

PLANNING AND RIGHTS OF WAY PANEL

Tuesday, 13th September,
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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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 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 2nd August 2016 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 16/00740/FUL - 11 LAWN ROAD

(Pages 11 - 32)

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- 16/00763/FUL - 216-220 SPRING ROAD

(Pages 33 - 46)

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.

7 PLANNING APPLICATION- 16/01037/FUL- 51-57 BROOKVALE ROAD

(Pages 47 - 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.

8 PLANNING APPLICATION - 16/00665/FUL - SOUTHERN WATER - WESTERN AVENUE

(Pages 55 - 64)

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.

9 PLANNING APPLICATION- 16/01163/FUL - 1 CUNNINGHAM CRESCENT

(Pages 65 - 74)

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

10 PLANNING APPLICATION - 16/00346/FUL - 4 PRIMROSE ROAD

(Pages 75 - 86)

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.

Monday, 5 September 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 2 AUGUST 2016

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

Apologies: Councillor Claisse

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

RESOLVED: that the minutes for the Panel meeting on 12th July 2016 be approved and signed as a correct record.

24. **PLANNING APPLICATION -16/00888/FUL - 70 COBDEN AVENUE**

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

Redevelopment of the site. 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)

David Jerram (local residents/ objecting) and Dr Martin Dobson (Residents' Specialist Witness), Amanda Sutton (agent), and Councillor Inglis (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that residents had commissioned a report by an independent arborculturalist which had been circulated to the Panel and was available on the internet. The response from the City's tree team was circulated and detailed during the meeting. The presenting officer detailed required amendment to the recommendation and the clauses set out in the S106. It was noted that there was no longer a requirement for terms relating to affordable housing and that an additional clause would be required for a tree replacement plan.

The presenting officer also stated that conditions relating to trees and archaeology would require amendment.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Coombs and Denness

AGAINST: Councillors L Harris, Hecks and Mintoff

On the use of the Chair's second and casting vote the application was approved.

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and the amended conditions, set out below.
- (ii) 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.

AMENDED S106 CLAUSE

Delete clause 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).”

ADDITIONAL CLAUSE

“Provision of Tree replacement plan identifying the trees to be replaced at a ratio of two replacements for each tree removed and the contribution towards any off site provision required in accordance with saved Policy SDP12 of the Local Plan Review (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).”

AMMENDED CONDITIONS

16. Archaeological 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 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.

ADDITIONAL CONDITION

Arboricultural Method Statement (Pre-Commencement Condition)

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

to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures;
- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vi) 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
- (vii) 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.

25. **PLANNING APPLICATION -16/00316/FUL - ST MONICA INFANT SCHOOL**

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

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).

Jenny Fenwick (local resident/ objecting), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the S106 needed to be adjusted to incorporate a school transport plan. In addition it was noted that there needed to adjustments for the conditions relating to the turning head, the usage and hours of use of the proposed new facility and the archaeological conditions. It was also noted that an additional condition would be required for construction hours.

RECORDED VOTE to grant planning permission

FOR: Councillors Coombs, Denness and L Harris

AGAINST: Councillor Hecks

ABSTAINED: Councillor Mintoff

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and amended conditions, set out below.

- (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;
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

AMENDED SECTION 106 WORDING

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and towards the School Travel Plan 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);

AMENDED CONDITIONS

06. Archaeological 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 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.

11. Turning head

The access to the nursery school from Viceroy Road shall only be used once the turning head area and footpath has been provided and made publicly accessible in accordance with the approved plans. The turning head area and footpath shall be thereafter maintained and retained for public access.

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

15. Hours of Use

The nursery use hereby approved (in accordance with the use restrictions under condition 12) 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.

Additional Condition

Hours of work for Demolition / Clearance / Construction (Performance)

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.

NOTE: Councillor Barnes-Andrews declared an interest and withdrew from the meeting

26. **PLANNING APPLICATION- 16/00517/FUL - 30 LILAC 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

The presenting officer reported the need for an additional condition that would limit the numbers of residents to 5.

RECORDED VOTE (to grant planning permission

FOR: Councillors Barnes-Andrews, Coombs, Denness, Hecks
and Mintoff

ABSTAINED: Councillor L Harris

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

Additional Condition

02. NUMBER OF OCCUPIERS

The number of occupiers at the property, in connection with the lawful C4 HMO use, shall not exceed 5 persons unless otherwise agreed in writing by the local planning authority.

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

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 13th September 2016 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AL	DEL	5	16/00740/FUL 11 Lawn Road
6	SB	CAP	5	16/00763/FUL 216-220 Spring Road
7	JT	CAP	5	16/01037/FUL 51 - 57 Brookvale Road
8	SB	CAP	5	16/00665/FUL Southern Water – Western Avenue
9	JF	REF	5	16/01163/FUL 1 Cunningham Crescent
10	JT	CAP	5	16/00346/FUL 4 Primrose 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:

AL – Anna Lee
 SB – Stuart Brooks
 JF – John Fanning
 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)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

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

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

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

5. Documents relating to Highways and Traffic

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

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

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

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13.09.2016
Planning Application Report of the Planning and Development Manager

Application address: 11 Lawn Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of a 3-storey replacement building to provide 9 flats (2 x three bedroom, 3 x two bedroom, 4 x one bedroom) with associated parking (6 spaces) and other facilities – scheme amended following validation to reduce the number of flats.			
Application number	16/00740/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	25.10.2016 (Extension of Time Agreement)	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Claisse Cllr O'Neill Cllr Savage
Referred to Panel by:	Cllr Claisse and Cllr O'Neill	Reason:	Over intensification, Loss of a family dwelling, out of character and impact on neighbouring occupiers

Applicant: Mr Kaushik Dastidar	Agent: IKON Planning
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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 as detailed in the report to the Planning & Rights of Way Panel on 13th September 2016 have been considered. The impacts of the scheme on the character of Lawn Road and adjacent neighbouring properties 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 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). Accordingly the proposal complies with policies CS4, CS6, CS13, CS18, CS19, CS20, CS22 and CS25 of the Core Strategy (2015) saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, HE6, H1, H2 and H7 of the adopted City of Southampton Local Plan Review (Amended 2015), Supplementary Planning Document 'Residential Design Guide' (2006), 'Developer Contributions' (2013) and 'Parking Standards' (2011) and the National Planning Policy Framework (2012).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

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. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Submission of a waste management plan.
 - 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. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

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

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 bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1.0 The site and its context

- 1.1 The site is currently occupied by a detached bungalow (that has recently been damaged by fire) and detached garage to the rear. It is a large site (0.094 hectares) that is set between buildings that are two storey and two storey with rooms in the roof in height. The area is characterised by two storey properties and three storey flatted developments set within a residential area with good access to local services along Portswood Road.
- 1.2 Along the front boundary of the site there are two beech trees that have Tree Preservation Orders (TPO) placed on them. The site slopes up from Lawn Road to the front of the existing dwelling. The site is not within a Conservation Area.

2.0 Proposal

- 2.1 The proposal seeks to demolish the existing vacant bungalow on site and replace it with a three storey building comprising 9 flats. The proposal has been amended to provide a 9 unit scheme which comprises two 3-bed units, three 2-bed units and four 1-bed units. The original scheme submitted provided 10 flats (three 3-bed units, three 2-bed units and three 1-bed units and 1 studio) and, therefore, following initial validation there has been a reduction of one three-bed unit. Four parking spaces are provided under the trees to the front and a further two spaces are provided within garages within the ground floor of the building to provide a total of six parking spaces. The building height reduces to the rear to two storey with a third floor in the roof. The building reduces further in height adjacent to no 13 Lawn Road with the introduction of a cat slide roof. Three flats are provided at ground floor; one 1-bed to front and a 1-bed unit and 3-bed unit to the rear, both rear units have access to separate private amenity space. At first floor a 3-bed unit is provided to the front, a 1-bed is located within the roof space and a 2-bed unit to the rear. Within the second floor three 2-bed units are provided.
- 2.2 The building has been designed to pick up features of neighbouring properties by providing a pitched roof and a projecting middle element to recess the side elements by one metre. Juliette balconies are provided to the front to add interest to the building.
- 2.3 To the rear of the building there is a communal landscaped garden area of approximately 132sq.m serving 7 of the 9 flats (which equates to approximately 19s.qm per flat). The remaining units have private external amenity, of approximately 21sq.m, each with direct access. In addition, the cycle store is sited at the end of the path that runs down the side of the building and refuse storage is integral to the building.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to

these proposals are set out at **Appendix 1**.

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

4.0 Relevant Planning History

- 4.1 A recent application sought demolition of the bungalow under the prior approval process but it was refused consent on 14.06.2016 due to insufficient information being provided. The only other history for the site is the original consent of the bungalow on site; planning permission 983/4 granted on 11.12.1951 (see **Appendix 2** for further details).

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (27.05.2016) and erecting a site notice (24.05.2016). At the time of writing the report 8 representations have been received from surrounding residents, including the Panel referral received by ward councillors Claisse and O'Neill. The following is a summary of the planning related points raised:

- 5.2 The proposal results in over development and is out of character

Response

Clearly the removal of the existing dwelling and its replacement with a three storey building will change the character of the street. However, the site lies in an area that does not have uniform character and the design of the scheme has been amended to respect the character of the area by providing a pitched roof with a reduction in height adjacent to the neighbouring two-storey house adjacent. Lawn Road is characterised by a mix of dwelling type and architectural style that includes conversions and purpose built three storey flatted blocks. The density of the scheme 96 dph is in line with maximum levels set out in policy CS5 where 50-100 dph can, in principle, be approved in this area. Encouraging higher densities within areas of good access to local facilities is enshrined within local and national planning policy. The existing tree screen to the Lawn Road frontage is protected and retained as part of the scheme, which will assist the scheme in blending into its context.

- 5.3 Insufficient amenity space

Response

The application proposes private amenity space to serve the ground floor flats, alongside a communal area serving the 7 remaining flats. Whilst part of this space is located within the tree canopy it is considered that the amenity space offered is fit for purpose and provides sufficient amenity space to meet the guidance set out in the RDG.

- 5.4 Concerned about noise

Response

All residential properties have the potential to result in noise. However, the Council's Environmental Health team has not objected on these grounds and the delivery of housing should not be held up due to concerns that some residents may be unneighbourly. The planning system should plan for reasonable

behaviour. Planning conditions can be used to minimise disturbance during the construction phase.

5.5 The proposal will result in a loss of parking and traffic congestion

Response

6 spaces are proposed to serve 9 flats, which is acceptable in this location. The proposal provides parking spaces in line with Council's current maximum parking standards policy, and a car parking survey has been submitted to demonstrate that there is sufficient space on-street to accommodate any shortfall. On this basis no objection has been received from the Council's Highway Development Management team. All residential development has an impact on the highway network and a highway safety improvement package is being sought as part of the S106 legal agreement to help mitigate against any potential highway safety issues.

5.6 The scheme will result in a loss of privacy, overlooking and is to be constructed in close proximity to the neighbouring properties

Response

The proposal will have an impact on neighbouring properties but the rear element has been reduced in height, and there are no habitable windows looking directly into the neighbouring properties windows. The nearest properties to the rear are between 30 and 40 metres away and therefore the proposal complies with the minimum separation guidance set out in the adopted RDG. The neighbours most affected (at 9 and 13 Lawn Road) have been notified but have not objected to this planning application.

5.7 Loss of family home

Response

The proposal does result in the demolition of the bungalow but the scheme seeks to provide two 3-bed units, only one genuine three bed unit is required to replace the bungalow and this is replaced by the ground floor unit which has direct access to its own private amenity space. The application, therefore, accords with LDF Policy CS16.

