

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

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

Applicant: Mr Peter Radford	Agent: Mr Adi Puplampu
------------------------------------	-------------------------------

Recommendation Summary	Refuse
-------------------------------	---------------

Community Infrastructure Levy Liable	Yes, if the officer recommendation is not supported.
---	---

Appendix attached			
1	Development Plan Policies		

Recommendation in Full - Refuse

Reasons for Refusal

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

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

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

02. REASON FOR REFUSAL - SPA Mitigation

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

1.0 **The site and its context**

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

2.0 **Proposal**

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

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

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

5.0 Consultation Responses and Notification Representations

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

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

Consultation Responses

5.2 SCC Tree Team – Objection

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

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

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

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

5.3 **SCC Ecology** – No objection

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

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

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

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

adjacent vegetation.

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

6.0 Planning Consideration Key Issues

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

- 1) Principle
- 2) Impact on character
- 3) Residential Environment
- 4) Residential amenity
- 5) Trees
- 6) Highways
- 7) Infrastructure

6.2 Principle of Development

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

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

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

6.4 Residential Environment

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

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

6.5 Impact on neighbouring residential amenities

6.5.1 The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties.

6.6 Impact on Trees and the Common Boundary Bank

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

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

6.7 Highways

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

6.8 Solent Disturbance Mitigation

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

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

7.0 Summary

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

8.0 Conclusion

- 8.1 The application is recommended for refusal

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 24/03/15 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

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

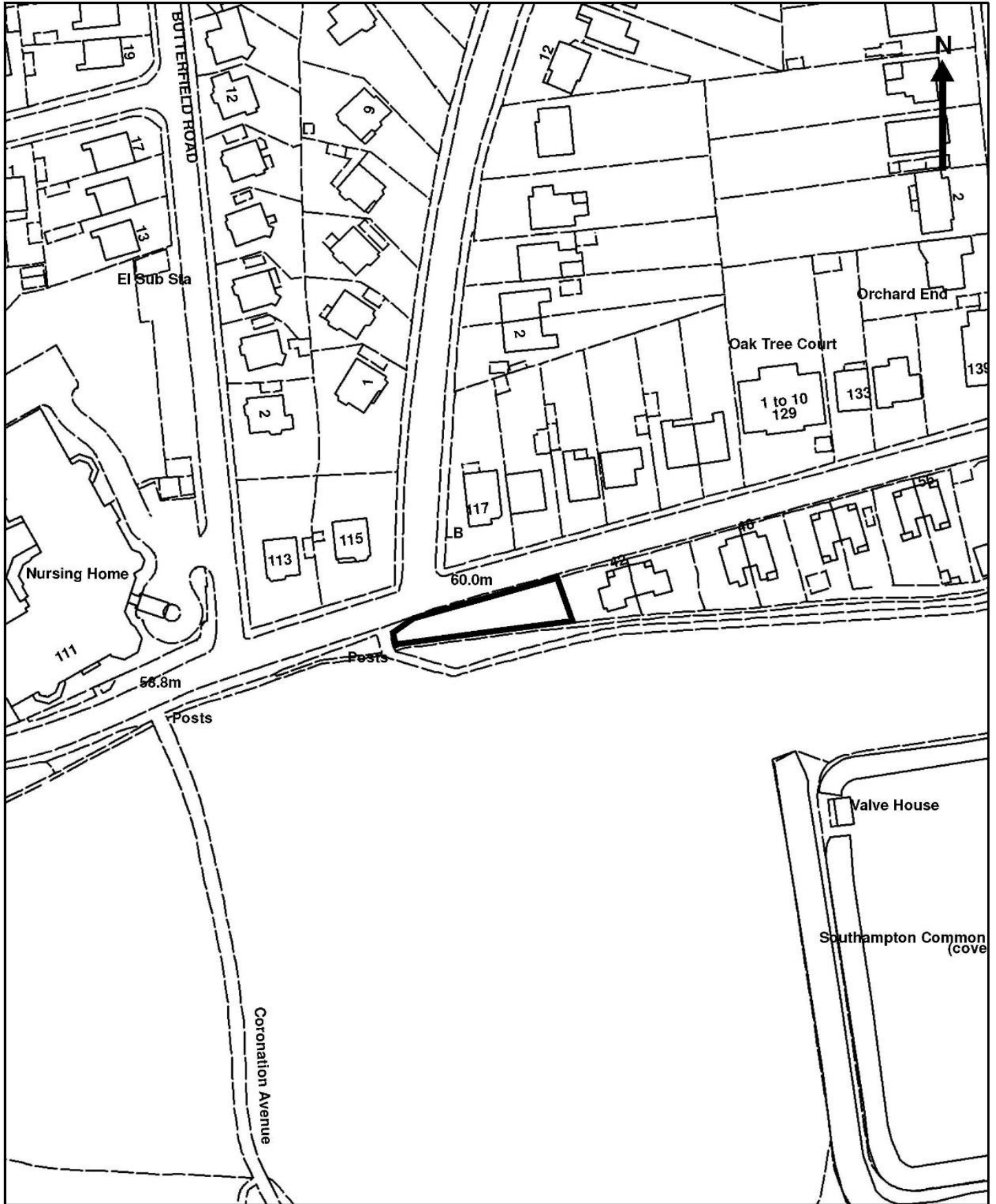
Supplementary Planning Guidance

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

Other Relevant Guidance

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

14/01767/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

