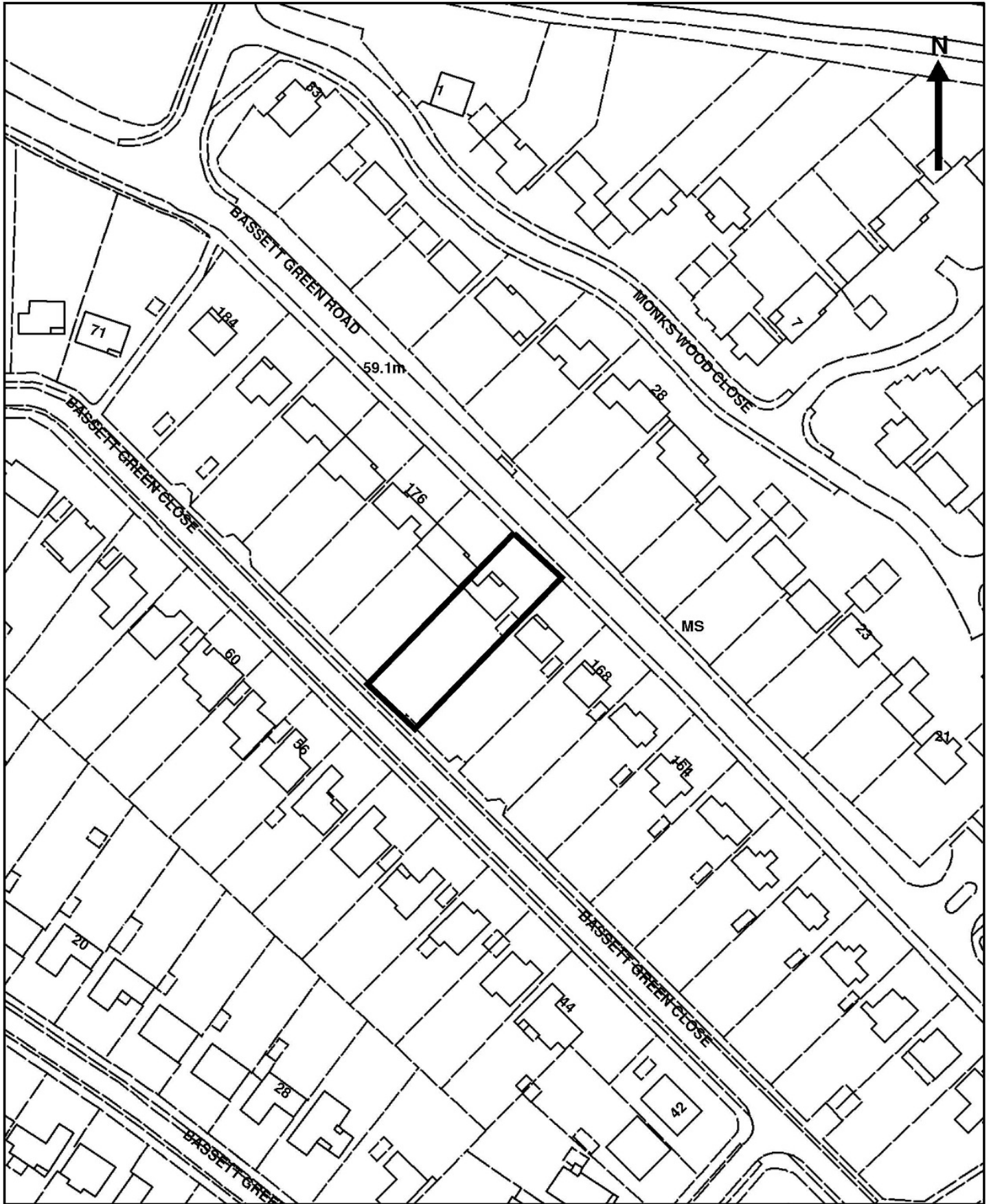
10 July 2014

If you have any further enquiries please contact:
Stuart Brooks

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
HEER SHT 4 REVISION X		General Plan	20.05.2014	Approved
HEER SHT 3 REVISION A		General Plan	30.06.2014	Approved
HEER SHT 2 REV A		General Plan	30.06.2014	Approved



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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 25th August 2015
Planning Application Report of the Planning and Development Manager**

Application address: Land to rear of 72-76 Bridge Road			
Proposed development: Erection of 2 x three bed, semi-detached houses with associated car parking, bin and cycle storage and vehicular access from Mullen close (resubmission)			
Application number	15/01107/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	27.07.2015	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member and more than five letters of objection have been received	Ward Councillors	Cllr Houghton Cllr Keogh Cllr Lewzey
Referred by:	Cllr Lewzey Cllr Eamon Keogh	Reason:	Amenity and Parking

Applicant: Mr S Wood	Agent: Jenkins Architecture
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H7 of the City of Southampton Local Plan Review (as amended March 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (as amended March 2015).

Appendices attached			
1	Development Plan Policies	2	Plans for 66 Bridge Road
3	Map of SCC Landownership and rights		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site contains the rear gardens belonging to 72, 74 and 76 Bridge Road. These are long gardens backing onto Mullen Close beyond the south-east boundary of the site. The gardens contain a number of mature protected trees which creates green landscape buffer along the edge of Mullen Close.
- 1.2 Mullen Close is adopted public highway and is a narrow cul-de-sac with sheltered housing raised above it to the south-east edge. There are existing on-street car parking bays along the public highway of Mullen Close and a thin strip of land, within SCC Housing Team's ownership, between the application site and the public highway itself. There is an existing vehicular access across the on-street car parking bays and the land owned by the SCC Housing team to part of the site at 74 Bridge Road.
- 1.3 There is an example of a dwelling within Mullen Close (no. 23) which has been recently built to the rear of 54 to 60 Bridge Road. Permission has been recently granted to erect a dwelling to the rear of 66 Bridge Road (ref no. 14/00404/FUL - see plans attached to **Appendix 2**).

2.0 Proposal

- 2.1 It is proposed to subdivide the rear gardens of 72 to 76 Bridge Road to create a new plot to erect a 2-storey building to provide 2 x three bedroom semi-detached dwellings. The site will utilise the existing vehicular access from Mullen Close into the rear garden of 74 Bridge Road.
- 2.2 The properties would be served by 4 off street parking spaces. The proposed dwellings will be served by 94 and 76sqm of private amenity space.
- 2.3 The dwellings would have a simple, traditional design appearance with pitched roofs, brick elevations and porch canopies to the front elevations.

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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.3 Policy CS5 (Housing Density) of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.4 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).
- 3.5 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 There is no relevant history for development on this site.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (04.06.2015). At the time of writing the report **14** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Comment

Impact on highway safety - The road and access is narrow for emerging vehicles and dangerous for pedestrians and those living in the sheltered housing block to the south. There will be increased traffic and pressure for on-street parking from visitors, and 3 parking spaces, serving the sheltered housing will be lost.

Response

As noted above, there are existing on-street car parking bays marked out along Mullen Close. The application site proposes a single point of access from Mullen Close, which currently appears to be used for access/parking associated with no. 74 Bridge Road. As the land is public highway, there is no automatic right to rely on it for car parking purposes. The proposal provides two car parking spaces for each dwelling which meets the Council's maximum standards. As such, there is no reason to assume that the proposal would increase on-street car parking pressure in the locality. Furthermore, it is important to note that since Mullen Close is not a classified road, planning permission is not required to form new points of access from it. As such, the Council's Highway Team have raised no objection to the application.

