

Planning and Rights of Way Panel

Tuesday, 2nd August, 2016
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 Coombs (Vice-Chair)
Councillor Barnes-Andrews
Councillor Claisse
Councillor L Harris
Councillor Hecks
Councillor Mintoff

Contacts

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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

Procedure / 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.

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

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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.

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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

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 2016/17

2016	
7 June	13 September
21 June	4 October
12 July	25 October
2 August	15 November
23 August	6 December

2017	
10 January	
21 February	
14 March	
4 April	
25 April	

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 for 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

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 12th July 2016 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION -16/00888/FUL - 70 COBDEN AVENUE

(Pages 9 - 30)

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

6 PLANNING APPLICATION -16/00316/FUL - ST MONICA INFANT SCHOOL

(Pages 31 - 44)

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

7 PLANNING APPLICATION- 16/00517/FUL - 30 LILAC ROAD

(Pages 45 - 54)

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

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 12 JULY 2016

Present: Councillors Denness (Chair), Barnes-Andrews, L Harris, Hecks, Mintoff, B Harris and Shields

Apologies: Councillors Coombs and Claisse

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

It was noted that following receipt of the temporary resignation of Councillors Claisse and Coombs from the Panel the Service Director Legal and Governance, acting under delegated powers, had appointed Councillors B Harris and Shields to replace them for the purposes of this meeting.

On receipt of the temporary resignation of Councillor Coombs the Panel elected Councillor Barnes-Andrews to act as Vice-Chair for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meetings on 7th and 21st June 2016 be approved and signed as a correct record.

17. **OBJECTION TO THE SOUTHAMPTON (22 WESTON GROVE ROAD) TREE PRESERVATION ORDER 2016**

The Panel considered the report of the Service Director Transactions and Universal Services outlining a request to confirm the 22 Weston Grove Road Tree Preservation Order.

RESOLVED that Panel confirmed The Southampton (22 Weston Grove Road) Tree Preservation Order 2016 without any amendments.

COUNCILLOR BARNES-ANDREWS IN THE CHAIR

18. **PLANNING APPLICATION- 16/00148/REM - VOSPER THORNYCROFT, VICTORIA ROAD, WOOLSTON (CENTENARY QUAY)**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Reserved Matters approval sought for access, layout, scale, appearance and landscaping as agreed under Outline Planning Permission reference 08/00389/OUT for Phase 4B of the Centenary Quay development comprising 157 dwellings in a 27-storey building and an extension to the basement car park within Phase 3 (Environmental

Impact Assessment Development) - Amendments to Condition 11 (Building Heights) and Condition 56 (Parking) incorporated - Description amended following validation.

Liz Batten, Julie Osman, Joseph Marler-Hansen, Angela Cotton, Carol Cunio, Lindsi Bluemel, Tom Doak (local residents/ objecting), Sarah Beuden (agent), Anil Bunglar (applicant), Simon Bottom, Hampshire Police Authority (supporter) and Councillors Hammond and Payne (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the report additional correspondence had been received. It was noted that this included a formal response from the Centenary Quay Residents Group with 136 members that expressed concern about the changes to the tower including the additional height, the move away from glazing to cladding, the removal of public access and a restaurant to the base of the tower and the lack of public consultation of the planning application. 1 letter of support from Business South that was supportive of the additional housing, design and increased parking.

It was additionally noted that the description within the report needed to be amended slight to refer to condition 11 rather than 10. It was also noted that reason for approval should read that planning permission should be granted for phase 4b and not phase 2 as stated within the report.

On being put to the vote the Habitat Regulations Assessment was approved unanimously.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes- Andrews, B Harris, L Harris, Mintoff and Shields

ABSTAINED: Councillor Hecks

RESOLVED

- (i) the Planning and Rights of Way Panel confirm the Habitats Regulation Assessment at **Appendix 1** of this report
- (ii) that planning permission be granted subject to the conditions listed in the report.

NOTE: Councillor Denness declared an interest and withdrew from the meeting for this item.

COUNCILLOR DENNESS IN THE CHAIR

19. PLANNING APPLICATION- 16/00944/NMA - WEST QUAY

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Non-material amendment sought to planning permission ref: 13/00464/Out to vary Condition 17 to allow extended working hours on Saturdays of 08:00 to 18:00 from 31 July to 31 December 2016.

Max Stephen and George McIntosh (local residents/ objecting), were present and with the consent of the Chair, addressed the meeting.

The Panel expressed concern that the developer had been operating outside of the permitted working hours and wanted assurance that action would be taken if the contract continued to ignore the permitted hours, especially with regard to working on Sundays.

RECORDED VOTE to grant planning permission
FOR: Councillors Barnes-Andrews, Denness, B Harris, L Harris
and Hecks
AGAINST: Councillors Mintoff and Shields

RESOLVED

- (i) that planning permission be granted subject to the conditions listed in the report.
- (ii) the Panel requested that officers write to the contractors expressing dissatisfaction with the previous working outside the permitted hours and stating that this should not continue in the future particularly on Sundays.

20. **PLANNING APPLICATION- 16/00635/FUL - 468-480 PORTSWOOD ROAD**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Internal alterations to create an additional 4 student housing flats (54 in total).

Gordon Shackell (architect), and Councillor Mintoff (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel expressed concern that there may have been a long term intention to convert the laundry rooms into accommodation and requested that an additional condition on the use of the office space in order to prevent this from being converted into living space in the future.

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

7. Office facility: The office at basement level shall be retained for that purpose only at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

NOTE Councillor Mintoff stood down from the Panel for this item, to present concerns she had as a Ward Councillor, and then withdrew during the decision making stage.

21. **PLANNING APPLICATION- 16/00184/FUL - 13 LUCCOMBE ROAD**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Erection of a part single storey, part two storey rear extension and porch to front elevation.

Charles Carpenter was 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.

22. **PLANNING APPLICATION- 16/00619/FUL - STODDART AVENUE**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Erection of a two storey rear extension (resubmission).

Councillor Lewzey (ward councillors/objecting) was present and with the consent of the Chair, addressed the meeting.

On being put to the vote the officer recommendation to grant planning permission subject to conditions was lost. Councillor L Harris proposed a motion that permission be refused was passed unanimously

RESOLVED that conditional planning permission be refused for the reasons set out below.

Reason for refusal - Unacceptable impact on character and amenity

The proposed development, by means of its design, height and depth, represents an unsympathetic and un-neighbourly form of development. The scale and design of the proposed extension fails to integrate into the existing characteristics of the host dwelling and represents an overbearing form of development when viewed from neighbouring properties. The proposal thereby proves contrary to saved policies SDP1(i), SDP7(iii)(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (amended March 2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (amended March 2015), with particular reference to sections 2.2.1, 2.2.11-13, 2.3.1-2 and 2.5.2 of the Residential Design Guide Supplementary Planning Document (2006).

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 2nd August 2016 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	SB	DEL	5	16/00888/FUL 70 Cobden Avenue
6	SB	DEL	5	16/00316/FUL St Monica Infant School
7	AT/JT	CAP	5	16/00517/FUL 30 Lilac Road

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

Delete as applicable:

SB – Stuart Brooks
AT – Amber Trueman
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 Lordwood 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)

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 2nd August 2016
 Planning Application Report of the Planning and Development Manager**

Application address: 70 Cobden Avenue			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of 7 x dwellings (2 x 4-bed, 3 x 3-bed, 2 x 2-bed flats) with associated access, parking and landscaping (resubmission of 16/00083/FUL)			
Application number	16/00888/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	19.07.2016	Ward	Bitterne Park
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Fuller Cllr White Cllr Inglis
Referred to Panel by:	Cllr Fuller	Reason:	

Applicant: Southcott Homes (Fareham) Limited	Agent: Neame Sutton Limited
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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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 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, H2, H7, NE4 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies	2	Details of 16/00083/FUL
3	Results of shadow analysis		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site 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. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iv. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- v. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
- vi. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. The site and its context

1.1 The site lies within the ward of Bitterne Park, fronting the south side of Cobden Avenue with the eastern part of the site adjacent to Midanbury Lane. The character of the local neighbourhood is a suburban leafy residential area with a mixed style of housing. The properties fronting Cobden Avenue are large residential properties in spacious plots, some with development in the rear

garden. Historically in the local area, larger properties in large grounds have been divided up into smaller housing plots and also to create other streets, such as Tamarisk Gardens.

