

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 21 August 2012
Planning Application Report of the Planning and Development Manager

Application address: Land To The Rear Of 6 and 7 Cranbury Terrace, SO14 0LH			
Proposed development: Application for variation of condition 22 of planning permission (Ref 11/01945/FUL) to increase the maximum number of residents allowed to occupy any of the units from 4 to 5.			
Application number	12/00440/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	28.05.2012	Ward	Bevois
Reason for Panel Referral:	Planning & Development Manager referral due to its wider interest	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Trendloop Limited	Agent: Consultant Planning Service
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the intensity of use, policies and proposals of the Development Plan as set out below. Other material considerations including the impact of the character of the conservation area, the privacy and amenity of nearby residents, the level of car parking and the impact on protected trees 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, HE1, HE6, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS14, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010). The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached	
1	Development Plan Policies
2	Appeal Decision
3	Minutes for previous application – 13 March 2012

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site comprises land that was historically part of the rear gardens of the Grade II listed buildings at 6 and 7 Cranbury Terrace but has for many years been physically separated from them by a 2m high fence and wall. The site lies within an area of accessibility in terms public transport links but is recognised to be within close proximity to the City Centre on foot.
- 1.2 Being a cul-de-sac in close proximity to the city centre, parking restrictions are in place by means of a resident's parking scheme on the southern side of the street and double yellow lines along the length of the northern side.

2.0 Proposal

- 2.1 Planning permission was granted at the 13.03.2012 Planning Rights of Way Panel for four 4 bed houses. The proposal seeks to vary condition 22 of the planning permission 11/01945/FUL to increase the number of occupiers for each of the class C4 (HMO) dwellings from 4 to 5. This is the only proposed change. The condition reads;

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at anytime occupy any of the units hereby permitted whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.

Therefore if the properties are used for C4 (HMO) use the number of occupiers could increase by four to twenty instead of the approved sixteen. The fifth occupier would be housed in the study on the ground floor therefore no internal changes are required. The report therefore will focus on the impact of the intensification.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan

either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 The site has a lengthy planning history, the most relevant dates back to a planning application submitted in 1999 to construct a three storey house (plus basement) on the site at the rear of 6 Cranbury Terrace. This scheme (99/01417/FUL) was refused by the Local Planning Authority but subsequently allowed on appeal in 2001.
- 4.2 Subsequently, in 2003, a revised scheme of similar design and massing, but seeking three flats was approved by the Planning Panel 28 October 2003 (03/00422/FUL). In order to keep this consent alive, work commenced on constructing a section of the foundations. The digging and concreting a section of the foundations was undertaken in October 2008. Having received a commencement notice for these works the permission at the rear of 6 Cranbury Terrace remains live and able to be implemented at any time in the future.
- 4.3 Prior to the developer's decision to keep the consent for three flats alive, two further applications were submitted, and for the first time this included the combination of the land at the rear of both 6 and 7 Cranbury Terrace. 07/01184/FUL sought to provide 9 flats in a building of similar scale and massing to that now being proposed. This was withdrawn in September 2007 following concerns raised by officers, but was subsequently resubmitted in a revised form following negotiations with officers. However, the revised scheme 08/00093/FUL was then refused using officer's delegated powers on 20 March 2008.
- 4.4 In 2008 two separate applications were submitted for detached four storey buildings, each comprising three 2-bedroom flats on the individual plots at the rear of 6 and 7 Cranbury Terrace. Both applications were referred to the November 2008 Planning Panel. The application for the site at the rear of No 6 (08/01367/FUL) was recommended for approval, given that with some minor adjustments it was, in practical terms, identical to that approved in 2003 and which had already been commenced.
- 4.5 However, the very similar scheme at the rear of 7 Cranbury Terrace (08/01366/FUL) was refused by Panel. At this time no consent existed on the site at the rear of No7 and Panel members considered the development of both sites would have an unacceptable impact on the character of the Conservation Area. However, the developer appealed this decision and the appeal was subsequently allowed on 16 July 2009 (Appeal Decision at **Appendix 2** of this report). In 2010 under application 10/01214/FUL the same form, height, bulk and footprint of development as proposed (but for three units in a single block with a three/four storey Georgian appearance) was approved at Planning and Rights of Way Panel on 21.12.2010.
- 4.6 The most recent application 11/01945/FUL for erection of part 3-storey,

part 4-storey terrace of 4x 4-bed houses (Class C3 and C4) with vehicular access from Rockstone Lane was approved at Panel on 20.03.2012 minutes at **Appendix 3**.