5.1.2 Comment

Loss of amenity - The elderly residents in Mullen Close would suffer from noise disturbance of younger persons and families.

Response

It is not unusual for families to live amongst elderly persons within a mix and balanced community and the National Planning Policy Framework encourages this approach. Furthermore, this situation currently exists with family dwellings on nearby Poole Road and as recently approved at 23 Mullen Close and rear of 66 Bridge Road.

5.1.3 Comment

The proposal represents overdevelopment of the site and would set a precedent for similar development.

Response

There is adequate space within the subdivided plot to provide the dwellings and their necessary private garden space, parking area and the requisite storage. Separation distances between the dwellings and the neighbours would also be sufficient. As such, the design and layout does not demonstrate any symptoms of over-development. In terms of precedent, each site is assessed on its own individual merits and it is important to note that this site is unique as it already benefits from a vehicular access from Mullen Close.

5.1.4 Comment

There would be noise, disturbance and dust from the building works.

Response

The impacts of construction can be adequately mitigated by the recommended planning conditions (conditions 10, 11 and 12 refer). The construction hours will not take place during anti-social hours. This is accepted practice for all development in the city which will always have a temporary impact on peoples' lives.

5.1.5 Comment

Loss of trees and biodiversity which act as a screen of the back gardens of the along Bridge Road.

Response

The Tree Officer has not raised an objection to the trees being removed which are not subject to a Tree Preservation Order and have no significant amenity value within the street scene. The Ecology Officer has advised that the impact on biodiversity and wildlife can be adequately mitigated by the recommended conditions (see conditions 07, 15 and 16).

5.1.6 Comment

Groundworks would cause a brook in Mullen Close to seep into Poole Road.

Response

Southern Water have raised no objection. The issues of surface water disposal and adequacy of soakaways falls under the assessment of Building Regulations.

5.1.7 Comment

The development would rely on access rights to land belonging to SCC.

Response

A notice has been correctly served on the Council in connection with Ownership certificate B to declare that development will take place on Council land (the strip of land under the Housing Portfolio). Notwithstanding that permission can be granted for the development, the applicant would still have obtain permission from the relevant SCC Departments to be able to unlock the development of the site. The Highway Officer has advised that there are public access rights for vehicles across the car parking land (managed under the Housing Portfolio), as public highway rights to pass over an adopted highway take precedent over the SCC Housing ownership rights in this instance.

5.2 **Consultation Responses**

5.2.1 **SCC Highways** – No objection, subject to conditions to maintain on site turning, waste management, and construction management.

5.2.2 **SCC Sustainability Team** – No objection, subject to conditions related to energy/water efficiency and sustainable urban drainage.

5.2.3 **SCC Environmental Health (Contaminated Land)** - No objection, subject to a condition to assess the risk of land contamination

5.2.4 **SCC Ecology** – No objection, subject to a condition to carry out the biodiversity mitigation plan submitted, controlled clearance of vegetation, and protocol to remove Japanese Knotweed.

5.2.5 **Southern Water** – No objection

5.2.6 **SCC Trees team** - No objection, subject to condition for necessary tree protection measures and replacement trees

5.2.8 **SCC Heritage** - No objection or conditions suggested.

6.0 Planning Consideration Key Issues

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

- Principle of Development;
- Impact on Character and Amenity and;
- Impact on Highway Safety

6.2 Principle of Development

6.2.1 Whilst residential gardens are not previously developed land in planning terms, the National Planning Policy Framework requires the Council to set its own policies to resist inappropriate development in rear gardens where harm is caused to the character of the local area (para 53 refers). The Council does not have adopted policies which resists the use of gardens for new development and, therefore, the site should be assessed on the basis of the context and character of the local area. The proposal would contribute towards the delivery of housing and the provision of genuine family housing would meet an identified need and is, therefore, welcome. The principle of development is, therefore, acceptable.

6.3 Character and Amenity

6.3.1 A land parcel has been formed by subdividing the long rear gardens of 72 to 76 Bridge Road served by a vehicular access from Mullen Close consisting of the established access across SCC highway and housing land.

6.3.2 The proposed 2 storey dwellings would be set back 14.5m from the edge of Mullen Close with the front hardstanding mainly screened by the Sycamore to be retained (in the neighbouring garden of 78 Bridge Road) and the front boundary landscaping. The dwellings are of traditional design and modest proportions which do not detract from the mixed character and appearance of the surrounding area.

6.3.3 The backland development of the residential gardens would not be out of context with Mullen Close given the development approved to the rear of 66 Bridge Road (ref no. 14/00404/FUL) and the dwelling built at 54 to 60 Bridge Road. As such, it is considered that this would not be harmful to the character of the surrounding area. The concern about setting a precedent is noted however the scope to redevelop the entire length of Mullen Close is limited by the retention of the protected trees in the gardens to the north of the site and the lack of access through the existing parking spaces.

- 6.3.4 The proposal would result in the removal of a number of trees, however, the Tree Officer has commented that there are no remarkable trees on the site of the proposed properties and, therefore, does not object to the removal of these trees to facilitate the building of the properties. With the felling of these trees suitable replacement trees should be provided through the landscaping of the new dwellings. A Method Statement can be submitted by condition to further agree the method of protection of the root protection area of the neighbouring trees within the grounds of 78 Bridge Road and the large Sycamore in the rear garden of 70 Bridge Road.
- 6.3.5 In terms of the inter-relationship with the existing properties, the length of the gardens are sufficient to ensure that the minimum back-to-back privacy distance of 21m is achieved, whilst adequate garden space is retained for these properties. As such, the proposal is not considered to be an overdevelopment of the site.
- 6.3.6 The internal and external layout of the proposed family dwellings themselves would provide a suitable residential environment for future occupiers.
- 6.3.7 The proposed dwelling would sit in a small dip with a sizeable separation between the sheltered housing on the opposite side of the road of Mullen Close which sits on raised bank. This is adequate separation distance and physical buffer between the properties to ensure that the existing residents' amenity is not adversely affected. The concerns of the Mullen Close residents from introducing family housing is noted, however, it is not unusual in the city for families to live amongst elderly persons within a mix and balanced community. This impact would be substantially outweighed by the benefits of providing suitable family housing and policy support for mixed and balanced communities.

6.4 Highway Safety

- 6.4.1 The site is accessed via public highway which includes on-street car parking and also a strip of SCC Housing land. However, the Housing land ownership rights would not prevent rights of the public to access the public highway. Furthermore, it is not unusual for planning applications to include land outside of the ownership of the applicant; this is a legal matter which would need to be dealt with outside of the planning process. As noted above, a single point of access to the site is proposed and this would be across an area of land which currently appears to be used for parking and access to part of the application site at 74 Bridge Road. The recommended planning conditions (see condition 9 below) would prevent the proposed dwellings from being occupied until the access arrangements are formalised.
- 6.4.2 The proposed development has on-site turning facilities and accommodates 4 parking spaces. Mullen Close is a cul-de-sac road which does not contain the highest level of traffic and therefore Highway Officer considers the

access to be acceptable. Due to the low level of traffic, it is not considered that the environment is hostile for vulnerable road users, and the proposed parking layout is not too dissimilar to a long parking area in front of a residential development. There are also alternative routes for residents in Mullen Close towards South-West direction where a dropped access is also available for wheelchair users (there is also one at the Mullen Close entrance – south side).