- 1.2 There is a large wooded area to the north on the opposite side of Cobden Avenue known as 'Deep Dene Recreation Ground'. There are significant changes to land levels within this area, where the land steeply rises to the north and east along Cobden Avenue and Midanbury Lane and also falling away to the south.
- 1.3 The site itself consists of a large two storey dwelling with a very large garden, sitting in a plot with an area of 0.4 ha. The large garden extends to the east behind the gardens of 72 to 76 Cobden Avenue and to the rear gardens of the properties in Tamarisk Gardens and Midanbury Lane to the south and east. The southern section of the site steeply slopes to the south and is densely covered by undergrowth and mature trees where this remote part of the garden has been left undisturbed to return back to nature. This area of the garden is known to have a high level of biodiversity, providing habitats for wildlife such as badgers.

2. Background and Proposal

- 2.1 This application follows the refusal of application 16/00083/FUL which was refused by the planning panel at the meeting on 1st March 2016. The main concerns being the conflict between the proximity of the existing trees and the future living environment of the dwellings in plot 3 and 7. The decision notice and site layout plan is set out in **Appendix 2**.
- 2.2 There have been a number of changes to the refused scheme based on a similar layout and form of development. The revised scheme mainly rearranges the individual layout of plots 3 to 7, whilst retaining broadly the same layout and access as proposed under the previous application. These changes are mainly re-orientating the garden of the plot 7 so it faces south, whilst the rear building of the dwelling in plot 3 has been pulled back 1m from the western boundary and the garage is level with the rear wall. The same number of dwellings are proposed for the new scheme (2 x 4-bed, 3 x 3-bed, 2 x 2-bed flats) albeit with a different mix of housing, replacing a 4-bed with a 3-bed dwelling. There are 14 parking space proposed with 3 visitor parking spaces. It is proposed to retain a large number of the existing mature shrubs and trees on the southern section of the site adjacent to common boundaries of the properties in Tamarisk Gardens and Midanbury Lane. Engineering works are proposed to make the sloping nature of the site suitable for redevelopment, including the installation retaining walls along the southern edge of plots 5/6 and 7, and the installation of underground cellular storage for surface water drainage.
- 2.3 The applicant has commissioned a 'shadow analysis' in accordance with nationally recognised guidelines to illustrate the impact of level of shading in relation to the usability of the new garden spaces and the neighbouring dwellings. A comprehensive Arboricultural assessment has been undertaken by the applicant. This states that a total of 41 individual trees, groups and hedges were recorded on site, where only a 12 low category trees, hedges and groups are scheduled to be removed to facilitate this development proposal. In addition, two of the trees/groups will have activities arising from the development occurring in their RPAs (root protection area). Ground protection measures will be installed to the edge of the RPAs of the trees adjacent to plot 4 and 7 where there will be a minor incursion on the RPAs.
- 2.4 Since the submission of this application, the applicant has agreed to improve the

layout of the dwellings in plots 4 and 5&6 so these properties would have direct ownership of their parking spaces within the curtilage of each plot. These are only minor changes to the overall layout and arrangement of the development. The supporting daylight and shading analysis has been updated accordingly and resubmitted for further consideration. The local residents have been consulted about the changes to give them the opportunity to comment before the panel meeting.

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.
- 3.3 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.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply. The opportunity to modernise an existing building whilst providing a mix of housing accommodation should be given due consideration when balancing all the other material considerations.
- 3.5 Policy CS5 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.
- 3.6 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).

4. Relevant Planning History

- 4.1 This application follows the refusal of application 16/00083/FUL which sought to redevelop the site to provide 7 x three-bed dwellings (see the site plan attached to **Appendix 2**).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners, and erecting a site notice (31.05.2016). At the time of writing the report 4 representations have been received from surrounding residents, and a referral by a local Ward councillor. The local residents were re-consulted for 14 days (13.07.16) about the minor changes to the layout of the development. The panel will be verbally updated about any further comments materially different to those already reported. The following is a summary of the points raised at the time of writing this report:

5.1.1 The original planning application was refused on the grounds of overshadowing to plot 3 and what was originally plots 6 and 7 (now plot 7) by the large ancient oak trees that the whole area enjoys. In addition, plots 5&6 will suffer from shading most of the day, given their proximity to trees. The applicants were also verbally advised to return with fewer dwellings. The measures to protect the Oak tree (T38) during construction will be inadequate. We do not believe that the developer has made sufficient changes to the original plans to allow the council to overturn the original refusal decision.

5.1.1.1 Response

The Tree Officer had raised concerns with the layout of the refused scheme that “some of the properties will be in shade from the neighbouring trees, especially plots 6&7 (*this is now shown as plot 7 on the current scheme*) and that this may lead to future pressure to have the trees heavily pruned or felled. I would therefore ask if this has been given due consideration and the design layout been orientated to provide the maximum natural light penetration achievable”. The Tree Officer is now supportive of the currently proposed layout, and the supporting information provided acknowledging that “due to the very nature of the site and its orientation, there will always be a shade of varying degrees in the gardens, which, as demonstrated, is within acceptable parameters”.

5.1.1.2 The applicant has now provided substantive evidence to demonstrate through a shadow analysis to demonstrate that the shading effect of the existing trees on the garden areas of the new dwellings meets nationally recognised guidelines set by the BRE (British Research Establishment). The study represents the 'worst case scenario' in terms of potential shadowing and does not account for the various transparencies of tree crowns according to tree species - they are measured at 100% density. The shadow plots for June Solstice illustrate that more than 50% of each garden of the plots will experience more than 2 hours direct sunlight on this date when the deciduous trees are likely to be in full leaf. The study notes that the shadow plots for the proposed gardens in March are overstated given that the deciduous trees will not be in full leaf and therefore not realistic in the circumstances. The applicant's Arboricultural consultant has reviewed the layout of the scheme shown on the amended plans, confirming that there is no conflict with the RPAs of the trees to be retained

5.1.1.3 The Tree Officer has raised no concern with regards to the methodology of tree protection during construction. The two retained trees to the front of the site will require specialised construction of the visitor parking spaces to avoid root damage and compaction around the trees. These details can be secured by planning condition before works start.

5.1.2 Loss of views enjoyed by residents looking onto the site due to the removal of trees. The removal of trees at the front of the property will reduce the attractiveness of the leafy area. The removal of the trees and shrubbery will adversely affect wildlife including Badgers. The substantial laurel hedging behind Nos 72 to 76 Cobden Avenue would be removed.

5.1.2.1 Response

Four small trees will be removed from the front entrance in order to facilitate safe pedestrian sightlines and the installation of the main vehicle access point from Cobden Avenue. The canopy of the only mature trees to be removed (G3-Lime Tree) has already been significantly cut back and, therefore, have little amenity value. All these trees have been classified as category C (low quality) by the tree survey. Although Design Officer has raised concerns about the preserving the green frontage, the Tree Officer has not objected to the removal of these trees along the frontage. There is scope, to be secured by planning condition, replacement shrub planting outside the pedestrian sightlines adjacent to the access and along the frontage. Replacement tree planting for those removed will also be secured by condition on a 2 for 1 basis.

5.1.2.2 The level of shrubbery and trees being retained on the site is supported by the Ecologist in terms of protecting the level of biodiversity and the habitats of the Badgers present.

5.1 The neighbours have expressed concerns about the removal of vegetation on third party land which is unprotected and not within their ownership. The view they would lose is not protected, and the right to a view is not a planning material consideration. A suitable level of replacement planting can be secured by under the landscaping condition to provide a vegetative buffer between the development and the gardens of 72 to 76 Cobden Avenue

5.1.3 **The removal of so many trees and shrubbery will affect the water table and increase the flooding and slope instability that already exists behind the site within the flats and homes off Midanbury lane.**

5.1.3.1 Response

The developer will carefully attenuate the risk of surface water flooding on the sloping site by engineering an underground drainage system. This would limit the peak run-off rate to 5 litres/second in accordance with the recommendations of the SCC Flood Risk team.

5.1.4 **The new proposal remains overdeveloped causing lack of privacy, additional noise and traffic movement in and out of the development, which will in turn affect the overall safety of the footpath and roads.**

5.1.4.1 Response

The form and layout of the development is broadly the same as the refused application, where it was considered that the impact on the neighbour's amenity was acceptable. As such, the impact of the revised development would not be significantly different, and there is sufficient spacing of the development from the neighbouring properties to safeguard their outlook, light and privacy. The Highway Officer is satisfied that the design of the access onto Cobden Avenue would be adequate for the level of traffic generated by the development. It is, therefore, considered that the number of dwellings proposed is appropriate for this site.

Consultation Responses

5.2 **SCC Highways** - No objection subject to conditions.

5.3 **SCC Housing** – No objection.