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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement on 03.05.2012 and erecting a site notice on 03.05.2012. At the time of writing the report **7** letters of representations have been received from surrounding residents. Their comments are set out below.

5.2 Result in overcrowding and result in excessive refuse.

5.3 Response

See section 6.0 of this report for the response to overcrowding. The number of bins is sufficient for each of unit.

5.4 Create a precedent

5.5 Response

Every application is assessed on its own merits.

5.6 Insufficient parking on site

5.7 Response

The four parking spaces (at a ratio of 1 space per dwelling) on site are the only spaces being provided for the development. Residential parking permits will restrict the number of cars per unit.

5.8 Impact on the character of the area and current occupiers

5.9 Response

See section 6.0 of this report.

5.10 **SCC Highways** – No objection. The additional ‘one occupier per unit’ will have limited effect on the public highway.

5.11 **SCC Historic Environment** – No objection

5.12 **SCC Trees** – No objection

5.13 **SCC Sustainability Team** - No objection. Suggests conditions to secure sustainability measures.

5.14 **SCC Ecology** - No objection

5.15 **Southern Water** - No objection. Suggests conditions to secure details of surface water and foul water disposal.

5.16 **City of Southampton** - No objection.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Impact on the character of the area and neighbouring properties.

The application needs to be assessed in light of the above key issues and the planning history of the site. Issues such as design and impact on residential amenity have previously been assessed as acceptable.

6.2 Principle of Development

The principle of the development has been established and the only assessment that needs to be made relates to the intensification of the site.

6.3 Impact on the character of the area and neighbouring properties

The increase by four occupiers across the development (i.e. one person per dwelling) would not lead to a detrimental impact on the character of the area as the refuse storage provided for the properties is sufficient not to detrimentally harm the neighbouring properties nor the character of the area. The proposed intensification will be negligible. This is demonstrated by sufficient amenities in terms of residential amenity space for future occupiers, cycle and refuse storage and car parking. In addition it is important to note that if the properties were to be used as a C3 (dwellings) use (already allowed under 11/01945/FUL) more than five people could occupy these properties as they are large enough to house families of that size.

7.0 Summary

7.1 The site currently benefits from planning consent for four dwellings in a single block identical in design, bulk, form and footprint. The intensification of the site to provide for an additional occupier within each C4 dwelling would not have a detrimental impact on the character of the area or the neighbouring properties.

8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (v) 6 (a), (c), (f), (i), 7 (a)

ARL for 21.08.2012 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a detailed schedule and/or samples of the following;

Bricks for the dwelling and front boundary wall;

Rainwater goods,

Vents and ducts;

Windows and doors

The hard landscaping including the steps to the front of the building; and

Design of the railings to the front of the buildings.

Shall be submitted to and be approved in writing by the Local Planning Authority

Reason:

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

03.APPROVAL CONDITION - C3/C4 Dual Use

The "dual C3 (dwellinghouses) and/or C4 (Houses in multiple occupation) use" hereby permitted for the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

04.APPROVAL CONDITION - 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:

- i. the proposed finished ground levels or contours and the materials to be used for the car parking layouts; other pedestrian access and circulations areas including steps
- ii. planting plans; written specifications for new tree planting (a two-for one basis unless site circumstances dictate otherwise) and the schedules of other soft landscaping including species, plant sizes and proposed numbers/planting densities where appropriate. In particular, the use of Hawthorn as a species as part of the boundary hedging shall be specified;
- iii. details of any external lighting

- iv. details of all boundary treatment, including the heights of all walls and the materials to be used for the new and repaired walls, and
- v. 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. Use of Hawthorn as a hedge planting species will provide functional benefits, in the form of foraging habitat for common birds, as well as good visual amenity. Hawthorn is very easy to manage and will cope better with changing climatic conditions.

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

The external amenity space serving each of the dwellings hereby approved, and pedestrian access to it, shall be made laid out and made available prior to the first occupation of any of the dwellings hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the houses.

Reason:

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

06.APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before any dwelling is first occupied, full elevational details of facilities shown to be provided for the storage and removal of refuse from the premises 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 / commercial purposes and no bins associated with the dwellings shall be stored or placed outside the approved facility except on collection day.

Reason:

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

07.APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the dwellings, the cycle storage facilities shown on the approved plans shall be provided and made available for use and thereafter retained and maintained for that purpose.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

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

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

Reason:

In the interests of highway safety.

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

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

Reason:

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

10.APPROVAL CONDITION - 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes in the form of a design stage assessment, including at least 20% in category Ene1, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

13.APPROVAL CONDITION - Code for Sustainable Homes [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, including at least 20% in category Ene1, shall be submitted to the Local Planning Authority for its approval.