5.8 Impact of trees

Response

The scheme has been designed to prevent an impact on the trees that are protected by a TPO by using a green grid system for the cars to be sited on, and the footprint of the building is outside the trees root protection zones. No objection has been received from the Council's Tree team.

Consultation Responses

5.9 **SCC Highways– No objection**

No objection is raised subject to conditions securing details of the refuse and cycle store and the submission of a refuse management plan. As well as conditions to cover sight lines and details of the hard paving. The applicant has submitted a parking survey which does not strictly accord with standard practice. However, it does indicate that there is generally reasonable capacity for on street parking in the near vicinity of the site.

5.10 **SCC Sustainability Team – No objection**

Subject to the imposition of conditions securing energy and water restriction.

5.11 **SCC Flooding Team – No objection**

The proposed surface water drainage strategy is the use of permeable paving on driveway and parking areas utilising infiltration and attenuation of roof water in cellular storage. In principle this is acceptable but the following information will need to be provided via condition in order to satisfy that an appropriate infiltration assessment has been undertaken as part of the further site investigation work identified:

- confirmation that the infiltration tests have been undertaken at the location, depth and with a head of water that replicates the proposed design;
- confirmation what measures are necessary to prevent construction activities (especially compaction) changing the infiltration characteristics;
- confirm that the test infiltration capacity is likely to be representative of the wider ground mass;
- confirmation that evidence has been provided of seasonal variations in groundwater levels;
- confirmation that the maximum likely groundwater levels are >1m below the base of the infiltration devices.

5.12 **SCC Environmental Health (Pollution & Safety) No objection**

Subject to conditions relating to hours of work, construction management plan and dust suppression.

5.13 **SCC Environmental Health (Contaminated Land): No objection**

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.

5.14 **SCC Ecology – No objection**

The site consists of a dormer-bungalow set in a mature garden, with a garage, amenity grassland, hard-standing, trees and shrubs. There is also a pile of logs and a number of low walls.

An ecological survey submitted in support of the planning application indicates that there is a low level of biodiversity interest on the site and that redevelopment is unlikely to adversely impact upon wildlife in the wider area, therefore there is no objection to the proposed development.

The report makes a number of recommendations regarding biodiversity enhancements which need to be secured via planning conditions. These include provision of bird nesting boxes and native landscape planting. It is important, that any vegetation clearance should either take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged.

5.15 **SCC Archaeology- – No objection**

No objection subject to conditions relating to submission of an archaeological watching brief investigation and work programme. The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy - LAAP 16 (The Rest of Southampton). Romano-British burial urns have been found not far to the north of the site, although exact location unknown. Other Roman evidence has been found in the St Denys area, which is on the opposite bank of the River Itchen to the Roman town of Clausentum at Bitterne Manor. Roman remains may be present on the site, and if so, would be undesignated heritage assets under the National Planning Policy Framework (NPPF). (Further information about the archaeological potential/heritage assets of the area is

available on the Southampton Historic Environment Record. The proposed development involves demolition of the existing 20th century house (which is on the site of a 19th century house), and construction of a new building. Development here threatens to damage potential archaeological deposits, and an archaeological investigation will be needed to mitigate this. The archaeological investigation will take the form of a watching brief on the groundworks for the development.

5.16 SCC Trees – No objection

No objection subject to conditions securing tree retention and safeguarding as well as a full arboricultural method statement as the submission of additional arboricultural information addresses previous concerns.

5.17 SCC Design – no objection following the receipt of amended plans.

5.18 Southern Water – No objection.

Suggests an informative is attached to the permission to make the developer aware of the requirements to connect to the public sewerage system as well as a condition requesting further details of the surface water runoff.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Design and amenity;
- Highway Safety and Parking;
- Landscaping and tree protection;
- Development Mitigation

6.2 Principle of Development

The application site is not an allocated site within the Council's Development Plan, but it is located within an area with other residential properties. The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The city has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the city between 2006 and 2026 for the city to address its own requirements. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, the use of previously developed land and therefore the principle of the proposal is generally supported.

6.2.1 Policy CS5 seeks to ensure that development within medium accessibility areas have a density of between 50 and 100 dph. Therefore the proposed density of 96 dph is acceptable. The development would create additional housing stock for Southampton as well as bringing the vacant site back into use whilst providing a mixed housing offer. The trees along the frontage will be retained thereby maintaining part of the road's existing character.

6.3 Design and Amenity

The building has been designed to mimic adjacent neighbours in terms of window details and the design of the roof. The design of the proposal has been amended since originally submitted to introduce accommodation at ground floor in order to provide an active frontage, as well as including a set back to the sides by 0.9 metre to provide articulation, similar to neighbouring properties, whilst assisting to reduce the bulk of the building. These changes are positive in terms of the overall design of the building. The number of units has been reduced to remove a three

bed unit and provide four genuine one beds instead of one studio. The scheme is three storey in design but is similar in height to adjacent properties. The building is to be constructed using external brickwork so as to match neighbouring properties. The building's roof appears to be pitched in design but is flat roofed to reduce the bulk adjacent to the neighbours. To the rear the scheme reduces to two-storey with rooms in the roof to reduce the impact on the neighbouring property at no.13. The design is attractive and simple as well as picking up features of the neighbouring properties in terms of projecting elements and large windows. In summary, although the proposal results in the loss of one residential property it replaces the bungalow with an attractive flatted scheme where its impact upon the wider streetscene is softened by the existing mature tree screen to the frontage.

- 6.3.1 The depth of the proposal to the rear has been reduced by two metres since the original submission to provide further amenity space for the future occupiers, and to reduce the bulk of the development. Private amenity space has been provided for two of the units at ground floor and the rest of the communal garden area serves the other units and provides 19 sq.m per unit. The rear amenity area would be shaded due to tree cover but would still be usable. Notwithstanding sufficient amenity space being provided, the amount of hardstanding resulting from the development exceeds the 50% site coverage set out in the RDG guidance. As sufficient amenity space and car parking is secured, the development provides a mix of housing units to meet the housing need. There are other examples where buildings and hard standing exceed 50% within Lawn Road. Therefore, as the scale, bulk and site coverage has been reduced since the original submission officers feel the proposed scheme now addresses previous concerns.
- 6.3.2 All habitable rooms have an acceptable outlook and adequate light, and similar rooms have been stacked to reduce noise transfer. All units have access to the shared amenity space and cycle and refuse storage is provided.
- 6.3.3 With respect to the impact on no. 9 and 13 Lawn Road the scheme has been altered by removing part of the second floor adjacent to no 13 Lawn Road. There are windows on the side elevations of both neighbouring occupiers (no 9 has a kitchen window at first floor and habitable living and dining rooms at no 13) but the scheme would not result in an unacceptable loss of light or outlook to the occupiers of this unit. In terms of privacy a condition is imposed to secure obscured glazing windows to a height of 1.7m to the windows proposed in the site elevations. These windows serve bathrooms, the stairwell, non-habitable kitchens and secondary windows for bedrooms. The affected neighbours have been consulted but have not objected to this planning application.
- 6.3.4 As such, officers support the design changes and feel the scheme now meets the Council's high design and amenity requirements as set out in the current development plan.

6.4 Highway Safety and Parking

The scheme includes 6 parking spaces (including 2 garaged) and meets current standards in this location as the site is just 10 minutes walk to Portswood District centre. The reduction from seven parking spaces (as submitted) to six spaces for 9 units (from 10 as submitted) is acceptable and has reduced the amount of hard landscaping as well as providing an active frontage at ground floor. As new dwellings are being introduced and as there is unrestricted on-street parking around the site a parking survey has been provided which demonstrates that there is capacity for potential overspill. The conclusion of this survey indicates that during the daytime survey (10.00-11.00 – 11th February 2016) there were 39 available spaces within the study area 12 of which were located on Lawn Road.

During the overnight survey (00.00-01.00 – 12th February 2016) there were 43 available spaces within the study area 21 of which were located on Lawn Road. Therefore, the application has demonstrated that there is sufficient local on-street parking available to cater for any overspill parking from the development.

- 6.4.1 The introduction of integral refuse storage is a positive feature and the location of the cycle storage to the rear is acceptable. A refuse collection point near the highway for collection days is required and is shown on the plans. A waste management plan is secured via the Section 106 legal agreement. More details are required regarding lighting within the development so that safe access can be provided to refuse and cycle storage areas and a condition is therefore imposed to secure further details.

6.6 Landscaping and tree protection

There are trees on site (Beech) which lie on the front boundary and they are a material planning consideration as they are protected by a Tree Preservation Order (T2-637 The Southampton (11 Lawn Road) Tree Preservation Order 2015 Group of two copper beech trees). Following receipt of the amended plans the Council's Tree Officer is satisfied the development is unlikely to significantly damage the trees on site. The development would be located very close to the trees along the front boundary and their Root Protection Area (RPA) therefore conditions are proposed to seek further information and safeguard the trees on site. A high quality landscaping scheme is required along the frontage of the site as well as the retention of the boundary wall; both can be secured via a landscaping condition.

6.7 Development Mitigation

As with all new development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. The main area of contribution for this development, in order to mitigate against its wider impact, is the highway contribution. A financial contribution is sought towards traffic signal detection and equipment improvements on the adjacent Thomas Lewis Road junction, including the installation of new above ground detection. In the event that the viability of the scheme is affected by this level of provision the whole scheme would be reassessed and reported back to the Planning and Rights of Way Panel for further consideration. The threshold for securing affordable housing has recently changed from 5 (LDF Policy CS15) to 11 following recent Government amendments to the planning system; as such the scheme does not need to contribute towards affordable housing.

- 6.7.1 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. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 **Summary**

Overall the redevelopment of the site for the 9 residential units proposed for this scheme will not result in an adverse impact on the amenities enjoyed by surrounding occupiers, highway safety issues or to the character and appearance of the area. Therefore the proposals are consistent with adopted local planning policies.

8.0 **Conclusion**

As such, the application is recommended for approval subject to securing the matters set out in the recommendations section of this report and the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

ARL for 13/09/2016 PROW Panel

PLANNING CONDITIONS

1.Full Permission Timing Condition [Performance]

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).

2. Details of building materials to be used [Pre-Commencement Condition]

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.

3. Archaeological watching brief investigation [Pre-Commencement Condition]

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.

4. Archaeological watching brief work programme [Performance Condition]

The developer shall 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.

5. Energy & Water [Pre-Commencement Condition]

Before the development commences (excluding any site set up or demolition works) 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).

6. Energy & Water [performance condition]

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

Reason:

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

7. Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises including a refuse management plan together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

Reason:

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

8. Cycle storage facilities [Pre-Commencement Condition]

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be provided within the site before the development hereby permitted is occupied and such parking and storage shall be permanently maintained for that purpose. These details shall be agreed in writing with the Local Planning Authority prior to the commencement of development (excluding any site set up or demolition works).

Reason:

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

9. Demolition Statement [Pre-Commencement Condition]

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the scheme (including any site clearance and/or demolition works). The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjacent residential properties.

10. Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

11. Land Contamination investigation and remediation [Pre-Commencement & Occupation]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall

be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

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

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

12. Use of uncontaminated soils and fill [Performance]

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.

13. Unsuspected Contamination [Performance]

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.

14. Surface / foul water drainage [Pre-Commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

15. No storage under tree canopy [Performance Condition]

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

Reason:

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

16. Tree Retention and Safeguarding [Pre-Commencement Condition]

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

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

17. Arboricultural Method Statement [Pre-Commencement Condition]

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

- 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.
- 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.

18. Arboricultural Method Statement [Performance]

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site.