- 5.4 **SCC Sustainability Team** – No objection subject to conditions for energy and water efficiency to ensure compliance with policy CS20.
- 5.5 **SCC Design** – No objection. Has recommended that more of a green frontage should be preserved in addition to the 2 trees a green approach to Bitterne Triangle (see case officer comments in paragraph 5.1.2 as a response).
- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions.
- 5.7 **SCC Archaeology** – No objection subject to conditions.
- 5.8 **SCC Environmental Health (Contaminated Land)** – No objection subject to conditions.
- 5.9 **SCC Ecology** – No objection subject to conditions.
- 5.10 **SCC Flood Risk team** - No objection subject to conditions.

6. Planning Consideration Key Issues

6.1 The application needs to be assessed in terms of whether it has addressed the previous reasons for refusal and against the following key issues:

- 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 resist 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 and as such any inappropriate development proposals in rear gardens would be refused.

6.2.2 This proposal would contribute towards the delivery of housing and the provision of additional housing would meet an identified need and is, therefore, welcome. The development would achieve a residential density of 18 dwellings per hectare (dph), which is less than the range of 50 to 100 (dph) that the Policy CS5 suggests as being appropriate for medium accessibility locations such as this. Since there are no minimum density requirements, it is considered that the development strikes an appropriate balance between making good use of the site to provide further housing, whilst maintaining the lower-density character of the area and the amenities of the neighbouring occupiers. The principle of development is, therefore, acceptable.

6.3 Impact on Character and Amenity

6.3.1 The layout of the proposed development and the vehicular access has remained unaltered, given that the scheme was broadly supported at the previous panel meeting. The main concerns of the panel was the conflict between the proximity of particular trees and the living environment of the dwellings in plots 6/7 and 3 (as per the layout of the refused application – see **Appendix 2**). On the basis that the scheme is broadly acceptable to the panel, officers were approached by the developers to discuss how to overcome these concerns. It was agreed from these discussions, that the concerns could be overcome without having to reduce the overall number of dwellings proposed by rearranging the

development within the same plots to ensure the gardens were adequately lit by sun.

- 6.3.2 In particular, the garden area serving the dwelling in plot 7 has been moved to the south of the building so it is no longer directly underneath the canopy of the large Oak tree to the east. The gap between the western boundary of the site with the rear wall of the dwelling in plot 3 has increased from 15.3 to 16.3m. The amount of the open garden space has been increased in plot 3 by pushing the rear wall of the garage in line with the rear of the dwelling. The layout of plot 4 has been amended during the application stage to relocate the parking spaces to be more accessible to plots 5&6, by doing so the garden space will still have a south facing element without being shaded by the adjacent trees. The impact of relocating the dwelling would not worsen the impact on the amenity of 68 Cobden Avenue, given that the property would not directly overlook the most private and useable area of the neighbours garden, with a separation distance of 12m to the common boundary. There are oblique angles towards to the rear of the neighbouring property at separation distance of 44m, so there would be no direct overlooking of the neighbours habitable rooms. The relocation of the dwelling in plot 7 will maintain at separation distance between the gable side and rear wall of 16m to no.74 and 14.5m to no. 76. This will meet the standards set out in the Residential Design Guide.
- 6.3.3 The Tree Officer has removed their objection to the revised layout of the scheme. The Tree Officer acknowledges that there will always be a shade of varying degrees in the gardens by the very nature of the site and its orientation, however, the new layout would no longer conflict with the existing trees. The impact from the shading of the trees on the gardens will not necessarily be harmful in itself, as it is recognised by nationally accepted guidance that gardens do not need to have access to sunlight the whole day to be adequately sunlit. Additionally, the guidance recognises that people generally prefer a mix of sunlight and shade within their gardens. The BRE's good practice guidance 'Site Layout Planning for Daylight and Sunlight' (October 2011) sets out that the test for shading impact on garden space relates to the area of space that receives more than 2 hours of sunlight on 21 March (the Spring Equinox). This states that, for the garden space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. The results of the shadow analysis (see **Appendix 3**) show that the lit area of the garden serving plots 5&6 would be marginally under the 50% (48.38%), and the garden of plot 7 would receive nil light during the March Solstice. However, this takes into the unrealistic circumstances of sunlight conditions in March alongside the deciduous trees being in full leaf. Carrying out the same test for the June Solstice, when the sun is higher in the sky, illustrates that the gardens from these plots will experience more than 2 hours of direct sunlight on this date when the deciduous trees are likely to be in full leaf and will be causing an obstruction to sunlight, alongside the coniferous trees. This being the case, the developer has substantiated, through evidence that the new gardens would not unduly shaded.
- 6.3.4 Overall it is considered that an attractive and high-quality environment would be created for prospective occupiers of the development.
- 6.3.5 National planning guidance requires Local Planning Authorities to act reasonably in decision making, especially when assessing revised schemes on a similar basis. The guidance clearly advises that new reasons for refusal cannot be

introduced unless it is clear that harm is being caused by material changes to the scheme. Further to the assessment made under application 16/00083/FUL, the impact on the character and amenity is still found to be acceptable given that the form of the development in the relation to the neighbouring properties has not materially changed. The architectural design and living environment of the new housing is also still considered to be high-quality. The reasons for refusal only referred to the conflict with the trees on site, so the introduction of further reasons for refusal could not be justified in this instance. The local residents are again concerned about the level of development proposed being an overdevelopment of the existing garden. However, the right planning balance has been struck here between protecting the amenity of the neighbouring occupiers and achieving a viable housing scheme and decent place for people to live.

6.4 Highway Safety

6.4.1 As mentioned above, the layout of the access does not significantly differ to the previous scheme, so there would be no acceptable justification to introduce a reason for refusal on a highway safety basis. With the revision to the scheme, the Highway Officer is still satisfied that the arrangement of the access and parking serving the site would not be harmful to highway safety. The developer has agreed to reposition the parking spaces serving plots 5&6 so they are now within their own curtilage to allow direct access by the occupiers. Financial contributions are being sought from the developer to improve the vehicular sightlines from exiting from Midanbury Lane.

6.5 Other Matters

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 £176 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).

6.5.2 The contributions can be secured through the S106 agreement subject to the panel granting a resolution to support the scheme and delegating powers to officers to complete the S106.

6.5.3 The Ecologist is satisfied that the mitigation measures proposed would adequately protect the wildlife affected on the site. This includes the measures proposed to protect the habitat of the existing badgers living on the site during and after construction. The majority of the existing tree and shrubs on the southern half of the site will be retained, which will be managed in the future by a

private management company. The developer has carefully attenuated the risk of surface water flooding on this sloping site, by engineering an underground drainage system that would limit the peak run-off rate within the national guidelines (5 litres/second) in accordance with the requirements of the SCC Flood Risk team.

7. Summary

7.1 The form and layout of the scheme refused under application 16/00083/FUL was considered to be mainly acceptable by officers and members with exception to the impact on the existing trees on site, so the developers have worked closely with Officers to improve the design to overcome these concerns. The scheme resubmitted is considered to strike a fair planning balance between adequately managing the environmental and social impacts of the development, and in turn providing a good quality and attractive place to live whilst boosting the city's housing supply.

8. Conclusion

8.1 In conclusion, the proposal would have an acceptable impact in accordance with the Council's policies and guidance.

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), (g), (vv), 6(a), (b), 7(a)

SB for 02/08/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no 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. Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. Development shall be implemented only in accordance with the agreed details.

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

03. Cycle storage facilities

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

04. Unsuspected Contamination

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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

05. Use of uncontaminated soils and fill

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.

06. Protection of nesting birds

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

07. Landscaping, lighting & means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. hard surfacing materials;
- ii. a scheme for external lighting;
- iii. 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;
- iv. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (unless circumstances reasonably dictate otherwise);
- v. The area of front boundary hedge to be removed to facilitate the widened site access shall be replaced within the next planting season by a species to be first agreed in writing by the Local Planning Authority. The remainder of the existing front boundary hedge shall be retained or replaced where necessary.
- vi. details of any proposed boundary treatment, including retaining walls, the proposed levels of the amenity spaces, planting along the boundaries with 72 to 76 Cobden Avenue, and a suitable enclosure to close off the access way to the west of plot 1 leading onto Cobden Avenue;
- vii. the area of existing planting in the southern and eastern section of the site to be retained for purposes of habitat protection and the method of management of this space;
- viii. a landscape management scheme.

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

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. Other reasons include to protect highway safety, enhance biodiversity and protect the habitats of protected wildlife species.

08. Refuse & Recycling

Prior to the commencement of development, details of storage for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved.

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

09. Construction Management Plan

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

10. Wheel Cleaning Facilities

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.

11. Hours of work for Demolition / Clearance / Construction

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

12. Energy & Water

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).

13. Energy & Water

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).

