

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (EAST) 7 April 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 96 Gainsford Road			
<b>Proposed development:</b> Replacement dwelling with associated parking			
<b>Application number</b>	14/02086/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.04.2015	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	Nine representation letters contrary to officer recommendation have been received	<b>Ward Councillors</b>	Cllr Lewzey Cllr Paffey Cllr Keogh

<b>Applicant:</b> Mr and Mrs Taylor	<b>Agent:</b> Stride Treglown Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	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. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. Other material considerations listed in the report to the Planning and Rights of Way Panel on 7<sup>th</sup> April 2015 do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP6, SDP7, SDP9, SDP10, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS19, CS20 and CS22 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>	
1	Development Plan Policies

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 The application site is currently occupied by a detached dwelling which is currently vacant. The property represents a corner plot, with the Gainsford Road frontage turning away from the application site and backing into the rear of properties in Braeside Crescent.
- 1.2 The site levels are relatively consistent through the site, however in the broader context of the surrounding area there is a very significant drop in site levels from the Peartree Avenue frontage to the south-east to the application site and a further significant drop in site levels again from the application site to the properties to the north-west in Braeside Crescent. Within the immediate street scene the application site is set at a somewhat lower level than the neighbouring property at 98 Gainsford Road and is set down from the street level.

#### 2.0 Proposal

- 2.1 The existing building on the application site is currently vacant and is currently in a state of disrepair. The application proposes the demolition of the existing structure and its replacement with a new residential dwelling with associated refuse and cycle stores. The new dwelling will be similar to the existing building in terms of footprint but with an increase to the general massing and scale of the building at two-storey level. Hard surfacing to the frontage is provided to accommodate 3 off-road parking spaces. A rear garden of some 160sq.m is provided.

#### 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 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

#### **4.0 Relevant Planning History**

- 4.1 None of relevance for this site. Permission was granted in 2009 to allow the neighbouring property at 98 Gainsford Road to be extended into the roof space (LPA ref: 09/00045/FUL)

#### **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 (on 20/1/15). At the time of writing the report **9 representations** have been received from surrounding residents. The following is a summary of the points raised:

- The vacant nature of the property at present has resulted in some issues for local residents and redevelopment is broadly supported but not in the current application
- The proposal would have a harmful impact on amenity of neighbouring occupiers in terms of overlooking
- The proposal is not a bungalow (which are characteristic of the area)
- The height of the structure is inappropriate given the change in land levels with the properties in Braeside Crescent, with reference to overshadowing
- Development would exacerbate existing concerns in relation to potential land movement
- The proposal would block the view of the river from a neighbouring property (currently blocked by trees growing in Braeside Crescent)
- Potential piling will damage nearby properties
- Proposed fence boundary treatment is inappropriate and a wall with iron railings above would be preferable
- The use of the shed will be disruptive to neighbouring occupiers

Response:

The Planning Considerations section of this report provides a comprehensive discussion of these issues.

- The site should be secured in the mean time

Response:

It is noted that there is currently security fencing to the front of the property.

- Building works would cause disruption in the local area while taking place

Response:

Such disruption would be temporary in nature and can be controlled through the use of planning conditions.

The development would devalue neighbouring properties and the applicant is redeveloping the house for sale, not self-occupancy

Response:

This issue is not a material planning consideration which can be taken into account as part of this planning application.

- The statement submitted as part of the application incorrectly states that

neighbouring occupiers are happy with the proposal

Response:

The contents of any documents provided as part of the application are the responsibility of the applicant. Given the consultation exercise undertaken it is not considered that any party has been disadvantaged as part of the application process.

## **Consultation Responses**

- 5.2 **SCC Highways** - No objection.
- 5.3 **SCC Sustainability Team** – No objection subject of the imposition of relevant conditions to ensure that the proposal meets Code for Sustainable Homes Level 4.
- 5.4 **SCC Tree team** – No objection subject to the imposition of relevant conditions to control the works impacting on relevant trees as identified in the submitted arboricultural statement.
- 5.5 **SCC Environmental Health (Pollution and Safety)** - No objection, subject to construction management.
- 5.6 **SCC Ecology** – No objection. Due to the vacant nature of the building it was identified that there was the potential that the site was being used as a bat roost. A following survey has identified that this is likely not to be the case. Notwithstanding this, it is noted that if any bats are encountered during demolition works that any works must cease and the advice of a licensed bat worker must be sought.
- 5.7 **Southern Water** – No objection.
- 5.8 **Archaeology** – No objection.
- 5.9 **CIL** – The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq m on the Gross Internal Area of the new units. If any existing floor space is to be used as deductible floor space 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.
- 5.10 **SCC Contamination** – No objection subject to the imposition of relevant conditions controlling the building works.
- 5.11 **Structural Engineer** – No objection subject to the imposition of a condition controlling the piling and foundation methods used as part of the application.