6.4.3 Further details of the management of bins and how the refuse team will be able to access them can be agreed by condition.

6.5 Other Issues

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

7.0 Summary

7.1 In summary, the subdivision of the rear gardens forming the site would contribute towards the city's need for family housing whilst ensuring that the character and amenity of the local area maintained and not adversely affecting the highway safety of the users within Mullen Close. The noise and disturbance issues affecting nearby elderly residents during construction cannot be avoided as this is the nature of all development within Southampton, however, this disturbance can be minimised by limiting the hours of construction at anti-social times during the day.

8.0 Conclusion

8.1 In conclusion, the proposed development is considered to be acceptable in accordance with the Council's planning policies and guidance and, therefore, can be recommended for conditional approval.

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

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

SB for 15/09/15 PROW Panel

PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

03.APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

04.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

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

Prior to the first occupation of the dwellings hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. This shall also include a waste management plan detailing the moving of bins to and from a dedicated refuse collection point on collection days only. Such facilities and management plan as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason:

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

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

The cycle store for a minimum of 1 cycle space for each dwelling hereby approved shall be provided prior to the first occupation of the dwellings and thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

07.APPROVAL CONDITION - Landscaping [Pre-Commencement Condition]

Notwithstanding the submitted details before the occupation of the dwellings hereby approved a detailed hard and soft landscaping scheme and implementation

timetable shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; a landscape management scheme. The replacement for trees felled during the development shall be on 2 for 1 basis.

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

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

Reason:

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

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

The boundary enclosure details hereby approved shall be erected prior to the occupation of any of the units provided under this permission and such means of enclosure shall thereafter be retained and maintained to the boundaries of the site.

Reason:

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

09. APPROVAL CONDITION - Parking and access [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until parking spaces and on-site turning area have been laid out within the site in accordance with the plan number 101 and shall thereafter be retained. This shall also include the layout of the access points onto Mullen Close to be laid out in accordance with this plan.

Reason:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety by providing safe access to the development.

10. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)
No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

11. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]
During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

12. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]
All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;
Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)
And at no time on Sundays and recognised public holidays.
Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

13. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]
The external amenity space serving the development hereby approved including the space serving the existing dwellings, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the dwellings.

Reason:

To ensure the provision of adequate amenity space in association with the existing and approved dwellings.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the short garden length of the dwellings to the north-west boundary provided as part of this development.

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted in the Ecological Survey, November 2014 with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason :

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

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

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

Reason:

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

17. APPROVAL CONDITION – Removal of Japanese Knotweed

A protocol for the removal of the Japanese Knotweed present on site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall then be implemented in accordance with the approved details.

Reason:

The ecology report highlights the presence of Japanese knotweed, an invasive non-native species, on the site. Under the Wildlife and Countryside Act it is illegal to allow this plant to spread into the wild.

18. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including:-
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

Reason:

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

19. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

20. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

21. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

25. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs).
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason

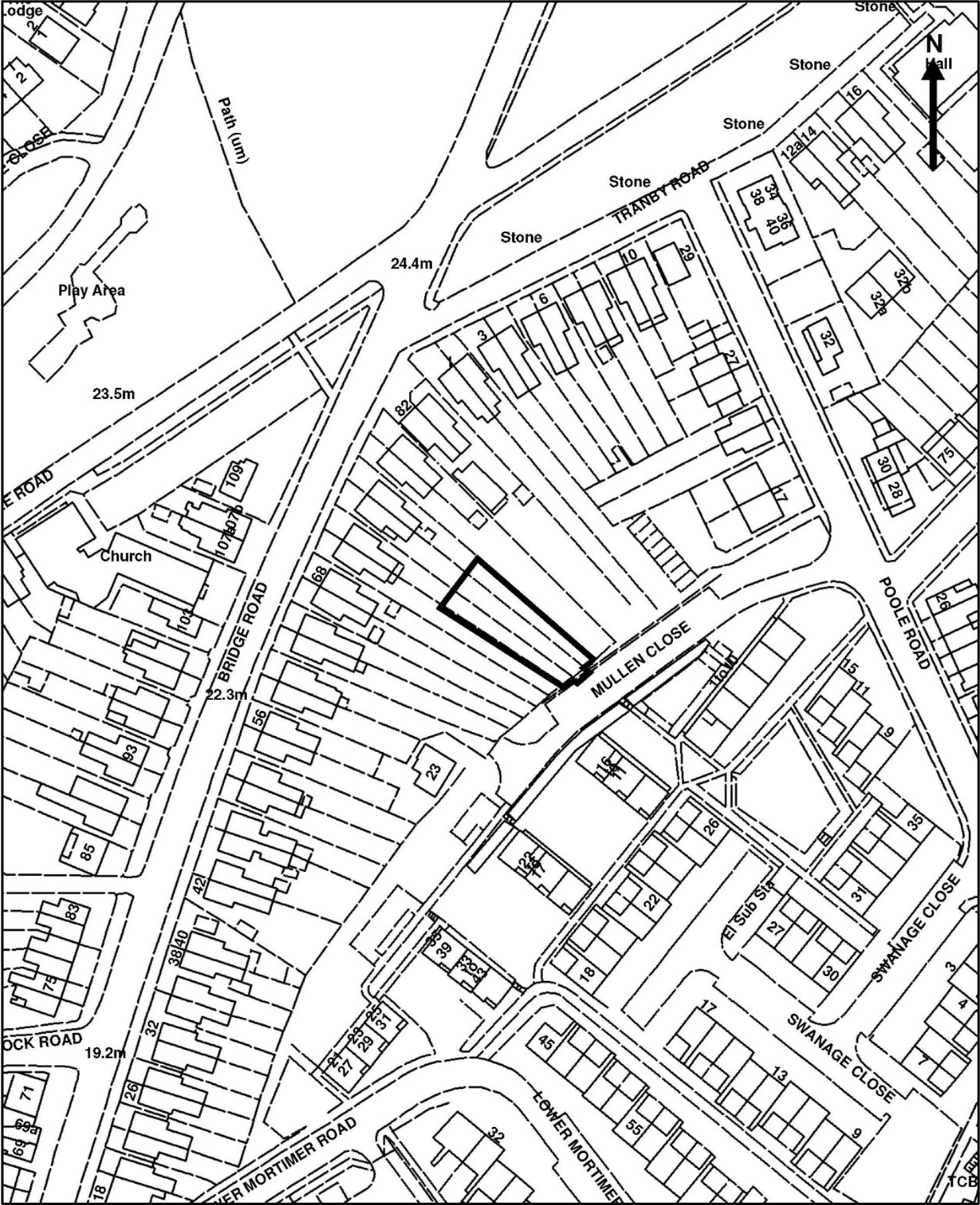
To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

26. 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.