14. Amenity Space Access

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use of the existing and proposed dwellings in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space for the existing and future occupiers.

15. Parking and Access

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. No vehicle or pedestrian access shall be formed onto Midanbury Lane at any time. Any existing vehicular access onto the public highway from the site shall be stopped up prior to the first occupation of the development hereby approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

16. Archaeological evaluation/watching brief investigation

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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

17. Archaeological evaluation/watching brief work programme

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

Reason: To ensure that the archaeological investigation is completed

18. 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,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and residential and visual amenities of the area.

19. Sustainable Drainage Systems

Prior to the commencement of development a management and maintenance plan for the ongoing management and maintenance of the system over the lifetime of the development of the proposed sustainable drainage system shall be submitted to the Local Planning Authority. A sustainable drainage system in accordance with approved specification and management and maintenance plan must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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.

20. Ecological Mitigation Statement

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 70 Cobden Avenue; Extended Phase 1 & Phase 2 Chiropteran, Barn Owl and Nesting Bird Building, Chiropteran Monitoring and Badger Surveys. January 2016. Ref HEA264a2016; 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.

21. Communal Open Space Area

The natural managed open space area to the south of the site, shall be retained as a communal area and not, at any time, be incorporated into the private residential gardens of the dwellings hereby approved.

Reason: In the interests of local ecology and biodiversity.

22. 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)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity
CS25	The Delivery of Infrastructure and Developer Contributions

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
NE4	Protected Species
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)

16/00083/FUL/1628



**DETERMINATION OF APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990**

Town and Country Planning (Development Management Procedure) (England) Order 2015

Neame Sutton Ltd
West Suite
Coles Yard Barn
North Lane
Clanfield
PO8 0RN

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

FULL APPLICATION - REFUSAL

Proposal: **Redevelopment of the site. Demolition of the existing building and erection of 7 x dwellings (3 x four-bedroom 2 x three-bedroom houses, 2 x two-bed flats) with associated access, parking and landscaping. (Revised resubmission)**

Site Address: **70 Cobden Avenue, Southampton SO18 1FT**

Application No: **16/00083/FUL**

For the following reason:

01.REFUSAL REASON - Impact of Protected Trees on Living Conditions

The amenity space shown to serve the proposed development is not considered to be fit for its intended purpose as useable external space to serve the prospective residents. In particular, the proximity of the canopy of protected trees to the private garden spaces serving plots 6-7 and 3 would result in excessive shading to the detriment of the usability of the garden space. The proposal would, therefore, introduce additional and unreasonable pressure for the cutting back and/or removal of overhanging branches of these trees to the detriment of the character and amenities of the area. As such, the proposal would be contrary to saved policies SDP1(i), SDP7, SDP12, H7 of the Local Plan Review (March 2015 amended) and policy CS13 of the Core Strategy (March 2015 amended) as supported by paragraph 2.3.14, section 4.4 and paragraphs 4.8.7 to 4.8.8 of the Residential Design Guide Supplementary Planning Document (September 2006).

Samuel Fox
Planning & Development Manager

3 March 2016

For any further enquiries please contact: **Stuart Brooks**



No Dimensions to be scaled off the drawing.
 All sizes to be verified on site.
 All dimensions in relations unless otherwise stated.
 All information on this drawing is copyright ©.

Open Market Housing

Plot No.	Dwelling Type	Sq Ft	Sq Ft
1	4 Bedroom Detached	130	1399
2	4 Bedroom Detached	130	1399
3	4 Bedroom Detached	126	1356
4	3 Bedroom Detached	100	1076
5	3 Bedroom Detached	100	1076
6	2 Bedroom Apartment	70	753
7	2 Bedroom Apartment	67	721
Gross Total		723	7785

* Apartments exclude lobby areas
 ** All sizes based on Gross Internal Areas



- Revisions:
- Rev E: 28/02/2016 Layout updated to reflect planning officers comments
 - Rev D: 25/02/2016 Layout updated to reflect planning officers comments
 - Rev C: 03/01/2016 Layout updated to reflect planning officers comments
 - Rev B: 07/12/2015 Layout updated to reflect planning officers comments
 - Rev A: 01/12/2015 Initial Issue

SOUTHCOTT HOMES
 THE MARKET
 100, MARKET AVENUE, SOUTHAMPTON, SO9 4AA
 Tel: 01493 788511 Fax: 01493 788512

Project:
 No. 70 COBDEN AVENUE,
 SOUTHAMPTON

Drawing Title:
 SITE PLANNING
 LAYOUT
 (Sheet 1 of 1)

Scale:
 1:250 @ A1

Date:
 Nov 2015

Drawn By:
 COB / 01 / 1

Checked By:
 SC

Rev. No.:

Rev.:

Rev.:

70 Cobden Avenue, Bitterne Park: Urban Design Assessment - Amenity

3.0

Results

Proposed Gardens

Two-hour sunlight contour analysis

3.1

The results of the two hour sunlight contour analysis for the proposed gardens are contained in the table below. The locations of the plots are illustrated at Appendix 2.

Amenity Ref.		Garden Area	1. Assessment omitting trees		2. Assessment including coniferous trees		3. Assessment including all trees	
			Lit Area Proposed	Above/ Below BRE Guide	Lit Area	Above/ Below BRE Guide	Lit Area	Above/ Below BRE Guide
Plot 1	Area m2	121.36	121.07	Above	121.06	Above	120.84	Above
	Percentage		99.76%		99.75%		99.57%	
Plot 2	Area m2	103.07	102.74	Above	102.73	Above	102.7	Above
	Percentage		99.67%		99.67%		99.64%	
Plot 3	Area m2	240.74	232.31	Above	230.25	Above	150.99	Above
	Percentage		96.50%		95.64%		62.72%	
Plot 4	Area m2	355.8	347.59	Above	343.61	Above	253.46	Above
	Percentage		97.69%		96.57%		71.24%	
Plot 5&6	Area m2	108.03	106.78	Above	93.17	Above	52.27	Below
	Percentage		98.84%		86.24%		48.38%	
Plot 7	Area m2	152.01	141.75	Above	141.75	Above	0	Below
	Percentage		93.25%		93.25%		0.00%	

Table 3.1: Two-hour sunlight contour results – Proposed Gardens

3.2

The results of the two hour sunlight contour analysis demonstrate that all of the gardens will comply with the BRE guide levels under scenario 1, when the effects of the trees are omitted, in accordance with the BRE guide.