## **6.0 Planning Consideration Key Issues**

The key issues for consideration are listed below:

- Principle of Development;
- Design, Scale and impact on established character;
- Impact on adjoining residential amenity;
- Piling
- Highways and Parking; and

- Solent Disturbance

## 6.1 Principle of Development

6.2 The site is currently occupied by a single detached residential dwelling. While the proposal somewhat increases the scale of development, on balance it is felt that the intensity of the proposed residential use will be similar to the existing use of the property and is acceptable in principle. Due to the vacant nature of the existing building the ecology team identified that there was potential for the site to be in use as a bat roost. Following an additional survey which identified that this was not likely to be the case, it is not considered that any conditions need to be imposed in order to control this issue (though it is noted that if any bats are encountered as parts of the building works an appropriate qualified individual should be contacted to further assess).

## 6.3 Design, scale, and character

6.4 The application proposes a number of significant alterations when compared to the design of the original building. The original building was a bungalow, though it had been extended at first floor level with a side facing dormer window. There are other examples of bungalows in the immediate street scene, however it is noted that, due to the change in site levels, these buildings are all set at a higher ground level than the application site. Furthermore there are a mix of different dwelling types and designs in the surrounding area, with the immediately adjacent property at 98 being in the process of being extended in the roof.

6.5 Given its location on an effective corner plot, set back and down somewhat from the road and other properties, on balance it is felt that the property represents a relatively isolated structure in terms of the context of the surrounding built form. With reference to the issues discussed above, it is felt that the increase in scale and change in design of the proposal will not have a significantly harmful impact on the character of the adjacent street scene.

## 6.6 Amenity of neighbouring occupiers

6.7 The application presents a number of issues when compared to the existing structure which have been highlighted as issues of concern by neighbouring residents (as set out above).

6.8 Given the change in site levels, overlooking is a critical issue in the determination of this proposal. While the existing dwelling was originally a bungalow, the property has a side facing dormer window serving a habitable room which looks out over the properties set at a lower level to the west. The application proposes a number of windows facing in this direction at first floor level, however only one of these windows forms a main window serving a bedroom. The other windows serve bathrooms or act as a secondary window serving a bedroom. On this basis, it is considered that the other windows can be conditioned to be obscured and non-opening to a defined height in order to prevent additional overlooking. Taking into account the set-back between this property and the properties on Braeside Crescent (some 23 metres on lower ground), the additional visual screening provided by trees in the garden of those properties (ie. Within their control) and the fact that there is an existing window in this location, it is not felt that the proposal would be significantly harmful to the neighbouring properties to the west when

compared to the existing situation.

6.9 The property to the east at 98 Gainsford Road has a number of side facing windows. The main impact of the proposed new dwelling when compared to the existing dwelling would be situated to the rear of the proposed dwelling with the creation of the gable end, with this segment impacting on a limited portion of the depth of the neighbouring property. It is noted that the property at 98 is set at a higher level than the application site. It is felt that the windows at ground floor level will have a similar outlook to the existing arrangement. The windows situated as part of the raised roof extension would have a somewhat reduced view, however given the set down in site levels on balance it is not considered that this relationship would result in significant harm in terms of the creation of an overbearing or overshadowing form of development.

#### 6.10 Piling

6.11 The applicant has submitted a statement outlining the land stability of the site. This has been reviewed and no objections are raised provided the methods of construction are controlled via condition.

#### 6.12 Highways and Parking

6.13 It is noted that the applicant has stated the site currently offers 2 on-site parking spaces and 3 will be included as part of this proposal. Notwithstanding this only 2 spaces are identified on the submitted plans (although the hardstanding can accommodate more vehicles), with no clear alterations proposed when compared to the existing arrangement. On balance the provision of 2 on-site parking spaces as per the existing site is considered acceptable and provided the submitted cycle stores are provided in accordance with the submitted details no objection is raised in this regard.

#### 6.14 Solent Disturbance

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

### 7.0 Summary

7.1 The application proposes to bring a residential site which has been vacant for some time back into active use. While the circumstances of the site and the scale and design of the proposed development do require careful consideration, on balance it is felt that the impacts of the proposed development are broadly similar to the existing situation or can be sufficiently mitigated through the use of conditions.

## **8.0 Conclusion**

8.1 In conclusion, the application is considered to have an acceptable impact and therefore can be recommended for approval.

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

1(a), 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)

**JF for 07/04/15 PROW Panel**

### **PLANNING CONDITIONS**

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

**05. 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**07. APPROVAL CONDITION - Foundations [Pre-Commencement Condition]**

Prior to the commencement of development approved by this planning permission, a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed and be completed as agreed.

Reason:

To ensure the selected piling method can be justified on the grounds of structural,



geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

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

Reason:

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

09. 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.

10. APPROVAL CONDITION - Refuse and Cycle storage [Pre-Occupation Condition]  
The development to which this consent relates shall not be brought into use in full or in part until the secure refuse and cycle storage structures have been provided in accordance with the approved plans. They shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

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

Reason:

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

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

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition,

excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. 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.

### 13. APPROVAL CONDITION – Windows

Notwithstanding the submitted plans, three of the windows hereby approved in the first floor north-west side elevation (serving the rooms identified as 'bed1', 'en-suite shower' and 'bathroom' on the 'Attic Floor' segment of Drawing Number 50106-04) shall be glazed in obscure glass and shall be non-opening 1.7m from the floor of the room they serve.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

### 14. APPROVAL CONDITION - Approved Plans

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS19	Car and Cycle parking
CS20	Sustainability

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

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

Other Relevant Guidance

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

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