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

19. Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- a) proposed finished ground levels; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials and structures;
- b) a plan detailing the position and specification of external lighting.
- c) planting plans which show native planting; 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;
- d) details of landscape planting of value to wildlife
- e) 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 (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- f) details of any proposed boundary treatment including plans showing the retention of the existing boundary wall; and
- g) a landscape management scheme.

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

The approved hard and soft landscaping scheme (including parking) 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.

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

20 Ecological Mitigation Statement [Pre-Commencement Condition]

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

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

21 Protection of nesting birds [Performance Condition]

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

Reason:

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

22. Sustainable Drainage [Pre-Commencement Condition]

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for its implementation; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

23. Site Levels [pre-commencement]

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

24. Construction Environment Management Plan [Pre-Commencement Condition]

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

25. Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

26. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

Reason:

To ensure the provision of adequate amenity space in association with the approved flats.

27. Obscure Glazing [Performance Condition]

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

28. Wheel Cleaning Facilities [Performance Condition]

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

Reason:

In the interests of highway safety.

29. APPROVAL CONDITION - Approved Plans [Performance Condition]

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

Reason:

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

Note to Applicant - Public sewerage system

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

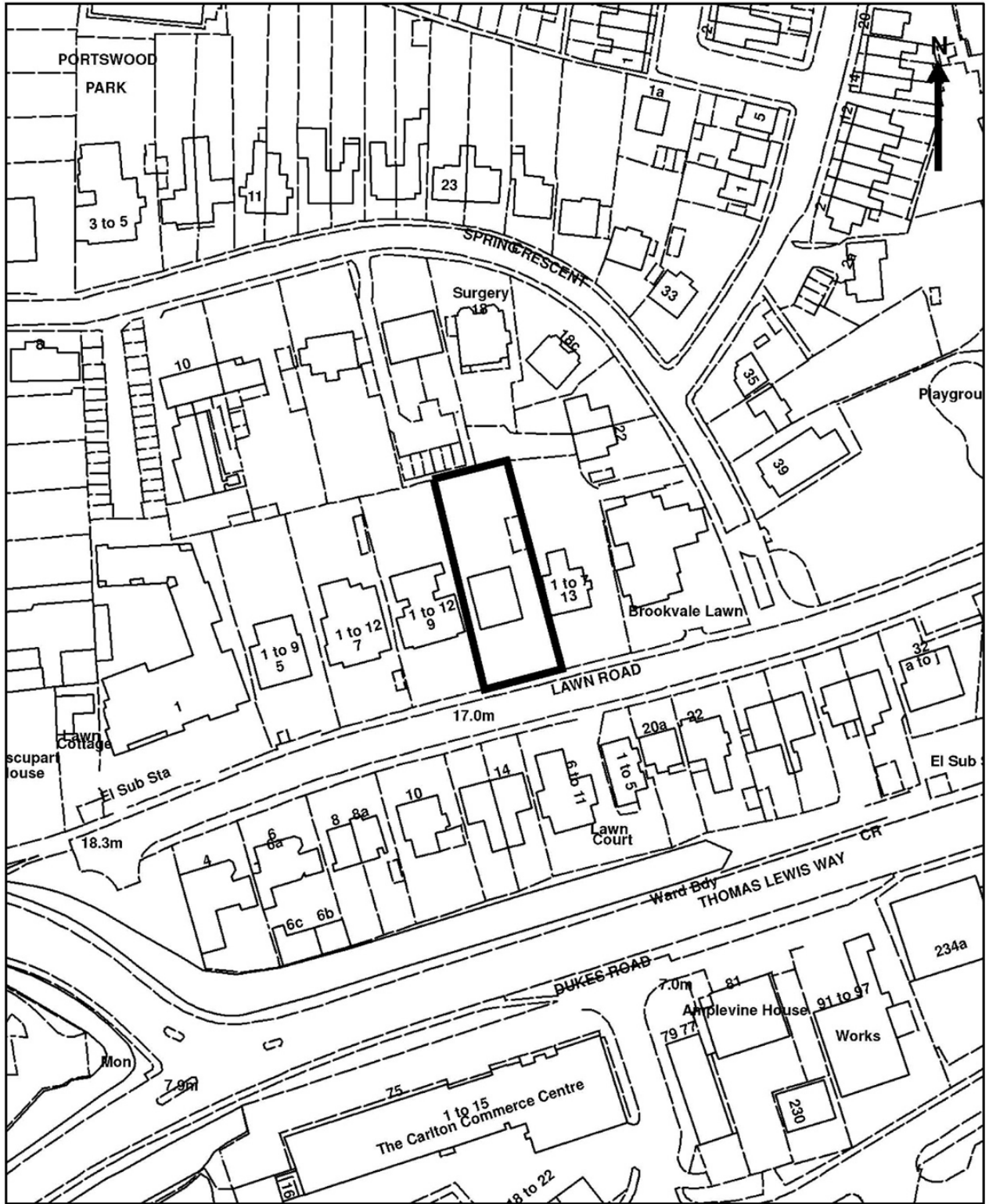
Other Relevant Guidance

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

Relevant Planning History

983/4 Erection of a bungalow	Conditionally approved 11.12.1951
997/1 Erection of a garage	Permitted 24.06.1952
16/00872/DPA Application for prior approval for proposed demolition of bungalow and outbuilding	Objection 14.06.2016

16/00740/FUL



Scale: 1:1,250

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Agenda Item 6

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13th September 2016
Planning Application Report of the Planning and Development Manager

Application address: 216-220 Spring Road			
Proposed development: Erection of 4 x 3-bed houses (2 x detached, 2 x semi-detached) with associated parking and cycle/refuse storage			
Application number	16/00763/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	19.09.2016	Ward	Sholing
Reason for Panel Referral:	More than 5 letters of objection have been received	Ward Councillors	Cllr Houghton Cllr Keogh Cllr Lewzey

Applicant: Tps Dez Developments Ltd	Agent: Robinson Escott Planning
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with 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). SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

1. **Background**

- 1.1 On the 5th February 2015, planning permission was granted for the redevelopment of the site to provide two houses fronting South East Road and a single-storey retail unit on the corner with Spring Road (reference 14/01252/FUL). The residential aspect of this permission has been delivered but works have not commenced on the retail aspect due to viability concerns with this scheme. This application, therefore, seeks an alternative scheme for the retail part of the site.

2. **The site and its context**

- 2.1 The application site is located within the ward of Sholing. The site has two frontages, being on the corner of South East Road and Spring Road. The surrounding area is mainly characterised by a mixed style of residential properties.
- 2.2 The site was formerly used as a petrol filling station and most recently used a car wash. The commercial site has become derelict since the petrol station ceased use. As set out above, the site has already been partially developed to provide housing, fronting South East Road.

3. **Proposal**

- 3.1 The application seeks full planning permission to construct four houses to the western corner of the site. These dwellings will be positioned immediately alongside the recently constructed dwellings which front South East Road. Following concerns raised by officers, the applicant amended the current scheme to improve the appearance and design of the dwellings, including the omission of 1 dwelling from the scheme (to reduce the proposal from 5 dwellings to 4 dwellings). The amended proposal will provide two detached dwellings and one pair of semi-detached dwellings (all 3 bedroom units). Each unit has access to two off-street parking spaces fronting South East Road. The south-western boundary of the corner dwelling will be treated with a low brick wall and railings on top, and a planted hedge behind.

4. **Relevant Planning Policy**

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

4.4 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.

4.5 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.

5. **Relevant Planning History**

5.1 Historically, the site has been used commercially since the 1970 as a petrol filling station. Most recently, an application was approved in 2015 for the erection of small supermarket (ref no. 14/01252/FUL). The full planning history is set out in **Appendix 2** of the report.

6. **Consultation Responses and Notification Representations**

6.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (17.5.16). Following this consultation exercise, 9 representations were received. A further consultation exercise was carried out following the receipt of amended plans. At the time of writing the report no further representations have been received from surrounding residents. The following is a summary of the points raised:

6.1.1 **Preference to develop the site as a supermarket rather than housing.**

6.1.2 Response

The site is not safeguarded for retail development and, as such, there is no policy requirement for retail development to come forward on this site. This site is, however, identified in the Council's Strategic Housing Land Assessment as a site for housing delivery. Furthermore, the Council's policies support the delivery of previously developed sites, such as this, for housing. The provision of housing will benefit the local area to contribute towards the city's housing need.

6.1.3 **Increase movement of traffic adjacent to the busy junction to the detriment of road safety. The smaller development would not provide funding towards road safety improvements in relation to the junction and safe crossing of school children. There is a lack of parking being provided which would cause further pressure to on street parking.**

6.1.4 Response

The level of trips associated with the proposed dwellings would be less than the historic commercial use as well as the retail development that was approved in 2015. The Highway Officer is satisfied that the access and parking arrangements would not cause any adverse impact on road safety with respect to the junction with Spring Road. Each dwelling will be served by 2 off street parking spaces, in compliance with the maximum parking standards. A parking survey has also been provided to demonstrate that there is on street parking capacity in the local area.

6.2 **Consultation Responses**

6.2.1 **SCC Highways – No objection**

6.2.2 **SCC Sustainability Team – No objection**

- 6.2.3 **SCC Environmental Health (Pollution & Safety) – No objection**
- 6.2.4 **SCC Environmental Health (Contaminated Land) – No objection**
- 6.2.4 **Southern Water – No objection**

7. Planning Consideration Key Issues

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

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

7.2 Principle of Development

7.2.1 The redevelopment of this derelict commercial site to provide housing is acceptable in principle. The opportunity to establish the site for housing within a predominantly residential area is supported, whilst this would boost the city's supply of family housing on a suitable windfall site. The site could have come forward as a supermarket, however, the Council has no powers to insist on this use since the site is not safeguarded by policy for this purpose. The proposal would bring a long-term vacant site back into active use which is welcome.

7.3 Impact on Character and Amenity

7.3.1 The layout and form of the development needs to respond to the existing dwellings already built on the site as well as the more established residential neighbours. Following the amendment of the scheme, the design better responds to the context of the surrounding area by spacing out the layout of the development to create two smaller detached dwellings on the corner with Spring Road and a pair of semi-detached houses adjacent to the recently constructed semi-detached pair.

7.3.2 The corner dwelling now better relates to the street frontage of Spring Road by including the gabled bay and strong entrance feature on the north-west elevation and aligning with the predominant building line of Spring Road. The proposal, therefore, addresses both street frontages well, also responding to the building line of the two recently constructed houses fronting South-East Road. The dwellings have a relatively traditional appearance with brick elevations, hipped roofs with chimneys and bay windows, which all relate well to the surrounding development. The scale and massing of the dwellings are also sympathetic to the general pattern of development in the area.

7.3.3 As such, it is considered that the design of the dwellings would respect the character and appearance of the surrounding area, and is more consistent with the surrounding context than the previously approved retail scheme. Moreover, this is an opportunity to redevelop a derelict site which has been causing an ongoing blight to the surrounding area.

7.3.4 The proposed dwellings share the common boundary with 222 Spring Road to the south. The 10m length rear gardens would provide a sufficient separation distance between the neighbouring gardens to ensure there is no harmful loss of privacy, light and outlook. The layout of the proposed dwellings are considered to provide an acceptable living environment for future occupiers.

7.4 Impact on Highway Safety

7.4.1 Local residents have expressed concerns about the impact from parking overspill from the new housing nearby the junction with Spring Road. The

Highway Officer is satisfied that the access and parking arrangements would not cause any adverse impact on road safety with respect to the junction with Spring Road. The erection of any structures in the garden of the end corner unit within the visibility splays (up to 70m) would not be permitted to safeguard the sightlines of vehicles turning left onto Spring Road. Given the scale of the development and the relatively minor trip rates that it would generate compared with the previous use of the site, the proposal does not necessitate site specific highway improvements in the vicinity of the site.