Scale: 1:1,250

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Application 15/01107/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity

City of Southampton Local Plan Review – (as amended 2015)

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

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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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

George Tutte and Associates
21-22 Carlton Place
Southampton
SO15 SDY

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Erection of a 2-storey, 4-bedroomed house with associated parking and amenity space, bin and cycle stores**

Site Address: **64 - 66 Bridge Road Southampton SO19 7GQ**

Application No: **14/00404/FUL**

Subject to the following conditions.

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

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

02.APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]
No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

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

03.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.

04.APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

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

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

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

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

Reason:

In the interests of highway safety.

07.APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

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

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

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

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

REASON

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

11.APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

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

Class F (hard surface area)

REASON:

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

12.APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]

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

REASON:

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

13.APPROVAL CONDITION - Bike storage

The building shall not be occupied in full or in part until secure, covered space has been laid out within the site for a minimum of 1 bicycle to be stored for the benefit of the occupants in accordance with plans to be submitted to and approved in writing by the Local Planning Authority.

The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

14. APPROVAL CONDITION - Car parking and access to 68 Bridge Road

The car parking area shown on the approved drawing shall be laid out and surfaced before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose. The access to the garage of 68 Bridge Road, as shown on the plans hereby approved, shall be kept clear at all times.

REASON: To prevent obstruction to the rear of 68 Bridge Road and for the avoidance of doubt.

15. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site. Replacements shall be located on the boundary with 64 and 65 Bridge Road to mitigate against overlooking.

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

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

16. APPROVAL CONDITION - Boundary treatment [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

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

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

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

Reason:

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

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

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

Reason:

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

19.APPROVAL CONDITION - Approved Plans

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

Reason:

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

Reason for granting Planning Permission

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

Policies - SDP1, SDP5, SDP7, SDP9 and H1 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Note to Applicant: Southern Water - Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne or www.southernwater.co.uk.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at:

<http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.



Simon Rowberry
Planning & Development Manager

30 July 2014

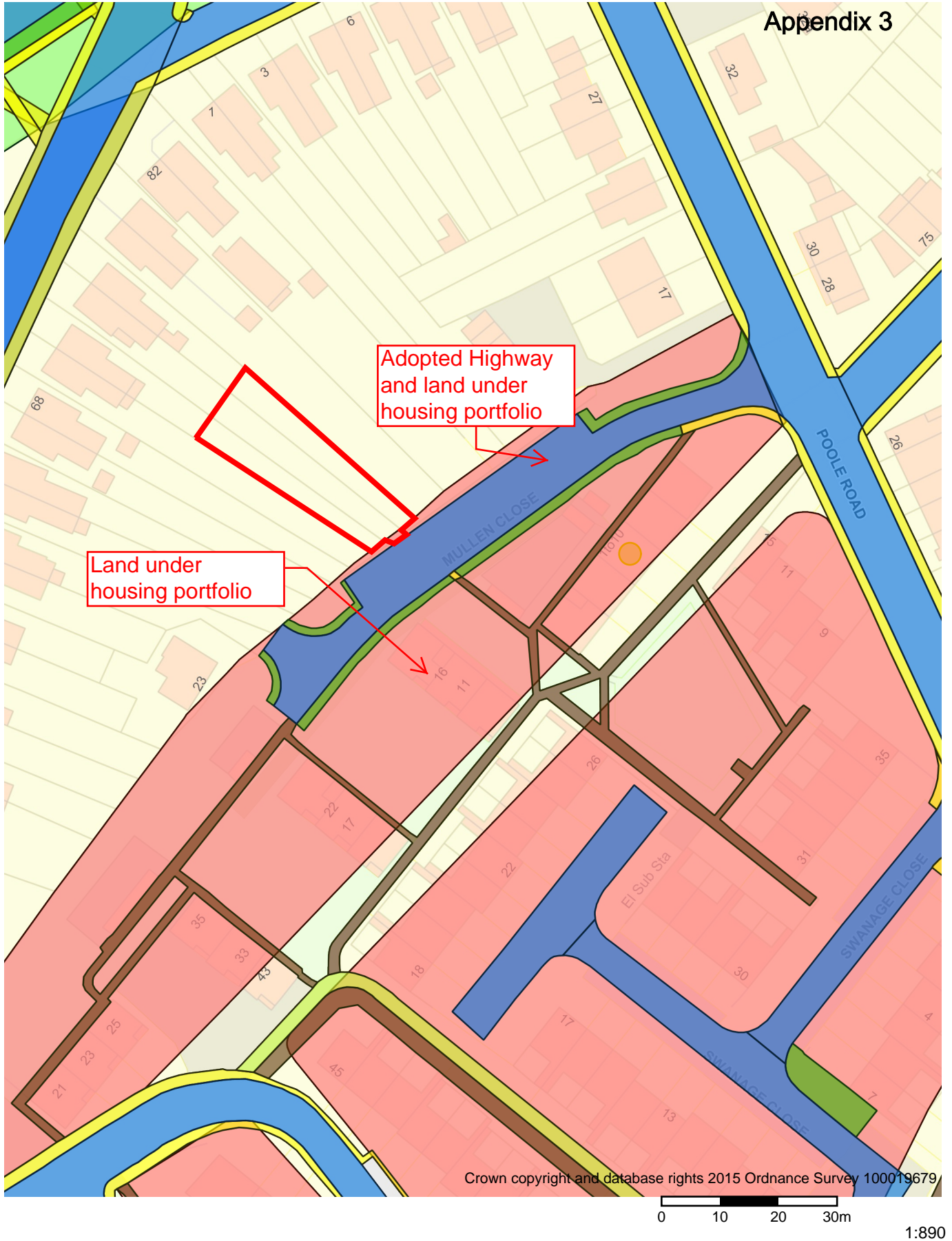
If you have any further enquiries please contact:
Andrew Gregory

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
8567/4		General Plan	10.03.2014	Approved

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 25 August 2015
Planning Application Report of the Planning and Development Manager**

Application address: 78 Malmesbury Road			
Proposed development: Erection of a first floor rear extension (retrospective)			
Application number	15/01205/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	07/08/2015	Ward	Freemantle
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Mr Surjit Chhatwal	Agent: Luken Beck 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 development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including previous appeal decisions have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendices attached:	
1	Development Plan Policies
2	Appeal Decision, D1780/A/13/2204466
3	Appeal Decision, D1780/C/14/2216252

Recommendation in Full	Conditionally Approve
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1 The site and its context

- 1.1 The application site contains a mid-terrace family dwelling house that has been converted to four flats without the benefit of planning permission. The property is located in a residential area characterised by dwelling houses. The property is situated on the Northern side of Malmesbury Road.

2 Proposal

- 2.1 The proposal seeks permission for a first floor rear extension, the extension creates additional habitable accommodation within the building. The development has been completed.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). 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 Following an enforcement enquiry a planning application (reference 13/00443/FUL) was submitted on 20th March 2013 for retrospective permission for a first floor rear extension to facilitate conversion of a three-bed dwelling to four flats (three x one-bed, one x studio flat). The application was refused on 16th May 2013.
- 4.2 Following the refusal of the application by the Council an appeal was submitted by the applicant (reference D1780/A/13/2204466); subsequently the appeal was dismissed (see **Appendix 2**). The decision was dated 16th January 2014.
- 4.3 The Appeal Inspector listed three main issues:
- (i) the acceptability of the loss of a family house from the local housing stock;
 - (ii) the effect of the development on the living conditions of the existing and future occupants of the flats within the appeal site, No 78

Malmesbury Road, with particular regard to the standard of internal living and external garden space; and

(iii) the living conditions of the occupants of No 76 Malmesbury Road with particular regard to outlook.