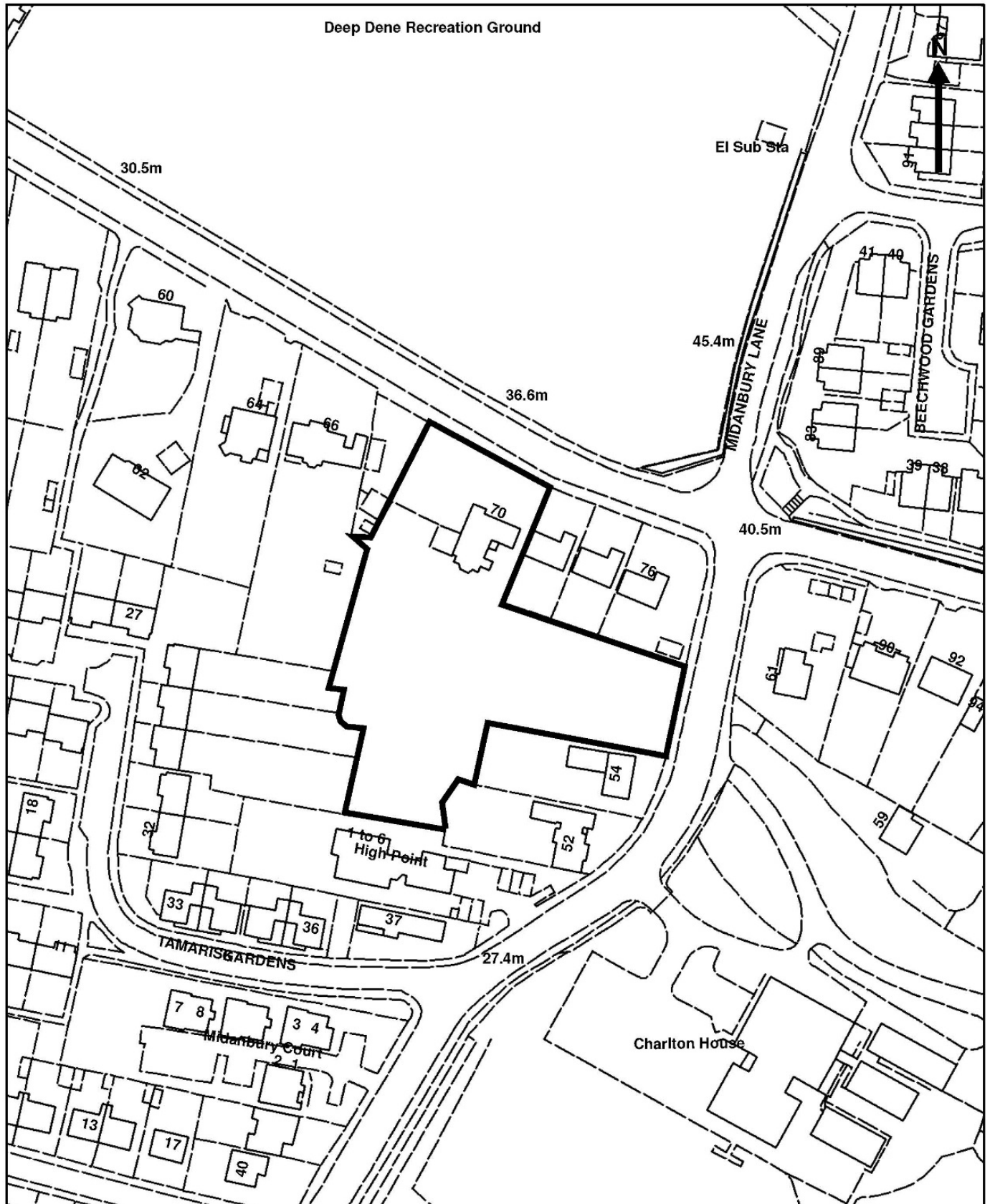
3.3

Similarly, the results for scenario 2 demonstrate that the gardens will retain high levels of sunlight when the coniferous trees are included in the analysis.

3.4

Finally, four of the six garden areas assessed will still comply with the guide levels when all of the trees are included in the assessment. One garden (plots 5/6) will experience a lit area only marginally below the guide level, while the remaining garden (plot 7) will experience higher levels of shadow under Scenario 3. This scenario depicts an unrealistic set of parameters as it includes sunlight conditions in March alongside the deciduous trees in full leaf. For these reasons, transient shadow plots have been prepared for the both the March and June dates.

16/00888/FUL



Scale: 1:1,250

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**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 2nd August 2016
 Planning Application Report of the Planning and Development Manager**

Application address: St Monica Primary School, Bay Road			
Proposed development: Erection of single storey nursery building with associated landscaping, a turning head within the school playing field, and new footway fronting the south-west side of Viceroy Road (Departure from Development Plan).			
Application number	16/00316/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	03.05.2016	Ward	Sholing
Reason for Panel Referral:	More than 5 letters of objection have been received	Ward Councillors	Cllr Baillie Cllr Wilkinson Cllr Hecks

Applicant: Southampton City Council	Agent: Mrs Claire Williams - Capita
--	--

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

Reason for granting Permission

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

Policies - SDP1, SDP4, SDP7, SDP9, SDP10, SDP11, SDP12, SDP16, SDP22 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS13, CS18, CS19, CS21, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to:

1. No further objections being received that raise additional issues to those set out in section 5 below, following the expiration of the extended publicity period;
2. The planning conditions recommended at the end of this report and;
3. The completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site 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. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site forms part of St Monica Infant School which is located within the ward of Sholing. The local area is mainly characterised by suburban residential properties. The main school buildings are accessed by staff and visitors from Bay Road. The school has an area of playing fields to the south. The school includes an existing pre-school nursery school known as 'Happy Bunnies'.
- 1.2 The development area for the new pre-school building is the south-western part of the playing fields which shares a common boundary with no. 4 Viceroy Road. The site is designated open space within the Development Plan. The area consists of a large grassed mound, formerly landscaped as an amphitheatre, and is fronted by a row of mature Beech trees which line Viceroy Road.

2. Proposal

- 2.1 The SCC Education team has chosen St Monica Infant school to accommodate the need for additional infant school places within the local area. Once the existing pre-school nursery has been relocated to the new pre-school building, the existing classroom space (formerly Happy Bunnies) within the main school buildings can accommodate a new 'bulge' class intake. The bulge class will then progress from Early Years, through to Year R, and Key Stage 1.
- 2.2 As such, permission is sought to erect a single-storey building to provide a separate pre-school nursery with a small play area. The pre-school nursery will accommodate 32 children, opening during the hours of 08:45 to 15:15. This would be an increase of eight children and two members of staff compared with the existing Happy Bunnies operation. A separate staff and parent access will

be formed from Viceroy Road into the pre-school nursery. The SCC Education team have agreed to provide a vehicle turning area at the eastern end of Viceroy Road, which partly protrudes onto the south-western edge of the playing fields.

2.3 This part of the site was considered the most suitable location for the pre-school nursery building. Alternative areas of the school site were investigated and dismissed as these were found to affect usable parts of the playing field, or cause problems for staff and visitor car parking and the collection of children.

2.4 In lieu of the playing field area being lost at the Infant School, the SCC Education team have agreed to re-provide playing field space at the nearby Junior School by demolishing the redundant swimming pool building on the St Monica Junior School site. The 247sqm footprint of the swimming pool will be reinstated as a grassed area. The swimming pool is no longer in use by the school or public. The transfer of this land will be incorporated as playing field space within a timeframe of 1 year after the pre-school building is occupied. The playing field area for the new pre-school building is not highly suitable for sport activities due to being landscaped as a mound. The turning head would build over part of a footway along the edge of the playing field.

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 Council's education planning policy CS11 (An Educated City) supports the expansion of primary schools in the city to accommodate the population growth of younger school children.

3.3 The Council has other policy objectives to safeguard open space including school playing fields. Policy CS21 (Open Space) seeks to retain the quantity and improve the quality and accessibility of the city's open space and help deliver new open space both within the city.

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

4. Relevant Planning History

4.1 There have been a number of recent approvals granted for small expansions to existing classrooms and improvements to school facilities, none of which are directly relevant to this application.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (18.03.16). At the time of writing the report **7** representations have been received from surrounding residents. Following the receipt of amended plans to incorporate a turning area in Viceroy Road, a further consultation exercise was carried out which is due to expire on 22.07.16. Any further material comments received after writing this report will be verbally reported at the panel meeting. The following is a summary of the points

raised at the time of writing this report:

5.1.1 **Noise disturbance to local residents caused by the nursery. The nursery will be used for other community uses. Disruption will be caused to the residents of Viceroy Road during the construction phase.**

5.1.1.1 Response

Although there are currently no school buildings within this part of the site, given the educational function, the nursery is considered to be an appropriate use. Furthermore, there would be an expected level of noise already associated with a school use in terms of children playing. The provision of nurseries and pre-schools in residential areas is supported by the Council's planning policies. It is accepted practice by the Council to control noise impacts on nearby residential properties by limiting the number of children attending and the hours of business. In this case, the levels of activity associated with a pre-school of 32 children and opening hours during of 08:45 to 15:15 in the week is not considered to be harmful to the amenities of the neighbouring occupiers. This is particularly since residents would continue to enjoy peace and quiet during the evenings and weekends. Alternative locations for the building on site have been investigated however the proposal strikes an appropriate balance in terms of retaining useable playing fields, retaining car parking and providing a suitable access.

5.1.1.2 A planning condition can be used to restrict the building use as a nursery only. Further details of the construction compound and management of deliveries and materials storage can be secured by planning condition before the development begins.

5.1.2 **The location of the nursery will result in highway safety issues due to increased traffic using Viceroy Road. This will form a separate entrance to the school increasing the traffic using Viceroy Road.**

5.1.2.1 Response

As part of the section 106 agreement, the development will secure a school travel plan to provide and support safe and sustainable travel to the school and the provision of school related stopping and parking restrictions on Viceroy Road. In addition to this, the development will include a turning head and extension of the public footway on Viceroy Road to enable vehicles to safely leave Viceroy Road in a forward gear. As such, the Highways Team are satisfied that the development will not have a harmful impact on the safety and convenience of users of Viceroy Road.

Consultation Responses

5.2 **SCC Highways** - No objection

5.3 **SCC Sustainability Team** – No objection, no requirement for BREEAM as the floor area is under 500sqm.

5.4 **SCC Environmental Health (Contaminated Land)** - No objection, subject to carrying out a land contamination risk assessment.

5.5 **SCC Ecology** – No objection subject to conditions.

5.6 **SCC Archaeology** – No objection subject to conditions.

5.7 **Trees** – No objection subject to conditions.

5.8 **Southern Water** – No objection subject to conditions.