- 7.4.2 The level of trips associated with the proposed dwellings would be less than the levels associated with the historic commercial use and the retail development that was approved in 2015. The dwellings have 2 off street parking spaces each which would meet the maximum requirement for 3 bedroom houses set out in the Council's Parking Standards Supplementary Planning Document. The approach to the parking survey has been previously accepted by the Council in approving planning application 14/01252/FUL and there have been no material changes since this time. As such, the parking survey is still acceptable. The Highway Officer previously supported the findings of this survey. Although the report is now 2 years old, it is still considered to be materially relevant given that the circumstances within the local area have not significantly changed. It is therefore considered that the level of parking provided will be sufficient for this development.

7.5 Other Matters

- 7.5.1 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).

8. Summary

- 7.1 In summary, the proposal provides an opportunity to redevelop a longterm derelict and vacant site to provide good quality family housing. The layout of the access and parking has been designed to ensure that further road safety issues are minimised.

9. Conclusion

- 9.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the Council's current 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)

SB for 13/08/16 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. Land Contamination investigation and remediation

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

04. 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.

05. 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.

06. 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.

07. 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.

08. Wheel Cleaning

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.

09. 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).

10. 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).

11. Visibility Splays

Visibility Splay [shown on the approved drawing A-1200 Revision 3; of 2.4m by 70m] shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays. This is with exception to the metal railings to be erected above the boundary wall where the spacing of the railings shall be adequately spaced to maintain visibility.

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

12. Amenity Space Access

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it including means of enclosure, shall be made available including grassing the soft landscaped areas and laying out the hard landscaped areas for use in accordance with the landscaping plan to be agreed. The amenity space and access to it including means of enclosure and surface treatment shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

13. Parking

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. This shall include the stopping of any redundant highway access and the reinstatement of the dropped kerb.

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

14. Landscaping 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. specification of the hard landscaping;
- ii. 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;
- iii. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) 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

15. 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.

16. Refuse & Recycling

Before the development hereby approved first comes into occupation, 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.

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.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

17. Obscure Glazing

All windows serving the rooms containing the wash facilities and WC, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

18. Residential - Permitted Development Restriction

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 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 visual amenities of the area.

19. 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)

Relevant Planning History

1386/34R1 - Self service filling station - CAP 1970

1482/E1 - Convert car wash to MOT bay - CAP 1974

940610/E - Redevelopment of the site by the erection of a petrol filling station with sales building and car wash - CAP

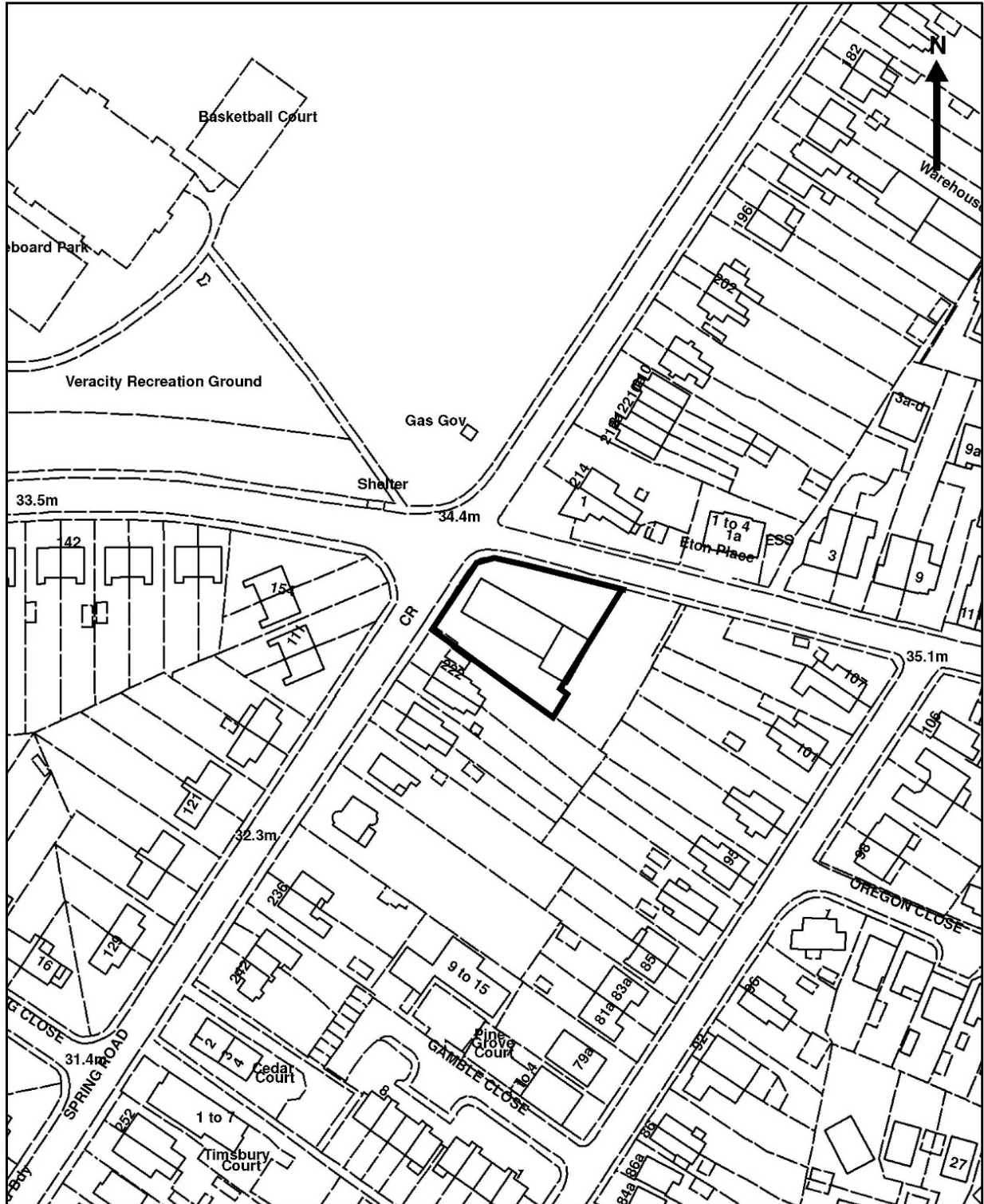
04/00389/FUL - Demolition of the existing structures to provide a new petrol filling station with sales building, forecourt canopy, pumps and underground tanks, parking and car care facilities - SCCWDN

07/01593/FUL - Redevelopment of the site. Demolition of the existing buildings and erection of a three storey building to provide a retail store and 14 flats (4 x one-bedroom, 10 x two-bedroom) with associated parking and vehicular access from South East Road (Major Application) - REF

08/01109/FUL - Redevelopment of the site. Demolition of the existing service station and erection of a 3-storey building to provide 14 flats (8x1-bed and 6x2-bed) and a retail store (Class A1) with associated parking and landscaping – REF

14/01252/FUL - Redevelopment of the site to create a mixed retail and residential development comprising a single-storey retail unit and 2 x three-bed, semi-detached dwelling houses with associated car parking, cycle storage and revised access - CAP

16/00763/FUL



Scale: 1:1,250

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Agenda Item 7

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13th September 2016
Planning Application Report of the Planning and Development Manager

Application address: Scout Hut, 51-57 Brookvale Road			
Proposed development: Erection of a gazebo structure			
Application number	16/01037/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	30.08.16	Ward	Portswood
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Claisse Cllr O'Neil Cllr Savage

Applicant: Mr Andrew Pickles	Agent:
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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, SDP12 and HE1 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS14 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. **The site and its context**
 - 1.1 The application site comprises a Scout Hall and associated woodland area. Whilst the Scout Hall itself is not within a Conservation Area, the woodland lies within the Uplands Estate Conservation Area. Just to the south of the site is the

boundary of the Portswood Residents Gardens Conservation Area. The site adjoins residential properties.

2. **Proposal**

2.1 The application seeks full permission to erect a gazebo within the woodland to provide shelter for the Scouts using this area.

3. **Relevant Planning Policy**

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

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

4. **Relevant Planning History**

4.1 The Scout Hall itself was originally granted permission in 1963. There have been subsequent applications to alter and extend the existing structure although there are no recent applications relating to this site.

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, placing a press advertisement (15.07.16) and erecting a site notice (15.07.16). At the time of writing the report **6** representations have been received from surrounding residents, which includes 5 letters of objection and 1 of support. The following is a summary of the points raised:

5.2 ***The structure will be visible from neighbouring residential properties***

Response: The structure will be visible from neighbouring residential properties but views of it will be filtered by trees and vegetation. The structure, being single-storey in scale and set away from the site boundaries, would not have a harmful impact when viewed from these properties.

5.3 ***The structure will enable more children to use the woodland area and increase the noise and disturbance to nearby residents.***

Response:

The structure will essentially provide a canopy, modest in scale and area. The woodland is currently mainly used in early evenings by organised groups and this arrangement would continue with the erection of the gazebo. Whilst residents may hear children playing in the woods during these times, this arrangement is not considered to be unduly harmful, particularly since residents would continue to enjoy peace and quiet during school hours. Furthermore, the applicant has confirmed that the structure would mainly enable the teaching of scouting skills, which is not a particularly noise-generating activity. The applicant has also confirmed that there are no plans to increase the existing hours of use of the site.

- 5.4 ***The increase in use of the woodland would further damage the wildlife and natural beauty of the woodland.***

Response:

There are existing clearings within the woodland which can accommodate the structure without necessitating extensive clearance of trees and vegetation. As such, the Council's Tree and Ecology officers have raised no objection to the proposal. The applicant has confirmed that any cleared vegetation will be replaced as part of organised re-planting activities to foster improved care and management of the woodland.

- 5.5 ***The size and scale of the proposed development is not in keeping with the Conservation Area and it would be visually intrusive from the footpath.***

Response:

The structure will benefit from tree and vegetation screening and nonetheless, it's single-storey and open nature together with the set back from site boundaries will ensure that the impact on the character of the Conservation Area will be neutral.

- 5.6 ***The gazebo will be used in association with the unauthorised use of the woodland by Highfield After School Club.***

Response:

In planning terms, there is no real difference between the woods being used for Scouts to play and being used by an after school club to play. Both are organised groups for children and the nature of the use of the woodland is not significantly different as to result in a material change of use.

Consultation Responses

- 5.7 **SCC Historic Environment** – No objection.

- 5.8 **SCC Trees** – No objection. The structure should have a minimal impact on the surrounding area. It can be erected using either no dig, or hand dig methods (i.e. with no trenching or pouring of concrete slabs). The removal of minor, low branches (up to 50 mm in diameter to a height of 3.5 metres is acceptable).

- 5.9 **SCC Ecology** – No objection.

6. **Planning Consideration Key Issues**

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

- The principle of development;
- The impact on the Conservation Area;
- The impact on residential amenity and;
- Trees and Ecology.

6.2 **Principle of Development**

The proposal would accord with key aims of the planning system by encouraging healthy lifestyles and supporting community interaction. The site does not form designated open space and the structure would be used in association with existing activities taking place from the site. The principle of development is, therefore, acceptable.

6.3 Impact on the Conservation Area

The proposed structure is modest in scale and footprint and is an open-sided structure that would be set away from the main street by approximately 24 metres. Views of the structure would be filtered by trees and vegetation and it would appear as a sympathetic ancillary structure to the Scout Hall. As such, the Historic Environment Officer is satisfied that the proposal would preserve the character of the Conservation Area.