- 4.4 With respect to the first two points the Inspector agreed with the Council and for those reasons the appeal was dismissed. With regard to the third point the Inspector concluded that due to the limited projection of the proposed extension and the juxtaposition of the dwelling with the neighbouring property (76 Malmesbury Avenue), outlook from habitable room windows serving number 76 would not be significantly harmed. In addition a harmful impact on the character of the locality, as a consequence of the rear extension, was not judged to have taken place.
- 4.5 On 7th March 2014 formal enforcement action was initiated when the Council served an Enforcement Notice on the applicant (reference 13/00045/ENUDEV). The enforcement notice requires the applicant to revert the property back to a single dwelling. The Enforcement Notice was then appealed by the applicant. The Enforcement Notice was upheld on 21st May 2015 (**Appendix 3**). The Inspector did however alter the requirements of the notice by extending the period for compliance with the Notice from 6 months to 12 months. The use of the building as 4 flats is therefore not required by the Notice to cease until 21st May 2016.

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. At the time of writing the report **12** representations have been received from surrounding residents and one letter has been received from Cllr Moulton. The following is a summary of the points raised within the 12 letters of representation:

- 5.2 Comment
Over development.

Response

A development is considered to be an overdevelopment of the site when the site cannot physically accommodate the amount of development proposed. The Inspector did not consider that the extension caused an overdevelopment of the site.

- 5.3 Comment
Not in keeping with surroundings/poor design.

Response

The Inspector did not oppose the previous scheme on the basis of the design of the extension and did not consider that the extension would be detrimental to the surroundings.

- 5.4 Comment
Impact on noise.

Response

The extension does not generate noise.

- 5.5 Comment
Impact on traffic.

Response

The extension cannot be directly linked to additional traffic generation.

- 5.6 Comment
Late night disturbance.

Response

There is no link between a rear extension and late night disturbance.

- 5.7 Comment
Loss of light.

Response

The inspector did not previously oppose the development for this reason.

- 5.8 Comment
Overlooking.

Response

The inspector did not previously oppose the development for this reason and a condition could be imposed restricting window openings.

- 5.9 Comment
Road Safety.

Response

There is no link between a rear extension and road safety.

- 5.10 Comment
Shortage/loss of car parking spaces.

Response

There is no direct planning link between a rear extension and impact on car parking pressure.

- 5.11 Comment
Retrospective nature of the development following a refused appeal.

Response

The planning system does not prevent the submission of retrospective planning applications. If permission is refused the Council have enforcement power to seek to ensure that the building is returned to its original form.

5.12 Comment

The application is identical to the previously refused application and therefore should also be refused. There are problems associated with the overcrowding including refuse generation and fire/safety.

Response

The first set of plans submitted with the application were identical to the plans that were refused previously although it is clear that this was a mistake by the applicant as the description of the development (as set out on the planning application form) is for the retention of the rear extension. Revised plans have now been received to clearly illustrate that the application seeks permission for a rear extension only and does not show the conversion of the dwelling to four flats.

5.13 Comment

Potential to change to an HMO.

Response

Separate planning permission would be needed to convert the dwelling into an HMO.

5.14 Comment

Enforcement against the previous appeal decision should be undertaken by the Councils Planning department.

Response

The Planning Enforcement Team are undertaking enforcement action against the use of the property as four separate flats. The site has been checked and is under ongoing review with the aim of ensuring that once the current lease agreements for occupants of the accommodation expire the dwelling will revert to a single family dwelling house. In any event the use is required to cease by May 2016 in accordance with the enforcement notice.

6 Planning Consideration Key Issues.

6.1 The key issue for consideration in the determination of this planning application is whether or not there have been any material changes in circumstance that would alter the Inspector's decision regarding the acceptability of the first floor rear extension.

6.2 The decision that has been made by the Planning Inspector clearly identifies that no significant harm is caused by the rear extension and as appeal decisions hold material weight in planning decisions the appeal decision must be taken into account by the Local Planning Authority when considering this application. The extension was fully assessed by the Inspector, the assessment including a visit to the neighbouring property, and it is considered that there have been no material changes in circumstances surrounding the development since the appeal decision was made that now justifies a decision contrary to the Inspectors decision. The Local Planning Authority therefore have no objection to the rear extension and accordingly the application is recommended for approval.

7 Conclusion

7.1 The application is 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, 4f, 7a, b, 9a, b.

MP3 for 25/08/2015 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Approved Plans

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

Reason:

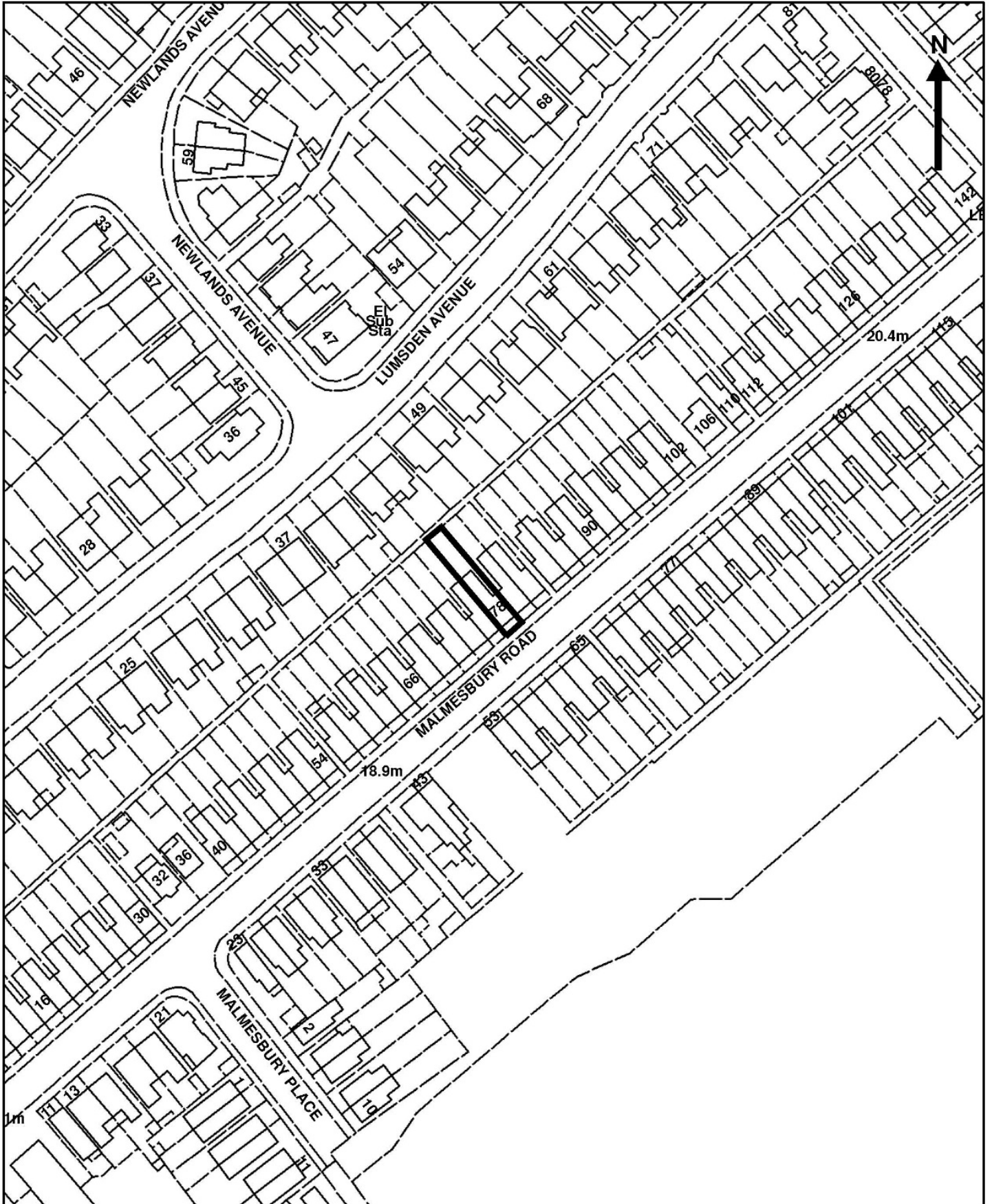
For the avoidance of doubt and in the interests of proper planning.