Reason:

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

14.APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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.

15.APPROVAL CONDITION - Archaeological 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.

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

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

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class D (porch),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)

Reason:

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

17. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

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

Reason:

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

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

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

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

Reason

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

19. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

20. APPROVAL CONDITION - Approved Plans

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

Reason:

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

21 APPROVAL CONDITION - 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 and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

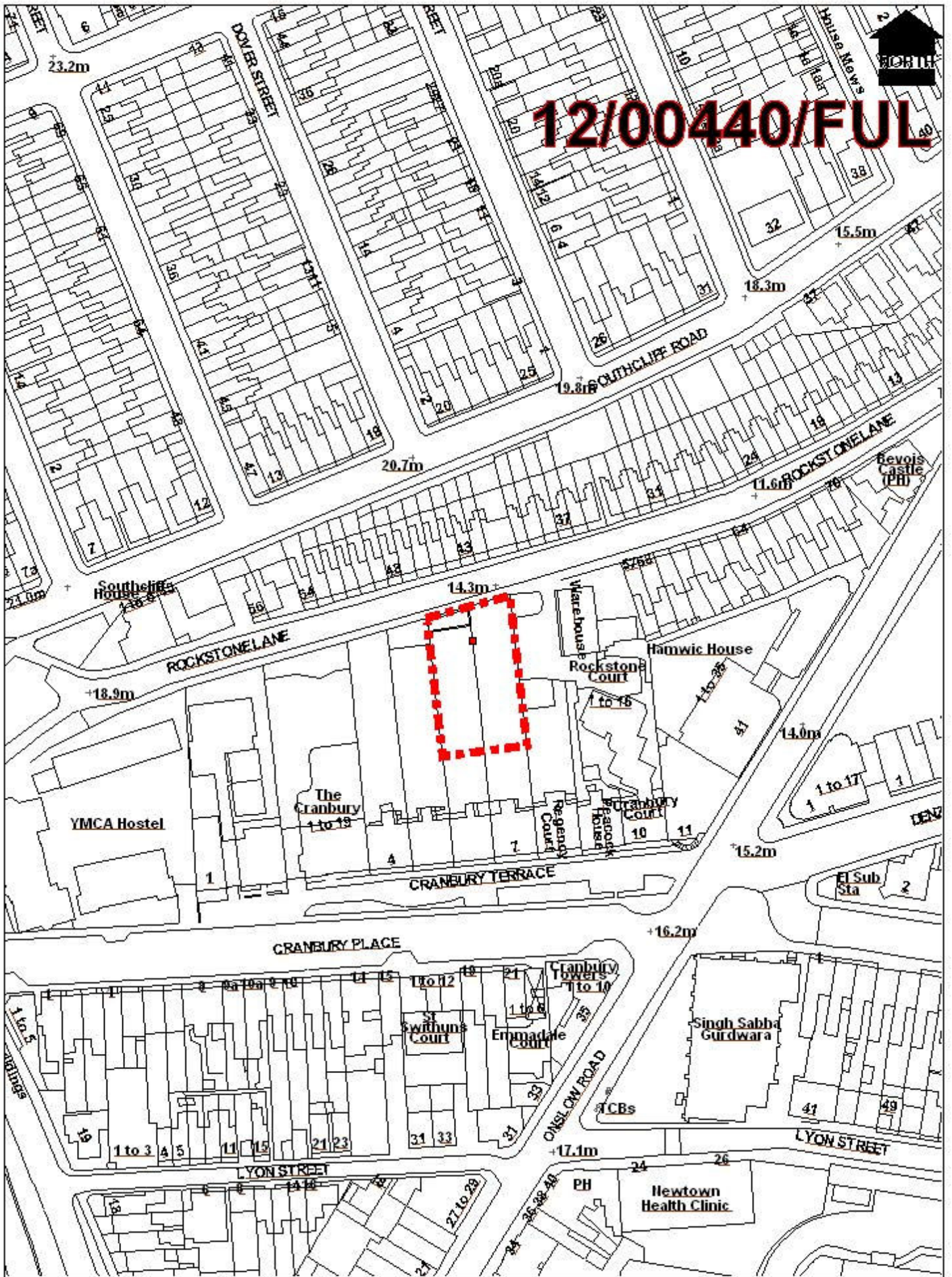
To ensure satisfactory drainage provision for the area.

22. APPROVAL CONDITION - Occupancy Restriction (AS AMENDED BY APPLICATION 11/01945/FUL)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 5 residents shall at anytime occupy any of the units hereby permitted whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.



12/00440/FUL

Scale : 1:1250

Date : 09 August 2012

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