6.4 Impact on Residential Amenity

The structure would be approximately 15 metres from the boundary with no. 55 Uplands Way and over 17 metres from the boundary 59 Brookvale Road. This separation is sufficient to ensure that the proposal would not appear over-dominant when viewed from neighbouring properties. The structure would be used by organised groups outside of school hours, in association with the existing use of the Scout Hall and woodland. As such, the structure, in its own right, would not result in undue noise and disturbance to nearby residents.

7 Summary

7.1 The proposal would complement the existing activity of the Scouts from this site, which plays an important role in fostering healthy lifestyles, learning and social interaction. The modest nature of the site would ensure that the character of the Conservation Area is preserved and that there would not be a harmful impact on residential amenity.

8. Conclusion

8.1 The proposed development is considered to have an acceptable impact in accordance with the Council's policies and guidance and, as such, is recommended for approval subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

JT for 13/19/16 PROW Panel

PLANNING CONDITIONS

1. 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).

2. 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.

3. Tree Retention and Safeguarding

The structure hereby approved, shall be erected using either no dig or hand-dig methods, with no trenching or pouring of concrete slabs. No trees shall be removed and existing trees shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

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

4. No storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

5. 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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS14	Historic Environment
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

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

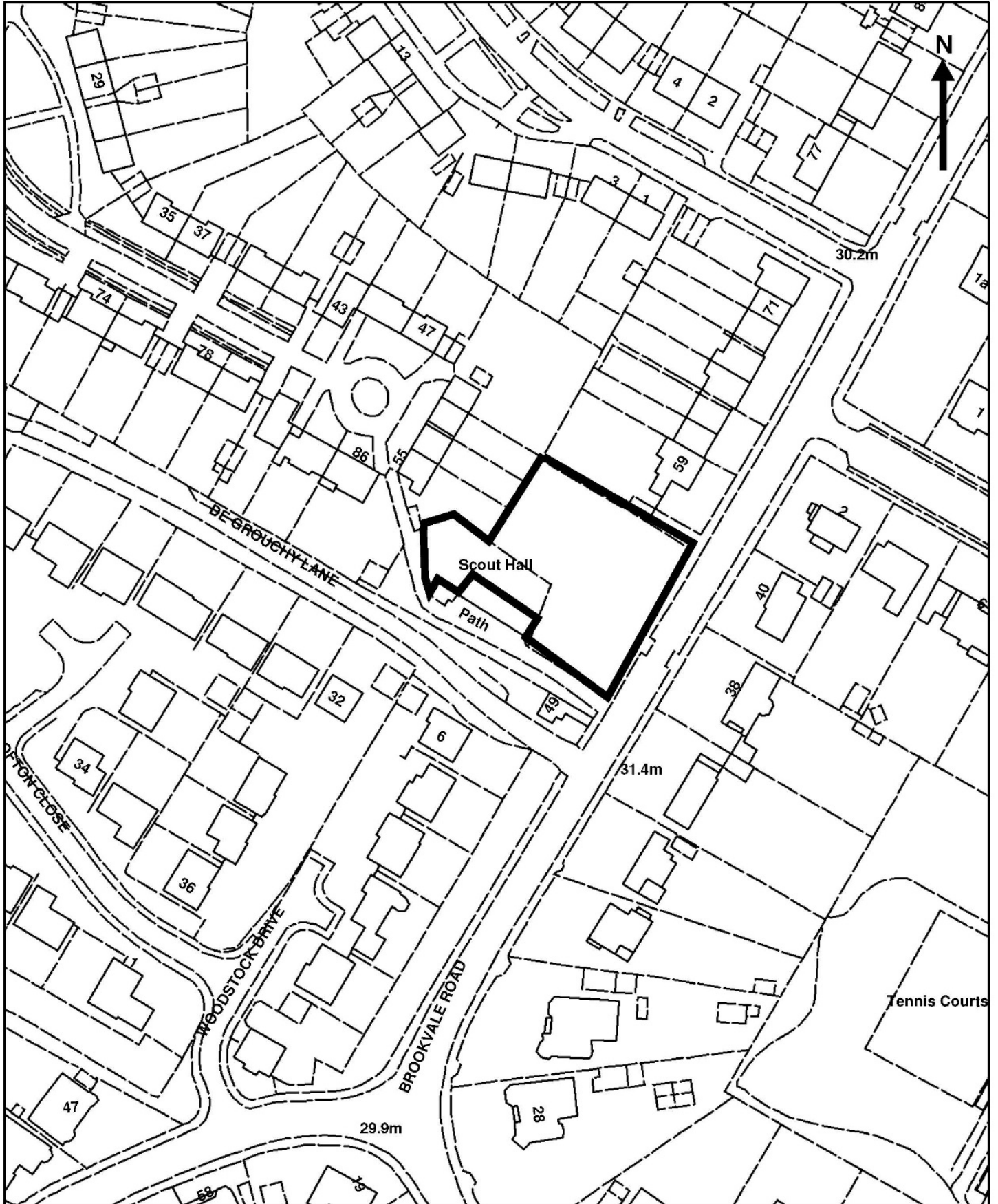
SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
NE4	Protected Species
HE1	New Development in Conservation Areas

Supplementary Planning Guidance

Uplands Estate Design Guidance 1993

Other Relevant Guidance

The National Planning Policy Framework (2012)



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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13th September 2016
Planning Application Report of the Planning and Development Manager**

Application address: Southern Water and Marwood Group, Western Avenue			
Proposed development: Installation of a generator compound			
Application number	16/00665/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	28.06.2016	Ward	Millbrook
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider public interest	Ward Councillors	Cllr Taggart Cllr Furnell Cllr Denness
Referred to Panel by:	Cllr Denness	Reason:	Concerns about air quality and noise issues

Applicant: Peakgen Power Ltd	Agent:
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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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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, SDP15, SDP16 of the City of Southampton Local Plan Review (Amended 2015) and CS9, CS13, CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

- (i) Delegate to the Planning and Development Manager to grant planning permission subject to:
 - a. The completion of a S.106 Legal Agreement to secure provision of a tree replacement plan identifying the trees to be replaced at a ratio of two replacements for each tree removed and the contribution towards any off site provision, as necessary, required in accordance with saved Policy SDP12 of the Local Plan Review (as amended 2015), CS13 of the Southampton Core Strategy and the adopted SPD relating to Planning Obligations (September 2013).
 - b. Associated British Ports (ABP) raising no objection to the application following expiration of the consultation period.
- (ii) 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 This application site is located within the ward of Millbrook on the southern side of the mainline railway within operational port area, accessed from Dock Gate 20 along First Avenue. The application relates to land at the north-west corner of the Southern Water Sewerage Treatment Plant which is an area of hard-standing currently used for storage. The surrounding area is mainly industrial and commercial uses and the operational docks. There are 2 residential properties (former Southern Water houses) 300m to the east, located on the opposite site of the Southern Water facility.
- 1.2 To the north of the facility, beyond the railway line, lies the Millbrook Trading Estate along Third Avenue, and recreational fields. The nearest residential properties in this area are located on the opposite side of Millbrook Road West at a distance of 288m to the north. The nearest commercial premises are the reception office of the Southern Water works, approximately 100m to the south of the proposed compound, the Solent Plumbing Supplies building, some 50m to the north (over the railway line).

2. Proposal

- 2.1 An electricity provider (Peakgen Power Ltd) seeks permission for a compound to generate electrical energy to feed into the grid at times of shortage, with a maximum operation period of approximately 110 hours in a year (not exceeding 2 hours per day) and combined electrical output of 20MW. The generators are proposed to supply short-term power to the national grid during periods when peak demand on the network exceeds supply, typically between the peak demand hours of 16.00-19.00. The generators themselves will only be expected to operate within the hours of 07.00 – 23.00, and expected demand (operation) is just 2 hours per week. Operation outside these hours will be exceptional and only in an emergency, required by the national grid.
- 2.2 This will consist of the installation of ten high-efficiency diesel and/or gas powered generators which are housed in insulated container units with five fuel storage containers, five transformers and two switchgear containers. A total of 40 solar panels will be installed on the roofs of the switchgear containers and a number of the generator containers. These will be used to provide power

required for the on-site auxiliary equipment with any excess fed into the electrical network.

- 2.3 The power generating equipment will be contained within a compound measuring 45 by 30m (0.14ha), covering a total of 14% of the existing Southern Water facility (1ha site). The generators, switchgear and fuel store are to be housed in containers similar in style to a shipping container. These containers are polyester powder-coated in a green finish. The compound is to be enclosed with metal palisade and/or wooden acoustic fencing where appropriate.

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 SDP15 (Air Quality) supports the grant of planning permission where the effect of the proposal would not contribute significantly to the exceedance of National air Quality Strategy Standards.
- 3.4 Saved policy SDP16 (Noise) states that noise generating uses will only be permitted if it would not cause an unacceptable level of impact.
- 3.5 The site falls within land which has been safeguarded for port uses only by policy CS9 (Port Uses) of the Core Strategy, however, this would not compromise the sustainability of the port uses given that the site has been historically used as water treatment facility. Furthermore, this is not considered to be a policy departure given that the compound has been historically established as a separate use to the port.
- 3.6 The future use of the Waste Water Treatment facility is safeguarded under the Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (adopted 2013). The applicant, therefore, has to demonstrate that the surplus land will not compromise the future operation of this facility.

4. Relevant Planning History

- 4.1 The Southern Water Treatment facility was most recently granted permission to upgrade its water treatment facilities in 2011.

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 (10.05.16). At the time of writing the report **2** representations have been received from surrounding residents, and an objection has received from Cllr Moulton (Freemantle Ward). The Chair of the Panel has called in the application to be considered by the Panel. The following is a summary of the points raised:

- 5.1.2 **There is a lack of information submitted with the application to show that**

the proposal would not adversely affect noise and air quality issues with respect to the City's environmental problems. The burning of diesel fuel would contribute to the City's air quality problems, affecting nearby residents and businesses. There is no direct relation or need to the docks or the water treatment works being provided by this development.

5.1.3 Response

Since the submission of the application, the applicant has commissioned a noise and air quality impact assessment. The Environmental Health team are satisfied the noise and emissions from the generators would be within acceptable limits, and the level of emissions would not affect the Council meeting its air quality objectives. This is discussed in more detailed below.

5.2 **Consultation Responses**

5.2.1 **SCC Highways** – No objection

5.2.2 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions

5.2.3 **Network Rail** – No objection subject to conditions

5.2.4 **SCC Trees** – No objection subject to conditions

5.2.5 **SCC Policy** – No objection subject to that the loss of the land associated with the Waste Treatment Facility would not compromise the future operation of the facility given that it is safeguarded land.

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 Air Quality and;
- Impact on Highway Safety.

6.2 Principle of Development

6.2.1 The compound will be provided on surplus land belonging to the Southern Water facility. The facility is being operated by a private electrical provider using diesel/gas powered generators on an infrequent basis to assist in backing up the national grid at times of power shortages, for example during the winter. Although the compound is located within land safeguarded by Policy CS9 for port use only, the site forms part of an existing Southern Water facility which operates separately from the port and docks. Furthermore, as the land is surplus, the operational requirements of Southern Water, would not be compromised by the development. Therefore, the proposal is acceptable in principle, subject to an assessment of the material considerations as set out below.

6.3 Impact on Character and Amenity

6.3.1 The site is located on the southern side of the mainline railway, near Dock Gate 20, with a separation distance of 280m to the nearest residential properties to the north (adjacent to Millbrook Road West), 300m between the ex-Southern Water houses to the east, and a recreation ground on the north side of the railway line. The nearest commercial premises are the reception office of the Southern Water works, approximately 100m to the south of the proposed

compound, the Solent Plumbing Supplies building, some 50m to the north (over the railway line).