02. APPROVAL CONDITION - No other windows other than approved [Performance Condition]

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

Reason:

To protect the amenities of the adjoining residential properties



Scale: 1:1,250

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Application 15/01205/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

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Appeal Decision

Site visit made on 26 November 2013

by Michael Lowe BA(Hons) BTP MPA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2014

Appeal Ref: APP/D1780/A/13/2204466

78 Malmesbury Road, Southampton SO15 5FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Chhatwal against the decision of Southampton City Council.
 - The application Ref 13/00443/FUL, dated 20 March 2013, was refused by an undated decision notice.
 - The development proposed is Proposed first floor extension and conversion of 3 bedroom dwelling into 4 self-contained flats with communal garden and bike store and bin store.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I noted at my site visit that the appeal development has been implemented and the flats have been occupied.
3. Secondly, the Council have suggested that the proposed "South-West (Side) – As Proposed" elevational drawing is incorrect. However, when compared with the application Ordnance Survey location plan this is the correct annotation for this drawing.

Main Issues

4. The main issues are :
 - (i) the acceptability of the loss of a family house from the local housing stock;
 - (ii) the effect of the development on the living conditions of the existing and future occupants of the flats within the appeal site, No 78 Malmesbury Road, with particular regard to the standard of internal living and external garden space; and
 - (iii) the living conditions of the occupants of No 76 Malmesbury Road with particular regard to outlook.
-

Reasons

5. The application drawings show the previous pre-commencement layout of the appeal building as a 3 bedroom dwelling. The appeal development has involved the conversion of this dwelling into 4 self-contained flats with a communal garden area at the rear.

(i) Loss of Family Housing

6. Policy CS16 of the Local Development Framework Core Strategy Development Plan Document (Core Strategy) 2010 states that the Council will provide a mix of housing types through, amongst other criteria, ensuring there are no net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss.
7. Policy Background/Justification paragraph 5.2.11 applies this categorically to the conversion of one family home into a greater number of self-contained units as delivered by the appeal development. Policy Background/Justification paragraph 5.2.10 further explains that residential conversions of family homes may be acceptable if the redevelopment delivers other planning objectives contained within the Development Plan.
8. The appellant has emphasised that 80% of the increase in households in Southampton during the plan period to 2026 will be single person households inferring that the flats provided within the appeal scheme are suitable towards meeting this objective. However the appellant has not accompanied this evidence with additional information on how the Council's housing supply targets are being met and whether the provision of single person accommodation is currently a greater need than that for family accommodation.
9. I therefore do not consider that the appellant has demonstrated overriding policy considerations to justify the loss of the 3 bedroom family unit and as such the appeal scheme conflicts with policy CS16 of the Core Strategy.

(ii) Living Conditions of those living at No 78

10. The communal garden is located towards the rear of the property and is accessed from a narrow path which adjoins the living/bedroom and kitchen windows of Flat 2 and a bedroom window to Flat 1. I consider that there are significantly harmful overlooking opportunities from this path and the garden area at the rear into these habitable room windows which unacceptably harm the living conditions of the existing and future occupants of these two flats.
11. The Residential Design Guide 2006 (RDG) states that 20 square metres (sq. m.) of garden area should be provided for each flat. The appellant has stated that the communal garden area is approximately 55 sq. m. in size which is significantly below the 80 sq. m. RDG standard for this type of development. The appellant has argued that the needs of the occupiers of the 4 small flats for garden space is unlikely to be greater than that of a 3 bedroom dwelling. The appellant has not accompanied any evidence to support this assertion and with this in mind and the significant shortfall in provision against the RDG standard, I do not consider that the size of the amenity space is acceptable to serve the existing and future occupiers of the 4 flats.

12. The kitchen/living room which serves Flat 4 has been provided without a window to provide natural light and ventilation. I agree with the Council that this represents a sub-standard form of accommodation and that the living space created is oppressive and unsatisfactory for the existing and future occupiers. I do not consider that this matter could be satisfactorily be remedied via condition as there are potentially conflicting issues of overlooking and outlook that would need to be resolved which I am not yet convinced can be successfully overcome.
13. I therefore consider that the living conditions of existing and future occupiers of No 78 are unacceptably harmed by the appeal development and consequently conflict with saved policy SDP1 City of Southampton Local Plan Review 2006 (Local Plan) and the RDG which seeks to ensure that development does not unacceptably affect the amenity of its citizens.

(iii) Living Conditions of those living at No 76

14. As part of the appeal development a first floor rear extension has been erected at the rear of the property which forms the bedroom for Flat 4. The Council has not identified which specific window within No 76 they consider is affected by this extension nor have I seen any evidence from either party to demonstrate compliance of the scheme or otherwise with the 45 degree guideline set out within the RDG.
15. At the site visit I visited No 76 and viewed from the bedroom served by a single aspect window and a ground floor kitchen with a single aspect door/window. Due to the limited projection of the proposed extension and the juxtaposition of these two properties, I do not consider that the outlook and perception of character at the rear of this property would be significantly diminished by the extension. Consequently, this aspect of the scheme complies with saved policies SDP1, SDP7 and SDP9 of the Local Plan and the RDG which, amongst other criteria, seek to ensure that development does not unacceptably affect the amenity of its citizens, retains outlook for existing neighbours and respects its surroundings.

Conclusion

16. Although I have concluded that the first floor extension would not unreasonably harm the living conditions of the occupiers of No 76, this does not outweigh the harm I have identified to the existing and future occupiers of the flats within No 78 and from the loss of a family house within the context of the Council's housing strategy.
17. For the above reasons and having taken all matters before me into consideration, the appeal is dismissed.