5.9 **Sports England** - No objection

5.10 **SCC Planning Policy** - No objection

6. Planning Consideration Key Issues

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

- Principle of development
- Impact on Character and Amenity
- Impact on Highways
- Protection of Open Space

6.2 Principle of Development

6.2.1 The expansion of the existing school to provide educational pre-school facilities is supported by the Council's planning policies in order to accommodate the growing need in the city of school places for younger school pupils. The site does result in the net loss of designated open space, contrary to Policy CS21 of the Core Strategy and so the proposal represents a departure from the Development Plan. The loss of open space needs to be carefully considered in terms of weighing the benefit of providing additional school spaces for which there is an identified need in this location. The proposal is also subject to the assessment against the other material considerations as set out in the report below.

6.3 Impact on Character and Amenity

6.3.1 The proposed building will be single storey in nature, constructed from a mix of aluminium and timber. The building's setting will be partly landscaped to include a small play area to the rear enclosed by a canopy roof, retaining the Beech trees fronting Viceroy Road. The design and layout of the proposed single-storey building would not be out of character with other existing buildings on this school site and, therefore, would not adversely affect the character of the local area. The turning head would add a minor area of hardstanding within the playing field to Viceroy Road and, therefore, would not significantly change the appearance of the school and street.

6.3.2 The concerns of the local residents living in Viceroy Road regarding noise and disturbance from the pre-school use are noted. An educational use of this nature and scale is appropriate to be located within residential areas, particularly since the site is already within educational use. As noted, residents would continue to enjoy peace and quiet during late-afternoons, evenings and weekends. A new boundary treatment will be provided along the common boundary with 4 Viceroy Road to the north east. There is sufficient spacing between the neighbouring property and the new building to ensure that the neighbour's light, outlook and privacy would not be adversely affected by the development.

6.3.3 The impact on the amenity of the local residents from the activities associated with the use can be adequately controlled by restricting the daytime hours (08:45 to 15:15) and the maximum number of children allowed to attend (32). Additionally, the use of the building for alternative uses can be prohibited by a planning condition.

6.4 Impact Highways

- 6.4.1 The proposal will result in eight additional children and 2 additional staff when compared with the existing situation. It is acknowledged that the development will result in additional vehicular movements within Viceroy Road due to the location of the entrance to the nursery. The additional activities in Viceroy Road would be mainly concentrated around morning and evening peaks. As set out above, a Travel Plan will be secured through the section 106 agreement which will support and provide sustainable transport measures and limit the number of additional vehicular trips to the site.
- 6.4.2 Furthermore, it is important to note that residents living in Viceroy Road are already affected by parents parking in the street to collect and drop off children attending the main school. The application proposal however, seeks to improve upon the existing arrangements to facilitate the increased use of this street by nursery-related traffic. In particular, the inclusion of the turning area at the eastern end of the Viceroy Road will represent a significant improvement on the existing situation. This will minimise congestion and reduce disruption to the residents by providing drivers with the facility to leave the street in a forward gear and turn vehicles in a designated location, rather than at ad hoc points in the street.
- 6.4.3 In addition to this, to ensure there is safe access for pedestrians, the existing footpath on the southern side of Viceroy Road will be extended along the existing verge to the pedestrian entrance of the pre-school. A no dig construction method will be used to ensure that the trees are protected during its construction. As noted above, the development will also secure new road markings within Viceroy Road which will also contribute to the improved management of this street.
- 6.4.4 The new access will solely serve the pre-school nursery. A planning condition is recommended to restrict the use of the access so it is not used as the school's main access point. This will prevent a more intensive use of Viceroy Road from occurring in the future.
- 6.4.5 As such, it is considered that the mitigation measures, set out above, will improve upon the existing, unregulated situation. These measures, when considered in terms of the lightly-trafficked nature of Viceroy Road, will ensure that the additional use of Viceroy Road will not result in a significant adverse harm to the safety and convenience of the other road users.

6.5 Protection of Open Spaces

- 6.5.1 The Council's policy safeguards open spaces, including playing fields. There is growing pressure to expand existing school sites, so the physical need to accommodate for more school places as supported by policy CS11 should be balanced against the loss of playing field facilities.
- 6.5.2 As the School's playing field size falls under 0.2ha, Sports England has confirmed that there is no statutory protection of the playing field to be used as sport facilities for school children. The loss of playing field space can be justified under the requirements of policy CS21 if the quantity of open space can be re-provided as equal or better quality.
- 6.5.3 The current provision of playing field space is 0.18ha. The net loss of the playing

field space would equate to approximately 100sqm (0.01ha equating to 6% of the existing playing field area) factoring in 247sqm of playing field space being re-provided at the Junior School, once the redundant swimming pool building has been demolished.

- 6.5.4 The playing field area being proposed for the siting of the pre-school building is not well suited to sports due to being landscaped as a mound. The turning head area would be partly built over the existing footway along the edge of the playing field and, therefore, would not compromise the usability of the remaining body of the space. The Planning Policy team considers that the loss of the playing field space would be acceptable, given that the 0.01 ha is negligible. This combined with the good quality of the replacement of playing space at St Monica Junior School will justify this small loss at the Infant School in this instance. The transfer of this land will be secured by planning condition to take place within 1 year after the pre-school building is occupied.

7. Summary

- 7.1 In summary, it has been demonstrated that the impacts of introducing the pre-school nursery on this part of the school site can be adequately managed without adversely affecting the character and amenity, and highway safety within the local area. The impact from the loss of existing school playing field would be, on balance, justified by the provision of good-quality replacement space at the Junior school, whilst the net loss of the space is considered to be a negligible amount in relation to the functioning of the overall playing field. The provision of the pre-school nursery facilities would benefit the need to accommodate school places for younger children and justifies a departure from the Development Plan in this instance.

8. Conclusion

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the Council's policies and guidance and therefore can be supported for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), (b), (c), (d), 2(b), (d), 4(vv), 6(a), (b)

SB for 02/08/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no 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. Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, the roof of the proposed buildings, the canopy specification, and the hard surfacing treatment. 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. Development shall be implemented only in accordance with the agreed details.

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

03. Public Sewer protection

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

04. Ecological Mitigation Statement

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.

05. Construction Management Plan

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
 - (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
 - (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
 - (f) details of construction vehicles wheel cleaning; and
 - (g) details of how noise emanating from the site during construction will be mitigated.
- The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

06. Archaeological evaluation/watching brief investigation

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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

07. Archaeological evaluation/watching brief work programme

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

Reason: To ensure that the archaeological investigation is completed

08. Boundary Treatment

Before occupation of the development hereby approved, details 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 before the development is first occupied and shall thereafter be retained as approved.

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. Refuse & Recycling

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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.

10. Arboricultural Method Statement

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:

- (a) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (b) Specification for the installation of any additional root protection measures;
- (c) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (d) Specification for the construction of hard surfaces where they impinge on tree roots;
- (e) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs);
- (f) An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures; and
- (g) 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.

11. Turning head

Before the use of the nursery building hereby approved commences, the turning head area and footpath shall be provided in accordance with the approved plans and thereafter shall be maintained and retained.

Reason: To provide safe access to the development and to prevent congestion on the highway.

12. Restricted Use

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details as pre-school nursery and not for any other purpose, including any other use within Use Class D1.

Reason: In the interest of the amenities of neighbouring occupiers.

13. Open space replacement

Within 1 year of the date of the first occupation of the nursery building hereby approved, the grassed playing field area shall be provided at the St Monica Junior School in accordance with the details set out on page 12 of the Design and Access Statement submitted with the application.

Reason: To comply with the requirements of policy CS21 to ensure that the loss of the existing playing field is adequately mitigated by providing replacement space of equal and better quality.

14. Restricted access

The access to the nursery building from Viceroy Road shall only be used for the purposes of the use hereby approved and shall not be shared as a main access to St Monica Infant School.

Reason: In the interests of protecting highway safety and the amenity of neighbouring occupiers.

15. Hours of Use

The nursery use hereby approved shall not operate outside the following hours:
Monday to Friday - 08:45 to 15:15 hours

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

16. Maximum number of children

The maximum of children attending the pre-school nursery building hereby approved shall not exceed 32 pupils at any time.

Reason: In the interests of protecting the residential amenity of the neighbouring occupiers.