6.3.2 The submitted noise report states that the predicted noise levels would fall significantly below the guidance levels for residential properties (40db at the façade of the former Southern Water houses), whilst the impact on neighbouring commercial units would be low given the high level of existing ambient noise level in the background in the order of 55-60db.

6.3.3 The appearance of the compound and the use itself, which consists of 10 containers enclosed by a security fence, would not be out of character with the industrial nature of the surrounding area. The Tree Team have raised no concern at the removal of the existing trees adjacent to the railway line, subject to the trees being replaced on a 2 for 1 basis on site, or a commuted sum being secured from the developer to fund the planting of trees in other suitable locations within the city.

6.4 Impact on Air Quality

6.4.1 Policy SDP15 of the Local Plan requires potentially polluting developments to assess their air quality impact by detailed air dispersion modelling and appropriate monitoring. A detailed Air Quality Assessment has been submitted with the planning application. In assessing the air quality impact of new development, account needs to be taken of existing Air Quality Management Areas (AQMA). The Council has set these areas to monitor and assess air quality where the air quality objectives are not being met and exceed local and national policy objectives. An AQMA is located to the north of the application site, along Millbrook Road West, where the cause of the pollution is attributed to the linear heavily trafficked road into the port and a high number of HGVs using this road. In particular, a standard is set for an annual mean of 40ug/m³ of Nitrogen Dioxide.

6.4.2 The modelling carried out in the Air Quality Assessment concluded that the predicted concentrations at positions of relevant public exposure did not breach any of the applicable air quality objectives. The assessment investigates both options for gas and diesel generators. In particular, the operation of the generators would emit a maximum of 0.49ug/m³ at the nearest residential area. This equates to 1.2% of the annual mean NO₂ air quality objective, where the policy objective is set at 40ug/m³.

6.4.3 The Environmental Health team have carefully considered the proposal in line with the Council's air quality policy objectives and its commitments to ensuring continual improvements in air quality across the city and specifically in the vicinity of the A33 where elevated levels are currently predicted to persist above EU limit values beyond 2020. The modelling of the noise and air quality impacts to nearby occupiers is considered by the Environmental Health team to not affect these commitments. A condition is recommended to request that a technical specification for the plant and type of fuel used is agreed. That specification must include a maintenance program to ensure those standards will be maintained throughout the life of the plant. The maximum hours of the operational use of the generators will also be specified to ensure that the air emissions and noise impacts do exceed the levels predicted by the modelling carried out.

6.4 Impact on Highway Safety

6.4.1 The compound will share the same access with the Southern Water facility, where the operation of the generators would generate a low level maintenance traffic. The Highway Officer has raised no concerns with regards to impact on highway safety from the access and parking arrangements.

7. Summary

7.1 In summary, the small scale operation of the generators would not significantly affect the Council's continued commitments to ensuring air quality improvements within the local area, whilst the noise and air emitted by the generators would have negligible and harmless impact when compared to the existing levels experienced.

8. Conclusion

8.1 In conclusion, the proposed development is considered to 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 (a), (b), (c), (d), (e), 4(g), (vv), 6(a), (b)

SB for 13/09/16 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. Noise - plant and machinery

The use hereby approved shall be implemented in accordance with findings of the acoustics report by Ian Sharland (Ref: M3670M-01 dated 6th June 2016) and thereafter maintained and retained as approved and the predicted noise levels shall not be exceeded as set out in report.

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

03. Limit of operational hours

The generators hereby approved shall be operated for a maximum period of 110 hours per annum. The operators shall maintain a record of the hours operated in a log book to be made available on request for inspection by the Local Planning Authority. The log book records shall be kept available for a minimum 2 years.

Reason: In the interests of controlling the impact on air quality of the surrounding area in accordance with the findings of the air quality modelling carried out by the applicant.

04. Plant specification and maintenance plan

Prior to the first operational use of the power generators hereby approved, details shall be submitted to and agreed in writing by the Local Planning Authority to provide a technical specification for the plant and type of fuel. The specification shall include a maintenance program to ensure that the plant equipment will be maintained throughout its life. The power generators shall thereafter be operated and maintained in accordance with the approved details.

Reason: To ensure that the Council continues its commitment to air quality improvement within an area of the city that has exceeded local and national air quality standards by considering all practicable means of reducing emissions at source.

05. 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:

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

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

06. Replacement trees

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

07. Tree Survey

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

08. Protection of railway

Prior to the first commencement of development hereby approved, details shall be provided and agreed in writing by the Local Planning Authority with respect to:

- a. A lifting plan for the erection of the generators, insulated container, fuel storage container and switch gear container units adjacent to Network Rail land.
- b. Details of foundations for the generators and other containers.
- c. A Risk Assessment and Method Statement for all activity adjacent to Network Rail land.

The development shall then implemented in accordance with the agreed details.

Reason: In the interests of safeguarding operational railway land.

As the proposed application site is adjacent to the operational railway, Network Rail will require the developer to contact our Asset Protection Team at AssetProtectionWessex@networkrail.co.uk and sign an Asset Protection Agreement prior to the commencement of any works taking place on site.

09. 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)

CS9	Port of Southampton
CS13	Fundamentals of Design
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP15	Air Quality
SDP16	Noise

Supplementary Planning Guidance

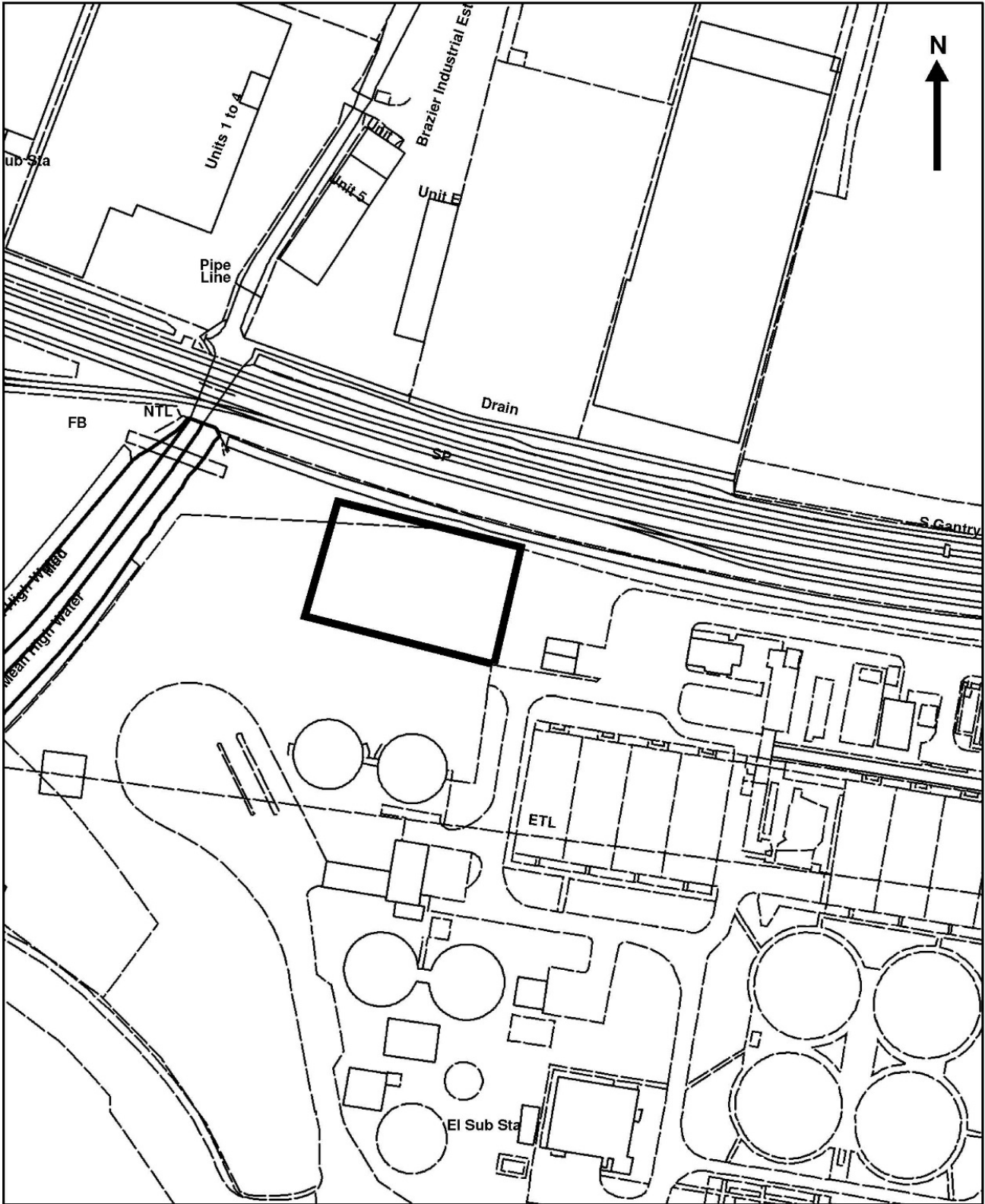
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (adopted 2013)

16/00665/FUL



Scale: 1:1,250

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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 13th September 2016
Planning Application Report of the Planning and Development Manager**

Application address: 1 Cunningham Crescent			
Proposed development: Erection of a two storey side extension and single storey rear extension (resubmission)			
Application number	16/01163/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	13.09.16	Ward	Sholing
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Hecks Cllr Baillie Cllr Wilkinson
Referred to Panel by:	Cllr Hecks	Reason:	The amendments to the scheme are felt to address the previous reasons for refusal

Applicant: Mr Tim Marolia	Agent: Southern Planning Practice
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Reason for refusal - Unacceptable impact on character

The proposed development, by means of its height, width, depth and overall massing, represents an unsympathetic form of development, harming the visual amenity of the street scene by unbalancing the existing semi-detached pair and a failure to respect the scale and design of the existing dwelling. The proposal would, therefore, have a detrimental impact on the character of the area and prove contrary to saved policies SDP1(i), SDP7(iii)(iv) and SDP9(i) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.3.1-2 and 2.3.6-9 of the Residential Design Guide.

Appendix attached			
1	Development Plan Policies	2	Site history
3	Appeal Decision (15/01981/FUL)		

1. The site and its context

- 1.1 The application site is occupied by a semi-detached residential dwelling. The property forms the last in the row of properties on Cunningham Crescent, before it meets North East Road. The surrounding area is predominately residential in nature, with the immediate street scene around the site featuring other semi-detached houses of identical design.

2. Proposal

- 2.1 The application proposes a large two-storey side and rear extension, with additional single storey front and rear extensions. The two-storey element is positioned to the north-west elevation of the site with a two-storey extension to the rear of this segment.
- 2.2 A single-storey extension is proposed to the front of the property to allow the forward projection of an integral garage 0.7m beyond the existing building line (with the existing porch to be retained). The two-storey element is set back from the front of the property by 1.2m and extends for a depth of 10.3m (extending 3.65m from the rear wall of the property). The two-storey section extends the width of the property by 4m (with the original property having a width of 6.2m). To the rear, the two-storey section is set 5.1m off the boundary with the conjoined property. The extension has a hipped roof design with a maximum height of 6.3m, matching the pitch and eaves height of the original dwelling.
- 2.3 The single-storey extension to the rear extends deeper than the two-storey section, with a depth of 4.6m stretching the full 10.2m width of the property, as proposed. The single-storey section to the rear has a flat roof design with a maximum height of 2.9m.

3. Relevant Planning Policy

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

4. Relevant Planning History

- 4.1 Two very similar proposals have previously been submitted to the Council for consideration on this site. An initial application was submitted in 2015 under planning application reference 15/00922/FUL. This application was refused on 16.07.2015 based on an identical reason for refusal as proposed under the current application.
- 4.2 Following the refusal of this application, an amended application was submitted under planning application reference 15/01981/FUL. This scheme was identical to the previously refused scheme except that the set back of the two-storey section from the front of the property had been increased from 0.45m to 1.2m.