Michael Lowe

INSPECTOR

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Appeal Decision

Site visit made on 18 May 2015

by C A Thompson DiplArch DipTP RegArch RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 May 2015

Appeal Ref: APP/D1780/C/14/2216252 78 Malmesbury Road, SOUTHAMPTON, SO15 5FQ

- The appeal is under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is by Mr S Chhatwal against an enforcement notice issued by Southampton City Council.
- The Council's reference is 13/00045/ENUDEV.
- The notice was issued on 7 March 2014.
- The breach of planning control as alleged in the notice is the erection of first floor extension to a dwelling to provide additional independent residential accommodation as marked with a cross on the attached plan.
- The requirements of the notice are:
 - (i) Cease the use of the converted dwelling as 4 flats;
 - (ii) Restore the property to a single dwelling house as per drawing number 001, and dated 20 March 13, attached, and;
 - (iii) Remove the unauthorised first floor rear extension.
- The period for compliance with the requirements is 6 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g), of the Act.

Decision

1. The notice is further varied (see below for the Council's post issue variation) firstly, under **5 WHAT YOU ARE REQUIRED TO DO**, by the deletion sub-paragraph (ii) in its entirety and replacing it with a new one which reads *...restore the property to a single dwelling house...* And secondly, under **6 TIME FOR COMPLIANCE**, delete the present sub-paragraph and replace it with the new one which reads *...12 months after this notice takes effect...*
2. Subject to these further variations the appeal is dismissed and the enforcement notice as varied is upheld.

The Notice

3. After issue the Council amended its enforcement notice (the notice) by virtue of section 173A(1)(b) of the Act which allows it to *...waive or relax any requirement of such a notice...*
4. In his letter dated 22 May 2014 the Head of Legal and Democratic Services at the Council made the two changes to the notice as issued. Firstly, under paragraph **3 THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**, the sub-paragraph following is deleted.

It is replaced with a new one which reads *...Without planning permission the provision of additional independent residential accommodation on the land edged red on the plan...* Secondly, under paragraph **5 WHAT YOU ARE REQUIRED TO DO**, the deletion of sub-paragraph (iii) in its entirety. I have determined this appeal on the basis of the notice as varied by the Council.

Ground (a) Appeal

5. This ground is that planning permission should be granted.
6. As part of his appeal, under this ground, Mr Chhatwal made it clear that he was only pursuing planning permission to retain the first floor rear extension to the property. He explicitly stated that his ground (a) appeal did not relate to the use of the property as 4 flats and he did not challenge the requirements of the notice to use the property as a single dwelling (emphasis added).
7. Despite the Appellant's wish for planning permission to be granted, to give lawfulness to any retained rear first floor extension (taking account of a previous Inspector's conclusions on this matter in an earlier section 78 appeal), this part of the original notice allegation was removed by the Council. With no allegation, in regard to this first floor rear extension, there is no deemed planning application for its retention for me to consider. Without such a deemed planning application I can't grant any planning permission. I take no further action on the ground (a) appeal.

Ground (f) Appeal

8. This ground is that the requirements of the notice are excessive.
9. With the removal of any reference to the rear first floor extension, from the notice allegations, there is no valid legal basis for requiring its removal. But the notice requirements, at paragraph 5(ii), still indicates that the dwelling must be restored as shown on drawing 001, for Job N° 13-114, dated 20 March 2013. This drawing depicts the appeal building as it was before the rear first floor extension was constructed. As the LPA now accept that this extension need no longer be removed that part of requirement 5(ii), which refers to the restoration of the building as shown of the identified drawing, should be deleted. In this limited regard the ground (f) appeal succeeds.

Ground (g) Appeal

10. This ground is that there is not enough time to comply with the notice.
11. The tenancy agreements referred to in the representations have passed their end dates but as a matter of fact I saw that the property is still used as flats. It is not unlikely that new tenancy agreements will have been entered into following those which expired on 25 February 2015. I do not have details of any such new agreements but they often run for 12 months. In order to give them time to run out, or give the Appellant a chance to pursue any necessary evictions through the Courts, 6 months is an inadequate time for compliance. Twelve months would be a more reasonable period. This is necessary because of the potentially serious consequences which accompany a failure to comply with the terms of an upheld notice.
12. In reaching the conclusion that the appeal should succeed on this limited ground as well I have taken account of the Council's powers to extend the time

for compliance (also by virtue of section 173A(1)(b) of the Act). But the Appellant should know what he needs to do to put matters right within the four corners of the notice. It seems to me, therefore, that all the necessary information, including any extended time limit, should be included in the notice itself. It follows that any upheld notice should be suitably varied to take this matter into account as well. In this limited regard the ground (g) appeal succeeds.

Colin A Thompson

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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 25th August 2015
Planning Application Report of the Planning and Development Manager**

Application address: 51 Garfield Road			
Proposed development: Retrospective application for the retention of a single storey outbuilding and boundary wall.			
Application number	15/01094/FUL	Application type	FUL
Case officer	Kieran Amery	Public speaking time	5 minutes
Last date for determination:	21.01.2015	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member and five letters of objection have been received	Ward Councillors	Cllr Paul Lewzey Cllr Alex Houghton Cllr Eamonn Keogh
Referred by:	Cllr Lewzey	Reason:	Impact on character and amenity

Applicant: Mr A Kooner	Agent: Mr Carl Patrick
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The outbuilding and boundary wall are not considered to have a significant impact on neighbouring amenity. The visual impact of the development has been considered and is not judged to have sufficient weight to justify a refusal of the application, and conditions have been applied in order to satisfy that the rear and sides of the outbuilding and the boundary wall be finished in a suitable manner to mitigate the visual impact of the development. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached	
1	Development Plan Policies

Recommendation in Full	Conditionally approve
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1.0 The site and its context

1.1 The site is located within the curtilage of a detached, two-storey, family dwelling house. The contour of the land creates significant drops in level meaning that the site is elevated above properties to the rear and is lower than properties to the east. The surrounding area is predominantly residential and has a suburban character.

2.0 Proposal

2.1 The proposal is for the retention of a single-storey outbuilding which would have a maximum height of 2.5m, a maximum depth of 4m and a maximum width of 8.7m (filling the width of the garden). The drop in land level towards the rear of the garden means that the building is approximately 3.5m tall at the rear. The outbuilding, subject of this application, is located at the rear of the garden.

2.2 The outbuilding is constructed using red brick at the front elevation, facing the dwelling house, with breezeblock side and rear elevations, proposed to be finished with a cream-coloured render or masonry paint. It would have a flat felt roof.

2.3 The application also proposes the retention of a breezeblock boundary wall on the eastern boundary of the property, bordering properties no. 55 and 53 Garfield Road and extending beyond the front elevation of the dwelling house up to the boundary with the street itself. The height of the wall varies, with the ground level, between 2 metres at the frontage to 2.5 metres at the rear of the site.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

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

3.3 Of particular relevance to the determination of this application are saved Local Plan policies SDP1, SDP7 and SDP9, which protect residential amenity and require context-sensitive design that safeguards the quality of Southampton’s built environment.