17. 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)

CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS21	Protecting and Enhancing Open Space
CS25	Planning Obligations

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

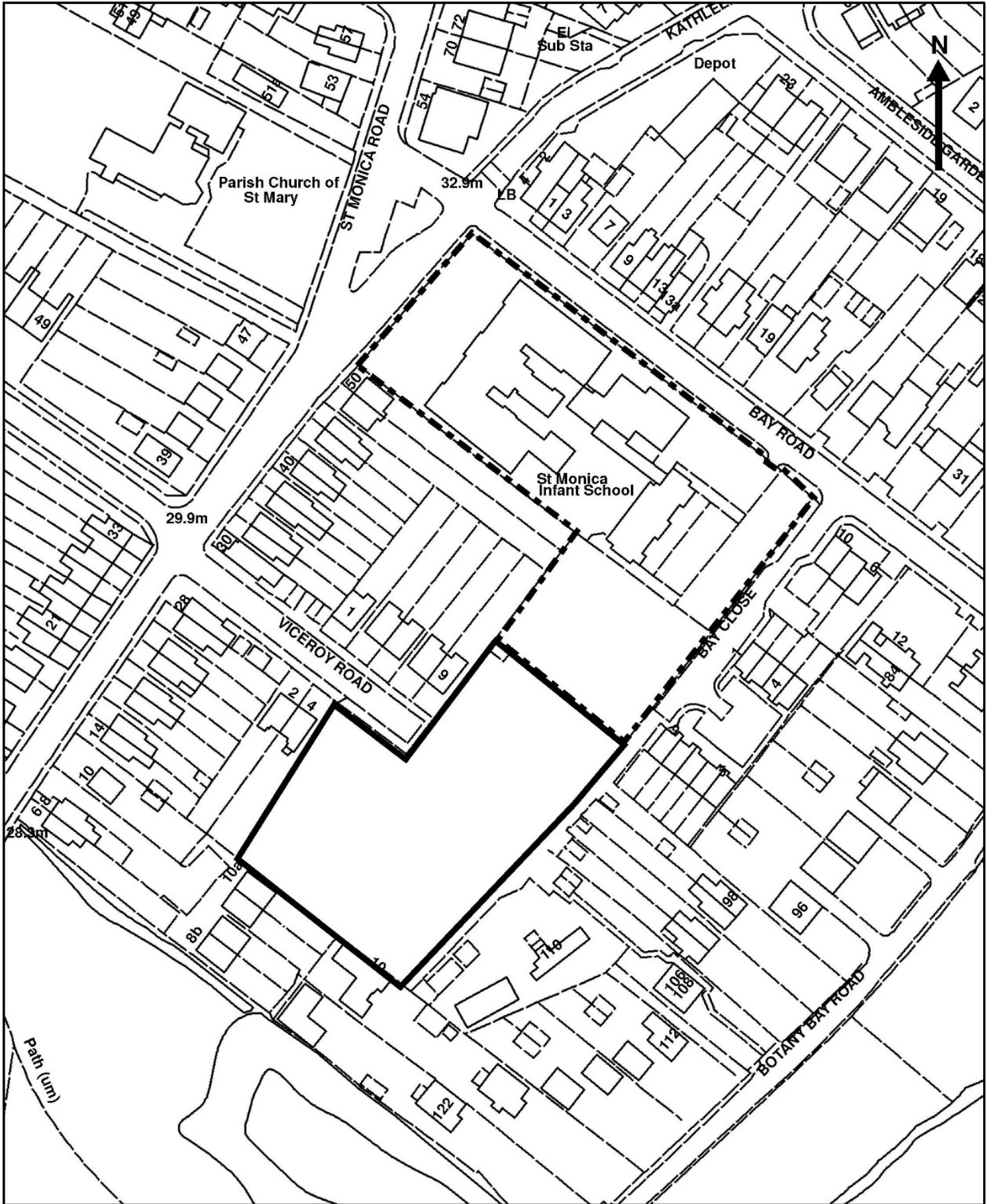
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP22	Contaminated Land

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)



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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 2nd August 2016
Planning Application Report of the Planning and Development Manager**

Application address: 30 Lilac Road			
Proposed development: Erection of a part single storey part two storey rear extension			
Application number	16/00517/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	27/05/2016	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr L Harris Cllr B Harris Cllr J Hannides
Referred to Panel by:	Cllr J Hannides	Reason:	Overdevelopment, density and the impact to the character of the area.
Applicant: Mr Sihota		Agent: Sanders Design Services Ltd	
Recommendation Summary		Conditionally approve	

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the guidance set out in the relevant sections of the HMO SPD (amended May 2016).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is a two-storey, semi-detached dwellinghouse located on the easterly side of Lilac Road. At present, the property functions as a 4-bed C4 House in Multiple Occupation (HMO) and sufficient evidence to prove this established use has been provided. As such, the use of the property will not be judged as part of the application though considerations will be made as to how the proposed extension will affect the use of the property.
- 1.2 The property currently comprises a bedroom to the front of the ground floor with a lounge, kitchen conservatory and w/c to the rear. The first floor then features 3 bedrooms and a bathroom.
- 1.3 The property is located in a residential area characterised by two-storey, semi-detached houses, primarily with hipped roofs. The property also benefits from off-road parking for one car on the forecourt.

2. Proposal

- 2.1 Permission is sought for the erection of a part single-storey, part two-storey rear extension in order to extend the ground floor and relocate the kitchen to create an additional bedroom to the rear with a new bathroom off the hallway. The first floor extension will also allow for reconfiguration of the living space to provide a larger rear facing bedroom and a new w/c. Overall the existing 4-bed HMO will be increasing to 5 beds. The single-storey section will project 4 metres from the rear wall of the property and the two-storey element will project 3 metres.
- 2.2 The scheme has been amended since the original submission to remove a roof alteration and reduce the depth of the first floor extension from 4 metres deep to 3 metres deep.

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.
- 3.3 The Houses in Multiple Occupation SPD was originally adopted in March 2012. During the time of this application, a revised SPD was adopted on 4th May 2016. It provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The revised SPD still sets a maximum

threshold of 10% in the ward of Bassett for the total number of HMOs within an assessment area of a 40m radius.

- 3.4 Since the application would not increase the overall number of HMOs within the assessment area, the 10% threshold test is not applicable in this case. With particular regard to the increase in occupation of the existing C4 HMO by 1 person, the planning application is assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.5 Also of relevance is the draft Bassett Neighbourhood Plan (passed by referendum 25th February 2016) which confirms that proposals should not result in an over-concentration of HMO dwellings in any one area of the Ward, to an extent that would change the character of the area or undermine the maintenance of a balanced and mixed community in terms of dwellings.

4. Relevant Planning History

- 4.1 There is no relevant planning history at the host property.

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 **3** representations have been received from surrounding residents, from East Bassett Residents Association and from the ward Councillor. The following is a summary of the points raised:

- 5.2 ***The extension will block out more light from the neighbouring properties.***
Response:

The reduction in depth of the two-storey element, together with its step away from the boundaries with the neighbouring properties and subordinate roof height limits the impact on light and outlook to the neighbouring properties. In addition to this, existing single-storey additions to the rear of the immediate neighbours further ameliorate the impact of the proposed extension.

- 5.3 ***The extension could result in more noise from more students.***
Response:

It is important to note that, as an established C4 HMO use, the property could already be occupied by up to 6 persons without requiring planning permission. However, the planning application provides an opportunity to limit the occupancy to reduce the likelihood of noise impact to neighbouring occupiers.

- 5.4 ***There are several HMOs in the area already which results in higher numbers of car ownership, exacerbating car parking pressure in the area and causing a highway safety issue.***

Response:

There is space for the off-road parking of one car available at the property. The maximum number of parking spaces permitted for a five bedroom HMO is 3 however, the parking standards do not seek an increase in parking between four-person and five-person HMOs. Furthermore, the site and surrounding streets are within a Residents Parking Zone and the residents of the application property

would not be entitled to more than 2 car parking permits as they currently do. Furthermore, the site is under 500 metres walk from the main University campus and the bus links and facilities that this offers as well as being sited less than 200 metres from the Burgess Road local centre. The site is, therefore, within a sustainable location. The increase in occupancy is not considered to result in any harmful over-spill car parking issues.

5.5 ***The proposal would be an overdevelopment, resulting in an excessive density which would impact on the character of the area.***

Response:

The plans have since been amended for the proposal and it is judged that the development is now a proportionate size for the property and will have a negligible impact upon the character of the property or the area. In addition, the increase from 4 to 5 occupants is not thought to present overdevelopment of the site as the rooms will be a reasonable size and there is plenty of communal space to share. The development will cause minimal coverage of the rear garden and thus, there will still be adequate amenity space (over 119 sq.m) for the occupants of the property.

5.6 ***Concern with over-shadowing and overlooking of the neighbouring properties.***

Response:

Due to the north-east facing garden and the two-storey section of the extension having a modest protrusion and being set away from the adjoining property it is not thought to present significant harm. Similarly, mutual overlooking is expected between neighbours but the proposed development is not thought to have a harmful effect upon the neighbouring residents, particularly since no side-facing habitable room windows are proposed.