The application was refused with an identical reason for refusal.

- 4.3 This application was subsequently appealed by the applicant. The Inspector noted that while the proposal had been set back, the extension would still be highly visible from the north-west as you enter Cunningham Crescent and as you face the property. With specific reference to the depth and width of the proposed extension, it was found that the extension would be 'incongruent within the street scene'. A copy of the appeal decision is attached as **Appendix 3**.

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 no representations have been received from surrounding residents.

5.2 Consultation Responses

- 5.3 **Cllr Hecks** - The minor amendments to the scheme have overcome the concerns that the Inspector raised with the scheme and the application should be referred to Panel for consideration.

6. Planning Consideration Key Issues

- 6.1 The previous applications on the site (and appeal decision in the recent past on a very similar scheme) form a large part of the material consideration on the current proposal. For clarity, the scheme is predominately identical to the previously refused scheme with the following amendments:

- Two-storey section reduced in depth to rear by 0.95m
- Ridge height of two-storey section reduced by 0.15m
- Width of side extension reduced by 0.45m
- Slight alterations to window layout

- 6.2 The application site is situated forming the effective start of Cunningham Crescent where it meets North East Road, increasing the visual prominence of the property within the street scene. The property at 42 North East Road has a hedge forming the boundary treatment up to the property. At present, there is a reasonably large gap between the house and the side common boundary. The semi-detached form and design of the application site are typical within the surrounding street scene. It is noted that the applicant has highlighted other side extensions which have been given permission in the surrounding area (specifically at 34 and 9 Cunningham Crescent). Both of these properties have significantly different circumstances to the application site, in addition to the extensions being significantly smaller in scale than the proposal on this site.

- 6.3 As outlined in the previous applications, it is considered that the proposal retains adequate outlook and amenities for the residents of the host dwelling without impacting on the amenities of neighbouring occupiers. As such, the key consideration is the impact of the proposal on the character of the property in the surrounding street scene.

- 6.4 The proposal is set down from the main ridge of the existing dwelling which does help the proposal integrate into the original dwelling. Notwithstanding this, section 2.3.1-2 of the RDG states that extensions should typically be 'smaller than the main part of the house and not dominate its appearance' and specifically highlights that extensions that 'make the house look lopsided or unbalanced' will typically not be supported. It is considered that the proposal

significantly extends the scale of the original building in a highly visible way which will unbalance the existing semi-detached pair.

- 6.5 The findings of the appeal Inspector are pertinent in that the scale of the proposed extension, due to the position and layout of the surrounding street scene, would fail to integrate with the scale and character of the existing dwelling. It is not considered that the relatively minor alterations to the scheme proposed would significantly alleviate the impacts of the extension when compared to the previously refused scheme.

7. Summary

- 7.1 It is felt that the scale and massing of the proposed extension are excessive and do not integrate with the character of the existing property in the street scene, with particular reference to the unbalancing of the existing semi-detached pair. It is not considered that the relatively minor alterations proposed to the previous scheme are sufficient to address the concerns previously raised and upheld by the Inspector.

8.0 Conclusion

- 8.1 For the reasons outlined above, the application is recommended for refusal.

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

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

JF1 for 13.09.2016 PROW Panel

Reason for refusal

The proposed development, by means of its height, width, depth and overall massing, represents an unsympathetic form of development, harming the visual amenity of the street scene by unbalancing the existing semi-detached pair and a failure to respect the scale and design of the existing dwelling. The proposal would, therefore, have a detrimental impact on the character of the area and prove contrary to saved policies SDP1(i), SDP7(iii)(iv) and SDP9(i) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.3.1-2 and 2.3.6-9 of the Residential Design Guide.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

15/01981/FUL, Erection of a 2 storey side extension and single storey rear extension (resubmission)
Refused, 27.11.2015
Appeal Dismissed, 05.05.2016

Reason for refusal - Unacceptable impact on character

The proposed development, by means of its height, width, depth and overall massing, represents an unsympathetic form of development, harming the visual amenity of the street scene by unbalancing the existing semi-detached pair and a failure to respect the scale and design of the existing dwelling. The proposal would, therefore, have a detrimental impact on the character of the area and prove contrary to saved policies SDP1(i), SDP7(iii)(iv) and SDP9(i) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.3.1-2 and 2.3.6-9 of the Residential Design Guide.

15/00922/FUL, Erection of a single-storey rear extension and two-storey side and rear extension.
Refused, 16.07.2015

Reason for refusal - Unacceptable impact on character

The proposed development, by means of its height, width, depth and overall massing, represents an unsympathetic form of development, harming the visual amenity of the street scene by unbalancing the existing semi-detached pair and a failure to respect the scale and design of the existing dwelling. The proposal would, therefore, have a detrimental impact on the character of the area and prove contrary to saved policies SDP1(i), SDP7(iii)(iv) and SDP9(i) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.3.1-2 and 2.3.6-9 of the Residential Design Guide.



Appeal Decision

Site visit made on 27 April 2016

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 05 May 2016

Appeal Ref: APP/D1780/D/16/3143621

1 Cunningham Crescent, Southampton SP19 8LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Marolia against the decision of Southampton City Council.
 - The application Ref 15/01981/FUL, dated 5 October 2015, was refused by notice dated 27 November 2015.
 - The development proposed is for a two storey side extension and single storey rear extension.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

3. The site is situated within a residential street with dwellings predominantly comprising two storey semi-detached houses, many of which have been altered over time. There are no five storey tower blocks situated further along the road, although these do not set the context for the immediate street scene. There exists a quite significant gap between the north-western flank elevation of the host dwelling and the respective side boundary and I note that the Council do not object to the principle of erecting an extension within this location.
4. Notwithstanding the fact that the appellant sought to deal with issues raised by the Council on the previous proposal, the proposed extension would be substantial in scale. I accept that the visual impact of the proposal when approaching the appeal site from the south-east would be limited, however, that is not the only vantage point and the greatest impact would be on viewing the proposed extension face-on and when approaching the site from the north-west. Admittedly there would be some vegetative screening intervening within the latter view, but this would not fully screen it, and not all year round.
5. I acknowledge that the height of the extension would be lower than that of the

main ridge of the dwelling, although there is also some lack of clarity over the design of the roof on the front of the extension, with the roof plan not tallying with that of the proposed front elevation. Notwithstanding this, I consider that by virtue of its width and depth, the proposal would give rise to an extension that would significantly unbalance the semi-detached pair of dwellings, of which no1 forms part. Therefore, the proposed design would appear incongruent within the street scene.

6. I note the other example cited by the appellant, of a two-storey side extension at 112 North East Road, but each case must be assessed on its own merits. Further, I appreciate that the appellant was born in the property and has lived there his whole life. I can fully understand his desire to increase the living accommodation for him and his family, but this does not outweigh the harm that would result to the character and appearance of the area.
7. I therefore find that the proposal would give rise to demonstrable harm to the character and appearance of the area and would be contrary to Policies SDP7 and SPD9 of the City of Southampton Local Plan Review (2006) which do not permit development which would cause material harm to the character and/or appearance of the area, in respect of the scale and proportion of existing buildings, massing and visual impact. This is supported by Policy CS13 of the Southampton City Council Core Strategy (2010) which requires development to respond positively and integrate with its local surroundings.

Conclusion

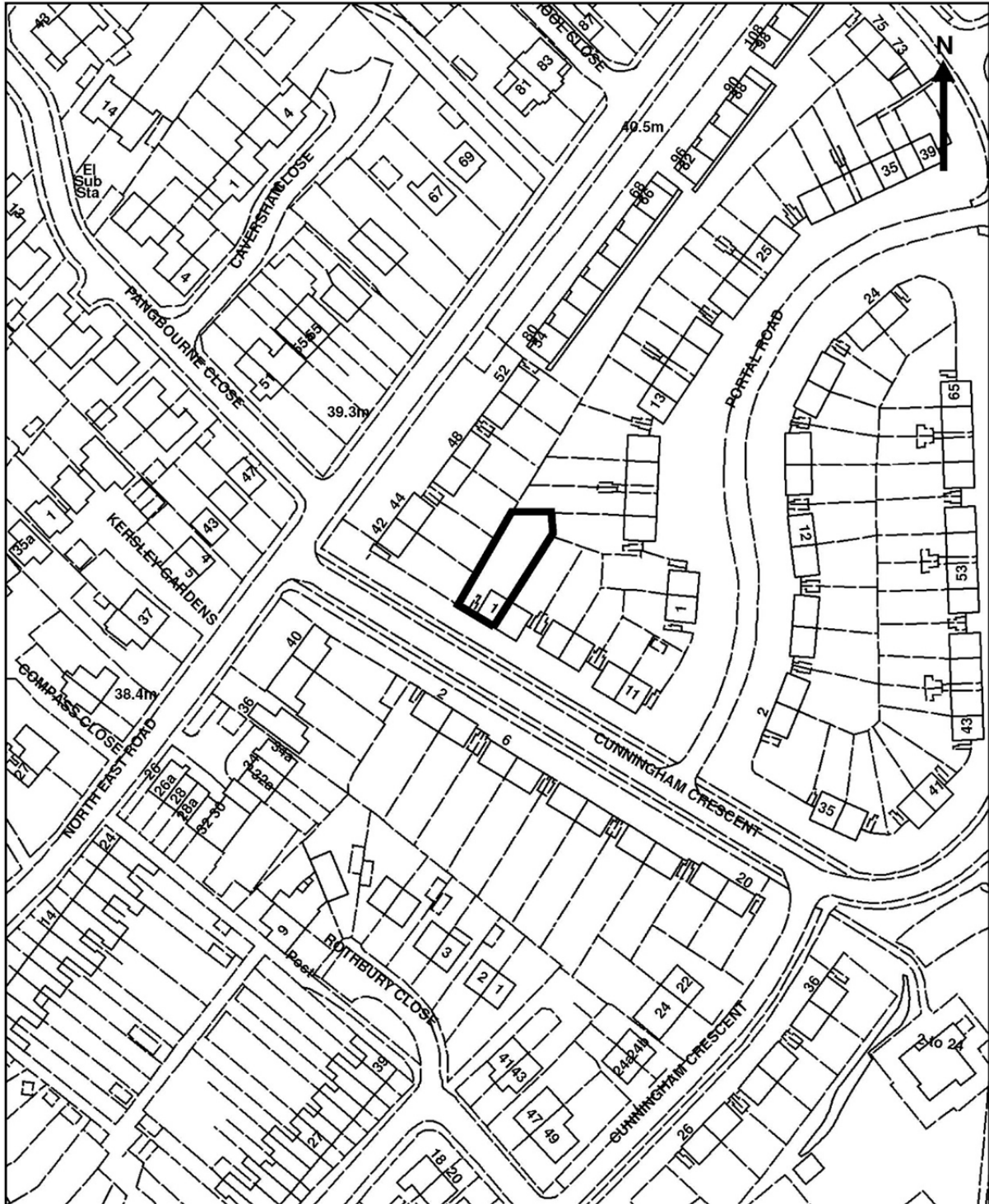
8. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR

Appeal Decision APP/D1780/D/16/3143621

16/01163/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: 4 Primrose Road			
Proposed development: Erection of a part 2-storey, part single-storey rear extension.			
Application number	16/00346/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	27/04/2016	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 B Harris	Reason:	Over development, intensification of use, over shadowing and effecting the amenities of local residents.