4.0 Relevant Planning History

4.1 There are no recent or relevant planning applications relating to the application site. The application has been submitted following Planning Enforcement

investigations which concluded planning permission was required for the structure by reason of some changes to the natural land levels along the western site boundary.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **6** representations have been received, five from surrounding residents and one from Councillor Eamonn Keogh. The application was also referred to panel by Councillor Paul Lewzey. The following is a summary of the material considerations raised:

5.1.1 Comment

The outbuilding has an oppressive and dominant appearance when viewed from the rear gardens of no.240 and no.336 Bitterne Road West.

Response

The outbuilding, when viewed from the rear, has a height of 3.5m. Its visual impact is currently exacerbated by a lack of finish or render on the sides and rear elevation leaving bare breezeblock walls. A condition is recommended to ensure that a suitable pale render is applied to these elevations in order to mitigate the visual impact. The development is also partially screened from no.240 Bitterne Road West by cypress trees in the rear garden of the neighbouring property and the separation of the structure to the neighbours also assists in mitigating its impact.

5.1.2 Comment

The outbuilding is not in-keeping with the residential domestic garden environment.

Response

The structure, despite its perceived height as viewed from the rear, is of a typical form for an outbuilding in a residential garden. A condition is recommended to ensure that a suitable pale render is applied to these elevations in order to mitigate the visual impact of the building. It should be noted that there are a number of sheds and outbuildings in the neighbouring gardens, which vary in scale and appearance. A substantial rear garden, of over 16 metres in depth, is retained and ensures the site does not appear over-developed.

5.1.3 Comment

The development has resulted in the loss of trees.

Response

The trees removed to accommodate the outbuilding were not subject to a Tree Preservation Order (TPO) and, as such, did not require consent to be removed. The boundary wall is built up to a TPO protected Mana Ash in the front garden of no.53 Garfield road and inspection on site has confirmed that the tree has had several branches removed. It is, however, unclear whether or not this was done during the construction of the boundary wall. The Council's Tree Team are investigating this and a verbal update on this matter will be provided at the Panel meeting.

5.1.4 Comment

The materials used to construct the outbuilding are of a poor standard and give the building a poor appearance.

Response

It is agreed that the current appearance of the structure and wall is not acceptable and a condition is, therefore, recommended to secure a rendered finish to the development within three months of the date of the decision.

5.1.5 Comment

The outbuilding is overbearing and causes a loss of light.

Response

Whilst the outbuilding is a sizeable structure, its impact on the neighbouring occupiers is mitigated somewhat by the generally well-spaced character of the area, which provides good separation between neighbouring dwellings and the structure and prevents undue enclosure to neighbouring gardens. It is considered that the suggested rendered finished will significantly improve the appearance of the structure when viewed from neighbouring properties. Furthermore, having regard to the height of the structure and the size of the neighbouring gardens, it would not result in harmful over-shadowing.

6.0 Planning Consideration Key Issues

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

- (i) Impact on residential amenity; and
- (ii) Impact on the character of the area.

6.2 (i) Impact on residential amenity

6.2.1 The boundary wall is 05.m above what would be normally be allowed under permitted development. Moreover, the level of the land at the eastern boundary means that a wall of this height is required to allow for privacy and security of the application property, since the properties to the east of the site are positioned at a significantly higher level than the application site. This change in levels also ensures that the wall would not have a significant impact on the gardens that directly adjoin it.

6.2.3 Turning to the outbuilding; given its position; single-storey height and; separation to the neighbouring dwellings (16 metres to 240 Bittern Road West), the structure would not have a significant impact on the neighbouring dwellings themselves. The key issue for consideration is, therefore, the impact of the structure on the adjoining gardens.

6.2.4 The structure is most visually prominent when viewed from the rear garden of no.240 Bitterne Road West. Here the structure is partially screened at the base by a close panel fence and partially screened again to the west by tall cypress trees. These trees are in the control of the neighbouring occupiers and, as such, do mitigate the impact of the structure. Moreover, the garden to this property is fairly generous in size and benefits from outlook in a number of directions. The recommended rendered finish to the structure would significantly enhance its appearance and reduce the over-bearing effect of the structure. On balance, this

relationship is, therefore, considered to be acceptable.

- 6.2.5 As viewed from the rear of no.240A Bitterne Road West, it would appear that a majority of the outbuilding is screened by high vegetation leaving only the north eastern corner of the structure visible. Given that the structure is located at an angle to this property, the impact contributed by the outbuilding is not considered to be significantly harmful. Similarly, only the north-western corner of the building would be visible from no. 238 Bitterne Road West and as such, there is not considered to be an impact on the amenities of this property.
- 6.2.6 From no.49 Garfield Road, only the western side elevation of the outbuilding is visible. The elevation is only just visible from the rear of the garden as it is screened from the dwelling house by a greenhouse and by a laurel hedge on the property boundary. Where the structure is visible it is visually prominent but contributes no significant overshadowing and the overbearing impact is limited to the far north eastern corner of the garden. As such, the relationship with the neighbour to the west is considered to be acceptable. The change of levels between the site and the neighbours to the east ensures that the structure would have a negligible impact of the occupiers of these properties.
- 6.2.7 It is, therefore, considered that the physical impact of the structure on the neighbouring dwellings and gardens is acceptable.

6.3 Impact on the character of the area

- 6.3.1 The boundary wall is constructed out of breezeblocks, although will be finished with a pale render to match the main house. The main visual impact of the wall is where it protrudes from the front elevation of the house to the edge of the curtilage at the front. High, breeze block boundary treatment to the frontages of dwellings would not normally be considered acceptable. However, the impact of the boundary treatment is limited by its positioning, perpendicular to the street, and the TPO tree to the east which provides some screening. The wall replaced existing high close boarded fencing at this point and it is noted that, due to the change in levels in the area, it is not unusual for taller walls and fences to be positioned on the street frontages. As such, it is considered that the suggested rendered finish would result in a more domestic character that would mitigate the harm to the appearance of the area.
- 6.3.2 Similarly, the outbuilding is currently lacking a finish to the rear and side elevations leaving bare breezeblock walls. This gives the structure a poor visual appearance which is out of character for a residential garden locality. Recommended condition 1 below, will secure a render finish to match the main house in order to mitigate the visual impact and help integrate the structure into the local area. The flat roof design reduces the impact of the addition and, as it is not readily visible from public vantage points, would not have a significant impact on the character of the area.

7.0 Summary

- 7.1 In summary, the outbuilding and boundary wall do not have result in significant harm to the character of the area. The impact on neighbouring amenity is limited to a visual impact restricted to the rear areas of neighbouring gardens. The impact on the character of the street scene is limited to the front part of the boundary wall. A suitable condition can be applied to ensure that measures to

mitigate the visual impact of the structures.

8.0 Conclusion

8.1 As such, the proposal is judged to have an acceptable impact and, therefore, can be supported 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), 1(d), 2(b), 2(d), 4(vv), 7(a), 9(a), 9(b)

KA for 25/08/15 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION – Finish to rear and side elevations.

Within three months of the date of this permission, the side and rear elevations of the outbuilding and the front section of boundary wall shall be finished in a rendered finish to match the main house.

Reason:

To mitigate the visual impact of the outbuilding as seen from adjoining neighbouring gardens by giving the structure a lighter colour and covering the underlying breezeblock structure.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP7 Urban Design Context

SDP9 Scale, Massing and Appearance

Supplementary Planning Guidance

The Residential Design Guide 2006

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale: 1:1,250

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