6. **Planning Consideration Key Issues**

6.1 The determining issues for this application relate to; whether the proposed extension is acceptable in principle and; whether the proposed development would have a harmful impact the character and amenity.

6.2 **Principle of Development**

The property is occupied as a small HMO (class C4) under permitted development rights that existed prior to 23rd March 2012 and, therefore, the HMO use did not originally require planning permission. To demonstrate that the property was occupied on 23rd March 2012 (effective date of Article 4 direction) the applicant has provided a copy of tenancy agreements covering the period from September 2011 to February 2015 showing that between 4 and 5 tenants occupied the property during this time.

6.3 The 10% HMO threshold applicable to the Bassett Ward is not applicable in this case, as the property is already established as a small HMO (on 23rd March 2012) and there will be no increase to the concentration of HMO dwellings within the local area. The provision of an additional bedroom would meet a need for this type of accommodation set out in Policy CS16 of the Core Strategy. The principle of development is, therefore, acceptable as a small HMO use (with up to 6 residents permitted) has already been established. This is subject to whether the intensification of use by 1 person would cause any material harm with respect to the key planning issues below.

6.4 Effect on Character and Amenity

The proposed erection of a part single-storey, part two-storey rear extension is in order to extend an existing bedroom at first floor level and to create an additional bedroom and bathroom at ground floor level to facilitate the increase the present HMO from four to five beds. The rear extension will add an additional 21m² to the footprint of the ground floor and 7m² at first floor level. These additions are considered to be relatively minor and care has been taken to retain no less than 2 metres separation between the two-storey element and the side boundaries with the immediate neighbours. The site is also considered to be large enough to cope with the additional development and it is not considered to present unacceptable coverage of the curtilage, retaining a garden well in excess of the Council's guidelines for garden sizes.

6.5 With regards to the intensification of the use as an HMO, the property will only gain one bedroom and it is judged that the impact of one addition resident will be minor. In addition, a condition will be applied in order to limit the number of occupants to 5 and provide some additional control to the use of the property whilst functioning as an HMO, which is not currently possible. This is considered to be an appropriate solution to provide additional housing whilst maintaining control for the level of occupancy of an established HMO. The proposal is therefore considered to be acceptable in principle.

6.6 In relation to design, the two-storey section of the extension is set both down from the height of the original roof and away from the boundary on both sides so as to eliminate any undue dominance or overbearing nature for the residents of the neighbouring properties. The roof also has a hipped style, which matches the style of the original roof and the windows proposed match the proportions of those displayed on the original property, thus linking in well with the character of the area. Overall, the extension is seen as an acceptable size and scale in relation to the existing property and suitable consideration has been given to the design and materials will fit in with the character of the area. Consequently, the proposed development is thought to have negligible impact upon the character of the existing property and the local area and is in compliance with Section 2.1, 2.3 and 2.5 of the Residential Design Guide (RDG, 2006).

7. Summary

7.1 This proposal is considered to be an appropriate size and scale for the host site and the design is also judged to be in keeping with the character of the area, the host property and that of the directly adjoining property. Additionally, the extension would tie in appropriately with the existing building, which complies with Core Strategy policy CS13. The separation distances to be retained, especially with regard to the two-storey section of the extension are seen as an acceptable attempt to retain amenity to both the occupants and the neighbouring residents and to prevent any excessive overshadowing as a result of the development. Care has also been taken to match the roof style and pitch, which is consistent throughout the area, in compliance with Section 2.1, 2.3 and 2.5 of the Residential Design Guide (RDG). The addition of one extra bedroom and thus one more occupant is not thought to present significant harm and therefore, with a condition applied to limit the occupants to 5, the use of the property is not

thought to be excessively intensified. As such, it is judged that residential amenity will not be harmed and that the proposal is acceptable. Consequently, the scheme is recommended approval.

8. Conclusion

- 8.1 The proposal for a part single storey, part two-storey rear extension is considered to be acceptable in principle as significant harm shall not be caused to neighbouring amenity. In addition the site is considered large enough to deal with the proposal, the design is sympathetic to the character of the property, and the amenity of the occupants of the host dwelling shall not be harmed. For these reasons the scheme can be supported.

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

[1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f) and 6(a)]

AT for 02/08/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no 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. Number of occupiers

The number of occupiers at the property in connection with the change of use hereby permitted shall not exceed 5 persons.

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

03. Retention of communal spaces

The communal rooms as shown on the plans hereby approved (namely, the kitchen, lounge, bathrooms and w.c) shall be provided before the new bedroom is first occupied and shall thereafter be retained for that purposes.

Reason: In the interests of the living conditions of the occupiers.

04. Materials to match

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.

05. 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

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

SDP1 Quality of Development

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

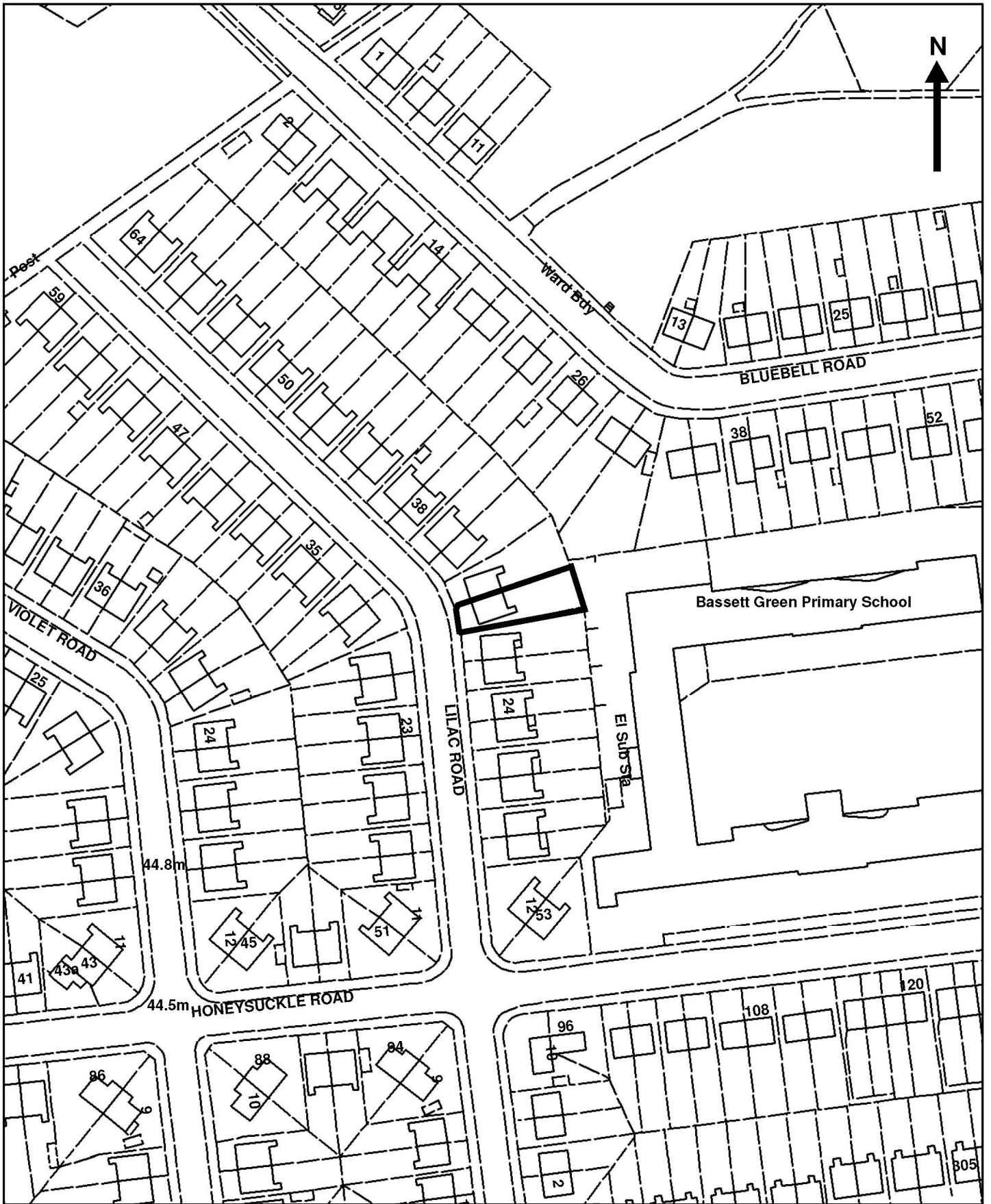
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Houses in Multiple Occupation SPD

Other Relevant Guidance

The National Planning Policy Framework (2012)



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