Applicant: Mr Sihota	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (Amended 2015) and CS13 CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), the Residential Design Guide (September 2006) and the relevant sections of the HMO Supplementary Planning Document (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 Primrose 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 consideration 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 and a store, which is accessed via the garden, 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. The extension will facilitate the relocation the kitchen to create an additional bedroom to the rear with a new shower room off of the lobby. The first floor extension will also allow for the enlargement of one of the existing first floor rear facing bedrooms. Overall the existing 4-bed HMO will be increasing to 5 bedrooms.
- 2.2 The scheme has been amended since originally submitted to reduce the depth of the first floor extension from 3 to 2 metres.

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 There will be no physical increase in the concentration of new HMO dwellings within the assessment area, so 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 to a large HMO, 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 **4** representations have been received from surrounding residents and **1** Panel referral request from the ward councillor. The following is a summary of the points raised:

5.2 **“...[the extension] will be overbearing.”**

Response: It is considered that the rear extension is an acceptable size for the size of the property and the site on which it is located. The design of the extension, with the two-storey section set away from the adjoining neighbours, and a roof that is lower than the main house, aims to protect the amenity of neighbouring residents and appropriate separation from the surrounding neighbours will be retained. As such, the scheme is considered to be acceptable.

5.3 **“...the proposed development does not comply with the 45 Degree Code.”**

Response: The ‘45 Degree Code’ is set out in the Council’s Residential Design Guide as a way to protect the outlook and daylight to neighbouring properties. The test is designed to be applied where the nearest side of an extension is perpendicular to a neighbouring window.

5.4 The proposed first floor extension is designed to protect a 45 degree outlook from the adjoining property at no. 6 by being positioned off of the common boundary by 2.5 metres. The single-storey element is of an equivalent depth to an extension that could be constructed without needing planning permission.

5.5 The neighbouring property at no. 2 is positioned at an angle to the application property and not perpendicular to the extension. As such, the 45 degree code is not applicable to this relationship. An appropriate separation must be maintained and the projection limited. In this case, the amended plans tackle this by setting the extension back from the main habitable room windows in the rear elevation of no. 2.

5.6 **“...the downstairs bedroom that is being converted from a kitchen will have a very poor outlook as its window will be looking directly at the fence on the boundary.”**

Response: The plans have been amended in order to give the bedroom a rear-facing outlook. The rear bedroom is now judged to have an appropriate outlook and the shower room will feature the side window.

5.7 **“Number 6 Primrose Road has an existing single-storey extension with a window facing the boundary with the property in question. The proposed development will sit inches from this window completely blocking it with a solid brick wall, removing all light and outlook from this window.”**

Response: The rear extension at number 6 also gains light from the rear doors/windows and, as such, the blocking of the side facing window as a result of the proposal is not judged to have an unacceptable impact on this property. The light received by the window in question was reliant on that from the neighbouring property and there is already 1.8m boundary fencing and high shrubs/trees which screen the outlook. As such, this outlook is not, and should not, be relied upon and the proposed extension is deemed acceptable.

- 5.8 **“At least one established tree will need to be removed from the applicant’s property to permit construction...”**
Response: There are no protected trees on the site. As such, trees can be removed at the discretion of the applicant in order to construct the proposed extension.
- 5.9 **“The addition of an extra bedroom will increase the number of occupants, increasing the disturbance from the un-coordinated comings and goings of the occupants.”**
Response: In this instance, the comings and goings of residents is not thought to be significantly more harmful than that of the current four occupants. The property will be conditioned to have a maximum of 5 occupants only, despite its current freedom to accommodate up to 6 unrelated individuals. With such a condition in place the development is thought to be acceptable.
- 5.10 **“the proposed development makes no provision for any car parking or cycle storage for the occupants.”**
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 300 metres walk from the main University campus and the bus links and facilities that this offers as well as being sited less than 500 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. Since the property is in existing use as a HMO and the occupancy can be increased to 6 people without needing further permission, there is no requirement for the provision of cycle storage.
- 5.11 **“[the development] will significantly reduce the amount of light in my kitchen”**
Response: It is judged that, although the rear extension will have two storeys in part, the retention of acceptable separation from the surrounding properties will mitigate the impact of the 2m depth at two-storey height. The impact to the light to the kitchen of number 2 Primrose Road is thought to be negligible due to the north facing aspect of the rear and, as this is a kitchen and is not a habitable room, any loss of light that might be experienced is not judged to be significantly harmful.
- 5.12 **“I worry about the overshadowing...”**
Response:
The design of the extension aims to minimise any possible loss of light or overshadowing. Due to the east facing gardens and the situation of other properties on the road, the adjoining neighbour may lose some light during mid-morning to early afternoon but following that, little light is received to the gardens anyway. Overall, it is judged that loss of light will be minor and the proposal is therefore deemed acceptable.

6. Planning Consideration Key Issues

- 6.1 The determining issues for this application relate to; a) whether the proposed extension is acceptable in principle; b) whether the proposed development would have a harmful impact the character of the local area, and c) whether the proposal would have a harmful impact upon the residential amenities of surrounding neighbours or the occupants of the host dwelling.
- 6.2 Principle of Development
The property appears to be 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. The applicant has provided copies of tenancy agreements showing that between 4 and 5 tenants occupied the property between October 2013 and January 2015. In addition to this, a sworn affidavit from the owner of a neighbouring property has been submitted which confirms that the property has been used as an HMO since 2011. This information is sufficient to demonstrate that Use Class C4 is the established use of the property.
As such, 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.
- 6.3 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 Impact on Residential Amenity
As aforementioned, 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 shower room at ground floor level to create a five bed HMO. The rear extension will add an additional 18 m² to the footprint of the ground floor and 6 m² at first floor level. These additions are considered to be relatively minor and care has been taken to retain 1.5 metres and 2 metres distance from the side boundaries with the immediate neighbours.
- 6.5 Overall, there will be over 4m separation between the host dwelling's two storey section of the extension and the rear wall of 2 Primrose Road. 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, by retaining a garden of 77 m² and between 11m and 14m in depth. This is in excess of the Council's guidelines for garden sizes.
- 6.6 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.

6.7 Impact upon the Character of Existing Property and the Local Area

The proposed extension is considered to be subservient in relation to the site and the property. It should be noted that care has been taken to develop a design that is respectful of the character of the property and the local area. To elaborate, the two-storey section of the extension is set down from the height of the original roof and proposes a hipped roof, which will match the hipped style of the original roof. The single storey section of the extension will feature a pitch roof, which is also considered to be in keeping with the character of the area. In addition, the windows proposed match the proportions of those displayed both on the semi-detached pair and in the rest of the road, thus linking in well with the original property and the character of the area. These aspects of the design all target potential issues of a larger extension and as such, the design is deemed acceptable.

6.8 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).

6.9 Impact upon Residential Amenity

Due to the two-storey aspect of the development, care has been taken to retain the 1.4m distance from the boundary and 4.3m separation from the neighbouring property at number 2. Additionally, though the single storey part of the extension is on the boundary, the 2.2m eaves height and 3.5m maximum height is comparable with the level of development that could be considered permitted development. It is thus considered to have a negligible impact to the directly adjoining neighbour though it should be mentioned that that rear extension window at number 6 Primrose Road will become obscured. However, as this room has a dual aspect and receives light from the rear facing patio doors as well as the side window, this is deemed acceptable. With further regard to neighbouring amenity, the two storey section of the extension will be set 2.55m away from the adjoining neighbour at number 6 in order to eliminate any harmful impact due to the two-storey height. The extension proposes no side facing windows and is therefore not thought to present any significant harm to the residential amenity of the neighbours. Similarly, though there will be a reduction of usable amenity space in the garden as a result of the development, the amenity of the occupants of the host dwelling is not thought to be significantly harmed.

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)

AMBERT 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, bathroom and shower room) 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

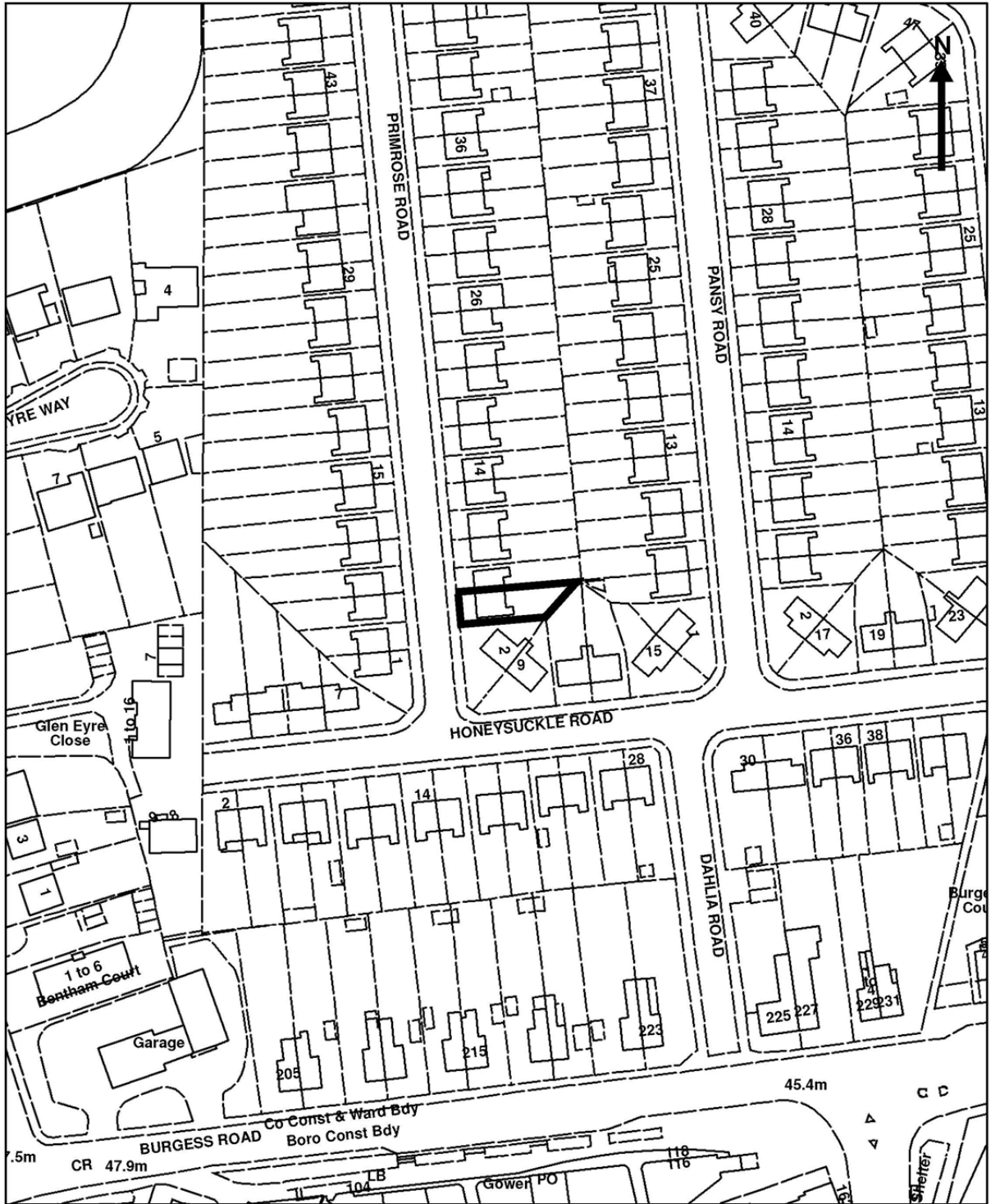
Residential Design Guide (Approved - September 2006)

Houses in Multiple Occupation SPD (HMO SPD, 2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)

16/00346/FUL



Scale: 1:1,250

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